

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

December 14, 2010

Council President Grossi opened the Regular Meeting at 7:34 p.m. followed by a salute to the Flag. She stated that the meeting this evening is being videotaped and will be shown on cable television. She further advised that 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.

PRESENT: Council Members Cesaro, dePierro, Fox, Stanton and Grossi

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

The Council reviewed the agenda for the meeting. Ms. Lim noted, for the record, that the Council received emails this afternoon about the changes to the Open Space Trust Fund resolution. She explained that an emergency arose at Craftsman Farms requiring repairs to the Calf Barn. Additionally, she noted that the Administration is tabling until January the resolution authorizing the award of a contract for onsite wellness coaching services.

NOTES:

| | |
|---------------------|--|
| 1/4/11 @ 7:30 p.m. | Organization/Agenda Meeting Public Invited – Public Participation |
| 1/11/11 @ 7:30 p.m. | Regular Meeting Public Invited – Public Participation |

BID(S) TO BE TAKEN:

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

REGULAR TOWNSHIP COUNCIL MEETING, DECEMBER 14, 2010

ORDINANCE(S):

Second Reading(s) and Public Hearing(s):

ORDINANCE NO. 2010:35

An Ordinance of the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, to Amend and Supplement Section 4-58, Public Records, of the Code of the Township of Parsippany-Troy Hills

The following resolution was offered by Mr. Cesaro, seconded by Council President Grossi:

BE IT RESOLVED that an ordinance entitled “**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT SECTION 4-58, PUBLIC RECORDS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,**” be read in title only on second reading and a hearing held thereon.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.

Seeing no one come forward to speak, Council President Grossi closed the public hearing relative to Ordinance No. 2010:35.

The following resolution was offered by Mr. Cesaro, seconded by Mr. dePierro:

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

REGULAR TOWNSHIP COUNCIL MEETING, DECEMBER 14, 2010

ORDINANCE NO. 2010:36

An Ordinance Amending Various Provisions of Chapter 213, Entitled Housing and Property Maintenance, and Chapter 214, Entitled Housing Certificates, of the Code of the Township of Parsippany-Troy Hills

The following resolution was offered by Mr. dePierro, seconded by Mr. Fox:

BE IT RESOLVED that an ordinance entitled “AN ORDINANCE AMENDING VARIOUS PROVISIONS OF CHAPTER 213, ENTITLED HOUSING AND PROPERTY MAINTENANCE, AND CHAPTER 214, ENTITLED HOUSING CERTIFICATES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,” be read in title only on second reading and a hearing held thereon.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.

Seeing no one come forward to speak, Council President Grossi closed the public hearing relative to Ordinance No. 2010:36.

The following resolution was offered by Mr. dePierro, seconded by Council President Grossi:

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

ORDINANCE NO. 2010:37

An Ordinance of the Township of Parsippany- Troy Hills in the County of Morris, State of New Jersey, Amending and Supplementing Section 290-4, Entitled Knoll Country Club Utility Fees, of the Code of the Township of Parsippany-Troy Hills to Set Fees for Memberships

The following resolution was offered by Mr. Fox, seconded by Mr. Stanton:

REGULAR TOWNSHIP COUNCIL MEETING, DECEMBER 14, 2010

BE IT RESOLVED that an ordinance entitled “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY - TROY HILLS IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 290-4, ENTITLED KNOLL COUNTRY CLUB UTILITY FEES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO SET FEES FOR MEMBERSHIPS,**” be read in title only on second reading and a hearing held thereon.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.

Seeing no one come forward to speak, Council President Grossi closed the public hearing relative to Ordinance No. 2010:37.

The following resolution was offered by Mr. Fox, seconded by Mr. Stanton:

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

ORDINANCE NO. 2010:38

An Ordinance Amending and Supplementing Chapter 357, Storm Sewer System, of the Code of the Township of Parsippany-Troy Hills

The following resolution was offered by Mr. Stanton, seconded by Mr. dePierro:

BE IT RESOLVED that an ordinance entitled “**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 357, STORM SEWER SYSTEM, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,**” be read in title only on second reading and a hearing held thereon.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.

REGULAR TOWNSHIP COUNCIL MEETING, DECEMBER 14, 2010

Seeing no one come forward to speak, Council President Grossi closed the public hearing relative to Ordinance No. 2010:38.

The following resolution was offered by Mr. Stanton, seconded by Mr. dePierro:

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

PUBLIC HEARING

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

Pat Petaccia, 182 Hawkins Avenue, updated the Council as to the status of the Board of Education's contract with the Superintendent, pointing out her concern that the "changing of the contract dates" was not mentioned at any public meeting. The Board of Education was advised by the County Superintendent of Schools and the Governor to rescind the contract because it was not approved. Mr. Mancuso (Board President) had wording added to the resolution, wording which was not mentioned to any Board Member or to the public. This wording, per Ms. Petaccia, gave Mr. Mancuso the authority to have the Board's Attorney sue the State. To date, this litigation has cost \$8,000. Ms. Petaccia felt that the Board is defying the Governor and the public. Residents' concerns have been ignored. She indicated that, during the Board's discussions, the Board's Attorney advised that one of the ramifications of the Board's actions could be the potential loss of State Aid. She also advised that Dr. Seitz (Superintendent) has a suit pending in the Appellate Courts. Ms. Petaccia continued to update the Council as to what has taken place at the Board relative to this matter. She questioned how the Board's actions might affect municipal State Aid. The Mayor indicated that it would not.

Mr. Inglesino reminded Council Members that they need to be cognizant of the fact that they sit in judgment of the School Board Budget if that budget is defeated by the voters. It will be well advised for the Council not to get into budgetary matters involving the School Board because it could be argued at a later date that this activity somehow impacted their objectivity when it comes time to reviewing the School Budget for additional cuts.

Council President Grossi commented that everyone is concerned, but the Council does not have any authority over the Board of Education. Mr. Fox commented that the Board of Education should be paying more attention to what the public wants.

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Roman Hoshowsky, 919 Lake Shore Drive, told Ms. Petaccia not to worry as he is seeking an injunction with the Court trying to bar the Board of Education from using any more taxpayer money to proceed with this lawsuit. Additionally, he advised that he has to bring something up at the next Board Meeting that the Board of Education may have missed.

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

Mr. Cesaro noted that this is Council President Grossi's last Council Meeting as she is moving up to the Freeholder Board. He indicated that, over the last five years of working with her, he has witnessed her integrity and outstanding work ethic. He pointed out that she has made a lot of good decisions for the benefit of the taxpayers and that she will be missed. The other Council Members echoed Mr. Cesaro's remarks. Mr. Fox also took this opportunity to thank the members of the public who have taken time out of their busy schedules to attend meetings and he expressed his hope that the public's participation at these meetings will continue in 2011. Season's greetings and wishes for a happy New Year were extended by all.

Mayor Barberio stated that Council President Grossi has been a "gem" to work with. He praised her for always "speaking her mind." He wished her the best of luck, noting that it is about time that Parsippany has a representative on the Freeholder Board.

Council President Grossi thanked her colleagues, noting that she has learned a lot over the past five years. She indicated that she is thrilled to be a Freeholder, but she is also sad to be leaving Parsippany's Council. She stated that it has been her pleasure to serve the people of Parsippany and, as a Freeholder, she is not leaving Parsippany, but bringing Parsippany up to the County where, as the largest municipality, the Township, along with all the other Morris County Municipalities, will be represented. She indicated that she will do her best to make the people of Parsippany proud.

CONSENT AGENDA:

Council President Grossi noted that all items listed with an asterisk (*) are considered to be routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda. She moved the approval of the Consent Agenda, seconded by Mr. dePierro.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

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MINUTES FOR APPROVAL:

- * Agenda Meeting of 11/09/10
 - * Closed Session of 11/09/10 (Approval Only, Disclosure Upon Authorization of Township Attorney)
 - * Regular Meeting of 11/23/10
 - * Closed Session of 11/09/10 (Approval Only, Disclosure Upon Authorization of Township Attorney)
-

BID AWARD(S):

- * **Supplying Pumps, Motors, Generators, HVAC Units & Parts/Repairs (as needed) for Various Departments (Rebid)**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Supplying Pumps, Motors, Generators, HVAC Units and Parts/Repairs (As Needed) for Various Departments-Rebid on November 30, 2010, and

WHEREAS, the Business Administrator, Director of Purchasing, Building Maintenance Supervisor and Assistant Sewer Superintendent have reviewed the bids received and recommend that the bids be awarded to the lowest responsible bidders, Dave Heiner Associates, Inc., 3799 Route 46, Parsippany, NJ 07054 and All J's Mechanical, LLC, 7 Ponderosa Trail, Sparta, NJ 07871, for the unit prices proposed, and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:

“2010 Budget/Variou Current Accounts and Sewer O/E.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bids for Supplying Pumps, Motors, Generators, HVAC Units and Parts/Repairs (As Needed) for Various Departments-Rebid be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contracts.

REGULAR TOWNSHIP COUNCIL MEETING, DECEMBER 14, 2010

RESOLUTION(S):

*** Authorizing the Expenditure of Open Space Trust Fund Monies for Craftsman Farms and Park Improvements**

WHEREAS, Ordinance No. 2007:12 authorizes the expenditure of Open Space Trust Fund monies for capital improvements to parks and for the preservation of historic properties, and

WHEREAS, by resolution dated June 22, 2010 the replacement/retrofitting of bleachers at Smith Field Park was approved in the amount of \$91,000; and

WHEREAS, it has been determined that the bleachers cannot be retrofitted and new bleachers must be purchased for an additional \$20,000; and

WHEREAS, the Craftsman Farms Foundation has requested \$469,575 in Open Space Trust Fund monies for improvement projects; and

WHEREAS, the Mayor has recommended the expenditure of additional funds to complete the following capital improvement projects:

| <u>Project</u> | <u>Est. Cost</u> |
|--|-------------------|
| Smith Field Park bleacher replacement to meet code | \$ 20,000 |
| Milk House roof repair | \$ 14,000 |
| Calf Barn emergency repair to failed main support beam | \$ 12,000 |
| Log House stairs (safety measure) | \$ 65,000 |
| Completing restoration of the Master Bedroom Suite | \$ 35,500 |
| Red slate roofing for Cottage roofs | \$ 95,000 |
| Log House fire suppression | \$ 248,075 |
| TOTAL | \$ 489,575 |

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes the expenditure of an additional \$20,000 for the purchase of bleachers at Smith Field Park and the expenditure of \$469,575 for the Craftsman Farms Foundation improvements from the Open Space Trust Fund; and

BE IT FURTHER RESOLVED that the Mayor and Township clerk are hereby authorized to execute and witness a Grant Agreement with the Craftsman Farms Foundation for \$469,575 for the projects described above.

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* **Releasing Mazdabrook Residential East Performance Bond, Block 734, Lots 66, 66.01, and 67**

WHEREAS, Mazdabrook Developers, LLC posted a performance guarantee, Frontier Insurance Company Bond No. SD00036270 in the amount of \$1,621,504.80, to guarantee the completion of certain improvements at certain land known as Mazdabrook Residential East - Phase II, Block 736, Lot 7, and Block 734, Lots 1, 66, 66.01 and 67 in connection with final subdivision approval; and

WHEREAS, by resolution of the Township Council of the Township of Parsippany-Troy Hills adopted on March 9, 2004, the above mentioned performance bond was reduced to \$629,282.20 (Performance Bond No. 0371146 issued by International Fidelity Insurance Company) as a result of the Developer having completed a portion of the outstanding work; and

WHEREAS, Justin Lizza, Municipal Engineer, in an interoffice memorandum directed to the Township Clerk, dated November 30, 2010, recommended that International Fidelity Insurance Company Bond No. 0371146 in the amount of \$629,282.20 be released as all site work has been completed for Phase II of the project (known as Mazdabrook Residential East, specifically, Block 734, Lots 66, 66.01 and 67); and

WHEREAS, American Southern Insurance Company Maintenance Bond #B98801020566 in the amount of \$214,408.00 has been posted with the Township, as required by the Township Engineer.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that International Fidelity Insurance Company Bond No. 0371146 in the amount of \$629,282.20 be and the same is hereby released pending receipt by the Township Engineer of a recorded Amended Declaration of Restriction correcting the Transition Area Waiver Line shown on the filed subdivision plat.

* **Granting a Major Soil Moving Permit to Emerson Charitable Trust (Asco Electrical Products), Block 739, Lot 5, 7 Eastmans Road**

WHEREAS, Geo-Con, 4075 Monroeville Blvd., Suite 400, Monroeville, Pennsylvania, has applied to the Township of Parsippany-Troy Hills to remove approximately 1,716 cubic yards of contaminated soil and replace it with clean fill and/or in-situ soil mixing as approved and monitored by the New Jersey Department of Environmental Protection in connection with remediation work at **Emerson Charitable Trust (ASCO Electrical Products), Block 739, Lot 5, 7 Eastmans Road**; and

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WHEREAS, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Planning Board dated November 23, 2010; and

WHEREAS, the Planning Board considered this application at its meeting of December 6, 2010 and recommends approval to the Township Council, as indicated in a December 7, 2010 memorandum from the Planning Board, in accordance with the Township Engineer's memorandum dated November 23, 2010, and further subject to the hours of operation being 8:00 a.m. to 5:00 p.m., Monday through Friday, via a route from Eastmans Road to Parsippany Road to Route 287.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to **Geo-Con** for the removal of approximately 1,716 cubic yards of contaminated soil and the replacement of this soil with clean fill and/or in-situ soil mixing as approved and monitored by the New Jersey Department of Environmental Protection in connection with remediation work at **Emerson Charitable Trust (ASCO Electrical Products), Block 739, Lot 5, 7 Eastmans Road**, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated November 23, 2010.
2. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of December 6, 2010.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

*** Transferring Appropriations – Current Fund and Water Utility**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following transfers between appropriations be and the same are hereby authorized to be made in conformity with the State Statutes in such cases made and provided, and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make the necessary entries on the books and 2010 budget in connection with said transfers:

| <u>CURRENT FUND</u> | <u>FROM</u> | <u>TO</u> |
|----------------------------|--------------------|------------------|
| Salary Adjustments | 20,000.00 | |
| Sanitation & Recycling: | | |
| Salaries & Wages | 60,000.00 | |
| Police Department: | | |

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| | | |
|----------------------|-------------------|-------------------|
| Salaries & Wages | 70,000.00 | |
| Buildings & Grounds: | | |
| Salaries & Wages | 17,000.00 | |
| Vehicle Maintenance: | | |
| Other Expenses | | 150,000.00 |
| Buildings & Grounds: | | |
| Other Expenses | | 17,000.00 |
| TOTAL | 167,000.00 | 167,000.00 |

WATER UTILITY FUND

| | | |
|------------------|------------------|------------------|
| Other Expenses | 95,000.00 | |
| Salaries & Wages | | 95,000.00 |
| TOTAL | 95,000.00 | 95,000.00 |

*** Canceling Certain 2009 Tax Accounts with Balances Under \$10**

WHEREAS, certain tax accounts with a balance under \$10.00 per Block and Lot remain outstanding on the Parsippany-Troy Hills tax records; and

WHEREAS, the total taxes under \$10.00 amount to \$.22 for 2009 as per the detailed list dated December 3, 2010 on file with the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the Tax Collector is hereby authorized to cancel the amount of \$.22 from the tax records as per the detailed list filed with the Township Clerk.

*** Canceling 2009 Tax Overpayments**

WHEREAS, certain tax overpayments per Block and Lot remain outstanding on the Parsippany-Troy Hills tax records; and

WHEREAS, the total overpayments amount to \$113,822.26 for 2009 as per the detailed list dated December 3, 2010 on file with the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the Tax Collector is hereby authorized to cancel overpayments in the amount of \$113,822.26 from the tax records as per the detailed list filed with the Township Clerk.

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*** Canceling Sludge Outstanding, Uncollectable Balances – Sewer Utility**

WHEREAS, there exists various sludge outstanding, uncollectable balances on the books of the Sewer Utility; and

WHEREAS, it has been determined that these uncollectable balances should be canceled;

NOW, THEREFORE, BE IT RESOLVED that the following sludge uncollectable balances totaling \$3,398.99 be and are hereby canceled.

| ACCOUNT | COMPANY NAME | SLUDGE DEBIT BALANCE |
|----------------|-------------------------|----------------------------|
| 3000308-0 | Sutherland Packaging Co | \$3,308.99 |
| 3000020-0 | Action Septic Service | 90.00 |
| GRAND TOTAL | | \$3,398.99 |

ORDINANCE(S):

Introductions

None

APPLICATION(S):

License(s):

*** 2011 Renewal of Licenses – Amusement Games, Entertainment, Taxi/Limo, Tourist Accommodations, Truck Terminal**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2011:

TAXI/LIMOUSINE OWNERS

NUMBER OF VEHICLES

| | |
|--|----|
| City Limo, Inc. | 5 |
| Amr and Sons Inc. t/a New Diamond Limo | 5 |
| Songun Inc. t/a Mega Limousine & Parsippany Taxi | 1 |
| Aristocrat Limo & Bus Co. | 32 |

TRUCK TERMINAL

FedEx National LTL, Inc.

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ENTERTAINMENT

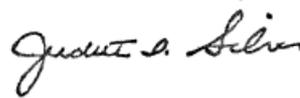
I-85 Hospitality Group, LLC t/a Harold's New York Deli Restaurant

Council President Grossi made a motion to adjourn the meeting, seconded by Mr. Fox.

ROLL CALL: YES – Council Members Cesaro, dePierro, Fox, Stanton and Grossi

The meeting adjourned at 7:55 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John M. Fox, Council President

Minutes approved: January 11, 2011