

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
TOWNSHIP COUNCIL AGENDA MEETING**

**December 7, 2010**

**Public Invited – Public Participation**

**MEETING CALLED TO ORDER by Council President Grossi at 7:32 p.m.**

Council President Grossi announced that this meeting is being videotaped and will be aired on CableVision Channel 21 on Sundays at 10:00 a.m.

**FLAG SALUTE**

<b>Roll Call:</b>	<b>Mr. Cesaro</b>	<b>-</b>	<b>Present</b>
	<b>Mr. dePierro</b>	<b>-</b>	<b>Present</b>
	<b>Mr. Fox</b>	<b>-</b>	<b>Absent</b>
	<b>Mr. Stanton</b>	<b>-</b>	<b>Present</b>
	<b>Ms. Grossi</b>	<b>-</b>	<b>Present</b>

**OTHERS PRESENT:** Mayor Barberio; J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney; J. Silver, Township Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of December 14, 2010.

**FORMAL ACTION MAY OR MAY NOT BE TAKEN.**

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 8, 2009 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger and was forwarded by fax to other local newspapers and local radio stations on December 17, 2009.

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**ORDINANCES**

**Second Reading(s) and Public Hearing(s) – 12/14/10 ON**

**Amending and Supplementing Section 4-58, Public Records (2010:35)**

**Amending Various Provisions of Chapter 213, Housing and Property Maintenance, and Chapter 214, Housing Certificates, of the Code (2010:36)**

**Amending and Supplementing Section 290-4 Entitled Knoll Country Club Utility Fees to Set Fees for Memberships (2010:37)**

Present to provide information and respond to Council Members' questions with regard to this ordinance which, if adopted, will raise membership fees at the West Course:

**Pat DeFalco, Superintendent of the Knoll Utility.**

Mayor Barberio indicated that this ordinance would increase membership fees at the West by \$50.00. He explained that it is advantageous for the Township to do this now.

Mr. DeFalco explained that costs, at both the East and West Courses, have increased tremendously. The caterer's contract is helpful, but will be out for bid in 2013. He doesn't think the Knoll will continue to have the luxury of the current rental revenue.

Mr. Cesaro pointed out that, from the data provided, it appears that, with the exception of one year, the Knoll is using about 70% of its surplus each year. Mr. DeFalco agreed, noting that is why this proposed increase is so important. He pointed out that the Fund Balance is affected by the weather as revenue is lost due to rain or extreme heat conditions.

Mr. dePierro, who has served as a member of the Knoll Advisory Committee for at least the last 25 years, stated that he thinks Mr. DeFalco does a good job as Superintendent of the Knoll. When Mr. DeFalco mentioned at the last Knoll Advisory Committee Meeting that he wanted to raise the fees at the Knoll West, Mr. dePierro questioned whether the Knoll would be in the "red" if fees are not raised. Mr. DeFalco replied "no." If revenue needed to be raised, Mr. dePierro felt that the Advisory Committee should have been afforded an opportunity to discuss all of the alternatives, including distributing costs among everyone that plays golf, not just the members at the West. There should have been, in his opinion, a recommendation from the Committee supporting Mr. DeFalco's recommendation for this increase. That would have been the proper way to proceed. Unfortunately, we didn't go through that dialogue. His impression, upon leaving the Meeting, was that there was no need for an increase because the Utility would not be in the "red."

Mr. DeFalco explained that, in late October when this was discussed at the Committee Meeting, he felt business would increase by 2 to 3%. However, as a result of revenue generated between November and December, we will be "flat" and possibly one-half percent down. We will not add to our surplus with these kinds of numbers.

Mr. dePierro indicated that he understands. However, in the future, he requested that, if there is going to be a change at the Knoll, Mr. DeFalco first tests the soundness of the change by gaining the approval of the Committee. He stated that he would vote to adopt the ordinance at this time, but expressed his view that costs should be distributed more fairly over both courses, not just by leaning on the West all of the time.

Mayor Barberio explained that one of the reasons why the Administration recommended increasing fees at the West Course is because more Township residents play on the East Course. Mr. DeFalco noted that there are 650 registered residents that literally live at the East; these residents will not be

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impacted in any way at this time. Mr. Stanton pointed out that of the estimated 950 golfers who play at the West Course, approximately 14% are Parsippany residents.

**Amending and Supplementing Chapter 357, Storm Sewer System, of the Code – Private Storm Drain Inlet Retrofitting (2010:38)**

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**Status of Adopted Ordinances:**

<b><u>Ordinance Title and Number</u></b>	<b><u>Adopted Date</u></b>	<b><u>Mayoral Action</u></b>	<b><u>Effective Date</u></b>
White Collar Salary Ordinance (2010:32)	11/23/10	Approved	12/23/10
Amending Chapter 290, Parks, Recreation and Public Lands (2010:33)	11/23/10	Approved	12/23/10

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**DISCUSSION/REMINDERS**

**Scheduled Meetings**

12/14/10 @ 7:30 p.m.

Regular Meeting  
Public Invited – Public Participation

1/4/11 @ 7:30 p.m.

Organization/Agenda Meeting  
Public Invited – Public Participation

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**Minutes for Approval:**

Agenda Meeting of 11/9/10 ON\*

Closed Session of 11/9/10 (Approval Only, Disclosure Upon Authorization of Township Attorney) ON\*

Regular Meeting of 11/23/10 ON\*

Closed Session of 11/23/10 (Approval Only, Disclosure Upon Authorization of Township Attorney) ON\*

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**Appointments:**

**Economic Development Advisory Committee**

**Member – 2 Year (First) Term (12/31/11)**

**Member – 2 Year (First) Term (12/31/11)**

**Member – 2 Year (First) Term (12/31/11)**

**Member – 3 Year (First) Term (12/31/12)**

**Member – 3 Year (First) Term (12/31/12)**

**Member – 3 Year (First) Term (12/31/12)**

**ON HOLD PENDING**

**ORDINANCE AMENDMENT**

Council President Grossi indicated that the draft ordinance is basically done; it will be sent to the Township Clerk, Mayor Barberio and our Township Attorney for review.

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**MAYOR**

Mayor Barberio took this opportunity to advise that the **Morris County MUA increased the Township's tipping fees by approximately 4%**. He noted that he received a letter (dated November 15, 2010) from Larry Gindoff, Morris County MUA Solid Waste Coordinator. He will provide copies to the Council.

He read the following from a letter he wrote yesterday in reply to Mr. Gindoff's correspondence:

I am in receipt of your "Notice of Transfer Station Tipping Fee Increase." As Mayor of Parsippany-Troy Hills, I fully understand that growth in cost increases may be unavoidable. I would, however, remind you that the State imposed a 2% cap on municipalities. I cannot see how the MCMUA would even consider increasing fees above the 2% cap. The 2011 tipping fee increases are approximately in the 4% range.

Since the MCMUA is increasing our tipping fees, how about increasing all our hosting fees by 4%? I believe that is fair.

I look forward to your response on increasing our host community fees by 4%.

Mayor Barberio commented that he doesn't understand how another government agency can increase our fees above the 2% cap when we are being capped at 2% by the State Legislature. Now, we will have to make up for the difference.

Mayor Barberio felt that the Governor's Tool Kit is not going to be enough. Mr. dePierro suggested that copies of the Mayor's letter to Mr. Gindoff be forwarded to the (District 26<sup>th</sup>) State Legislators and the Governor.

Mayor Barberio stressed that all levels of government should be controlling costs, not just municipalities.

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**ADMINISTRATION**

**BID(S)**

**Taken:**

**11/30/10      Supplying Pumps, Motors, Generators, HVAC Units & Parts/Repairs  
(as needed) for Various Departments (Rebid) AWARD\***

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**To Be Taken:**

**12/16/10 @ 11:00 a.m.      Sealed Proposals for Rental of Golf Carts**

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**QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S)**

**Received:**

**5/28/09      Proposals for the Redesign, Permitting, Construction,  
Operation and Maintenance Services for Sludge Incinerators  
and Design, Permitting, Construction, Operation and  
Maintenance Services for a New Sludge Cake Receiving  
Facility at the Wastewater Treatment Facility NEXT AGENDA**

**Requested:**

**12/14/10 @ 10:00 a.m.      Proposals for Onsite Wellness Coaching Services** Ms. Lim advised that, pending the outcome of the receipt of proposals, the Administration may be in a position to recommend that a contract be awarded at the December 14, 2010 Regular Meeting.

**Presentation:**

**Request for Funding from the 2010 Open Space Trust Fund, Including a Presentation by Craftsman Farms Foundation (12/10)**

Present on behalf of Craftsman Farms Foundation: Davey Willans, President of the Board of Trustees, and Heather Stivison, Executive Director.

Ms. Stivison noted the various ways this Township-owned National Historic Landmark brings increased visibility to the Township. She pointed out that, beyond “visibility, restoration and prestige,” Craftsman Farms serves Parsippany as a valuable community resource. Last year, over 10,000 visitors from 27 states and 12 countries participated in activities, generating an average of \$250,000 in revenue to the community. Additionally, Craftsman Farms serves residents through its family, scout and senior programs, school tours, lectures, workshops, etc. She indicated that approximately \$500,000 is raised every year to self-fund these programs and activities. Additionally, the Foundation raised over \$2 million dollars to restore and protect Township-owned

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buildings and property and it continues to seek and secure funding from individuals, corporations, and foundations to protect Township resources.

Mr. Willans indicated he is very proud of this 20-year partnership between the Foundation and the Township. As President of the Foundation, he is also very proud of the accomplishments that have been achieved at Craftsman Farms.

He presented some investment opportunities for the Council's consideration in order to protect this site even further. He explained that the funding for the following projects would come from the Open Space Trust Fund and, therefore, not increase taxes:

- Milk House roof repair - \$14,000
- Log House stairs (safety measure) - \$65,000
- Completing restoration of the Master Bedroom Suite - \$35,000
- Red slate roofing for Cottage roofs - \$105,000
- Log House fire suppression - \$250,575

Mr. Willans concluded the presentation by thanking the Township for its continued support.

Council President Grossi commended Craftsman Farms and its leadership for its accomplishments, including its ability to raise funds on its own and, thereby, not creating a hardship on the Township. Council Members concurred with the Council President's comments.

Additionally, Ms. Lim advised the Council that Mr. Walsh (Superintendent of Parks and Forestry) is requesting a \$20,000 allocation from the Open Space Trust Fund. She explained that a budgetary item approved this year was for the retrofitting and purchase of new bleachers because the current bleachers are unsafe. Unfortunately, the bleachers that were to be retrofitted cannot be retrofitted because there are no retrofits available.

Council Members agreed to consider a resolution allocating funds from the Open Space Trust Fund for the Craftman Farms' projects and park improvements. **RESOLUTION - ON\***

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**ENGINEERING**

**Update/Recommendation(s):**

*Italicized* comments below are excerpts from a December 2, 2010 memo from Mr. Lizza, Municipal Engineer, to J. Lim.

**Status of Road Resurfacing – Puddingstone Area (8/07)** No change in status. **NEXT AGENDA**

**Revisions to Escrow Requirement in Connection with Residential Sidewalk/Driveway Repairs (10/07)** No change in status. **NEXT AGENDA**

**Troy Brook through the Hills of Troy (11/08)** No change in status. **NEXT AGENDA**

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**711 Park Road – Fairview Estates (11/08)** No change in status. **NEXT AGENDA**

**Edgefield Drive No Parking Zone (Upper) (6/09)** No change in status. **NEXT AGENDA**

**Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09)** No change in status.  
**NEXT AGENDA**

**New Road Flood Mitigation (5/10)** No change in status. **NEXT AGENDA**

**Mazdabrook Residential East Performance Bond Release (12/10)** *The developer has completed all required site construction activity of the performance guarantee and has provided a 2- year maintenance bond in accordance with our requirements. Inspections have been made at the site during the course of construction and this office has no objection to the release of the performance bond and acceptance of the improvements and the 2-year maintenance bond pending receipt of the recording of the amended declaration of restriction document. A Resolution will need to be adopted by the Township Council.* **RESOLUTION - ON\***

**Train Horns at Intersections (12/10)** *The result of the diagnostic team meeting from June 2009 showed that the only acceptable method of implementing a quiet zone at the Powder Mill Road grade crossing would be if the rail crossing was upgraded to include 4 quadrant gates as well as other ancillary warning devices. The cost for the quad gates is over \$700,000 not including improvements to the dam, power-out warning devices and a 20 year maintenance obligation. We are investigating an option whereby wayside horns are installed to alert motorists of approaching trains. A horn demonstration is being scheduled to determine potential impacts of these horns on surrounding properties.* **NEXT AGENDA**

**Major Soil Moving Permit – Asco Electrical Products, Block 739, Lot 5 (12/10)** *The Planning Board has approved a major soil moving permit for the removal of 1,716 cubic yards of contaminated soil and the replacement with clean fill. The Planning Board and this office recommend that the Township Council approve the permit with the conditions listed in a November 23, 2010 memorandum to the Planning Board.* **RESOLUTION - ON\***

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**CHIEF FINANCIAL OFFICER**

**Resolution(s):**

**Amending Adopted Budget – State of New Jersey, Division of Highway Safety, Holiday Over the Limit Under Arrest 2011 Mobilization (12/10)** A motion was made by Mr. Cesaro, seconded by Mr. Stanton to adopt the following resolution:

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

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**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2010 in the sum of \$ 5,000.00 which item is now available as revenue from:

State of New Jersey, Division of Highway Safety  
Holiday Over the Limit Under Arrest  
2011 Mobilization

**BE IT FURTHER RESOLVED** that a like sum of \$ 5,000.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey, Division of Highway Safety  
Holiday Over the Limit Under Arrest  
2011 Mobilization

**Roll Call:**

**Mr. Cesaro** - **Yes**  
**Mr. dePierro** - **Yes**  
**Mr. Fox** - **Absent**  
**Mr. Stanton** - **Yes**  
**Ms. Grossi** - **Yes**

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**Transferring Appropriations – Current Fund and Water Utility (12/10) ON\***

**Canceling Certain 2009 Tax Accounts with Balances Under \$10 (12/10) ON\***

**Canceling 2009 Tax Overpayments (12/10) ON\***

**Canceling Sludge Outstanding, Uncollectable Balances – Sewer Utility (12/10) ON\***

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**ATTORNEY**

**No Agenda Items.**

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**TOWNSHIP OFFICES / COMMITTEES**

**No Agenda Items.**

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**COMMUNICATIONS**

**Correspondence: None**

**Resolution(s):**

**Jefferson Township – Opposing A-2095 Which Revises Requirements for Medical Service Delivery**

**Wharton Borough – Opposing A-2095 Which Revises Requirements for Medical Service Delivery**

It was noted that the Council adopted a similar resolution in November of this year.

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**APPLICATION(S):**

**License(s):**

**2011 Renewal of Licenses – Amusement Games, Entertainment, Taxi/Limo, Tourist Accommodations, Truck Terminal (11/10) ON\***

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\*Consent Agenda Items

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**PUBLIC HEARING**

**Council President Grossi opened the meeting to the public to speak on any topic, noting a five-minute time limit per speaker.**

**Robert Simpson, 30 Hilsinger Road, read the following excerpts regarding health issues related to noise:**

- It is a common misconception that you can adjust to noise by ignoring it or getting used to it. The ear never closes and is continually responding to sound even during sleep.
- Noise triggering the involuntary fear response can cause adrenaline to be pumped into the bloodstream, blood vessels to constrict, the heart rate to quicken, muscles to tense, breathing to increase, the digestive system to slow down.

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- Noise can disrupt the educational process and may hinder the development of language skills in children.

He further noted that a study has shown that there is a significant increase in the blood pressure of children living in noisy areas. He pointed out that there are several dozen children living in 35 townhouses on Jamie Court, which is situated right by the tracks.

Mr. Simpson questioned why it is taking so long to make an appointment to test the horns. Mayor Barberio indicated that he would find out the reason. However, he advised Mr. Simpson that if this project costs a lot of money, he won't approve it because of the dire situation we will be faced with next year. Additionally, depending on the cost, a referendum may be required. The Mayor advised Mr. Simpson that he would get a date as to when the wayside horns will be tested. He noted, however, that this will probably take place sometime in January. Mr. Simpson indicated that Parsippany may be able to get money from the DOT and the County. Additionally, he is sure that neighbors would be glad to contribute.

Mr. Simpson commented that he suspects the Mayor is holding this up. Mayor Barberio assured Mr. Simpson that no one is holding this up.

**Pat Petaccia, 182 Hawkins Avenue**, asked when the closed session minutes listed on this agenda will be disclosed to the public. The Township Clerk indicated that, once the minutes have been approved by the Council, they will be released to the public upon authorization of the Township Attorney. She then asked who requested the "wellness coaching services." Ms. Lim responded that the Township issued the request for proposals. Additionally, Ms. Petaccia questioned the number of lawsuits, specifically the number involving police officers. She felt the Township is spending a lot of money to defend these lawsuits. She asked if there is "something going on that can be fixed." Mr. Inglesino suggested to the Mayor that, because there is pending litigation, he respectfully decline to respond to Ms. Petaccia's question. He explained that, because her question was asked in the context of ongoing lawsuits, it would be inappropriate for the Mayor to address that question in open session. Ms. Petaccia felt that there are problems that should be addressed.

**Mary Margaret Yelin, 28 Hilsinger Road**, indicated that Mr. Simpson speaks for everyone on Hilsinger Road and in the surrounding area about the desire for a quiet zone to be established at the Powder Mill grade crossing in Mt. Tabor. She commented that this is a quality of life issue. She noted that she lived near a grade crossing in Bergen County along the Pascack Valley Line for seven years and did not experience this degree of noise. There are train horns blaring at least once an hour, sometime two or three times an hour, seven days a week, twenty-four hours a day. She wished that something could be done to quiet this area, noting that Mt. Tabor is a jewel, a beautiful, unique section of the Township. Residents need quiet there so that they can enjoy their homes. She trusts that the Township officials will work towards accomplishing this for its residents.

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Seeing no one else come forward to speak, Council President Grossi closed the public portion of the meeting.

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**MOTION TO ADJOURN: Mr. Cesaro**

**SECONDED BY: Mr. Stanton**

<b>Roll Call:</b>	<b>Mr. Cesaro</b>	<b>-</b>	<b>Yes</b>
	<b>Mr. dePierro</b>	<b>-</b>	<b>Yes</b>
	<b>Mr. Fox</b>	<b>-</b>	<b>Absent</b>
	<b>Mr. Stanton</b>	<b>-</b>	<b>Yes</b>
	<b>Ms. Grossi</b>	<b>-</b>	<b>Yes</b>

**MEETING ADJOURNED: 8:31 p.m.**

**Minutes Approved January 11, 2011**