

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

October 21, 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

Council Members reviewed the agenda for this evening's meeting and agreed to add the following:

(1) A resolution authorizing an escrow agreement and consent decree in connection with settlement of the Combe Fill South litigation and

(2) The introduction of Ordinance No. 2008:35, a revised ordinance amending and supplementing Chapter 225, Land Use, Subdivisions & Site Plans, Article XIV, Development Fees (COAH).

PRESENTATION - Council President Cesaro presented Achievement Award Certificates to the members, manager and coaches of the Par-Troy East 8U All Stars Baseball Team in recognition of winning the 2008 Roxbury 8U Tournament and its undefeated season.

NOTES:

11/12/08 @ 7:30 p.m. Agenda Meeting
(Wednesday) Public Invited-Public Participation

11/25/08 @ 7:30 p.m. Regular Meeting
Public Invited Public Participation

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BID(S) TO BE TAKEN:

10/23/08 @ 10:00 a.m. New Type III 100 E-Super Ambulance for the Parsippany Ambulance Squad

10/30/08 @ 10:00 a.m. Yard Waste Transportation and Disposal/Recycling

10/30/08 @ 11:00 a.m. Reconstruction of Hawkins Avenue and Condit Street – Phase I

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

None

ORDINANCE(S):

Final Consideration

Ordinance No. 2008: 20

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 225, LAND USE, SUBDIVISIONS AND SITE PLANS, ARTICLE XIV, DEVELOPMENT FEES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY- TROY HILLS

The following resolution was offered by Mr. Barberio:

WHEREAS, the above ordinance was read in title on second reading and public hearing held thereon at the Regular Township Council Meeting of August 19, 2008; and

WHEREAS, final consideration of said ordinance was tabled to the Regular Township Council Meeting of September 23, 2008 and then again to the Regular Township Council of October 21, 2008, pending approval by the Council on Affordable Housing (“COAH”) in accordance with N.J.A.C. 5:96-5.1(c); and

WHEREAS, by resolution dated September 16, 2008, COAH directed the Township to revise the development fee ordinance amendment;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be revised in accordance with COAH’s directive and that the Governing Body introduce a revised ordinance.

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“Hearing no second, Council President Cesaro indicated that the ordinance failed to be adopted.”

(Note: Ordinance No. 2008:35 incorporates revisions directed by the Council on Affordable Housing.)

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

Ordinance #2008:29

**AN ORDINANCE TO SUPPLEMENT
CHAPTER 57 ENTITLED PERSONNEL
POLICIES OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS TO DELINEATE
A MUNICIPAL VEHICLE POLICY**

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

BE IT RESOLVED that “**AN ORDINANCE TO SUPPLEMENT CHAPTER 57 ENTITLED PERSONNEL POLICIES OF THE TOWNSHIP OF PARPIPPANY – TROY HILLS TO DELINEATE A MUNICIPAL VEHICLE POLICY**” 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 to speak on any subject, noting a five-minute time limit per speaker.

Roy Messmer, 10 Drumlin Drive, questioned whether employee contracts could be renegotiated and whether the Mayor’s car will have an emblem on it. He indicated that he would like to see the volume of gas usage by employees and assurance that vehicles will be properly maintained. Council President Cesaro advised that the Mayor’s car will have a Township emblem on it. Mr. Fox expressed his view that the Mayor should decide whether or not to have an emblem on his car; it’s up to whoever the mayor is. Additionally, Mr. Fox pointed out that the Mayor represents the Township in some sensitive issues. He doesn’t think it wise to identify the chief executive officer’s vehicle. Ms. Grossi explained that the only exemption for the Mayor is that he is able to have a Township car because he is on call 24 hours a day.

Paul Sullivan, Fieldcrest Road, expressed his feeling that the Mayor should have the Township emblem on his vehicle because he is representing our town.

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Robert Kravis, Arnold Drive, suggested that the identification for the Mayor's car be removable, allowing the Mayor to use his discretion.

Joe Raich, 8 Wolf Place, commented he has no problem with the Mayor having an emblem on his car.

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

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

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

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

Ordinance #2008:30

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY- TROY HILLS IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 290-4, ENTITLED KNOLL COUNTRY CLUB UTILITY FEES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO SET FEES FOR CORPORATE MEMBERSHIPS

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

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

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

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Council President Cesaro opened the meeting to the public to speak on any subject, 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. Fox, seconded by Mr. Barberio:

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

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

Ordinance #2008:31

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY- TROY HILLS IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 290-4, ENTITLED KNOLL COUNTRY CLUB UTILITY FEES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO SET A LATE PAYMENT SURCHARGE

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

BE IT RESOLVED that “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY- TROY HILLS IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 290-4, ENTITLED KNOLL COUNTRY CLUB UTILITY FEES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO SET A LATE PAYMENT SURCHARGE**” 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 to speak on any subject, noting a five-minute time limit per speaker.

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

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

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

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

Ordinance # 2008:32

**AN ORDINANCE AMENDING ORDINANCE
#2008:18 ENTITLED AN ORDINANCE
ESTABLISHING WHITE COLLAR SALARY
RANGES FOR THE TOWNSHIP OF PARSIPPANY-
TROY HILLS (2008)**

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

BE IT RESOLVED that “**AN ORDINANCE AMENDING ORDINANCE #2008:18 ENTITLED AN ORDINANCE ESTABLISHING WHITE COLLAR SALARY RANGES FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS (2008)**” 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 to speak on any subject, 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 Council President Cesaro, seconded by Mr. Barberio:

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

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.

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

PUBLIC HEARING:

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

Robert Kravis, Arnold Drive, indicated that right behind Arnold Drive is the right-of-way for Public Service Electric & Gas (PSE&G) where the 230 kilovolt lines currently run. From what he understands, PSE&G will be constructing new 500 kilovolt lines. There will be about 18 new lines and the towers will be approximately 185 to 195 feet high. This is fine because the lines will be in the right-of-way, but he questioned the magnetic field being emitted. The existing right-of-way property is wide enough to contain the force field generated by the 230 kilovolt lines currently used, not the 500 kilovolt lines. He indicated that these transmission lines pass through residential areas as well as being close to Whippany Airport, noting planes sometimes fly over this area. He questioned if the right-of-way is wide enough to contain the force field that will be generated. Mr. Kravis explained that there were three proposed routes and, of the three, the one chosen by PSE&G passes through all residential communities. He expressed his view that this project should have more investigative research before it is approved.

Ms. Lim advised that the Township is trying to arrange for PSE&G representatives to attend a Council Meeting. Mr. Fox suggested that the Council voice its concerns to the Board of Public Utilities (BPU) through the adoption of a resolution and, perhaps, reach out to the other communities who have the same concerns to take joint action. PSE&G, per Mr. Fox, should only be doing what New Jersey needs; we don't really care about their corporate profits. Mr. Fox commented that he would be interested in knowing the location of the other routes, what areas they go through. If there is a safer route to take, this might be the route we encourage the BPU to approve.

Ms. Verrone explained that, although she hasn't confirmed the information, the preliminary indications are that the location of the lines has already been approved by the BPU. To the extent that a decision has already been made, the Council's input may not have an impact. Clearly, there are no approvals that the Council or the Township is required to provide to PSE&G. BPU regulates the transmission lines. The only approvals that may still be outstanding would be some Federal and State permits that PSE&G may need with respect to actually constructing the lines. The Township would not be involved in this. However, there would be public comment associated with those approvals.

Additional discussion ensued relative to possible Federal jurisdiction and whether the affected communities could join together to bring suit to stop the lines. Ms. Lim noted that there are a number of meetings scheduled for communities to discuss concerns; communities are trying to join together.

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Ms. Grossi indicated that she is fully supportive of any initiatives to slow the process down or to amend it so that it is more reasonable in light of the concerns expressed. Consensus of the Council is to draft a resolution that could be shared with other communities. Ms. Lim is to report back to the Council after attending the next scheduled joint meeting of concerned communities.

Dave Slaperud, 6 Highview Road, Fredon, in connection with the PSE&G project, confirmed that there will be a meeting on Thursday, October 23, 2008 to bring the communities up to speed. The Energy Master Plan Final Draft coming out tomorrow will probably contradict PSE&G's plans. He advised that the new lines are a potential security issue because of the amount of energy they will be carrying. He also confirmed that the lines would be going through wetlands as well as through the New Jersey Highlands. He doesn't know how deep PSE&G will need to drill for the monopoles, but believes it will be about 40 or 50 feet. There will be, per Mr. Slaperud, a huge environmental impact. He noted that he is involved in "Stop The Lines," a grassroots effort. Ms. Grossi suggested that local environmental advisory committees and commissions be contacted for their input and assistance.

Tom Hill, 223 Willow Road, Fredon, explained that PJM (the regional company covering 13 states and 51 million electric users) determines that certain overloads will exist and then assigns available companies to do the work and solve the problem, which in this case are PPL (Pennsylvania Power & Light) and PSE&G. Those entities must decide how they are going to proceed. He understands that PSE&G will appear before town councils and planning or zoning boards to resolve whatever issues need to be resolved so that municipalities would then be in favor of getting the project done in a timely and appropriate manner to meet PJM's demand of 2013 with the red flags of over loads. The BPU gets involved, as he understands it, if the towns don't approve a project. If the BPU indicates that the project is not needed, PJM, PPL and PSE&G can seek approval from the Federal Energy Regulatory Commission (FERC). Mr. Hill reiterated that there is a single digit need and PJM is looking at a 300% increase in power.

Roy Messmer, 10 Drumlin Drive, in connection with apartment taxation, noted that the capitalization approach, better known as the income approach, is "judge-made" law. He indicated that he could use the Township Attorney's help to find out which judge came up with this "judge-made" law. Council President Cesaro stated that while he respects Mr. Messmer's contributions to the Township, he doesn't want to waste taxpayer dollars to have our Township Attorney look up the name of the judge. Mr. Messmer indicated that he knew that there was no way that the 18% would be implemented, but he wanted to make the Council and the residents aware of the injustice and how we are subsidizing the apartments. He noted that the Township Attorney in her memorandum indicated that the "most prudent and likely only successful course of action to implement (Mr.) Messmer's proposal would be to seek a constitutional amendment to permit a different means of assessing apartment complexes." The only problem he has with

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this statement is “constitutional amendment,” noting that it was never a constitutional amendment to use the net income approach.

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

RESOLUTIONS (NON-CONSENT):

Authorizing Expenditures of Open Space Trust Fund Monies for the Bowsby-DeGelleke House

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

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

WHEREAS, the Bowsby-DeGelleke House is listed on the New Jersey and National Registers of Historic Places and is owned by the Township; and

WHEREAS, in a 2007 grant application to the County of Morris for Historic Preservation Trust Fund monies, the Township committed to matching County grant funds for the exterior restoration of the Bowsby-DeGelleke House; and

WHEREAS, at the October 16, 2007 agenda meeting of the Township Council of the Township of Parsippany, there was discussion of reserving the balance of the historic preservation portion of the 2007 Open Space Trust Fund, after an allocation of \$120,000 to the Craftsman Farms Foundation, for the Bowsby-DeGelleke House and the Littleton Schoolhouse; and

WHEREAS, bids for the exterior restoration of the Bowsby-DeGelleke House have been received and it is estimated that an additional \$142,557 may be required to complete the project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes the expenditure of \$31,765 from the historic preservation portion of the 2007 Open Space Trust Fund and \$84,921 from the historic preservation portion of the 2008 Open Space Trust Fund; and

BE IT FURTHER RESOLVED that the Township Council hereby commits to providing an additional \$25,871 from the 2009 Open Space Trust Fund subject to availability and appropriation of funds for historic preservation in 2009; and

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BE IT FURTHER RESOLVED that upon completion of the exterior restoration of the Bowsby-DeGelleke House, any unexpended monies from the 2007 and 2008 Open Space Trust Funds, shall lapse into the open space portion of the Open Space Trust Fund.

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

Amending 2008 Budget – County of Morris Historic Preservation Trust Fund – Bowsby-DeGelleke House

The following resolution was offered by Mr. dePierro and seconded by Ms. Grossi:

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 2008 in the sum of \$ 154,262.00 which item is now available as revenue from:

County of Morris
Historic Preservation Trust Fund FY 2007
Bowsby-DeGelleke House

BE IT FURTHER RESOLVED that a like sum of \$ 154,262.00 and the same is hereby appropriated in the Current Fund under the caption of:

County of Morris
Historic Preservation Trust Fund FY 2007
Bowsby-DeGelleke House

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

CONSENT AGENDA:

Mr. Fox 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

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item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda

Mr. Fox moved the approval of the Consent Agenda, seconded by Ms. Grossi:

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

MINUTES FOR APPROVAL:

* Regular Meeting of 9/23/08

BID AWARD(S):

* **Parsippany High School Tennis Court Lighting Renovation**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Parsippany High School Tennis Court Lighting Renovation on September 18, 2008, and

WHEREAS, the Business Administrator, Director of Purchasing, Superintendent of Parks and Forestry and Consulting Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Quality Electrical Construction Co., 290 Laurel Avenue, West Keansburg, NJ 07734 for a Total Base Bid Price of \$98,700.00, and

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

“Open Space Trust Fund.”

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

* **New 15 Yard Combination Sewer Cleaner and Vacuum Man Hole Cleaner Mounted on a Heavy Duty Truck Chassis with Portable Television Pipe Inspection System Mounted in a Towable Trailer with Flexidata Software System**

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for New 15 Yard Combination Sewer Cleaner and Vacuum Man Hole Cleaner Mounted on a Heavy Duty

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Truck Chassis with Portable Television Pipe Inspection System Mounted in a Towable Trailer with Flexidata Software System on September 25, 2008, and

WHEREAS, the Business Administrator, Director of Purchasing and Assistant Sewer Superintendent have reviewed the bid received and recommend that the bid be awarded to the lowest responsible bidder, Jet-Vac, Inc., 15 Taylor Road, Wharton, NJ 07885 for a Final Bid Price for Item # 1 (Sewer/Vacuum Man Hole Cleaner less Trade-in) of \$358,000.00, a Total Bid Price for Add Alternate Item # 1A (Auto Transmission) of \$10,375.00, a Total Bid Price for Item # 2 (Camera Pipeline Inspection System) of \$163,000.00 and a Total Bid Price for Add Alternate Item # 2A (Zoom Pole Camera) of \$15,165.00, and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:
Sewer Capital Ordinance # 2008:15 adopted May 13, 2008 entitled,

“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for New 15 Yard Combination Sewer Cleaner and Vacuum Man Hole Cleaner Mounted on a Heavy Duty Truck Chassis with Portable Television Pipe Inspection System Mounted in a Towable Trailer with Flexidata Software System 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.

* **Construction of Fire Sprinkler System at the Knoll Country Club East**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Construction of Fire Sprinkler System at the Knoll Country Club East on September 25, 2008, and

WHEREAS, the Business Administrator, Director of Purchasing, Golf Superintendent and Consulting Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, K & D Contractors, LLC, 351 Monroe Avenue, Kenilworth, NJ 07033 for a Total Bid Price of \$126,000.00, and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds in the following:
Knoll Capital Ordinance # 2008:16 adopted May 13, 2008 entitled,

“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Construction of Fire Sprinkler System at the Knoll

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Country Club East 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.

* **Exterior Restoration of the Bowsby-DeGelleke House**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Exterior Restoration of the Bowsby-DeGelleke House on September 25, 2008, and

WHEREAS, the Business Administrator, Director of Purchasing and Consulting Architect have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Precision Building & Construction, 941 East Main Street, Bridgewater, NJ 08807 for a Total Base Bid Price of \$249,408.00, as well as Unit Price No. 1-Replacement of Spaced Roof Sheathing at \$3.75 LF, Unit Price No. 2-Replacement of 8 ½” Exposure Clapboard Siding at \$25.00 LF and Unit Price No. 3-Replacement of 5” Exposure Clapboard Siding at \$22.00 LF, and

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

“Morris County Historic Preservation Trust Fund and Open Space Trust Fund.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Exterior Restoration of the Bowsby-DeGelleke House 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 contingent upon the approval of a Chapter 159 amendment to the 2008 Budget for a grant from the Morris County Historical Trust Fund in the amount of \$154,262.00.

* **Insulated Translucent Fiberglass Sandwich Panel System Replacement Project at the Wastewater Treatment Plant**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Insulated Translucent Fiberglass Sandwich Panel System and Window Replacement Project at the Wastewater Treatment Plant on October 2, 2008, and

WHEREAS, the Business Administrator, Director of Purchasing and Assistant Sewer Superintendent have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Panoramic Window & Door Systems, Inc., 125 Fleming Street, Piscataway, NJ 08854 for a Total Lump Sum Bid Price of \$28,000.00, and

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

Sewer Capital Ordinance # 2008:15 adopted May 13, 2008, entitled
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Insulated Translucent Fiberglass Sandwich Panel System and Window Replacement Project at the Wastewater Treatment Plant 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.

RESOLUTION(S):

* **Support of S-445, the “Transparency in Government Act,” Which Would Provide for the Establishment of State Public Finance Website**

WHEREAS, the clamor of eliminating waste, fraud and abuse is often stated, but rarely addressed and efforts to do so are nearly impossible; and

WHEREAS, transparency in government is necessary to identify State spending and where State taxpayer dollars are going; and

WHEREAS, a State public finance website which would retain and display data and information on the State’s annual revenues, expenditures and total bonded indebtedness is necessary; a user-friendly source of information to track State revenues and expenditures and to gauge it’s past and present levels of indebtedness; and

WHEREAS, the State website would include information such as contractual service purchases, salaries and wages, gifts and grants and bonded obligations and must be accessible to the public no later than 45 days following the close of each fiscal year; and

WHEREAS, a bi-partisan approach to improving transparency, identifying waste and eliminating abuse at each level of State government and the establishment of the Public Finance Transparency Committee would facilitate the organization, development and maintenance of the website; and

WHEREAS, Senator Joe Pennacchio has introduced S-445 the “Transparency in Government Act,” to establish such aforementioned State public finance website and Public Transparency Committee;

NOW, THEREFORE, BE IT RESOLVED that we voice our support of Senator Pennacchio’s bill, S-445, the “Transparency in Government Act”; and

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BE IT FURTHER RESOLVED that a certified copy of this resolution shall be sent to Governor Jon S. Corzine, Senate President Richard J. Codey, Senate Minority Leader Tom Kean, Jr. and Senator Joe Pennacchio.

* **Supporting A-2760/S-1785, Which Would Establish the “Court Security Enhancement Fund” and Increase Court Fees**

WHEREAS, Assembly Bill A-2760/Senate Bill S-1785 known as the “Court Security Enhancement Fund,” proposes to make nominal increases to certain court fees and penalties to raise money to enhance security in and around municipal and county court facilities; and

WHEREAS, the fees will raise between \$15 and \$20 million annually and at least 95% of this money will be distributed to municipalities and counties to fund court security; and

WHEREAS, violence and threats related to court activity are on the rise nationally and it is imperative that court facilities be safe and secure if our citizens are to use the courts to resolve disputes in a peaceful manner; and

WHEREAS, this bill will provide the Township with the opportunity to obtain external funding to offset local costs for court security and will make municipal courtrooms, municipal complexes and the exterior areas safe and accessible for employees and the public; and

WHEREAS, the Township has reviewed the above-noted legislation and evaluated the possible effects that it may have on our municipal complexes, its employees and residents; and

WHEREAS, the Township believes that the proposed legislation is in the best interest of the residents of the Township.

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, that the Township Council hereby supports Assembly Bill A-2760/Senate Bill S-1785 establishing a Court Security Enhancement Fund and authorizes the Township Clerk to provide a copy of this Resolution to Governor Jon S. Corzine, Assembly Speaker Joseph J. Roberts, Jr., Senate President Richard J. Codey, Members of the 26th Legislative District and all Morris County Municipalities, in each case urging their support of the above-referenced legislation.

This Resolution shall take effect immediately.

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* **Authorizing an Additional Expenditure of Open Space Trust Fund Monies for Craftsman Farms Foundation – Repairs to Chimneys on the North and South Cottages**

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

WHEREAS, Craftsman Farms is both a National Historic Landmark and a Township owned park; and

WHEREAS, on June 24, 2008, the Township Council of the Township of Parsippany-Troy Hills authorized the expenditure of \$66,000 from the historic preservation portion of the 2008 Open Space Trust Fund and \$109,000 from the capital improvements to parks portion of the 2008 Open Space Trust Fund for the following improvements:

- 1) Bedroom restoration in Log House (balance needed is approximately \$45,000)
- 2) Education Center (balance needed is approximately \$70,000)
- 3) Historic Site Master Plan (balance needed is approximately \$35,000)
- 4) North Cottage Roof (balance needed is approximately \$15,000)
- 5) South Cottage Chimney Repair (balance needed is approximately \$10,000), and

WHEREAS, as the result of cost overruns on the Education Center, the Craftsman Farms Foundation is unable to complete repairs to the North and South Cottages; and

WHEREAS, the Craftsman Farms Foundation has requested an additional \$10,000 to complete repairs to the chimneys.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes an additional \$10,000 from the capital improvements to parks portion of the Open Space Trust Fund to the Craftsman Farms Foundation to complete repairs to the chimneys at the North and South Cottages.

* **Approving Fibertech Right of Way Use Agreement**

WHEREAS, Fiber Technologies Networks LLC (“User”) has been approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey pursuant to an Order of Approval in Docket No. TE05080683, dated September 14, 2005; and

WHEREAS, pursuant to the aforementioned Order of Approval the User has the authority to locate, place, attach, install, operate and maintain its facilities within the municipal right-of-way for purposes of providing telecommunications services; and

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

WHEREAS, the User has approached the Township of Parsippany – Troy Hills with a proposal to place its telecommunications facilities aerially on existing utility poles located throughout the Township’s municipal right-of-way for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system; and

WHEREAS, the placement of such telecommunications facilities would provide a public benefit to the citizens of the Township of Parsippany – Troy Hills, County of Morris, State of New Jersey; and

WHEREAS, the Township Council of the Township of Parsippany – Troy Hills has indicated its willingness to grant a Right of Way Use Agreement to the User for the purpose of constructing, installing, operating and maintaining a telecommunications system within the municipal right-of-way within the Township of Parsippany – Troy Hills pursuant to the terms and conditions of the Right of Way Use, a copy of which is on file in the office of the Township Clerk.

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 the Mayor and Township Clerk are hereby authorized and directed to execute a Right of Way Use Agreement with Fiber Technologies Networks, LLC, in substantially similar form to the Agreement, a copy of which is on file in the office of the Township Clerk , for the construction, installation, operation and maintenance of telecommunications systems within the Township of Parsippany – Troy Hills’ municipal right-of-way pursuant to the terms and conditions of the attached Right of Way Use Agreement, a copy of which is on file in the office of the Township Clerk.

*** Approving an Easement to Jersey Central Power and Light Company (Block 494, Lot 1) to Run Electricity to the Wash Station at the Knoll Country Club**

WHEREAS, the Township of Parsippany-Troy Hills (Grantor) is the owner of property known as Block 494 Lot 1, and recorded in the Office of the County Clerk of Morris County, on July 1, 1976, in Deed Book 2368, page 98, referred to as the property and

WHEREAS, Jersey Central Power & Light Company (Grantee), a First Energy Company, has requested that the Township convey an easement and right of way at the Knoll Utility to them, to construct, reconstruct, operate, inspect, renew, replace, improve, maintain, redesign, alter, relocate, extend and remove overhead, underground and ground level facilities described below (the “Facilities”) as may be deemed necessary or convenient by Grantee for electric, CATV and communication purposes for the use and benefit of the Land and/or adjacent lands on, over, under and across along and beyond the property, the course of said facilities to run as follows:

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

Generally in a N. Northeasterly direction from existing pole JC 2614 located along the Easterly sideline of Knoll Lane;

Thence traveling underground in a N. Northeasterly direction a total distance of 90' to JCP&L Company padmount transformer #207929-75000.

The Facilities may include, without limitation, poles (with or without crossarms), guy wires, guy stubs, anchors, street lights and standards, transformers, transformer pads, switching compartments, conduits, conductors, ducts, wires, cables, fibers, pedestals, terminal boxes, manholes, hand-holes, and other related equipment and apparatus from time to time deemed necessary or convenient by Grantee to accomplish the above purpose.

Grantor further grants and conveys to Grantee the right, from time to time, to trim, cut and/or remove such trees, tree branches, shrubs, roots, vegetation, structures and/or other objects or obstructions which in the sole judgment of the Grantee interfere with the installation of, or in the safe, proper or convenient use, maintenance, operation of, or access to, the Facilities including, without limitation, the removal of such trees, and/or tree branches which overhang or endanger any of the Facilities. Further, Grantee shall have the right to make such excavations to accomplish the above purposes and to enter upon the land without notice for all the purposes hereof.

Grantor covenants not to construct, place, maintain or use structures of any kind, or plant shrubs or trees within eight feet of either side of the center line of the underground Facilities, if any, as installed, raise or lower the ground elevation of the land above or beneath the Facilities: grow beneath overhead Facilities any vegetation or trees, except farm crops or other compatible species identified by Grantee; or obstruct access to, remove structural support from, divert or impound water to or on, or otherwise interfere with, the Facilities.

The rights and obligations hereunder shall be binding upon and inure to the benefit of the Grantor and Grantee and their heirs, executors, administrators, successors and assigns, Licensees and Lessees, as the case may be.

WHEREAS, it is in the public interest for the Township to grant the above-referenced easement and right of way.

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, that the Mayor and Township Clerk are hereby authorized to execute the above described easement and right of way to JCP&L on the property known as Block 494 Lot 1 on the Tax Map of the Township of Parsippany-Troy Hills, which easement is on file with the Township Clerk.

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

* **Committing to Petition COAH with a Revised Third Round Housing Element and Fair Share Plan**

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills adopted a resolution on October 23, 2007 approving *The Application Of JSDD Supportive Living Project For Rehabilitation Funding From The Affordable Housing Trust Fund Of The Township Of Parsippany-Troy Hills And The Agreement Setting Forth The Obligations Of The Parties*; and

WHEREAS, the Township previously petitioned COAH with its third round Housing Element/Fair Share Plan on December 16, 2005 and such Plan did not include the JSDD group home project; and

WHEREAS, COAH has authorized the disbursement of the Township's Housing Trust Fund monies to JSDD subject to the adoption of a resolution by the Township Council committing to "petition COAH by December 31, 2008 with a revised third round Housing Element and Fair Share Plan or in accordance with the deadline established for municipalities opting into the Highlands Regional Master Plan pursuant to a Memorandum of Understanding (MOU) to be executed by the Highlands Council and COAH" and to include the JSDD group home project in the revised third round Housing Element and Fair Share Plan and Spending Plan.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills that the Township hereby commits to petition COAH by December 31, 2008 with a revised third round Housing Element and Fair Share Plan or in accordance with the deadline established for municipalities opting into the Highlands Regional Master Plan pursuant to a Memorandum of Understanding (MOU) to be executed by the Highlands Council and COAH and to include the JSDD group home project in the revised third round Housing Element and Fair Share Plan and Spending Plan.

* **Amending 2008 Cash Management Plan**

WHEREAS, the Township wishes to amend the "Designation of Official Depositories" identified in the Cash Management Plan of the Township of Parsippany-Troy Hills approved by the Township Council on January 8, 2008 and

WHEREAS, the Provident Bank has established a branch office in the Township and two other banks have merged under different names.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following banks be added to the Township's authorized institutions for the deposit of Township funds:

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The Provident Bank
TD Bank, N.A.
Capital One Bank

APPLICATION(S):

License(s):

* **Liquor License Renewal for the 7/1/08 – 6/30/09 Licensing Term**

WHEREAS, applications for renewal for licensing term, July 1, 2008 through June 30, 2009, have been filed by the following Retail Liquor Licensees, and

WHEREAS, the application forms are complete in all respects and the applicants are qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor Licenses be renewed for the licensing term, July 1, 2008 through June 30, 2009:

1429-33-28-01 Reimer Inc., trading as The Inn Crowd, for premises located at
285 Route 46, Parsippany, NJ

* **Authorizing Special Senior Citizen Bingo License to Lake Hiawatha Community Center Social Bingo Club**

WHEREAS, the following senior citizen organization or club has been registered by the State of New Jersey Legalized Games of Chance Control Commission; and

WHEREAS, this organization or club is desirous of holding, operating or conducting bingo within the Township of Parsippany-Troy Hills solely for the purpose of the amusement and recreation of their members, provided that

- No player or other person furnishes something of value for the opportunity to participate;
- The prize(s) to be awarded are of nominal retail value;
- No person other than a bona fide active member of the licensed organizations plays, conducts or assists in the conduct of the game(s); and

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

- No person is paid for conducting or assisting in the conduct of the game(s).

NOW, THEREFORE BE RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that a special senior citizen bingo license be issued to the following organization for a period of two years, as so indicated below, or until suspended, revoked or modified by the Legalized Games of Chance Control Commission or the Township of Parsippany-Troy Hills:

Lake Hiawatha Community Center Social Club
Expiration Date: 09/16/10

MINUTES FOR APPROVAL:

Ms. Grossi moved the approval of the Agenda Meeting of 9/16/08 (Absent – Mr. dePierro), seconded by Council President Cesaro.

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

ORDINANCE(S):
Introduction(s):

Ordinance #2008:33

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 57, PERSONNEL POLICIES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, ESTABLISHING A RESIDENCY PREFERENCE FOR NEW EMPLOYEES
(Attachment No. 1)

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 **October 21, 2008** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **November 25, 2008** 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.

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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

Ordinance #2008:34

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 346,
SNOW AND ICE REMOVAL OF THE CODE
OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS**
(Attachment No. 2)

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

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 **October 21, 2008** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **November 25, 2008** 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

ADDITIONAL MATTERS:

A motion was made by Mr. dePierro, seconded by Council President Cesaro to add the following to the agenda:

- Authorizing Escrow Agreement and Consent Decree – Combe Fill South Settlement
- Introduction of Ordinance No. 2008:35

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

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

RESOLUTION:

Authorizing Escrow Agreement and Consent Decree – Combe Fill South Settlement

The following resolution was offered by Mr. dePierro and seconded by Council President Cesaro:

WHEREAS, certain claims have been asserted against the Township of Parsippany-Troy Hills (the “Township”) in the consolidated actions entitled United States of America v. Beckman Coulter, Inc., et als., Civil Action No. 98-4812 (WHW) and New Jersey Department of Environmental Protection v. American Thermoplastics Corp., et als., Civil Action No. 98-4781 (WHW) (“Combe South Landfill Litigation”) pending in the United States District Court for the District of New Jersey (the “Litigation”) regarding alleged environmental contamination at the Combe Fill South Landfill in Chester, New Jersey (“Site”);

WHEREAS, certain Third-Party Defendant municipalities, school boards, school districts, colleges, parks commissions and housing authorities, including the Township of Parsippany-Troy Hills, are members of a group known as the Third-Party Municipal Group in the Litigation;

WHEREAS, on behalf of its members the Third-Party Municipal Group engaged in settlement negotiations with the United States Department of Justice and the State of New Jersey (“Governmental Plaintiffs”) under the supervision of the Honorable Esther Salas, United States Magistrate Judge;

WHEREAS, the Governmental Plaintiffs in the Litigation have agreed to settle with the Municipal Group for all past costs, future costs, and natural resource damage claims related to the Site, pursuant to a Consent Decree and Bar Order which will provide for contribution protection and no re-opener as to the municipal entities, except where there is a fraudulent misrepresentation by a party of the amount or type of its waste, in exchange for a total payment by the Municipal Group of \$12 million (“Municipal Group Settlement Payment”) together with interest beginning from December 8, 2007 at the Superfund rate of interest which currently is 4.34% APR;

WHEREAS, by Resolution dated July 22, 2008 (the “July Resolution”), the Township authorized and approved a Funding Agreement memorializing the allocation between the members of the Third-Party Municipal Group for funding and enforcement of the payment of the Municipal Group Settlement Payment together with interest from December 8, 2007 (“Funding Agreement”), a copy of which is on file with the Township Clerk;

WHEREAS, as further set forth in the July Resolution, the funding mechanism for the Municipal Settlement Payment shall be the Escrow Agreement, a copy of which is on file with the Township Clerk and will require execution by the Township, and which Escrow Agreement shall, pursuant to its terms, remain confidential among members of the Third-Party Municipal

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

Group and disclosed only as required by law, court order or specific terms of the Escrow Agreement;

WHEREAS, as further set forth in the July Resolution, a Consent Decree, substantially in the form attached, will require execution by the Township as a member of the Third-Party Municipal Group;

WHEREAS, the Township Council recognizing that the terms of the Escrow Agreement and the Consent Decree are in the best interests of the Township, and having previously approved the Funding Agreement, desires to approve the Escrow Agreement and Consent Decree and authorize execution thereof, subject to the conditions hereinafter set forth.

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

1. That the Township hereby approves and authorizes the Mayor and Township Clerk to execute the Escrow Agreement, a copy of which is on file with the Township Clerk and which shall remain confidential, as provided for therein, to the extent permitted by law.

2. That the Township hereby approves and authorizes the Mayor and Township Clerk to execute the Consent Decree, substantially in the form attached, subject to final review and approval of Counsel, and subject to the requirement that the final form not differ from the attached in any way materially affecting the Township's rights or responsibilities.

3. This resolution shall take effect immediately.

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

**INTRODUCTION OF
ORDINANCE NO. 2008:35**

**AN ORDINANCE TO AMEND AND
SUPPLEMENT CHAPTER 225, LAND USE,
SUBDIVISIONS AND SITE PLANS, ARTICLE
XIV, DEVELOPMENT FEES, OF CODE OF
THE TOWNSHIP OF PARSIPPANY – TROY
HILLS**

(Attachment No. 3)

The following resolution was offered by Mr. Fox and 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

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

held on **October 21, 2008** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **November 25, 2008** 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.

NOW, THEREFORE BE IT RESOLVED that a copy of said Ordinance be provided to the Planning Board but that Planning Board review is not required since this Ordinance incorporates a revision directed by the Council on Affordable Housing to a Development Fee Ordinance previously referred to and reviewed by the Planning Board.

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

CLOSED SESSION:

The Township Council convened in closed session upon adoption of the attached resolution (Attachment No 4).

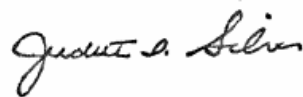
REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

Upon reconvening in open session, a motion to adjourn was offered by Council President Cesaro, seconded by Mr. Barberio:

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

The meeting adjourned at 9:20 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John Cesaro, Council President

Minutes approved: November 25, 2008

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

Attachment No. 1
Page 1 of 1

**TOWNSHIP OF PARSIPPANY
MORRIS COUNTY, NEW JERSEY
ORDINANCE No. 2008:33**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 57,
PERSONNEL POLICIES, OF THE CODE OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS, ESTABLISHING A RESIDENCY
PREFERENCE FOR NEW EMPLOYEES**

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 57, PERSONNEL POLICIES, §57-2, GENERAL PROVISIONS, item B of the Code of the Township of Parsippany-Troy Hills is hereby amended and supplemented by the addition of the following:

ARTICLE II Residency Preference for New Employees

§ 57-2. General provisions.

- B. The Township hereby establishes residency preference classes for the hiring of employees, which classes are set forth below in order of their preference:

Class I - Residents of the Counties of Morris, Passaic, Sussex, Essex, Hunterdon, Somerset, Union and Warren

Class II - Residents of New Jersey

**TOWNSHIP OF PARSIPPANY-TROY HILLS
ORDINANCE No. 2008:34**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 346,
SNOW AND ICE REMOVAL 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 346, Snow and Ice Removal of the Code of the Township of Parsippany-Troy Hills, is hereby amended by the addition of the following sub-section:

§346-6. Enforcement

The Police Department and/or Housing Department shall be charged with the enforcement of this chapter.

SECTION 2. 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 3. 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 4. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY – TROY HILLS
ORDINANCE NO.: 2008:35**

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 225, LAND USE, SUBDIVISIONS AND SITE PLANS, ARTICLE XIV, DEVELOPMENT FEES, OF CODE OF THE TOWNSHIP OF PARSIPPANY – TROY HILLS

BE IT ORDAINED by the Township Council of the Township of Parsippany - Troy Hills that Chapter 225, Land Use, Subdivisions and Site Plans, Article XIV, Development Fees, of the Code of the Township of Parsippany – Troy Hills is hereby amended and supplemented as follows:

SECTION 1. Sections 225-85, -86, -88 and -89 are hereby amended as follows:

§ 225-85. Definitions.

AFFORDABLE HOUSING DEVELOPMENT - A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

COAH – The New Jersey Council on Affordable Housing.

DEVELOPMENT – The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure or of any mining, excavation or landfill; and any use or change in the use of any building or other structure or land or extension of use of land.

DEVELOPMENT FEES - Funds paid by an individual, person, partnership, association, company or corporation for the improvement of property as permitted in COAH’s rules.

EQUALIZED ASSESSED VALUE - The value of a property determined by the municipal tax assessor through a process designed to ensure that all property in the municipality is assessed at the same assessment ratio or ratios required by law. Estimates at the time of issuance of a building permit may be obtained utilizing estimates for construction cost. Final equalized assessed value shall be determined at project completion by the municipal tax assessor.

JUDGEMENT OF REPOSE - A judgment issued by the Superior Court approving a municipality's plan to satisfy its fair share obligation.

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

Attachment No. 3
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SUBSTANTIVE CERTIFICATION - A determination by the Council approving a municipality's housing element and fair share plan in accordance with the provisions of the Act and the rules and criteria as set forth therein.

§ 225-86. Residential Development Fees.

A. For all residential developments, unless exempt pursuant to § 225-88, developers shall pay a development fee of one and one half percent (1 ½ %) of the residential development's equalized assessed value.

B. When an increase in residential density pursuant to N.J.S.A. 40:55D-79d(5) (known as a "d" variance) has been permitted, developers shall be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

C. Development fees shall be imposed on the construction of new residential development and additions and alterations to existing development, unless exempt pursuant to § 225-88. New construction development fees shall be based on the equalized assessed value of land and improvements. Development fees for additions, alterations, or where an existing structure is demolished and replaced, shall be based on the increase in equalized assessed value that results from the addition, alteration or replacement.

§ 225-88. Exaction and Exemptions.

A. Affordable housing developments shall be exempt from development fees. Developments where the developer has made a payment in lieu of constructing affordable units shall be exempt from development fees.

B. Developers that have received preliminary or final approval prior to the effective date of this Ordinance shall be exempt from paying the development fee hereunder unless the developer seeks a substantial change in the approval. However, such developers shall be subject to the development fee in the ordinance in effect at the time preliminary or final approval was granted. Where a site plan approval does not apply, a zoning and/or construction permit shall be synonymous with preliminary or final site plan approval for this purpose.

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

Attachment No. 3
Page 3 of 3

C. Other exemptions include: all single-family residential additions, renovations and accessory structures; all multifamily additions, renovations and accessory structures not requiring site plan approval.

§ 225-89. Collection of Fees.

A. Developers shall pay 50% of the calculated development fee to the Township of Parsippany-Troy Hills at the issuance of building permits. The development fee shall be estimated by the Tax Assessor prior to the issuance of building permits.

B. Developers shall pay the remaining fee to the Township of Parsippany-Troy Hills at the issuance of certificates of occupancy. At the issuance of certificates of occupancy, the Tax Assessor shall calculate the equalized assessed value and the appropriate development fee. The developer shall be responsible for paying the difference between the fee calculated at certificate of occupancy and the amount paid at building permit.

C. Imposed and collected development fees that are challenged shall be placed in an interest-bearing escrow account by the Township. If all or a portion of the contested fees are returned to the developer, the accrued interest on the returned amount shall also be returned.

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, that decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

SECTION 4. This ordinance shall take effect immediately upon final passage, approval and publication as required by law.

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 25, 2008

Attachment No. 4
Page 1 of 1

RE: Attorney Client Privilege (Police Vehicle Policy)
DATE: October 21, 2008
TIME: 8:50 p.m.

MOTION BY: Mr. Barberio
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:

Attorney Client Privilege Matter (Police Vehicle Policy)

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:	Barberio	Yes
	dePierro	Yes
	Fox	Yes
	Grossi	Yes
	Cesaro	Yes

MOTION TO ADJOURN BY: Council President
Cesaro SECONDED BY: Ms. Grossi

Roll Call:	Barberio	Yes
	dePierro	Yes
	Fox	Yes
	Grossi	Yes
	Cesaro	Yes

MEETING ADJOURNED: 9:18 p.m