

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

**January 29, 2008**

**Council President Cesaro opened the Regular Meeting at 7:30 p.m., followed by a salute to the Flag. He 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 19, 2007 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 11, 2007. This notice was forwarded by fax to other local newspapers and local radio stations on December 4, 2007.**

**PRESENT:** Council Members Barberio, dePierro, Fox, Grossi, and Cesaro

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

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Council Members reviewed the agenda for the meeting.

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Robert Ragozine of Metro Energy Solutions presented a revised financial analysis for the potential installation of **solar panels at the Wastewater Treatment Plant**. He explained that the estimated cost of the project has been lowered as a result of recent conversations with installers about current market conditions and process. He referenced three different scenarios using different assumptions on the value of solar renewable energy credits (solar RECs or SRECs). Even with the most conservative number of \$.35/SREC, per Mr. Ragozine, there is a net positive cash flow in the first year; at the end of the 25 year period, there is a cumulative net benefit of \$3.8 million. He explained that the solar rebate of \$1,744,754 must be utilized by September 2008, with a possible six month extension. To meet the deadline, the Township must proceed with the 2008 round of the Environmental Infrastructure Trust loan which will provide loan funds at about half the rate which the Township can obtain in the bond market. If the Township is to proceed with this project, bid specifications would need to be completed; the project would then need to be put out for bid; financing would need to be coordinated through the Trust; and the project would need to be completed by March of 2009, assuming the Township is granted an extension, which is a reasonable assumption.

Ms. Grossi stated that she would rather bond to upgrade the Plant than to construct the solar panels. She questioned whether the Plant will require all of the solar panels once it is upgraded. Ms. Lim explained that the solar panels would provide for 10% of the electrical needs of the Plant. Her understanding is that the proposed Plant improvements might reduce the energy needs of the Plant by 50%. Therefore, the wattage provided by the solar panels will, instead of providing 10% of the energy needs, provide a higher percentage of the energy needs. Mr.

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Ragozine noted that improvements to the Plant won't change the financial analysis or the layout of the panels. He commented that the solar panels don't make the Plant run more efficiently, they produce electricity through a renewable source and a determination must be made as to whether this makes sense from an economic as well as an environmental perspective.

Mr. Barberio added that he is leaning towards making the Plant run more efficiently before proceeding with a solar panel project. Mr. Fox agreed, questioning whether the \$7 million would be better spent in upgrading the Plant. After improvements are made, per Mr. Fox, the Township could look at the use of solar panels to further cut electric costs.

Mr. Ragozine reminded the Council that, if the Township is interested in doing solar panels, it will never have \$1.7 million again to help offset the cost. The Township, per Mr. Ragozine, is very fortunate to have this rebate; the question is whether the Township wants to use it.

Ms. Grossi stated that she would like to see a comprehensive plan so that the Township doesn't move forward in a disjointed manner. She would like to have the costs involved in redoing the Plant and, maybe, coupling that project with the solar panel project. While she agrees this is a good opportunity for the Township, she would like to see the whole picture. The panels could be a part of the overall plan. She asked Ms. Lim if it is feasible for the Administration to provide the Council with an overall plan including how the panels fit into the project.

Ms. Lim indicated that a consultant has been selected to conduct a plant optimization study, which is expected to take approximately three months. She explained that the other part of the "timing puzzle" is the Trust Application. She suggested that the Township proceed with the Application, noting that there would still be an opportunity to "back out."

Mr. dePierro stated that the \$1.7 million rebate does not impress him. He reiterated what he stated at an earlier presentation, that the "Administration is putting the cart before the horse." We have a 35 year old Plant, which is very inefficient because of inefficient equipment, with 40 year old technology. There are better ways to do things now. Moving in the direction of upgrading the Plant would produce a 50% savings in energy and it would not take 25 years to realize the savings. Mr. dePierro expressed his view that the Township should be concentrating, at this point in time, in upgrading the Plant. He noted that he said this last year and is disappointed that the Administration is still pushing for solar panels. He would be in favor of considering solar panels once the Plant is running more efficiently. He strongly felt that our efforts and our dollars should be spent on upgrading the Plant and the process. Ms. Lim stated that she sees the Plant upgrade and the solar panel project proceeding almost parallel. Mr. dePierro disagreed and reiterated that we should be upgrading the Plant first.

The Council discussed last year's sewer rate increase and the reasons for the increase. Ms. Grossi indicated that it was her understanding that part of the increase was due to an increase in energy costs, but also that the rate was increased for the purpose of providing funds to investigate ways to upgrade the Plant. Ms. Lim confirmed that the rate increase has gone entirely to the Sewer Plant.

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Ms. Grossi also pointed out the lack of a superintendent to run the Plant and the fact that the Township is paying consultants to actually perform the day to day operations. She questioned how much this is costing the Township. She also commented that she does not understand why a superintendent has not been hired; this should have been a priority.

Mr. Ragozine, in response to a Council inquiry, advised that the panels are guaranteed for 25 years. If they are paid off in twenty years and then they fail, they will be replaced. Even if the Township chooses not to replace the panels after 25 years, if they fail at that point, there is still a net benefit of \$3.8 million to the Township. Mr. Ragozine clarified that he does not sell solar panels. He is an energy consultant and advises his clients on a wide range of energy matters. He was hired by the Township for this specific project. He explained that he is just laying out the numbers and noted that it is important that the Council Members understand the numbers. He stated that he doesn't disagree with the Council's comments, but the economics of this particular project draws a positive cash flow every year.

Ms. Grossi indicated that it seems the Council wants to see what the facility upgrades would be and what kind of a comprehensive package could be developed for fixing the Plant prior to proceeding with bonding or agreeing to purchase solar panels at this time. Mr. dePierro stated that he thinks that the solar panel project should be shelved until after the Plant and the treatment process are updated.

Ms. Lim offered to provide at the next meeting the debt service schedule for the Sewer Utility. She felt that this may provide additional information for the Council to consider.

Consensus of the Council was to upgrade the Plant prior to considering solar panels. The Council again asked for a cost estimate to modernize the Plant and the time frame for the completion of improvements. Ms. Lim advised that she believes that the improvements to the Plant would commence in 2009 and take approximately two to three years to complete. She will provide an accurate estimate by the next meeting.

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**NOTES:**

2/12/08 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
2/26/08 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

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**BIDS TO BE TAKEN**

None

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**REQUEST(S) FOR QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S):**

None

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**ORDINANCE(S):**

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

None

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**PUBLIC HEARING:**

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

**Roy Messmer, 10 Drumlin Drive**, commented as follows:

- In connection with this evening's presentation, members of the public should have been provided with the same documentation provided to the Council or a Power Point presentation should have been utilized.
- The Sheraton Hotel did a geothermal project. The Township should look into this alternative.
- He questioned if the Council Members read the Affordable Housing news article he provided at the last meeting. They advised that they did. He indicated that there is a COAH meeting scheduled for February 21, 2008 at the County College. He suggested that individuals attend.
- He noted a recent news article (entitled Rockaway Approves Plan to Convert Building into Mosque) and how Rockaway Borough Zoning Board Members expressed fear of being sued under RLUIPA (the Religious Land Use and Institutionalized Persons Act of 2000). He felt this should be researched.
- As a follow-up to last week's meeting, he questioned the status of the Blue Collar negotiations. Ms. Lim advised that a mediation session is scheduled for February 13, 2008. Mr. Messmer asked if Mr. Knapp attends every mediation session. Ms. Lim advised that either Mr. Knapp or his representative attends. Mr. Messmer then asked what Mr. Knapp has billed the Township in connection with the Blue Collar Contract. Ms. Verrone suggested that Mr. Messmer file a request for this information under OPRA (Open Public Records Act).

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

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**CONSENT AGENDA:**

Council President Cesaro 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.

Mr. Barberio moved the approval of the Consent Agenda, seconded by Mr. Fox.

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

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**MINUTES FOR APPROVAL:**

- \* Organization Meeting of 1/8/08
  - \* Agenda Meeting of 1/8/08
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**BID REJECTION(S):**

None

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**BID AWARD(S):**

\* **Parsippany Hills Tennis Court Lighting Renovation**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Parsippany Hills Tennis Court Lighting Renovation on January 10, 2008, and

**WHEREAS**, the Business Administrator, Director of Purchasing, Superintendent of Parks and Forestry and Consulting Landscape Architect have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Lucas Electric Co., Inc., 415 Mercer Street, Hightstown, NJ 08520 for a Total Base Bid of \$107,900.00, and

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

Current Capital Ordinance # 2007:18  
adopted July 24, 2007 entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Parsippany Hills Tennis Court Lighting Renovation be

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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 contract.

\* **Reconstruction of Lincoln Avenue (from Lake Shore Drive to Hiawatha Blvd.)**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Lincoln Avenue-Phase II (from Lake Shore Drive to Hiawatha Boulevard) on January 10, 2008, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Stanziale Construction LLC, P.O. Box 2597, Bloomfield, NJ 07003 for a Total Bid Price of \$333,592.25, and

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

2007 Community Development Block Grant Funds and  
Current Capital Ordinance # 2007:18  
adopted July 24, 2007 entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Reconstruction of Lincoln Avenue-Phase II (from Lake Shore Drive to Hiawatha Boulevard) 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 contract.

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**ORDINANCE(S):**

**Introduction(s):**

None

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**RESOLUTION(S):**

\* **In Support of Preventing the Closing of the New Jersey Naval Museum, Home of the USS Ling, Located in Hackensack**

**WHEREAS**, the USS Ling SS-297 is in jeopardy of being evicted from its site located in Hackensack, Bergen County by the property owners, North Jersey Media Group, in order to sell or develop the property; and

**WHEREAS**, since 1973 The Submarine Memorial Association has operated the New Jersey Naval Museum, home of the USS Ling SS-297 and has occupied this site and established the USS Ling as a permanent memorial to the men who served and died in the submarine service for their unselfish efforts to protect this Country; and

**WHEREAS**, the USS Ling serves as an educational facility for many schools, Scout Troops, and other organizations that appreciate and support the mission of this organization to preserve this place in history; and

**WHEREAS**, the New Jersey Naval Museum USS Ling SS-297 is a New Jersey Non-Profit Corporation, member of Historic Naval Ships Association of North America, Inc. and listed in State and National Registers of Historic Places; and

**WHEREAS**, the New Jersey Naval Museum not only serves to educate the young of our history, instill in them the pride and appreciation of our veterans, but serves to honor all those who served, and the 3,505 men who made the supreme sacrifice for their country.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Parsippany-Troy Hills, in the County of Morris, and the State of New Jersey as follows:

(1) That the Township urges Governor Jon Corzine, Senators Frank R. Lautenberg and Robert Menendez, and Congressman Rodney P. Frelinghuysen to ensure that the USS Ling SS-297 remains in its established site for all present and future generations to learn and honor our brave naval submarine servicemen.

(2) That certified copies of this resolution be forwarded to Governor Jon Corzine, Senators Frank R. Lautenberg and Robert Menendez, Congressman Rodney P. Frelinghuysen, and the Submarine Memorial Association.

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\* **Designating Michael Hardie 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**

**WHEREAS**, the Township of Parsippany-Troy Hills must designate an employee to serve as Public Agency Compliance Officer (P.A.C.O.) for matters concerning P.L. 1975, c. 127 (NJAC 17:27).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that Michael Hardie is designated to serve on behalf of the Township of Parsippany-Troy Hills as Public Agency Compliance Officer (P.A.C.O.) and will act as the official liaison for matters concerning P.L. 1975 c. 127 (NJAC 17:27).

\* **Appointing an Administrator for the Township's Third Party Payment Plan for Emergency Medical Services**

**WHEREAS**, pursuant to Ordinance No. 2005:24 the Township of Parsippany-Troy Hills established a third party payment plan for emergency medical services and determined to seek a contractor to administer the billing and collection of the ambulance fees authorized thereunder; and

**WHEREAS**, the Township requested proposals from parties interested in providing administration and collection of insurance claims for emergency medical services; and

**WHEREAS**, the Business Administrator, Director of Purchasing and Director of Human Services have reviewed the proposals and recommend that the award be made to Pre-Hospital Management Systems, Inc. 3070 Bristol Pike, Building 1, Suite 100, Bensalem, PA 19020, who submitted the lowest responsible proposal; and

**WHEREAS**, funds are available for this purpose; and

**WHEREAS**, it is in the best interest of the Township to engage Pre-Hospital Management Systems, Inc. as the administrator to manage the operation and administration of the Third Party payment plan for emergency medical services.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey as follows:

The Township of Parsippany-Troy Hills hereby awards and authorizes the Mayor and Township Clerk to execute the agreement with Pre-Hospital Management Systems, Inc. 3070 Bristol Pike, Building 1, Suite 100, Bensalem, PA 19020 to manage the operation and administration of Third Party payment plan for emergency medical services; and

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This contract shall be awarded pursuant to a non fair and open process in accordance with N.J.S.A. 19:44A-20.5 and without competitive bidding as “Extraordinary Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1) (a); and

A notice of this action shall be published in the official newspaper of the Township of Parsippany-Troy Hills.

\* **Designating Primary and Secondary Responders to Hazardous Material Situations**

**WHEREAS**, due to the Township’s location and the existence of a number of interstate highways that traverse the Township, there exists a need for responders to abate and clean up hazardous material spills; and

**WHEREAS**, due to the nature of the occurrence, response must be made promptly; and

**WHEREAS**, HMHTTC is headquartered in the Township of Parsippany-Troy Hills and would be accessible for quick response to emergency situations; and

**WHEREAS**, HMHTTC and Allstate ORC have the expertise and resources to accomplish this responsibility; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5, (1)(a)(ii) requires that the Resolution authorizing the award of contracts for Hazmat services which are “Extraordinary, Unspecifiable Services,” without competitive bidding be adopted, and the contracts themselves must be available for public inspection; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services will not exceed \$17,500.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, and State of New Jersey, that HMHTTC is designated as primary responder for hazardous material spills and events and Allstate ORC is designated as the secondary responder in the event HMHTTC is not available to respond promptly (within 15 minutes) or the Township of Parsippany-Troy Hills requires additional resources to handle an event.

**BE IT FURTHER RESOLVED**, by the Township Council that either the Township Hazmat Coordinator or his/her designee or the police authority will summon the responder to an event.

1. The Township of Parsippany-Troy Hills hereby awards and authorizes the Mayor and Township Clerk to execute the agreements with:

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- a. HMHTTC, Inc., 400 Valley Road, Suite 303, Mt. Arlington, New Jersey 07856, as first responder for hazardous material occurrences.
  - b. Allstate, ORC, 473 Hamburg Turnpike, West Milford, New Jersey 07480-3746 as alternate responder.
2. These contracts are awarded without competitive bidding pursuant to N.J.S.A. 40A:11-5,(1)(a)(ii) of the Local Public Contracts Law because said hazardous waste material cleanup services are being performed by companies that are qualified.
  3. A notice of this action shall be published in the official newspaper of the Township of Parsippany-Troy Hills.

\* **Authorizing Professional Services Agreement with the Township Attorney, Alfred C. DeCotiis, Esq., of the Firm of DeCotiis, FitzPatrick, Cole and Wisler, LLP**

WHEREAS, Alfred C. DeCotiis, Esq., of the firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP, was duly appointed and confirmed as Township Attorney by Resolution dated February 14, 2006 (the "Confirming Resolution"), and pursuant to law, shall serve during the term of office of the Mayor and until a successor is appointed and qualified; and

**WHEREAS**, the Confirming Resolution simultaneously authorized a Professional Services Agreement with the Township Attorney, setting forth the scope of services and compensation to be paid to the Township Attorney; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides that the duration of Professional Services Agreements shall be one (1) year and, accordingly, a Professional Services Agreement for 2008 covering the Township Attorney's scope of services and compensation, which are identical to those set forth in the previous year's Professional Services Agreement, is required; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500; and

**WHEREAS**, the Township Attorney has submitted a Business Entity Disclosure Certification, which Certification provides that no reportable contributions have been made that would bar the award of this Agreement pursuant to P.L. 2004, c. 19, and that no reportable contributions will be made during the term of the Professional Services Agreement to the municipal political or candidate committees of the elected officials of the Township; and

**WHEREAS**, the Township Attorney has provided the disclosure of political contributions required pursuant to P.L. 2005, c. 271 at least 10 days prior to award of the Professional Services Agreement; and

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**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for these services,

**NOW, THEREFORE, BE IT RESOLVED**, as follows, that:

The Township Council hereby authorizes the 2008 Professional Services Agreement with the Township Attorney, upon the same terms and conditions as contained in the prior year's Agreement; and

The Business Entity Certificate and Disclosure, together with the Determination of Value, be placed on file with this Resolution; and

The Professional Services Agreement is being awarded as a professional service, pursuant to N.J.S.A. 40A:11-1 et seq. and without competitive bidding because the Services are performed by persons authorized by law to practice a recognized profession; and

A notice of this award be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

\* **Authorizing an Agreement with St. Clare's Community Care, a Member of Saint Clare's Health Services, for the Provision of Certain Health Clinic Services**

**BE IT RESOLVED** by the Township Council, acting as the Board of Health of the Township of Parsippany-Troy Hills, Morris County, New Jersey, as follows:

**WHEREAS**, the Board of Health wishes to provide certain public health services to residents of the Township, and Saint Clare's Community Care, a member of Saint Clare's Health Services has offered to provide such services, particularly described and upon terms and conditions set forth in a certain Agreement on file with the Township Clerk, which terms and conditions are incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby approve the above referenced Agreement by and between the Township of Parsippany-Troy Hills and Saint Clare's Hospital, Inc. and authorizes the Mayor and the Township Clerk to execute that agreement.

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\* **Appointing Risk Management Consultant**

**WHEREAS**, the Township of Parsippany-Troy Hills (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

**WHEREAS**, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the Fund; and

**WHEREAS**, the Fund has requested its members to appoint individuals or entities to that position.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey as follows:

1. The Township hereby appoints Brown and Brown Metro, Inc. with offices located at 26 Columbia Turnpike, Florham Park, New Jersey 07932 as its local Risk Management Consultant.
2. The Township Council of the Township of Parsippany-Troy Hills hereby authorizes the Mayor and Township Clerk to execute the Risk Management Consultant’s Agreement for the year 2008 in the form on file in the office of the Township Clerk.

\* **Granting Extension – Soil Moving Application, 20 Lanidex Associates, L.P., Block 226, Lot 3.02**

**WHEREAS**, 20 Lanidex Associates, L.P.’s predecessor-in-interest, MSGW Real Estate Fund, L.L.C., through its managing agent, Gale & Wentworth Property Group, Inc., obtained a major soil moving permit on April 13, 1999 in conjunction with a major site plan for Block 226, Lot 3.02; and

**WHEREAS**, several extensions were granted by the Planning Board of the Township of Parsippany-Troy Hills for the major site plan and soil moving permit; and

**WHEREAS**, Township Council approval was not obtained as part of those extensions; and

**WHEREAS**, 20 Lanidex Associates, L.P. has requested an additional one year extension to March 15, 2009 from the Planning Board; and

**WHEREAS**, the Planning Board recommends the granting of the one year extension; and

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**WHEREAS**, 20 Lanidex Associates, L.P. has indicated that the reason for the request is that market conditions have not been favorable to complete the soil moving operations and site plan; and

**WHEREAS**, the conditions of the original approval shall remain in effect;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby grants an extension of the major soil moving permit to March 15, 2009.

This Resolution shall take effect immediately.

\* **Tax Appeal Settlement - RA 119 Cherry Hill Rd. LLC, Block 411, Lot 16, 119 Cherry Hill Road**

**WHEREAS**, RA 119 CHERRY HILL RD. LLC occupies certain property located on 119 Cherry Hill Road and known as Block 411, Lot 16; and

**WHEREAS**, RA 119 CHERRY HILL RD. LLC filed appeals to the Tax Court of New Jersey for said premises for the years 2005 through 2007; and

**WHEREAS**, the parties have engaged in settlement negotiations; and

**WHEREAS**, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

**WHEREAS**, RA 119 CHERRY HILL RD. LLC, has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

**WHEREAS**, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

**WHEREAS**, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, as follows:

1. The taxpayer has agreed to withdraw its 2005 tax appeal for Block 411, Lot 16, located at 119 Cherry Hill Road filed under Docket No. 004342-2005.

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2. The taxpayer has agreed to withdraw its 2006 tax appeal for Block 411, Lot 16, located at 119 Cherry Hill Road filed under Docket No. 000389-2006
3. Settlement of the 2007 tax appeal for Block 411, Lot 16, located at 119 Cherry Hill Road filed under Docket No. 000979-2007 is hereby authorized as follows:

	<b><u>Original Assessment</u></b>	<b><u>Settlement Amount</u></b>
<b>LAND</b>	<b>\$ 5,646,000</b>	<b>\$ 5,646,000</b>
<b>IMPROVEMENTS</b>	<b><u>\$ 5,354,000</u></b>	<b><u>\$ 3,354,000</u></b>
<b>TOTAL</b>	<b>\$ 11,000,000</b>	<b>\$ 9,000,000</b>

4. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

\* **Tax Appeal Settlement - RA 99 Cherry Hill Rd. LLC, Block 411, Lot 16.01, 99 Cherry Hill Road**

**WHEREAS**, RA 99 CHERRY HILL RD. LLC occupies certain property located on 99 Cherry Hill Road and known as Block 411, Lot 16.01; and

**WHEREAS**, RA 99 CHERRY HILL RD. LLC filed appeals to the Tax Court of New Jersey for said premises for the years 2005 through 2007; and

**WHEREAS**, the parties have engaged in settlement negotiations; and

**WHEREAS**, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

**WHEREAS**, RA 99 CHERRY HILL RD. LLC, has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

**WHEREAS**, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

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**WHEREAS**, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, as follows:

5. The taxpayer has agreed to withdraw its 2005 tax appeal for Block 411, Lot 16.01, located at 99 Cherry Hill Road filed under Docket No. 004342-2005.
6. The taxpayer has agreed to withdraw its 2006 tax appeal for Block 411, Lot 16.01, located at 99 Cherry Hill Road filed under Docket No. 000386-2006
7. Settlement of the 2007 tax appeal for Block 411, Lot 16.01, located at 99 Cherry Hill Road filed under Docket No. 000977-2007 is hereby authorized as follows:

	<u>Original Assessment</u>	<u>Settlement Amount</u>
<b>LAND</b>	<b>\$ 5,299,200</b>	<b>\$ 5,299,200</b>
<b>IMPROVEMENTS</b>	<b>\$ 5,200,800</b>	<b>\$ 3,200,800</b>
<b>TOTAL</b>	<b>\$ 10,500,000</b>	<b>\$ 8,500,000</b>

8. All municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

\* **Tax Appeal Settlement - PW/MS OP SUB 1, LLC, Block 202, Lot 1.6, 5 Century Drive**

**WHEREAS**, PW/MS OP SUB 1, LLC occupies certain property located on 5 Century Drive and known as Block 202, Lot 1.6; and

**WHEREAS**, PW/MS OP SUB 1, LLC filed appeals to the Tax Court of New Jersey for said premises for the years 2003 and 2004; and

**WHEREAS**, the parties have engaged in settlement negotiations; and

**WHEREAS**, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

**WHEREAS**, PW/MS OP SUB 1, LLC, has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

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**WHEREAS**, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

**WHEREAS**, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and the State of New Jersey as follows:

1. Settlement of the 2003 tax appeal for Block 202, Lot 1.6, located at 5 Century Drive filed under Docket No. 2148-2003 is hereby authorized as follows:

	<b>Original Assessment</b>	<b>Settlement Amount</b>
<b>LAND</b>	<b>\$ 3,486,000</b>	<b>\$ 3,486,000</b>
<b>IMPROVEMENTS</b>	<b><u>\$ 7,025,300</u></b>	<b><u>\$ 5,799,900</u></b>
<b>TOTAL</b>	<b>\$10,511,300</b>	<b>\$ 9,285,900</b>

2. Settlement of the 2004 tax appeal for Block 202, Lot 1.6, located at 5 Century Drive filed under Docket No. 1303-2004 is hereby authorized as follows:

	<b>Original Assessment</b>	<b>Settlement Amount</b>
<b>LAND</b>	<b>\$ 3,486,000</b>	<b>\$ 3,486,000</b>
<b>IMPROVEMENTS</b>	<b><u>\$ 7,025,300</u></b>	<b><u>\$ 6,084,900</u></b>
<b>TOTAL</b>	<b>\$10,511,300</b>	<b>\$ 9,570,900</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

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\* **Tax Appeal Settlement - PW/MS OP SUB 1, LLC, Block 202, Lot 1.2, 4 Century Drive**

**WHEREAS**, PW/MS OP SUB 1, LLC occupies certain property located on 4 Century Drive and known as Block 202, Lot 1.2; and

**WHEREAS**, PW/MS OP SUB 1, LLC filed appeals to the Tax Court of New Jersey for said premises for the years 2003 and 2004; and

**WHEREAS**, the parties have engaged in settlement negotiations; and

**WHEREAS**, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

**WHEREAS**, PW/MS OP SUB 1, LLC, has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

**WHEREAS**, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

**WHEREAS**, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and the State of New Jersey as follows:

3. Settlement of the 2003 tax appeal for Block 202, Lot 1.2, located at 4 Century Drive filed under Docket No. 2175-2003 is hereby authorized as follows:

	<b>Original Assessment</b>	<b>Settlement Amount</b>
<b>LAND</b>	<b>\$ 4,777,200</b>	<b>\$ 4,777,200</b>
<b>IMPROVEMENTS</b>	<b><u>\$ 8,647,600</u></b>	<b><u>\$ 7,110,300</u></b>
<b>TOTAL</b>	<b>\$13,424,800</b>	<b>\$11,887,500</b>

4. Settlement of the 2004 tax appeal for Block 202, Lot 1.2, located at 4 Century Drive filed under Docket No. 1301-2004 is hereby authorized as follows:

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	<b>Original Assessment</b>	<b>Settlement Amount</b>
<b>LAND</b>	<b>\$ 4,777,200</b>	<b>\$ 4,777,200</b>
<b>IMPROVEMENTS</b>	<b><u>\$ 8,647,600</u></b>	<b><u>\$ 7,467,800</u></b>
<b>TOTAL</b>	<b>\$13,424,800</b>	<b>\$12,245,000</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

\* **Tax Appeal Settlement - PW/MS OP SUB 1, LLC, Block 202, Lot 1.4, 6 Century Drive**

**WHEREAS**, PW/MS OP SUB 1, LLC occupies certain property located on 6 Century Drive and known as Block 202, Lot 1.4; and

**WHEREAS**, PW/MS OP SUB 1, LLC filed appeals to the Tax Court of New Jersey for said premises for the years 2003 and 2004; and

**WHEREAS**, the parties have engaged in settlement negotiations; and

**WHEREAS**, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

**WHEREAS**, PW/MS OP SUB 1, LLC, has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

**WHEREAS**, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

**WHEREAS**, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and the State of New Jersey as follows:

5. Settlement of the 2003 tax appeal for Block 202, Lot 1.4, located at 6 Century Drive filed under Docket No. 2150-2003 is hereby authorized as follows:

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	<b>Original Assessment</b>	<b>Settlement Amount</b>
<b>LAND</b>	<b>\$ 4,438,200</b>	<b>\$ 4,438,200</b>
<b>IMPROVEMENTS</b>	<b><u>\$ 9,464,300</u></b>	<b><u>\$ 7,927,000</u></b>
<b>TOTAL</b>	<b>\$13,902,500</b>	<b>\$12,365,200</b>

6. Settlement of the 2004 tax appeal for Block 202, Lot 1.4, located at 6 Century Drive filed under Docket No. 1302-2004 is hereby authorized as follows:

	<b>Original Assessment</b>	<b>Settlement Amount</b>
<b>LAND</b>	<b>\$ 4,438,200</b>	<b>\$ 4,438,200</b>
<b>IMPROVEMENTS</b>	<b><u>\$ 9,464,300</u></b>	<b><u>\$ 8,284,500</u></b>
<b>TOTAL</b>	<b>\$13,902,500</b>	<b>\$12,722,700</b>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

\* **Authorizing Refund of Overpayment of 2007 Taxes – Block 757, Lot 54**

**WHEREAS**, the Township Tax Assessor, Daniel Cassese, was informed by the Planning Board Secretary on January 31, 2006 that Final Map # 01:016C was signed for Block 757, Lot 54 which created two additional lots Lots, 54.01 and 54.02. The Tax Assessor then assessed these two additional lots for tax year 2007. In December, 2007 the Tax Assessor was notified by the Township Engineer, Michael Pucilowski, that the subdivision had only preliminary approvals and a final map had not been signed yet: and

**WHEREAS**, the owners of Block 757, Lot 54, Mr. Joseph Lembo and Mr. Dominic Barone paid 2007 taxes for all three lots that totaled \$17,089.03; and

**WHEREAS**, the 2007 taxes for the original lot, prior to the subdivision, would have been \$9,393.48. The Tax Assessor was incorrect in placing an assessment on the new lots because a Final Major Subdivision Map had not been signed; and

**WHEREAS**, the Township shall refund to the owners the overpayment of 2007 taxes in the amount of \$7,695.55 (\$17,089.03 less \$9,393.48).

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**NOW, THEREFORE, BE IT RESOLVED** by the Township of Parsippany-Troy Hills that the resolution; and

**BE IT FURTHER RESOLVED**, that said taxes be refunded to the owner of the property.

\* **Authorizing the Township Assessor to Take Certain Actions to Prosecute and Defend Tax Appeals**

**WHEREAS**, certain lots and parcels of property located in the Township of Parsippany-Troy Hills are not assessed at an amount reflecting their fair and full value; and

**WHEREAS**, the assessments of such properties must be revised to reflect their fair and full value;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, as follows:

1. The Township Assessor is hereby authorized to execute petitions of appeal by the Township of Parsippany-Troy Hills to the Morris County Board of Taxation in all cases where the assessment, as certified by the Morris County Board of Taxation for the year 2008, does not reflect the true value of the property assessed; and, he is further authorized to do and take any and all other action or actions that may be required to prosecute the same to final determination.
2. The Township Assessor is hereby authorized to direct the filing, by the municipal tax counsel, of appeals to the Tax Court, answers and counterclaims, and such other pleadings as he may deem necessary to ensure the assessment of property at full and fair value.
3. This resolution shall take effect immediately.

\* **Canceling Outstanding Checks Totaling \$206.11 in the Municipal Court General Account to Fund Balance in the Current Account**

**WHEREAS**, the Municipal Court general account has several outstanding checks totaling \$206.11; and

**WHEREAS**, the Township's Court Administrator recommends that these checks be reviewed for re-issuance or cancellation;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following checks be cancelled to fund balance in the current fund;

3173	\$ 10.00	9/6/2006	Rafael B. Mofeno
3174	1.00	9/6/2006	Joseph Aponte

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3175	6.00	9/7/2006	Thomas P. Bruzgis Jr.
3189	20.00	9/18/2006	Qin Y. Lin
3191	5.00	9/19/2006	Dennis E. Vonick
3195	1.00	9/22/2006	Abdulaziz Hammoud
3205	5.00	10/4/2006	Jack Mroz
3219	5.00	10/17/2006	Thomas Castellano
3220	1.00	10/18/2006	Sheila Brown
3237	1.00	11/17/2006	William Rizer
3239	4.00	11/17/2006	Charles J. Litz II
3242	1.00	11/27/2006	Keith A. Hunkele
3243	10.00	12/4/2006	Hemantha K. Paruathdra
3255	16.00	12/15/2006	Alfredo Paredes
3260	4.00	12/21/2006	Edgar Gonzalez
3261	1.00	12/26/2006	Aul Higginbotham
3264	50.00	1/8/2007	Foodtown
3265	1.00	1/9/2007	Jennifer R. Porowski
3284	0.01	2/5/2007	Zhong Chen
3294	5.00	2/13/2007	Jilani B. Atchukatla
3296	1.00	2/13/2007	Cary S. Goed
3297	1.00	2/16/2007	Elaine Giardinis
3300	1.00	2/16/2007	Willis H. Johnson
3303	2.00	3/5/2007	Pravin G. Sutaria
3315	10.00	3/13/2007	Jeffrey L. Heath
3316	10.00	3/1/2007	Giuseppe Schepis
3318	1.00	3/26/2007	Marcin B. Agas
3322	20.00	3/26/2007	Octavio Cuevas
3325	0.60	4/3/2007	Linda B. Zimmerman
3336	4.50	4/12/2007	Mark S. Ball
3337	1.00	4/12/2007	James V. Ware
3340	1.00	4/12/2007	Ronda J. Drobnis
3347	5.00	4/23/2007	Carlos A. Cuelleor
3348	1.00	4/26/2007	Doris K. Quellette
TOTAL	\$ 206.11		

\* **Canceling Outstanding Checks Totaling \$1,099 in the Municipal Court Bail Account to Fund Balance in Current Fund**

**WHEREAS**, the Municipal Court bail account has several outstanding checks totaling \$1,099.00; and

**WHEREAS**, the Township's Court Administrator recommends that these checks be reviewed for re-issuance or cancellation;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following checks be cancelled to fund balance in the current fund;

**REGULAR TOWNSHIP COUNCIL MEETING JANUARY 29, 2008**

11132	\$13.00	4/23/2004	Thomas Hall
12605	17.00	1/27/2006	Frank Califre
12642	17.00	2/8/2006	Vincent R.Castelli
12675	12.00	2/17/2006	Sean Bowman
12751	75.00	3/22/2006	Smith R. Patel
12859	120.00	4/20/2006	David Reid
12971	17.00	6/2/2006	Christopher Slater
13067	32.00	7/6/2006	J. Fernandez Anand
13164	500.00	8/11/2006	Subramanian
13188	9.00	8/17/2006	Eddie Torres
13282	7.00	9/27/2006	Toni Colotta
13291	53.00	9/28/2006	Abram Shaida
13373	50.00	11/1/2006	Sylvia Berzinski
13546	2.00	1/22/2007	Bin-Rui Cai
13690	82.00	3/21/2007	Andrew Cypes
13742	92.00	4/12/2007	M. Whitehouse
13763	1.00	4/20/2007	Brian C. Fox
TOTAL	\$1,099.00		

\* **Refund of Application Fee in Connection with Variance Application # 07:103, 88 N. Beverwyck Road, Block 520, Lot 20**

**WHEREAS**, on December 7, 2007, Theresa Fisher submitted to the Board of Adjustment of the Township of Parsippany-Troy Hills a Variance Application (No. 07:103) with the applicable filing fee in connection with the establishment of a dog grooming business on Block 520, Lot 20, also known as 88 North Beverwyck Road, in the Township of Parsippany-Troy Hills; and

**WHEREAS**, the Board of Adjustment recommended to the Township Council via an interoffice memorandum dated January 16, 2008 that the \$250.00 filing fee be refunded as the application was withdrawn;

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the \$250.00 filing fee submitted by Theresa Fisher in connection with Variance Application No. 07:103 be refunded as recommended by the Board of Adjustment.

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**APPLICATION(S):**

**License(s):**

- \* Limousine Owner's License – New  
El-Shymaa, Inc. t/a Prestige Limo VIP, 755 Route 46 East (2 Vehicles)  
Airlinks Limousine and Taxi, LLC, 239 New Road (1 Vehicle)

**REGULAR TOWNSHIP COUNCIL MEETING JANUARY 29, 2008**

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following new Limousine Owner's License be issued for the year 2008:

**AIRLINKS LIMOUSINE AND TAXI, LLC**

239 New Road, Suite C-208  
Parsippany, NJ 07054  
(1 vehicle)

**El-Shymaa, Inc.**

**d/b/a/ PRESTIGE LIMO VIP**  
755 Route 46 East  
Parsippany, NJ 07054  
(2 vehicles)

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**MINUTES FOR APPROVAL (NON CONSENT):**

Council President Cesaro moved the approval of the **Agenda Meeting of 12/11/07** (Present Council Members dePierro, Grossi, and Cesaro), seconded by Mr. dePierro.

ROLL CALL: YES - Council Members dePierro, Grossi and Cesaro

Council President Cesaro moved the approval of the **Regular Meeting of 12/18/07** (Present Council Members dePierro, and Cesaro), seconded by Mr. dePierro.

ROLL CALL: YES - Council Members dePierro and Cesaro  
ABSTAIN – Council Member Grossi

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Prior to adjournment, Council President Cesaro asked the Council Members to bring their calendars to the next meeting so that budget review meetings could be scheduled. Ms. Lim updated the Council as to the status of the 2008 Budget. Council President Cesaro also asked for suggestions as to how to make the budget meetings more public friendly.

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**REGULAR TOWNSHIP COUNCIL MEETING JANUARY 29, 2008**

The meeting adjourned at 8:20 p.m.

Respectfully submitted,

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Judith I. Silver, Township Clerk

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John Cesaro Council President

Minutes approved: February 26, 2008