

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

**January 5, 2010**

**Public Invited – Public Participation**

**MEETING CALLED TO ORDER by Council President Grossi at 8:15 p.m.**

**Roll Call:**

<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>Present</b>
<b>Mr. Stanton</b>	<b>-</b>	<b>Present</b>
<b>Ms. Grossi</b>	<b>-</b>	<b>Present</b>

**OTHERS PRESENT:** 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 January 12, 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) - None**

**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>
<b>Roller Hockey – Youth Non Resident Fee (09:43)</b>	<b>12/15/09</b>	<b>Approved</b>	<b>1/11/10</b>
<b>Conservation Easement to NJDEP (09:44)</b>	<b>12/15/09</b>	<b>Approved</b>	<b>1/11/10</b>
<b>Fire Zones – Grato Restaurant &amp; Tabor Road Tavern (09:45)</b>	<b>12/15/09</b>	<b>Approved</b>	<b>1/11/10</b>

**DISCUSSION/REMINDERS**

**Scheduled Meetings**

**1/12/10 @ 7:30 p.m.**

**Regular Meeting  
Public Invited – Public Participation**

**2/9/10 @ 7:30 p.m.**

**Agenda Meeting  
Public Invited – Public Participation**

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**Minutes for Approval:**

**Agenda Meeting of 12/8/09 ON**

**Regular Meeting of 12/15/09 ON**

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**Discussion:**

**Amending Pay to Play Reform Ordinance (11/09) NEXT AGENDA**

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**MAYOR**

**Follow – Up:**

**Sewer Fee Deduction (7/08)** Mayor Barberio indicated that he would forward information to the Township Attorney for review. **NEXT AGENDA**

**Resolution(s):**

**Authorizing a Professional Services Agreement with John P. Inglesino, Esq. as Township Attorney for the Year 2010 (1/10) ON\***

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**ADMINISTRATION**

**BID(S)**

**Taken:**

**12/3/09 Deck Structure to be Erected at Knoll West Country Club AWARD\***

**12/17/09 Irrigation System for Jannarone Park AWARD\***

**To Be Taken:**

**None**

**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:**

None

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**Resolution(s):**

**Authorizing an Agreement with Saint Clare's Community Care, a Member of Saint Clare's Health Services for the Provision of Certain Health Clinic Services (1/10) ON\***

**Authorizing an Interlocal Services Agreement Between the Township and the County of Morris Nutrition Center (1/10) ON\***

**Authorizing a Contract with Green Sky Industries, Inc. for the Marketing of Recycled Material (1/10) ON\***

**Awarding Contract for Insurance Services – Delta Dental of New Jersey, Inc. (1/10) ON\***

**Designating an Employee to Serve as Public Agency Compliance Officer (P.A.C.O.) for Matters Concerning P.L. 1975 C. 127 (NJAC 17:27) as Regulated by the State Affirmative Action Office (1/10) ON\***

**Ordinance(s):**

**Authorizing a Lease Agreement Between the Township and Par-Troy Little League West for Use of the Murray Court/Elmwood Road Field (1/10) INTRODUCTION – ON**

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**ENGINEERING**

**Update/Recommendation(s):**

*Italicized* comments below are excerpts from a January 4, 2010 memo from Mr. Lizza, Municipal Engineer, to Ms. 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**

**Camp Meeting Association Angle Parking Simpson Avenue (8/08)** No change in status.  
**NEXT AGENDA**

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

**Feintuch Property Corner of Littleton Road/Parsippany Boulevard (11/08)** No change in status. **NEXT AGENDA**

**711 Park Road – Fairview Estates (11/08)** *I met with the residents and reviewed their concerns. The entire drainage area will be investigated over the next month and recommendations will be made to best address the concerns.* **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**

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**CHIEF FINANCIAL OFFICER**

**Resolution(s):**

**Confirming the Details of the Sale of General Obligation Bonds, In the Principal Amount of \$19,008,210 to the State of New Jersey Pursuant to the N.J. Environmental Infrastructure Trust Financing Program for Funding the Township’s Wastewater Treatment Plant Project (1/10)** A motion was made by Mr. Cesaro, seconded by Mr. dePierro, to adopt the attached resolution confirming the details of the Sale.

<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>Yes</b>
	<b>Mr. Stanton</b>	<b>-</b>	<b>Yes</b>
	<b>Ms. Grossi</b>	<b>-</b>	<b>Yes</b>

**Authorizing the Township Assessor to Take Certain Actions to Prosecute and Defend Tax Appeals (1/10)** **ON\***

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**ATTORNEY**

**Discussion:**

**Request of R. Garofalo, Esq., Representing Powder Mill Heights, Regarding Refuse Collection (11/09)** **NEXT AGENDA**

**Resolution:**

**Authorizing a Professional Services Agreement with Alfred C. DeCotiis, Esq. of the Firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP as Special Counsel in Connection with Pending N.J. Environmental Infrastructure Trust Matters (1/10) ON\***

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**TOWNSHIP OFFICES / COMMITTEES**

**No Agenda Items**

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**COMMUNICATIONS**

**Correspondence:**

**Roy Messmer – Regarding Pesticides on School Property and Questioning if the Board of Education is Complying with the Fertilizer Ordinance (12/1/09) Council President Grossi requested that Ms. Lim ask the Health Officer to contact the Board of Education to make sure the Board understands the ordinance and to answer any questions the Board may have relative to compliance.**

**Resolution(s):**

**None**

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**APPLICATION(S):**

**License(s):**

**Renewal of 2010 Entertainment License for Promus Hotel Services, Inc. (Formerly Licensed as Djont Leasing, LLC) t/a Embassy Suites Hotel ON\***

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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.**

**Pat Petaccia, 182 Hawkins Avenue, asked how much the attorney will cost. Council President Grossi indicated that Mr. Inglesino's contract is the same as the previous counsel. Ms. Petaccia also questioned the appropriation amount (relative to the resolution endorsing certain budget**

appropriations for recreational activities, which was adopted by the Township Council at the Organization Meeting). It was explained that the amount will be discussed during the budget process; the resolution provides for the funding of P.A.L. activities via the 2010 Temporary Budget. Council President Grossi advised Ms. Petaccia that she could obtain additional information from the Business Administrator.

**Lee Keimel, 342 Lake Shore Drive**, expressed his continued concern about the changing of (employee) medical insurance. He advised that he did not receive his new card until January 2, 2010, which was “after the fact.” He asked that the Township not wait until the last minute to obtain insurance coverage. Council President Grossi explained that the prior Administration brought this to the Council at the 11<sup>th</sup> hour; a decision had to be made. She apologized to Mr. Keimel, indicating that he has a right to be frustrated and angry.

**Joanne Mancuso, 73 Iroquois Avenue**, advised that, while she understands that the new insurance is equal to or better than the former insurance, it was not fair that employees were not asked about their needs. She explained that her daughter had surgery in October and none of her daughter’s doctors are in the current plan. She was advised that she is now responsible for all of her bills. Her husband also has doctors who do not participate in the plan. Ms. Mancuso felt that this is neither fair nor equitable to employees. Ms. Lim confirmed that the new insurance carrier will follow through with ongoing situations. She will check into the concern expressed by Ms. Mancuso.

**Annelise Catanzaro, 67 Midvale Avenue**, congratulated Council President Grossi and Council Vice-President Fox and, as Chair of the Municipal Alliance Committee, expressed her excitement as to the appointment of Mr. Stanton, the new Council Member, as the liaison to the Committee. Additionally, she took this opportunity to update the Council on the status of the DARE funding issue.

**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. Fox**

<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>Yes</b>
	<b>Mr. Stanton</b>	<b>-</b>	<b>Yes</b>
	<b>Ms. Grossi</b>	<b>-</b>	<b>Yes</b>

**MEETING ADJOURNED: 8:40 p.m.**

**Minutes Approved February 16, 2010**

**RESOLUTION CONFIRMING THE DETAILS OF THE SALE OF GENERAL OBLIGATION BONDS, IN THE PRINCIPAL AMOUNT OF \$19,008,210 OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, TO THE STATE OF NEW JERSEY PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S WASTEWATER TREATMENT PLANT PROJECT**

**WHEREAS**, the Township of Parsippany-Troy Hills (the "Local Unit"), in the County of Morris, New Jersey, has heretofore determined that there exists a need within the Local Unit to construct the Wastewater Treatment Plant Project (the "Project") as defined in each of that certain Loan Agreement (the "Trust Loan Agreement") to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the "Trust") and that certain Loan Agreement (the "Fund Loan Agreement", and together with the Trust Loan Agreement, the "Loan Agreements") to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the "State"), all pursuant to the State Fiscal Year 2010 New Jersey Environmental Infrastructure Trust Financing Program (the "Program");

**WHEREAS**, the Local Unit has determined to finance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the "Trust Loan") and the State (the "Fund Loan", and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit's General Obligation Bonds to the Trust (the "Trust Loan Bond") and General Obligation Bonds to the State (the "Fund Loan Bond", and together with the Trust Loan Bond, the "Local Unit Bonds") pursuant to the terms of the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (the "Local Bond Law"), other applicable law, the Fund Loan Agreement expected to be dated January 7, 2010, the Trust Loan Agreement expected to be dated as of March 1, 2010, and the Escrow Agreement expected to be dated January 7, 2010 (the "Escrow Agreement") by and among the Trust, the State, the Local Unit and the escrow agent named therein;

**WHEREAS**, N.J.S.A. 40A:2-27(a) (2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. 58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust, without any public offering, all under the terms and conditions set forth herein; and

**WHEREAS**, the Local Unit now expects to deliver the Fund Loan Bond to the State in the principal amount of \$19,008,210, enabling the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Fund Loan Bond, and, in accordance with the terms of the Escrow Agreement, the Trust shall hereafter sell its bonds to fund the Trust Loan which will allow the Local Unit to confirm the exact aggregate principal amount of and debt service schedule for the Trust Loan Bond.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Local Unit as follows:

**Section 1.** The adoption on December 15, 2009, of the resolution entitled "**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF**

**MORRIS, NEW JERSEY AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE STATE FISCAL YEAR 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S WASTEWATER TREATMENT PLANT PROJECT"** and the resolution entitled "**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$33,200,000 GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE STATE FISCAL YEAR 2010 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR FUNDING THE TOWNSHIP'S WASTEWATER TREATMENT PLANT PROJECT"** is hereby ratified and confirmed.

**Section 2.** The sale of the Fund Loan Bond to the State is hereby confirmed. The Fund Loan Bond shall issued in accordance with the maturity schedule set forth in **Schedule A** attached hereto and made a part hereof.

**Section 3.** This resolution shall take effect immediately.

**Section 4.** Upon the adoption hereof, the Local Unit Clerk shall forward certified copies of this resolution to DeCotiis, FitzPatrick, Cole & Wisler, LLP, bond counsel to the Local Unit, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the Trust.

Schedule A

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**FUND LOAN AGREEMENT**  
**Before Trust Loan Closing and Principal Forgiveness**  
**New Jersey Environmental Infrastructure Trust - Winter 2010**  
**Township of Parsippany-Troy Hills**

Borrower Payment Date	Semiannual Principal	Annual Principal
3/10/2010		
8/1/2010	644,346.10	644,346.10
2/1/2011	322,173.05	
8/1/2011	644,346.10	966,519.15
2/1/2012	322,173.05	
8/1/2012	644,346.10	966,519.15
2/1/2013	322,173.05	
8/1/2013	644,346.10	966,519.15
2/1/2014	322,173.05	
8/1/2014	644,346.10	966,519.15
2/1/2015	322,173.05	
8/1/2015	644,346.10	966,519.15
2/1/2016	322,173.05	
8/1/2016	644,346.10	966,519.15
2/1/2017	322,173.05	
8/1/2017	644,346.10	966,519.15
2/1/2018	322,173.05	
8/1/2018	644,346.10	966,519.15
2/1/2019	322,173.05	
8/1/2019	644,346.10	966,519.15
2/1/2020	322,173.05	
8/1/2020	644,346.10	966,519.15
2/1/2021	322,173.05	
8/1/2021	644,346.10	966,519.15
2/1/2022	322,173.05	
8/1/2022	644,346.10	966,519.15
2/1/2023	322,173.05	
8/1/2023	644,346.10	966,519.15
2/1/2024	322,173.05	
8/1/2024	644,346.10	966,519.15
2/1/2025	322,173.05	
8/1/2025	644,346.10	966,519.15
2/1/2026	322,173.05	
8/1/2026	644,346.10	966,519.15
2/1/2027	322,173.05	
8/1/2027	644,346.10	966,519.15
2/1/2028	322,173.05	
8/1/2028	644,346.10	966,519.15
2/1/2029	322,173.05	
8/1/2029	644,346.15	966,519.20
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19,008,210.00		19,008,210.00
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\*Assumes no ARRA Principal Forgiveness

**FUND LOAN AGREEMENT**

**After Trust Loan Closing and Principal Forgiveness  
New Jersey Environmental Infrastructure Trust - Winter 2010  
Township of Parsippany-Troy Hills**

<u>Borrower</u> <u>Payment Date</u>	<u>Semiannual</u> <u>Principal</u>	<u>Annual</u> <u>Principal</u>
3/10/2010		
8/1/2010	474,854.57	474,854.57
2/1/2011	237,427.28	
8/1/2011	474,854.57	712,281.85
2/1/2012	237,427.28	
8/1/2012	474,854.57	712,281.85
2/1/2013	237,427.28	
8/1/2013	474,854.57	712,281.85
2/1/2014	237,427.28	
8/1/2014	474,854.57	712,281.85
2/1/2015	237,427.28	
8/1/2015	474,854.57	712,281.85
2/1/2016	237,427.28	
8/1/2016	474,854.57	712,281.85
2/1/2017	237,427.28	
8/1/2017	474,854.57	712,281.85
2/1/2018	237,427.28	
8/1/2018	474,854.57	712,281.85
2/1/2019	237,427.28	
8/1/2019	474,854.57	712,281.85
2/1/2020	237,427.28	
8/1/2020	474,854.57	712,281.85
2/1/2021	237,427.28	
8/1/2021	474,854.57	712,281.85
2/1/2022	237,427.28	
8/1/2022	474,854.57	712,281.85
2/1/2023	237,427.28	
8/1/2023	474,854.57	712,281.85
2/1/2024	237,427.28	
8/1/2024	474,854.57	712,281.85
2/1/2025	237,427.28	
8/1/2025	474,854.57	712,281.85
2/1/2026	237,427.28	
8/1/2026	474,854.57	712,281.85
2/1/2027	237,427.28	
8/1/2027	474,854.57	712,281.85
2/1/2028	237,427.28	
8/1/2028	474,854.57	712,281.85
2/1/2029	237,427.28	
8/1/2029	474,854.85	712,282.13

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14,008,210.00

14,008,210.00

\*Assumes ARRA Principal Forgiveness of \$5,000,000

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