

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

**July 14, 2009**

**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 2, 2008 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 9, 2008. A 2009 meeting schedule was forwarded by fax to other local newspapers and local radio stations on December 2, 2008.**

**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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The Council reviewed the agenda and agreed to add a resolution awarding the bid for Reconstruction of Elmwood Drive and Allentown Road.

Regarding the resolution authorizing the application for the Climate Showcase Communities Grant Program, Ms. Lim advised that the Township is having a difficult time, noting that the grant is due on July 22, 2009. She is not sure if the application will be completed by that date as there is a lot of technical and complicated information required. The Administration, per Ms. Lim, has reached out to a few engineering companies. Additionally, she explained that the application was to be for the Sewer Treatment Plant Redesign Project, but she is not sure that what we are doing is innovative enough to get this discretionary grant, which is highly competitive. She does not want to incur the expense of hiring a consultant to put the application together when there is not a very good chance of being awarded the grant. She advised, however, that she would still like the Council to authorize the application just in case the application can be completed.

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**NOTES:**

8/11/09 @ 7:30 p.m.            Agenda Meeting  
Public Invited – Public Participation

8/18/09 @ 7:30 p.m.            Regular Meeting  
Public Invited – Public Participation

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**BID(S) TO BE TAKEN:**

7/16/09 @ 11:00 a.m.            Reconstruction of Curbs and Sidewalks at Various  
Locations – 2009

7/23/09 @ 11:00 a.m.            Union Hill Road Reconstruction Project

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

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

None

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**ORDINANCE(S):**

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

**ORDINANCE 2009:29**

**AN ORDINANCE AMENDING  
ORDINANCE #2009:21 ENTITLED AN  
ORDINANCE ESTABLISHING WHITE  
COLLAR SALARY RANGES FOR THE  
TOWNSHIP OF PARSIPPANY-TROY  
HILLS (2009) (ASSISTANT WATER  
SUPERINTENDENT)**

The following resolution was offered by Mr. Barberio, seconded by Ms. Grossi:

**BE IT RESOLVED** that “**AN ORDINANCE AMENDING ORDINANCE #2009:21 ENTITLED AN ORDINANCE ESTABLISHING WHITE COLLAR SALARY RANGES FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS (2009)**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

**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 Barberio, dePierro, Fox, Grossi and Cesaro

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**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

**PUBLIC HEARING:**

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

**Bob Burns, Mt. Tabor**, noted that he has been a Fire Commissioner in District 1 for the last 24 years. He explained that the Township Engineer, the Fire Chief and Mt. Tabor residents spent two years working on a parking ordinance for Mt. Tabor. The ordinance was adopted one year ago, but as of today, half of the signage still has not been posted. He noted that it is difficult to get the Police Department to enforce the ordinance when there are no signs. People continue to park where they want and fire trucks and ambulances cannot get through. Ms. Lim advised that she would check with the Director of Public Works as to the status of the signage and advise Mr. Burns.

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

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

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**CONSENT AGENDA:**

All items 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. dePierro moved the approval of the Consent Agenda, seconded by Mr. Barberio:

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

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**BID AWARD(S):**

\* **Supervisory Control and Data Acquisition (SCADA) System Upgrade and Entin Road Radio Link**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Supervisory Control and Data Acquisition (SCADA) System Upgrade and Entin Road Radio Link on June 4, 2009, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Water Superintendent have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Remote Automation Solutions, 1100 Buckingham Street, Watertown, CT 06795 for a Total Bid Price of \$94,976.00, and

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

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

Water Capital Ordinance #'s 2008:14 adopted May 13, 2008 and 2007:19 adopted July 24, 2007, both entitled, "Various Improvements."

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Supervisory Control and Data Acquisition (SCADA) System Upgrade and Entin Road Radio Link 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.

\* **Lease of Public Property (Lease Rights – Antennae on Water Storage Facilities)**

**WHEREAS**, the Township of Parsippany-Troy Hills ("Township") desires to maximize the use of its property by generating recurring revenues for the lease of space on water towers to cell phone companies; and

**WHEREAS**, after public advertisement, the Township received bids on June 11, 2009 for the Leasing of Antennae Space on the water towers on Lackawanna Avenue (two bids) and on Pomeroy Road (one bid), as follows:

Omnipoint Communications, Inc.  
4 Sylvan Way  
Parsippany, New Jersey 07054 (Lackawanna Avenue only); and

Metro PCS New York LLC  
5 Skyline Drive  
Hawthorne, NY 10532 (two bids, Lackawanna Avenue and Pomeroy Road); and

**WHEREAS**, the bids have been reviewed by the Township Attorney and the Purchasing Director; and

**WHEREAS**, the bid submitted by Omnipoint Communications, Inc. complies in all material respects with the bid specifications issued by the Township; and

**WHEREAS**, the two bids submitted by Metro PCS New York LLC contained several exceptions to the provisions of the proposed Lease Agreement included as part of the bid specifications which are to be negotiated by Metro PCS New York LLC in a form to be approved by the Township Attorney; and

**WHEREAS**, the award of leases to Omnipoint Communications, Inc. and Metro PCS New York LLC for the use of space not needed for municipal purposes on the water towers on Lackawanna Avenue and Pomeroy Road will provide recurring revenues for the Township;

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills as follows:

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(1) That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and

(2) That the bid submitted by Omnipoint Communications, Inc. is hereby accepted and a lease shall be awarded to Omnipoint Communications, Inc. in accordance with the bid specifications, and the Mayor is hereby authorized to execute such lease on behalf of the Township; and

(3) That the two bids submitted by Metro PCS New York LLC are hereby accepted, that the lease(s) shall be awarded to Metro PCS New York LLC, and that the Mayor shall be authorized to execute such leases contingent upon final approval of the Township Attorney of the lease formats and the negotiated exceptions to the bid specifications; and

(4) That the Township Purchasing Director is hereby authorized to re-advertise bids for the remaining lease spaces under the bid specifications for leasing of space on the water towers.

**\* One New Adult Passenger Mini Bus with 2 Wheelchair Positions and 24 Ambulatory or 28 Ambulatory Passengers**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for One New Adult Passenger Mini Bus with 2 Wheelchair Positions and 24 Ambulatory or 28 Ambulatory Passengers on June 11, 2009, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Director of Public Works have reviewed the bids received and recommend award to the lowest responsible bidder, American Bus & Coach LLC, 2595 East State Street, Trenton, NJ 08619 for a Final Bid Price of \$81,332.00, 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 One New Adult Passenger Mini Bus with 2 Wheelchair Positions and 24 Ambulatory or 28 Ambulatory Passengers 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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**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

**RESOLUTION(S):**

**\* Authorizing an Amendment to the Agreement with Saint 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 Township entered into an agreement with Saint Clare's Community Care, a member of Saint Clare's Health Services, for health services approved by resolution dated February 24, 2009; and

**WHEREAS**, the Township wishes to add an addenda to the original agreement to include additional screenings previously provided by Chilton Memorial Hospital; and

**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 the terms and conditions set forth in the addenda to the original agreement on file with the Township Clerk.

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

**\* Authorizing the Application for the Climate Showcase Communities Grant Program**

**WHEREAS**, the U.S. EPA Climate Showcase Communities Grant Program presents the Township of Parsippany-Troy Hills with a unique opportunity to reduce greenhouse gas emissions while achieving additional environmental, economic, public health, and/or community benefits; and

**WHEREAS**, the Township of Parsippany-Troy Hills strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

**WHEREAS**, the Township of Parsippany-Troy Hills fully supports the goals of the New Jersey Energy Master Plan, which aims at reducing energy consumed by 20% by the year 2020 and reducing the demand for electricity at peak load periods; and

**WHEREAS**, the Township is a member of ICLEI-Local Governments for Sustainability and committed to climate protection and sustainability; and

**NOW, THEREFORE, BE IT RESOLVED**, that Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, authorizes the submission of an application for up to \$500,000 in Climate Showcase Communities Grant Funds; and

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

**BE IT FURTHER RESOLVED**, that the appropriate officials are authorized to execute any agreements and assurances relating to the Climate Showcase Communities Grant Program

\* **Authorizing a Service Agreement with Rutgers, The State University of New Jersey, for the Preparation of an Energy Efficiency and Conservation Strategy/Comprehensive Energy Plan**

**WHEREAS**, the Township of Parsippany-Troy Hills is eligible for U.S. Department of Energy funds under the Energy Efficiency and Conservation Block Grant (EECBG) Program; and

**WHEREAS**, the Township has submitted an application for such funding; and

**WHEREAS**, the EECBG Program requires the preparation of an Energy Efficiency and Conservation Strategy; and

**WHEREAS**, EECBG Program funds may be utilized to prepare an Energy Efficiency and Conservation Strategy; and

**WHEREAS**, Rutgers has proposed to prepare an Energy Efficiency and Conservation Strategy and Comprehensive Energy Plan for \$20,000.00; and

**WHEREAS**, a service agreement with a governmental agency is exempt from the Local Public Contracts Law pursuant to 40A:11-5 (2).

**NOW THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into an agreement with Rutgers, the State University of New Jersey for the preparation of an Energy Efficiency and Conservation Strategy and Comprehensive Energy Plan for \$20,000.00

\* **Making Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-26 (e) and For the Approval of the Bonds for Purposes of N.J.S.A. 58:11B-9(a) (Environmental Infrastructure Trust Projects – S. Beverwyck #1 Pump Station, 16” Water Main Farney Pump Station and I-287 Water Tank Repainting)**

**WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY** (the “Township”), desires to make application to the Local Finance Board for its review and consent to non-conforming maturity schedules pursuant to N.J.S.A. 40A:2-26(e) and approval pursuant to N.J.S.A 58:11B-9(a) of the issuance of bonds by the Township to the New Jersey Environmental Infrastructure Trust in connection with the Township's participation in the New Jersey Environmental Infrastructure Trust Program for the Township's South Beverwyck #1 Pump Station Replacement, 16” Water Main Farney Pump Station and I-287 Water Storage Tank Repainting projects.

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**WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS** believes:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purposes or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY,** as follows:

Section 1. The Application to the Local Finance Board is hereby approved, and the Township's Clerk, Administrator, Chief Financial Officer, Bond Counsel and Auditor along with other representatives of the Township, are hereby authorized to prepare such Application, to file such Application with the Local Finance Board and to represent the Township in matters pertaining thereto (including any related matters which may arise in the course of the Local Finance Board's review of the Application).

Section 2. The Township Clerk is hereby directed to prepare and file a copy of this resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such Application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

\* **Authorizing the Execution of An Amendment to the Developer's Agreement with Campus Realty Associates, L.L.C., Block 202, Lot 1.13 and 1.14, 14 and 22 Sylvan Way**

**WHEREAS,** Parsippany Campus Realty Associates, L.L.C. is the owner of Lots 1.13 and 1.14, in Block 202, as shown on the Tax Maps of the Township of Parsippany-Troy Hills; and

**WHEREAS,** the Planning Board granted Minor Subdivision Approval and Amended Final Site Plan Approval of the Subdivision/Site plan entitled "Amended Final Site Plan & Minor Subdivision Application for Mack-Cali Business Campus," prepared by Paulus, Sokolowski & Sartor, Consulting Engineers and last revised on May 10, 2007 by Resolution dated June 18, 2007 in Case No. 07:004/07:507; and

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

**WHEREAS**, the Developer is required to enter into an agreement with the Township providing such reasonable conditions as the Township finds necessary to assure that the required improvements shall be properly installed and will function so as not to create any nuisance or conditions adverse to the public interest and that the required bonds shall be posted as provided in the Township's Land Use Ordinance, as amended.

\* **Amending Adopted Budget – NJDEP Clean Communities Entitlement – FY 2009**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2009 in the sum of \$17,942.27 which item is now available as revenue from:

State of New Jersey  
Department of Environmental Protection  
Clean Communities Entitlement- FY 2009

**BE IT FURTHER RESOLVED** that a like sum of \$ 17,942.27 and the same is hereby appropriated in the Current Fund under the caption of:

State of New Jersey  
Department of Environmental Protection  
Clean Communities Entitlement- FY 2009

\* **Amending Adopted Budget – NJ Division of Highway Traffic Safety – Pedestrian Safety Program**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government

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Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2009 in the sum of \$ 5,400.00 which item is now available as revenue from:

State of New Jersey, Division of Highway Traffic Safety  
Pedestrian Safety Program

**BE IT FURTHER RESOLVED** that a like sum of \$ 5,400.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey, Division of Highway Traffic Safety  
Pedestrian Safety Program

\* **Amending Adopted Budget – NJ Division of Motor Vehicles Alcohol Education Rehab Enforcement Fund**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2009 in the sum of \$ 1,670.74 which item is now available as revenue from:

State of New Jersey, Division of Motor Vehicles  
Alcohol Education Rehab Enforcement Fund

**BE IT FURTHER RESOLVED** that a like sum of \$ 1,670.74 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey, Division of Motor Vehicles  
Alcohol Education Rehab Enforcement Fund

\* **Amending Adopted Budget – National Highway Traffic Safety (NHTSA) Section 402, State and Community Highway Safety, Obey the Signs or Pay the Fines**

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

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2009 in the sum of \$ 4,000.00 which item is now available as revenue from:

National Highway Traffic Safety (NHTSA) Section 402  
State and Community Highway Safety  
Obey the Signs or Pay the Fines

**BE IT FURTHER RESOLVED** that a like sum of \$ 4,000.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

National Highway Traffic Safety (NHTSA) Section 402  
State and Community Highway Safety  
Obey the Signs or Pay the Fines

\* **Requesting Approval of the Director of the Division of Local Government Services to Establish a Dedicated Trust by Rider for Municipal Alliance Drug and Alcohol Program Income**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2009 in the sum of \$ 1,670.74 which item is now available as revenue from:

State of New Jersey, Division of Motor Vehicles  
Alcohol Education Rehab Enforcement Fund

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

\* **Canceling Tax Sale Premium (Certificate Number 5385) to Miscellaneous Revenue Not Anticipated**

**WHEREAS**, N.J.S.A. 54:5-33 provides that tax sale premiums held by a municipality in excess of five years may be cancelled, and

**WHEREAS**, the Township of Parsippany-Troy Hills has the following tax sale premium held in excess of five years:

<u>Certificate Number</u>	<u>Date</u>	<u>Amount</u>
5385	6/20/03	\$ 200.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the above tax sale premiums be cancelled to Miscellaneous Revenue Not Anticipated in accordance with N.J.S.A. 54:5-33.

\* **Refunding Dog Adoption Fee to L. Hubinger**

**WHEREAS**, Lee Hubinger paid a \$50.00 fee to adopt a dog pursuant to §91-7 of the Code of the Township of Parsippany-Troy Hills; and

**WHEREAS**, the dog in question had been left at the animal shelter anonymously; and

**WHEREAS**, although the dog in question did not display any aggressive tendencies during the period of assessment prior to being available for adoption, once adopted the dog became aggressive; and

**WHEREAS**, Lee Hubinger has requested a refund of the adoption fee; and

**WHEREAS**, upon the advice of the Township Attorney the Township Council has determined that, under the circumstances, a refund of the adoption fee should be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that Lee Hubinger be issued a refund of the adoption fee in the amount of \$50.00.

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**APPLICATION(S):**

**License(s):**

None

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**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

**MINUTES FOR APPROVAL:**

Mr. dePierro moved the approval of the following minutes of the Township Council, seconded by Council President Cesaro:

Agenda Meeting of - 6/09/09 (Absent-Fox)

Regular Meeting of – 6/16/09 (Absent-Fox)

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

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**ORDINANCE(S):**

**Introductions**

**ORDINANCE NO. 2009:30**

**AN ORDINANCE AMENDING AND  
SUPPLEMENTING CHAPTER 385, TOWING,  
OF THE CODE OF THE TOWNSHIP OF  
PARSIPPANY-TROY HILLS (TOWING  
SERVICE FEES)**

(Attachment No. 1)

The following resolution was offered by Ms. Grossi, seconded by Mr. Barberio:

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of ParsIPPANY-Troy Hills held on **July 14, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **August 18, 2009** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

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

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**ORDINANCE NO. 2009:31**

**ORDINANCE AUTHORIZING THE  
BUSINESS ADMINISTRATOR OF THE  
TOWNSHIP OF PAR SIPPANY-TROY HILLS  
TO EXECUTE AND RENEW, AS  
NECESSARY, A LEASE WITH THE  
BUILDING MAINTENANCE  
SUPERINTENDENT OF CRAFTSMAN  
FARMS**

(Attachment No. 2)

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

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

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **July 14, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **August 18, 2009** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

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

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**ORDINANCE NO. 2009:32**

**AN ORDINANCE AMENDING CHAPTER 83, ALCOHOLIC BEVERAGES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, TO DELETE SECTIONS 83-5 AND 83-7, AND SUBPARAGRAPH A(2) OF SECTION 83-8, AS DIRECTED BY THE ADMINISTRATIVE OFFICE OF THE COURTS**

(Attachment No. 3)

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

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **July 14, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **August 18, 2009** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

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

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A motion was made by Mr. dePierro, seconded by Mr. Barberio, to add the following resolution to the agenda:

**Bid Award for the Reconstruction of Elmwood Drive/Allentown Road**

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

**Bid Award for the Reconstruction of Elmwood Drive/Allentown Road**

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

The following Resolution was offered by Mr. dePierro, seconded by Mr. Barberio:

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Elmwood Drive and Allentown Road on July 8, 2009, 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, Jenicar Builders Contractors Co., Inc., 573 Belgrove Drive, Kearny, NJ 07032 for a Total Bid Price of \$618,397.27, 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 #'s 2008:13 adopted May 13, 2008 and 2006:08 adopted May 23, 2006, both 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 Elmwood Drive and Allentown Road 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.

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

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A motion was made by Mr. dePierro, seconded by Ms. Grossi, to adopt a resolution (Attachment No. 4) to convene in closed session to discuss pending litigation.

Upon the completion of the closed session, the Council reconvened in open session.

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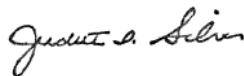
Mr. Barberio made a motion to adjourn the meeting, seconded by Mr. Fox:

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

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The meeting adjourned at 7:59 p.m.

Respectfully submitted,



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Judith I. Silver, Township Clerk



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John Cesaro, Council President

Minutes approved: August 18, 2009

**TOWNSHIP OF PARSIPPANY TROY HILLS  
MORRIS COUNTY, NEW JERSEY  
ORDINANCE NO. 2009:30**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 385, TOWING, OF  
THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

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

**SECTION 1.** Chapter 385 of the Code of the Township of Parsippany-Troy Hills is hereby amended and supplemented as follows:

- A. Section 385-6, Fee Schedules, Item A, Number 1 of the Code of the Township of Parsippany-Troy Hills is hereby amended by increasing the following Service Fees:

Service	Fee
Base Charge for Towing	
Light-duty wrecker service	\$100
Flatbed service	\$100

**SECTION 3.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

**SECTION 4.** All ordinances or parts of ordinances of the Township of Parsippany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5.** This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY TROY HILLS  
MORRIS COUNTY, NEW JERSEY  
ORDINANCE NO. 2009:31**

**ORDINANCE AUTHORIZING THE BUSINESS ADMINISTRATOR OF THE  
TOWNSHIP OF PARSIPPANY-TROY HILLS TO EXECUTE AND RENEW, AS  
NECESSARY, A LEASE WITH THE BUILDING MAINTENANCE SUPERINTENDENT  
OF CRAFTSMAN FARMS**

**WHEREAS**, the Township of Parsippany-Troy Hills is the owner of Craftsman Farms, known on the Official Tax Map of the Township of Parsippany-Troy Hills as Block 25, Lot 31, and

**WHEREAS**, these premises require the attention of a caretaker, and

**WHEREAS**, the Township desires to execute a lease agreement with the building maintenance superintendent who will reside in the premises known as Craftsman Farms, Cottage 2, 2352 Route 10 West, Morris Plains, NJ 07950; and

**WHEREAS**, the Township pursuant to N.J.S.A. 40A:12-15 has the authority to enter into this lease;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Parsippany-Troy Hills to authorize the Business Administrator, on behalf of the Township as Landlord, to execute and renew the aforementioned lease as is necessary.

**TOWNSHIP OF PARSIPPANY TROY HILLS  
MORRIS COUNTY, NEW JERSEY  
ORDINANCE NO. 2009:32**

**AN ORDINANCE AMENDING CHAPTER 83, ALCOHOLIC BEVERAGES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, TO DELETE SECTIONS 83-5 AND 83-7, AND SUBPARAGRAPH A(2) OF SECTION 83-8, AS DIRECTED BY THE ADMINISTRATIVE OFFICE OF THE COURTS.**

**WHEREAS**, Section 83-5 of the Code of the Township of Parsippany-Troy Hills (the “Code”) prohibits the purchase of alcoholic beverages or the misstatement of one’s age for the purpose of purchasing alcoholic beverages by a person under the legal age for purchasing alcoholic beverages (“underage person”), prohibits any person from purchasing alcoholic beverages for an underage person, and prohibits the parent or guardian of an underage person from permitting that underage person to purchase or consume alcohol in a premises licensed to serve alcohol; and

**WHEREAS**, Section 83-7 of the Code prohibits an underage person from possessing, serving, selling, or consuming alcoholic beverages in any public place, but does not apply to employees of an establishment holding a liquor license; and

**WHEREAS**, Section 83-8(A.)(2) of the Code prohibits the consumption of alcoholic beverages in a private motor vehicle; and

**WHEREAS**, the State of New Jersey Administrative Office of the Courts notified the Court Administrator of the Parsippany-Troy Hills Municipal Court that these sections of the Code are preempted by State law, and should be repealed,

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

**SECTION 1.** Chapter 83 of the Code of the Township of Parsippany-Troy Hills is hereby amended by repealing and deleting Section 83-5, “Persons under the legal drinking age,” of the Code of the Township of Parsippany-Troy Hills.

**SECTION 2.** Chapter 83 of the Code of the Township of Parsippany-Troy Hills is hereby amended by repealing and deleting Section 83-7, “Possession, service, sale or consumption of alcoholic beverages in public places by persons under the legal age prohibited,” of the Code of the Township of Parsippany-Troy Hills.

**SECTION 3.** Chapter 83 of the Code of the Township of Parsippany-Troy Hills is hereby amended by repealing and deleting subparagraph A(2) of Section 83-8, “Prohibited locations for consumption or possession,” of the Code of the Township of Parsippany-Troy Hills.

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

Attachment No. 3  
Page 2 of 2

**SECTION 4.** If any section, subsection, paragraph, subparagraph, sentence, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

**SECTION 5.** All ordinances or parts of ordinances of the Township of Parsippany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed only to the extent of such inconsistency.

**SECTION 6.** This ordinance shall take effect immediately upon its final passage and publication as provided by law.

**REGULAR TOWNSHIP COUNCIL MEETING JULY 14, 2009**

Attachment No. 4  
Page 1 of 1

**RE: Pending Litigation (DEP Violations - Incinerator)**  
**DATE: July 14, 2009**  
**TIME: 7:45 p.m.**

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**MOTION BY:** Mr. dePierro  
**SECONDED BY:** Ms. Grossi

**RESOLUTION**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Council is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Township Council wishes to discuss:

**Pending Litigation**

**AND, WHEREAS**, minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the public be excluded from this meeting.

**Roll Call:**

<b>Barberio</b>	-	<b>Yes</b>
<b>dePierro</b>	-	<b>Yes</b>
<b>Fox</b>	-	<b>Yes</b>
<b>Grossi</b>	-	<b>Yes</b>
<b>Cesaro</b>	-	<b>Yes</b>

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**MOTION TO ADJOURN BY:** Mr. dePierro  
**SECONDED BY:** Mr. Barberio

**Roll Call:**

<b>Barberio</b>	-	<b>Yes</b>
<b>dePierro</b>	-	<b>Yes</b>
<b>Fox</b>	-	<b>Yes</b>
<b>Grossi</b>	-	<b>Yes</b>
<b>Cesaro</b>	-	<b>Yes</b>

**MEETING ADJOURNED: 7:58 p.m.**