COUNCIL AGENDA

TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF MAY 24, 2016

I. INTRODUCTION

A. POSTING OF NOTICE:

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 May 9, 2016 where it has remained posted since that date. A legal notice appeared in the Daily Record on May 11, 2016 and was forwarded by fax to other local newspapers and local radio stations on May 9, 2016.

Note: Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 11:00 a.m. on Sundays and are also available for viewing at www.parsippany.net.

B. FLAG SALUTE

C. ROLL CALL

D. UPCOMING MEETINGS:

1. 6/9/16 @ 7:30 p.m. Agenda Meeting
2. 6/21/16 @ 7:30 p.m. Regular Meeting

E. APPROVAL OF MINUTES

1. Regular Minutes April 19, 2016
2. Agenda Minutes May 3, 2016
3. Special Meeting Minutes May 10,2016

II. PRESENTATION(S)/REPORTS

A. MAYOR

1.David White from ADP issuing donations to various Township organizations

B. BUSINESS ADMINISTRATOR

C. TOWNSHIP ATTORNEY

D. CHIEF FINANCIAL OFFICER

E. TOWNSHIP CLERK

F. TOWNSHIP OFFICES COMMITTEES/REPORTS

III. BIDS

A. Taken

1. 4/21/16 – Supply of Bioxide for the Wastewater Treatment Plant
2. 4/27/16 – FEMA House Elevation Project, Phase VI
3. 4/27/16 – Reconstruction of Glencove Road and Medford Road

B. To Be Taken

1. 5/25/16 @ 11:00am - Reconstruction of Troy Road
2. 5/26/16 @ 11:00am – Reconstruction of Sidewalks and Curbs at Various Locations

C. Quotation(s)/Proposal(s)/Qualification(s)

1. 4/28/16 – Fireworks Display Service

IV. PUBLIC HEARING

OPEN: I'd like to entertain a motion to open the public hearing. Motion to open the public hearing by_____ Seconded by _____ ROLL CALL

CLOSE: I'd like to entertain a motion to close the public hearing. Motion to close the public hearing by_____ Seconded by _____ROLL CALL

V. ORDINANCES

A. SECOND READING & PUBLIC HEARING

1. **ORDINANCE NO. 2016:08**

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE EXECUTION AND RENEWAL OF A LEASE WITH THE CARETAKER OF WATNONG GARDENS

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on April 22, 2016. This Ordinance was carried from the April 19, 2016 Regular Meeting.

Motion to accept that Ordinance 2016:08 be heard in its second and final reading by title only, by _____, seconded by _____.
ROLL CALL

a. **PUBLIC HEARING 2016:08**
Motion to open the public hearing for Ordinance 2016:08 by _____, seconded by _____.
ROLL CALL

Motion to close the public hearing for Ordinance 2016:08 by _____, seconded by _____.
ROLL CALL

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.

Motion to approve the Resolution above by _____, seconded by _____.
ROLL CALL

2. **ORDINANCE NO. 2016:09**

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTERS 180, FOOD ESTABLISHMENTS, RETAIL; 296, PEDDLING AND SOLICITING; AND A445 FEES COMPILATION OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on April 22, 2016. This Ordinance was carried from the April 19, 2016 Regular Meeting.

Motion to accept that Ordinance 2016:09 be heard in its second and final reading by title only, by _____, seconded by _____.
ROLL CALL

b. **PUBLIC HEARING 2016:09**
Motion to open the public hearing for Ordinance 2016:09 by _____, seconded by _____.
ROLL CALL

Motion to close the public hearing for Ordinance 2016:09 by _____, seconded by _____.
ROLL CALL

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.

Motion to approve the Resolution above by _____, seconded by _____.
ROLL CALL

3. **ORDINANCE NO. 2016:10**

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, NEW JERSEY AMENDING, CREATING AND SUPPLEMENTING SECTIONS 145-5 ENTERTAINMENT ESTABLISHMENTS; 381-5 TOURIST ACCOMMODATIONS; 95-3 AUCTIONS; 372-8 TAXICABS AND LIMOUSINES; 296-3 CANVASSERS, SOLICITORS, AND MOBILE VENDORS; 275-8 OUTDOOR EATING ESTABLISHMENTS; 83-3 ALCOHOLIC BEVERAGES; AND A445 FEES COMPILATION OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on April 22, 2016. This Ordinance was carried from the April 19, 2016 Regular Meeting.

Motion to accept that Ordinance 2016:10 be heard in its second and final reading by title only, by _____, seconded by _____.
ROLL CALL

c. **PUBLIC HEARING 2016:10**
Motion to open the public hearing for Ordinance 2016:10 by _____, seconded by _____.
ROLL CALL

Motion to close the public hearing for Ordinance 2016:10 by _____, seconded by _____.
ROLL CALL

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.

Motion to approve the Resolution above by _____, seconded by _____.
ROLL CALL

4. ORDINANCE NO. 2016:11

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 326, SEWAGE DISPOSAL SYSTEMS, INDIVIDUAL; AND A445 FEES COMPILATION OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on April 22, 2016. This Ordinance was carried from the April 19, 2016 Regular Meeting.

Motion to accept that Ordinance 2016:11 be heard in its second and final reading by title only, by _____, seconded by _____.
ROLL CALL

d. PUBLIC HEARING 2016:11

Motion to open the public hearing for Ordinance 2016:11 by _____, seconded by _____.
ROLL CALL

Motion to close the public hearing for Ordinance 2016:11 by _____, seconded by _____.
ROLL CALL

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.

Motion to approve the Resolution above by _____, seconded by _____.
ROLL CALL

B. INTRODUCTION

1. **ORDINANCE 2016:13**

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 430, ZONING, ARTICLE XXXIX, ADMINISTRATION AND ENFORCEMENT, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

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 **May 24, 2016** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **June 21, 2016** 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.

Motion to approve the above Resolution by _____, seconded by _____. ROLL CALL

2. **ORDINANCE 2016:14**

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING ORDINANCES 90:31 AND 99:18, AND AUTHORIZING THE SALE OF LEASEHOLD INTEREST IN AND TO BLOCK 498, LOT 23; BLOCK 136, LOT 65; BLOCK 15.08, LOT 35.01; AND BLOCK 736.01, LOT 3, AND CHANGING THE MINIMUM BID STRUCTURE THERFOR

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 **May 24, 2016** and that said

Ordinance be further considered for second reading and final passage at a Meeting to be held on **June 21, 2016** 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.

Motion to approve the above Resolution by _____, seconded by _____. ROLL CALL

3. **ORDINANCE 2016: 15**

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING A SELF INSURANCE PLAN AND FUND FOR EMPLOYEE HEALTH BENEFITS AND CREATING A BOARD OF FUND COMMISSIONERS AS REQUIRED BY LAW

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 **May 24, 2016** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **June 21, 2016** 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.

Motion to approve the above Resolution by _____, seconded by _____. ROLL CALL

VI. NON-CONSENT AGENDA

A. RESOLUTIONS

1. **R2016-109**

Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting a Major Soil Moving Permit to Robert and Julia Peterson: 25 Old Parsippany Road, Block 392.1, Lot 2

Motion to approve the above Resolution by _____, seconded by _____. ROLL CALL

2. **R2016-110**

Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting a Major Soil Moving Permit to Budget Inn/Super 8 Motel: 1479 Rt. 46, Block 726, Lot 6

Motion to approve the above Resolution by _____, seconded by _____. ROLL CALL

3. **R2016-111**

Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Cancellation and Refund of Property Taxes for Block 582, Lot 3 – 100% Totally and Permanently Disabled Veteran

Motion to approve the above Resolution by _____, seconded by _____. ROLL CALL

4. **R2016-112:**

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT TO NISIVOCCIA, LLP FOR PROFESSIONAL SERVICES AS TOWNSHIP AUDITOR

VII. CONSENT AGENDA

BE IT RESOLVED, 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.

Motion to approve the Consent Agenda by _____seconded by _____. ROLL CALL

A. RESOLUTIONS

1. **R2016-101***Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to Allied Painting, Inc., 41 Larwin Road, Cherry Hill, NJ 08034 for Knoll Road Water Tank Painting and Rehabilitation

2. **R2016-102***Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to Evoqua Water Technologies, LLC, 2650 Tallevast Road, Sarasota, FL 34243 for Supply of Bioxide for the Wastewater Treatment Plant

3. **R2016-103***Resolution of the Township Council of the Township of Parsippany-Troy Hills Rejecting the Bid for the FEMA House Elevation Project, Phase VI

4. **R2016-104***Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract to Midwest Construction, Inc., for Reconstruction of Glencove Road and Medford Road for the Total Bid Price of $748,854.62

5. **R2016-105***Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Execution of an Agreement for Fireworks Display Services to International Fireworks Mfg. Co.

6. **R2016-106***Resolution of the Township Council of the Township of Parsippany-Troy Hills Supporting the New Jersey Department of Transportation's Use of a "No Passing" Zone Along Route NJ 53 in the Township of Parsippany-Troy Hills

7. **R2016-107***Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Use of Existing Facilities in the Public Right-of- Way for Small Network Nodes

8. **R2016-108***Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Mandatory Direct Deposit for all Township Employees effective June 1, 2016

B. APPLICATIONS

None

VIII. ADJOURNMENT

Motion to Adjourn the Meeting by _____ Seconded By_____
ROLL CALL:

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2016:08

ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE EXECUTION AND RENEWAL OF A LEASE WITH THE CARETAKER OF WATNONG GARDENS

WHEREAS, the Township of Parsippany-Troy Hills is the owner of Watnong Gardens, known on the Official Tax Map of the Township of Parsippany-Troy Hills as Block 15, Lots 28 and 29; and

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

WHEREAS, the Township desires to execute a lease agreement with the caretaker, who will reside in the premises known as 2387 Watnong Terrace, 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 Mayor, 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. 2016:10

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTERS 180, FOOD ESTABLISHMENTS, RETAIL; 296, PEDDLING AND SOLICITING; AND A445 FEES COMPILATION OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

WHEREAS, the Township of Parsippany-Troy Hills (the "Township") wishes to update its Ordinance regarding the licensing of mobile and temporary food establishments; and

WHEREAS, the Township Council finds that the establishment and maintenance of mobile and temporary food vendors will help to foster business and provide convenience for residents, businesses, and visitors within the Township; and

WHEREAS, the proper regulation of such establishments is required in the interests of health, safety and welfare.

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

SECTION 1. Chapter 180, Food Establishments, Retail, Section 180-2, License; fee, Subsection 180-2(I), Miscellaneous establishments, of the Township Code is hereby amended as follows:

(1) Class 1 Itinerant Restaurants, as defined in Section 180-3(C)(1) shall be charged a non-refundable license fee of $400, which shall accompany the application.

(2) Class 2 Itinerant Restaurants, as defined in Section 180-3(C)(2) shall be charged a non-refundable license fee of $400, which shall accompany the application.

(3) Class 3 Itinerant Restaurants, as defined in Section 180-3(C)(3) shall be charged a non-refundable license fee of $150, which shall accompany the application.

SECTION 2. Chapter 180, Food Establishments, Retail, Section 180-3, Itinerant Restaurants, of the Township Code is hereby created as follows:

A. For purposes of this chapter, the following terms shall have the meanings indicated:

ITINERANT RESTAURANT

Any temporary establishment, motorized vehicle, or pushcart with food and/or food stuffs either pre-prepared or packaged, or to be prepared or cooked prior to sale, including hot food stuffs, sandwiches, and beverages for sale to buyers, consumers or other persons on private property or public streets.

B. License required. It shall be unlawful for any temporary establishment, motorized vehicle, or pushcart that transports prepared food and/or food stuffs to be prepared or cooked prior to sale and/or beverages, to sell food or beverages within the Township without first obtaining an Itinerant Restaurant license.

C. Classes of licenses. Licenses for Itinerant Restaurants shall be divided into the following classes:

(1) Class 1: Licenses for itinerant restaurants dealing only with prepackaged or wrapped foods, such as but not limited to soft drinks, candy, snacks, etc., which are packaged, wrapped, manufactured or processed outside of such establishments.

(2) Class 2: License for itinerant restaurants where food is cooked and prepared on site, regardless of whether they also offer prepackaged foods.

(3) Class 3: License for itinerant restaurants who sell frozen dairy products and frozen snacks.

D. Zones of operation. Licenses for itinerant restaurants shall be restricted to the following zones:

(1) Class 1: The holder of a Class 1 license may sell food and/or beverages as specified in this Section in any commercial or business zone for as long as three (3) hours in the forenoon and three (3) hours in the afternoon of any twenty-four (24) hour period, subject to the hours of operation specified in this Section.

(2) Class 2: The holder of a Class 2 licensee may sell food and/or beverages as specified in this Section in any commercial or business zone for as long as three (3) hours in the forenoon and three (3) hours in the afternoon of any twenty-four (24) hour period, subject to the hours of operation specified in this Section.

(4) Class 3: The holder of a Class 3 licensee may sell frozen dairy products and frozen snacks, as specified in this Section, in any zone, provided that no sale stop shall be in excess of ten (10) minutes in duration in any residential zone, nor in excess of thirty (30) minutes in any other zone, subject to the hours of operation specified in this Section.

(4) The limitations set forth in this section shall not apply to operation by a licensee at any pre-scheduled party, fair, carnival, festival or other public or private gathering that is otherwise permitted by and operated in compliance with all applicable statutes, regulations, ordinances, and codes.

E. Hours of operation. Licenses for itinerant restaurants shall be restricted to the following hours of operation:

(1) Class 1: The holder of a Class 1 license may operate from 8:00 a.m. through 6:00 p.m., Monday through Friday, year-round.

(2) Class 2: The holder of a Class 2 license may operate from 8:00 a.m. through 6:00 p.m., Monday through Friday, year-round.

(3) Class 3: The holder of a Class 3 license may operate from 11:00 a.m. through dusk, but not later than 8:00 p.m., May 14th through and including September 16th.

(4) The limitations set forth in this section shall not apply to operation by a licensee at any pre-scheduled party, fair, carnival, festival or other public or private gathering that is otherwise permitted by and operated in compliance with all applicable statutes, regulations, ordinances, and codes.

F. Loitering prohibited. No license holder operating from a mobile food truck or other conveyance shall remain in one location for longer than the hours of operation specified in this Section plus a reasonable time to set up and take down.

G. Parking on public streets. When parked on a time regulated public street, an itinerant restaurant operator must obey all existing parking ordinances and when moved, operator must comply with all State and motor vehicle laws. All licensees operating an itinerant restaurant must comply with the guidelines for Parking of Certain Trucks, Vehicles, and Trailers pursuant to Section 405-17 of the Township Code.

H. License fee and application. All applicants shall pay the license fee to the Township Clerk at the time of filing of the application. All applicants in each class shall file with the Township Clerk a sworn written application on forms to be furnished by the Township Clerk, which shall give the following information:

(1) The complete identity of the applicant, including full name, date of birth, driver's license number and social security number.

(2) The permanent home address and full local address of the applicant any of the applicant's employees who may be vending. The applicant and all employees shall be required to submit to a background check.

(3) The full name, address and telephone number of the business under which the applicant and his employees will be selling, and copies of the business' Articles of Incorporation or Certificate of Formation, New Jersey Business Registration Certificate, and Sales Tax Authority Certificate.

(4) A brief statement describing the name of the business and the food stuffs to be sold or distributed, the days of the week, and hours of the day during which the licensed activity will be conducted, and whether the licensee will operate from a mobile food truck or conveyance, or from a fixed location, in which case the applicant shall specify the location and provide an approval from the Township Zoning Officer to operate an itinerant restaurant at that location.

(5) A description of the vehicle, its VIN number, and its license plate number.

(6) A photograph of the applicant which clearly shows the head and shoulders of the applicant, without any head or face covering except for prescription eyeglasses, and shall be a minimum of one and one-half by one and on-half (1 1/2" x 1 1/2") inches. The photograph shall be taken no more than sixty (60) days immediately prior to the date of the application.

(7) A statement as to whether the applicant and/or any employee who will be operating the itinerant restaurant pursuant to this license has been convicted of any crime, including felonies, misdemeanors or violations of any municipal ordinance, other than traffic offenses. The statement must also include the nature of such offense and the punishment and/or penalty imposed.

(8) Applicable evidence regarding good character and business responsibility of the applicant, with sufficient detail so that an investigator may properly evaluate the same.

(9) A certificate from a licensed and practicing physician of the State of New Jersey, authorizing that the applicant and/or employee handling food to be consumed by the public, has been examined within sixty (60) days prior to the filing of the application; and that, in the physician's opinion, the applicant and/or employee is of sound physical condition and not subject to any contagious disease, illness, or sickness which might make him unfit to sell or dispense any food or drink.

(10) Proof of citizenship of the United States or compliance with all requirements of the Immigration and Naturalization Laws for holding gainful employment in the United States for the applicant and each of his employees.

(11) Proof of insurance covering the applicant's operations underwritten by an insurance company licensed to do business in the State of New Jersey. The Township and its agents and employees shall be indemnified and held harmless from any and all claims and demands, losses, attorney's fees, and expenses arising from the permission granted, and shall be named as an additional insured. The issuing company shall notify the Township within ten (10) days of the cancellation of any of the policies. The applicant shall provide proof of paid-up insurance, coverage, or appropriate monthly, quarterly, or semi-annual proof in the case of not having paid the policy for a full year.

I. Investigation by the Township Police Department required for all licensees. Each application shall be referred to the Chief of Police, who shall cause an investigation to be made of the applicant's business responsibility, moral character and ability to properly conduct the licensed activity as deemed necessary by the Police Department for the protection of the public. The investigation shall include a criminal background check and fingerprinting, unless the applicant has been fingerprinted in connection with the issuance of a license by the Township within the past five years. In addition to the licensing/permit fee, the applicant shall be responsible to pay the cost of the criminal background check. The Police Department shall communicate its finding in writing to the Township Clerk not more than 30 days after the Police Department receives the results of the criminal background check based on fingerprinting. An applicant shall be denied a license if the applicant's criminal history record background check reveals a record of conviction of any of the following crimes:

(1) In New Jersey or elsewhere any crime as follows: aggravated assault, arson, burglary, escape, extortion, homicide, kidnapping robbery, aggravated sexual assault, sexual assault or endangering the welfare of a child pursuant to N.J.S.A. 2C:24-4, whether or not armed with or having in possession any weapon enumerated in subsection r. of N.J.S.A. 2C:39-3, N.J.S.A. 2C:39-4 or N.J.S.A. 2C:39-9, or other than a disorderly persons or petty disorderly persons offense for the unlawful use, possession or sale of a controlled dangerous substance as defined in N.J.S.A. 2C:35-2.

(2) In any other state, territory, commonwealth or other jurisdiction of the United States, or any country in the world, as a result of a conviction in a court of competent jurisdiction, a crime which in that other jurisdiction or country is comparable to one of the crimes enumerated in Subsection I(1) of this section.

J. Inspection by Township Health Officer required for all licenses. Prior to the issuance of a license pursuant to this Section, the Township Health Officer shall make an inspection of the premises, mobile food truck, or other conveyance, to ensure compliance with all applicable health codes, as well as any other applicable statute, regulation, ordinance, or code. Within ten (10) days of completing an inspection pursuant to this Section, the Township Health Officer shall issue a written report to the Township Clerk stating whether the premises, mobile food truck, or other conveyance can be used as an itinerant restaurant and whether the applicant has taken all necessary steps to ensure the public health, safety and welfare.

K. Inspection by Township Fire Official required for Class 2 licenses. Prior to the issuance of a Class 2 license pursuant to this Section, the Township Fire Official shall make an inspection of the premises, mobile food truck, or other conveyance, to ensure compliance with all applicable fire prevention codes, as well as any other applicable statute, regulation, ordinance, or code. Within ten (10) days of completing an inspection pursuant to this Section, the Township Fire Official shall issue a written report to the Township Clerk stating whether the premises, mobile food truck, or other conveyance can be used as an itinerant restaurant and whether the applicant has taken all necessary steps to ensure the public health, safety and welfare.

L. Issuance, term and renewal of licenses. Licenses pursuant to this Section shall be issued by Resolution of the Township Council. All licenses issued pursuant to this Section shall have a term of one (1) year and shall be renewed annually by submitting the documents and fees required for the issuance of a new license as specified in this Section.

M. Denials, violations, suspensions, and hearings.

(1) Denial of application. Where it is found that an applicant has failed to comply with any requirement of this Section, is found to have violated any statute, regulation, law or code pertaining to his operation, or is found to lack sufficient character to hold a license, or if the investigation reveals that the applicant's character, ability or business responsibility is unsatisfactory, or for convictions of disorderly persons or petty disorderly persons offenses involving moral turpitude, or if applicant's products, services or activities are not free from fraud, the application shall be denied and the applicant so notified in writing by the Township Clerk.

(2) Suspension of license. Where it is found that a licensee has violated any health or fire code, or is engaging in any conduct which may present a danger to the public, including non-compliance with lawful orders of any Township official or law enforcement officer, the Township Health Officer, Township Fire Official, or any law enforcement officer is authorized and empowered to immediately suspend any license or permit issued pursuant to this section and order that the licensee cease all operations until such time as the violations are abated. The Township Health Officer, Township Fire Official, or law enforcement officer suspending the license shall present written charges to the Township Clerk describing the reasons for the suspension.

(3) Revocation of license. Where it is found that a licensee has repeatedly violated any health or fire code, or is engaging in any conduct which presents a clear and present danger to the public, the Township Health Officer, Township Fire Official, or any law enforcement officer is authorized and empowered to immediately revoke any license or permit issued pursuant to this section and order the licensee to cease all operations. The Township Health Officer, Township Fire Official, or law enforcement officer revoking the license shall present written charges to the Township Clerk describing the reasons for the revocation.

(4) Hearings. An applicant whose application has been so denied, or a licensee whose license has been so suspended or revoked, may request a hearing before the Township Council by submitting a written request to the Township Clerk. Upon receipt of a written request for a hearing, the Township Clerk shall list the hearing on the agenda Township Council's next scheduled meeting. The decision of the Township Council shall be final and binding.

SECTION 3. Chapter A445, Fees Compilation, Section A445-58, Retail food-handling establishments, of the Township Code, is hereby amended as follows:

I. Miscellaneous establishments:

(1) Class 1 Itinerant Restaurants, as defined in Section 180-3(C)(1) shall be charged a non-refundable license fee of $400, which shall accompany the application.

(2) Class 2 Itinerant Restaurants, as defined in Section 180-3(C)(2) shall be charged a non-refundable license fee of $400, which shall accompany the application.

(3) Class 3 Itinerant Restaurants, as defined in Section 180-3(C)(3) shall be charged a non-refundable license fee of $150, which shall accompany the application.

SECTION 4. Chapter 296, Peddling and soliciting, Section 296-2, Definitions, of the Township Code, is hereby repealed and replaced as follows:

CHARITABLE

Includes religious, patriotic, philanthropic, social service, welfare, benevolent, educational, civic, and/or fraternal.

PERSON

Any and all individuals who engage in the activity of mobile vending or solicitation, including those individuals who are the agent, servant, and/or employee of any firm, corporation, association, partnership, or any other form of for-profit organization.

SOLICITOR

Any person traveling by foot or by car, van, truck, or motorized vehicle from location to location, house to house, or any person temporarily remaining in one place in or upon any sidewalk, street or other public place within the Township, and who while so traveling or temporarily remaining in one place carries, conveys, transports, sells, takes orders, displays, demonstrates, or attempts to do any of the above with respect to goods, services, wares, dry goods, merchandise, publications, books, appliances, home improvements or personal property of any nature whatsoever. This shall include persons who engage in the above-described activity:

A. Whether or not said person carries or exposes for sale samples of the object for sale;

B. And enter into sales contracts, agreements, leases, or other written agreements which call for future delivery of goods or future performance of services;

C. Solely to collect advance payment on such sales of goods and services.

SECTION 5. Chapter 296, Peddling and soliciting, Section 296-5, Inspection, of the Township Code, is hereby repealed.

SECTION 6. Chapter 296, Peddling and soliciting, Section 296-6, Use of property within the Township, of the Township Code, is hereby amended as follows:

> No mobile vendor or solicitor shall have any exclusive right to any one place upon any sidewalk, or any street, or any other fixed location within the Township, whether such location is on publicly owned or privately owned property. No mobile vendor shall stop or park a vehicle or conveyance used in dispensing and selling goods or wares for longer than the time it takes to conclude a sale or an uninterrupted series of sales, whether the mobile vendor's vehicle or conveyance is located on publicly owned property or privately owned property for which the vendor has filed a written authorization for same from the private property owner within the licensing authority. In no event shall a mobile vendor stop or park a vehicle or conveyance used in dispensing and selling goods or wares after 7:00 p.m. No mobile vendor or solicitor shall be permitted to operate in any congested area where his/her operation might impede or inconvenience the public or otherwise create a safety hazard. The Township Police Department shall be authorized to require mobile vendors or solicitors to move from such an area. For the purposes of this section, the judgment of a police officer exercised in good faith shall be deemed conclusive as to whether the area is congested, the public impeded or inconvenienced or a safety hazard is otherwise created by the location of the mobile vendor or solicitor.

SECTION 7. Chapter 296, Peddling and soliciting, Section 296-7, Exceptions, of the Township Code, is hereby repealed and replaced as follows:

> Any individual or group advocating or soliciting on behalf of a charitable or not-for-profit organization, including such activities as religious proselytizing, anonymous political speech or the distribution of political or religious handbills or circulars, shall be exempt from the requirements of this chapter, with the exception of § 296-9, Hours for soliciting, and § 296-13, Citizen's choice, which shall apply.

SECTION 8. Chapter 296, Peddling and soliciting, Section 296-10, Permission of land owner required, of the Township Code, is hereby repealed.

SECTION 9. Chapter 296, Peddling and soliciting, Section 296-11, Zoning ordinances applicable, of the Township Code, is hereby repealed.

SECTION 10. 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 11. 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 such inconsistency.

SECTION 12. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Council of the Township of Parsippany Troy Hills at a duly convened meeting held on _____ and adopted on _____.

_____

Khaled Madin
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2016:09

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, NEW JERSEY AMENDING, CREATING AND SUPPLEMENTING SECTIONS 145-5 ENTERTAINMENT ESTABLISHMENTS; 381-5 TOURIST ACCOMMODATIONS; 95-3 AUCTIONS; 372-8 TAXICABS AND LIMOUSINES; 296-3 CANVASSERS, SOLICITORS, AND MOBILE VENDORS; 275-8 OUTDOOR EATING ESTABLISHMENTS; 83-3 ALCOHOLIC BEVERAGES; AND A445 FEES COMPILATION OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

WHEREAS, the Township of Parsippany-Troy Hills (the "Township") wishes to update its Ordinance regarding several Township fees; and

WHEREAS, it is in the public interest to modify fees periodically for the Township to adequately cover processing and monitoring costs in regards to certain licenses and regulated activities; and

WHEREAS, the proper regulation of such activities and occupations is required in the interests of the health, safety and welfare.

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

SECTION 1. Chapter 145, Entertainment Establishments, Section 145-5, License fee, duration of license, of the Township Code, is hereby amended as follows:

A. The fee for the entertainment license shall be $1,000.00 per year or any part thereof. The fee shall accompany the application for the license.

SECTION 2. Chapter A445, Fees Compilation, Section A445-20, Entertainment establishments, of the Township Code, is hereby amended as follows:

License fee: $1,000

SECTION 3. Chapter 381, Tourist Accommodations, Section 381-5, Fee, of the Township Code, is hereby amended as follows:

The annual fee for a license shall be $23 per lodging unit. If a license is issued after July 1, the fee shall be $13 per lodging unit.

SECTION 4. Chapter A445, Fees Compilation, Section A445-72, Tourist accommodations, of the Township Code, is hereby amended as follows:

A. License fee: $20 per lodging unit annually.

B. Issuance of license after July 1: $13 per lodging unit annually.

C. Transfer of license fee: 20% of annual license fee.

SECTION 5. Chapter 95, Auctions, Section 95-3 License Fee for Public Auctioneers, of the Township Code, is hereby amended as follows:

A. The license fee for public auctioneers shall be $75 per day for each day the license shall be in force.

SECTION 6. Chapter A445, Fees Compilation, Section A445-6, Auctioneers and auction businesses, of the Township Code, is hereby amended as follows:

A. License fee for public auctioneers: $75 per day for each day the license shall be in force.

SECTION 7. Chapter 372, Taxicabs and Limousines, Section 372-8 Limousine owner's license, of the Township Code, is hereby amended and supplemented as follows:

I. Administrative fee. Each applicant shall pay a $500 initial administrative fee for its initial limousine owner's license application. The administrative fee for each renewal of a limousine owner's license shall be $250.

J. License term. All limousine business licenses and vehicle licenses shall expire on December 31 following the date of issue and shall be renewed annually on or before January 1.

K. Liability insurance and power of attorney.

(1) No limousine business license or limousine vehicle license shall be issued until there is submitted to the Township Attorney, and approved by him as to both form and sufficiency, and filed with the Township Clerk at the time application for a license is made an insurance policy with the premium prepaid thereon issued by an insurance company duly licensed to transact business under the laws of the State of New Jersey with a policy limit of not less than $1,500,000 against loss imposed by law, including but not limited to judgment or settlement, upon such owner for damages

on account of bodily injury, including death, or property damage suffered by one or more persons arising from or caused by any one accident, including an act or omission, occurring by reason of the ownership, maintenance or use of the vehicle so licensed within the Township. A "combined single limit" policy in the amount required by this Code section shall satisfy this Code section. The operator of each limousine shall be covered by the insurance requirements herein referred to.

(2) All limousine business licenses and limousine vehicle licenses shall be effective and operative only as long as such insurance policy or policies remain in force and effect.

L. Transfer of limousine vehicle license. Limousine vehicle licenses may be transferred from one vehicle to another belonging to the same limousine business license holder only after an application in writing has been submitted to the Township Clerk, on forms provided, along with a transfer fee of $10. Limousine vehicle license transfer applications must be accompanied by proof that the license plates of the prior limousine were surrendered to the appropriate motor vehicle agency, and shall be accompanied by proof of insurance for the limousine vehicles to which limousine vehicle licenses are transferred. All limousine vehicles to which limousine vehicle licenses are transferred shall be inspected by the Township Police Department to verify that the limousine vehicle is in operational condition and complies with the requirements of the New Jersey Motor Vehicle Law. Approval of the Township Council shall not be required as a condition for the transfer of limousine vehicle licenses under this section.

M. Additional rules and regulations. In addition to the rules and regulations set forth herein, the State of New Jersey and the Motor Vehicle Commission have further statutes, rules and regulations with regard to the operation of limousines and the conduct and licensing of operators thereof. The Township Council may, by resolution, make such rules and regulations in relation to the operation of limousines and the conduct of operators thereof as they may determine to be necessary and proper in the best interests of the Township. A certified copy of any such resolution shall be forwarded to all licensees within 10 days following adoption.

SECTION 8. Chapter A445, Fees Compilation, Section A445-39, Limousines, of the Township Code, is hereby supplemented as follows:

D. Administrative fees.

(1) Initial administrative fee: $500.

(2) Administrative fee on yearly renewal: $250.

SECTION 9. Chapter 296, Canvassers, Solicitors and Mobile Vendors, Section 296-3 Fee, of the Township Code, is hereby amended as follows:

A fee of $350 shall be paid for each license applied for, and no more than one individual can utilize any one license. Any veteran who holds a special license issued under the law of the State of New Jersey shall be exempt from the fee but shall be required to comply with all other applicable subsections of this article. Licenses shall be valid from January 1 through December 31 of the calendar year in which they are issued.

SECTION 10. Chapter A445, Fees Compilation, Section A445-43, Mobile vendors and solicitors, of the Township Code, is hereby amended as follows:

License fee: $350 annually.

SECTION 11. Chapter 275 Outdoor Eating Establishments, Section 275-4 Application, of the Township Code, is hereby supplemented as follows:

F. Fee. Each applicant for an outdoor eating establishment license shall pay to the Township a $100 application fee. The fee shall be non-refundable.

SECTION 12. Chapter A445, Fees Compilation, Section A445-58, Retail food-handling establishments, of the Township Code, is hereby supplemented as follows:

K. Outdoor dining license fee: $100 per year.

SECTION 13. Chapter 83, Alcoholic Beverages, Section 83-3, Licenses, of the Township code is hereby amended as follows:

D. License fees. The annual license fees for the sale or distribution of alcoholic beverages in the Township shall be as follows:

Class of License	**Annual License**
Plenary retail consumption license	$2,500
Plenary retail distribution license	$1,930
Club license	$150

SECTION 14. Chapter A445, Fees Compilation, Section A445-2, Alcoholic beverages, of the Township Code, is hereby amended as follows:

A. License fees:

(1) Club: $150 annually.

(2) Plenary retail consumption: $2,500

(3) Plenary retail distribution license: $1,930

SECTION 15. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 16. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

SECTION 17. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Council of the Township of Parsippany Troy Hills at a duly convened meeting held on _____ and adopted on _____.

_____

Khaled Madin
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2016:11

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 326, SEWAGE DISPOSAL SYSTEMS, INDIVIDUAL; AND A445 FEES COMPILATION OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

WHEREAS, the Township of Parsippany-Troy Hills (the "Township") wishes to update its Ordinance regarding the subsurface sewage disposal system management; and

WHEREAS, the Township Council finds the need to enhance the Township's management program for individual and non-individual subsurface sewage disposal systems in the Township in order to ensure the proper operation and maintenance of such systems; and

WHEREAS, the Township Council finds it necessary to require existing, new and proposed individual and non-individual subsurface sewage disposal systems to be pumped out at least once every three years in order to minimize future malfunctions of such systems; and

WHEREAS, the Township Council finds it necessary to regulate individual and non-individual subsurface sewage disposal systems in the Township in such a way as to protect public health and welfare and the environment, and to provide for a means of educating owners/operators, as defined herein, in the characteristics of such systems and the proper procedures for altering, operating and maintaining them; and

WHEREAS, the Township Council finds it necessary to develop a management program to maintain records and manage systems in the Township; and

WHEREAS, the Township Council finds it necessary to promote and assure the proper management and maintenance of individual and non-individual sewage disposal systems through time.

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

SECTION 1. Chapter 326, Sewage Disposal Systems, Individual, Section 326-2, Permit, of the Township Code is hereby repealed and replaced as follows:

§ 362-2 Definitions.

All definitions given in Subchapter 2 (N.J.A.C. 7:9A-2.1 et. seq.) of the New Jersey Department of Environmental Protection ("NJDEP") Standards for the Construction of Individual Subsurface Sewage Disposal Systems, N.J.A.C. 7:9A 1.1 *et seq.*, and any amendments thereto ("NJDEP Regulations") are hereby incorporated into this article, with the following additions:

ACTIVE USE

For initial licenses, this term shall mean: "The use or direction of waste water to a system after the adoption date of this ordinance." For renewal licenses, this term shall mean: The use or direction of waste water to a system at any time during the period of the license."

HEALTH OFFICER

Health Officer of the Township Office of Health.

EDUCATION PROGRAM

An educational program prepared and administered by the Township Office of Health regarding the fundamentals of individual and non-individual subsurface sewage disposal systems and the proper procedures for the operation and maintenance of such systems. The educational program shall be deemed to be in accordance with N.J.A.C. 7:9A-3.14.

INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

An individual subsurface sewage disposal system, as defined at N.J.A.C. 7:9A-2.1, serving a single family detached residential housing unit.

LICENSED SEPTIC SLUDGE REMOVAL OPERATOR

Any person, firm or corporation which has been found qualified to pump out an individual or non-individual subsurface sewage disposal system, and who has been issued a license by the state of New Jersey Department of Environmental Protection.

NON-INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEM

An on-site subsurface sewage disposal system serving a property other than a single family home. Such systems include but are not limited to those systems defined in N.J.A.C. 7:9A-1.8(c)2. Typical examples include but are not limited to: commercial buildings, restaurants, food establishments, commercial/residential mixed uses, and systems servicing multiple units.

OPERATOR'S LICENSE

A license issued to an applicant pursuant to this ordinance for the operation of an individual or non-individual subsurface sewage disposal system.

OWNER OR OPERATOR

The person who owns or leases the realty upon which an individual or non-individual subsurface sewage disposal system is located and/or the person who uses or operates said system. The owner of the reality and the operator of the system, if different, are jointly and severally liable for the obligations imposed by this ordinance.

PLOT PLAN

A sketch drawn by the owner/operator, or agent on their behalf, showing the type (if known) and location of the individual or non-individual subsurface sewage disposal system servicing the property, as well as the location and type of any on site water supply. All plots shall be drawn to scale and list the dimensions used.

RETAIL FOOD ESTABLISHMENT

Means an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption: 1. Such as a restaurant;, satellite or catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending location; conveyance used to transport people; institution; or food bank; and 2. That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery serve that is provided by common carriers.

SYSTEM

An individual or non-individual subsurface sewage disposal system, including all of the component parts thereof.

SECTION 2. Chapter 326, Sewage Disposal Systems, Individual, Section 326-3, New disposal systems, of the Township Code is hereby repealed and replaced as follows:

§ 326-3, New subsurface sewage disposal systems.

No new subsurface sewage disposal system shall be placed in operation, nor shall new dwellings or buildings or additions thereto be sold or occupied which must rely on such a system for sewage disposal, until the Township Department of Health and Human Services shall have issued a certificate indicating that the subsurface sewage disposal system has been located and constructed in compliance with the terms of the permit issued and the requirements of this Code. Issuance of such certificate shall not be required for alterations to an existing individual subsurface sewage disposal system. The Township Department of Health and Human Services may issue such a certificate if an engineer licensed to practice professional engineering in the State of New Jersey submits a signed written statement to the Township Department of Health and Human Services that the subsurface sewage disposal system has been located and constructed in accordance with the terms of the permit issued and the requirements of this Code.

SECTION 3. Chapter 326, Sewage Disposal Systems, Individual, Section 326-4, Emptying or cleaning septic tanks, of the Township Code is hereby repealed and replaced as follows:

§ 326-4 Scope, applicability and exemptions.

A. **SCOPE.** The owner and/or occupant of any realty improvement serviced by an individual or non-individual on site subsurface sewage disposal system located in the Township shall be subject to all of the requirements of this chapter.

B. **APPLICABILITY.** No person within the Township area shall operate an individual or non-individual subsurface sewage disposal system unless such construction, installation, alteration, maintenance or operation is in accordance with all applicable sanitary regulations and this ordinance.

C. **EXEMPTIONS.** Any system not in active use shall be exempted from this Ordinance. The Township Office of Health may require an owner or operator of a system seeking exemption under this section to submit proof in the form acceptable to the Township Office of Health so as to qualify for this exemption.

SECTION 4. Chapter 326, Subsurface Sewage Disposal Systems, Individual, Section 326-5, Denial of permit, of the Township Code is hereby repealed and replaced as follows:

§ 326-5 License required.

A. License to Operate required. No owner or occupant of a property in the Township upon which an individual or non-individual subsurface sewage disposal system is located shall use or operate the system unless a currently valid License to Operate the system has been issued by the Township Department of Health and Human Services in accordance with the schedule herein to the owner of the property on which the system is located.

1. In addition to the issuance of an initial license for an existing system as specified in this Section, the Township Department of Health and Human Services or its designee may issue a License to Operate and educational information relative to the proper operation and maintenance practices (pursuant to N.J.A.C. 7:9A-3.14) to the owner or occupant of a property upon one or more of the following events:

a. Issuance of a certificate of compliance for a new system;

b. Issuance of a certificate of compliance for the alteration of an existing system; or

c. Renewal of an existing certificate of complaince.

2. All licenses issued pursuant to this Section shall be on a form provided by the Township Department of Health and Human Services. Once issued, a license shall be transferable upon change of ownership or occupancy of the premises for which the license has been issued. A fee as provided in this Section shall accompany each application for a license or renewal. The initial application for a license shall include a Plot Plan showing the location of the septic system (both the tank and the disposal area) and of any private water source on the property. The Plot Plan shall also include the general location, if known, of any wells, and septic systems on adjoining properties.

B. Initial license. Within ninety (90) days of the effective date of this Chapter, the Township Department of Health and Human Services shall notify all owners of property not connected to the Township sewer system in writing of the

requirement to obtain a License to Operate for continued operation of a subsurface sewage disposal system, and said notice shall include a copy of this Chapter. The notice shall specify that the deadline to apply for an initial License to Operate shall be December 31, 2017. Applications for an initial License to Operate for an existing subsurface sewage disposal system shall include the fees, documents and certifications required for the renewal of a License to Operate as set forth in this Section.

C. Expiration and renewal. The License to Operate shall expire on December 31 of the third year after the date of issuance. The Township Department of Health and Human Services shall notify the licensee or its designee at least ninety (90) days before the license expires and shall direct the Owner or Operator to apply for a renewal of the license. The renewal notice shall include educational materials relative to the proper operation and maintenance practice for such systems in accordance with N.J.A.C. 7:9A-3.14.

1. Requirements for renewal. The Township Department of Health and Human Services shall not renew the license unless the licensee has submitted the following to the Township Department of Health and Human Services:

a. Evidence that the septic tank (or in the case of an alternate system, the comparable component of such system) has been pumped by a licensed septic sludge removal operator as required herein; or

b. Submission of a Septic System Inspection Report on a form approved by the Township Department of Health and Human Services indicating that the system has been maintained, is not in need of pumping, and is functioning in conformance with the requirements of this chapter. Any such inspection shall be conducted in accordance with any NJDEP approved protocol, guidance or regulations. If the inspection indicates that a pumpout of the tank or other maintenance, alteration, or repair of the system is necessary, the Township Department of Health and Human Services shall issue a notice of pumping, alteration or repair. Following pumpout or other maintenance, alteration or repair of the system, the owner /operator shall submit to the Township Department of Health and Human Services a completed alteration/pumpout report prepared and signed by the person performing the required work. No person shall test an individual

or non-individual subsurface sewage disposal system in a manner that will adversely affect the functioning of the system. Hydraulic loading shall not be applied in excess of the design flow capacity. All solids shall have been removed from the septic tank and/or grease trap prior to testing unless the hydraulic loading is applied at a point that will bypass the septic tank and/or grease trap. Said form shall be prepared, completed and certified by:

i) A licensed septic installer;

ii) A NJDEP registered inspector;

iii) A NJDEP registered waste hauler;

iv) A licensed professional engineer;

v) A licensed health officer or registered environmental health specialist; or

vi) Any other person acceptable to the Township Department of Health and Human Services.

c. Any such inspection under this section shall include but not be limited to the following:

i) A complete walkover of the septic field;

ii) Measurement of the effluent in inspection ports, (if any) and a reading of the groundwater monitoring port when such ports were included in the original septic design; and

iii) An inspection of baffles and internal integrity of the tank.

2. Renewal term. Any license renewed under this section shall expire on December 31 of the third year following the date of renewal.

3. As a condition precedent to a license renewal, the owner or operator shall pay the fees required by this Section.

D. Suspension of license. The Township Department of Health and Human Services or its designee may suspend or revoke the license to operate under the following circumstances:

1. It has been determined that the system is malfunctioning based upon criteria provided for in N.J.A.C. 7:9A-3.4(a) and the licensee fails to take steps to correct said malfunction as directed by the Township Department of Health and Human Services;

2. The owner or operator violates any provision of this chapter with respect to operation and maintenance of the system; or

3. The owner or operator denies the right of entry to a properly credentialed representative of the Township Department of Health and Human Services, or to the New Jersey Department of Environmental Protection (NJDEP), as required in N.J.A.C. 7:9A-3.19, or in any way interferes with the administration or enforcement of this Chapter.

E. Modified term of license. The Township Department of Health and Human Services may on its own initiative, upon notice and opportunity to the property owner or operator for a hearing, or upon application of a property owner or system operator, alter the time period of a license to operate. The Township Department of Health and Human Services may consider the following factors in determining that a more frequent licensing renewal or pumping/inspection schedule may be necessary:

1. Limited size of the septic tank or disposal field;

2. The fact that the existing system may be a cesspool;

3. The age of the system;

4. Past history of malfunction or other non-compliance;

5. Location of the existing system in a flood hazard, wetland area, wetland transition zone or other environmentally sensitive area; or

6. Proximity of the system to a well or water body.

F. Special licensing requirements for retail food handling establishments. A license to operate for a retail food handling establishment shall expire one (1) year after issuance. The owner of said establishment shall have the right to apply to the Township Department of Health and Human Services for a longer license renewal period, but in no case shall the license renewal period exceed three (3) years. In considering any such application, the Township Department of Health and Human

Services may consider the establishment's demonstrated compliance history with management of the system.

SECTION 5. Chapter 326, Sewage Disposal Systems, Individual, Section 326-6, Stopping of work, of the Township Code is hereby repealed and replaced as follows:

§ 326-6 Requirements.

A. General requirements for subsurface sewage disposal systems. The following requirements pertain to all subsurface sewage disposal systems.

1. The subsurface sewage disposal system shall be used only for the disposal of wastes of the type and origin provided for in the approved engineering design. No permanent or temporary connection shall be made to any source of wastes, waste water or clean water other than those plumbing fixtures which are normally present within the type of facility indicated in the approved engineering design.

2. Drainage from basement floors, footings or roofs shall not enter the subsurface sewage disposal system and shall be diverted away from the area of the disposal field.

3. As set forth in N.J.S.A. 58:10A-17, no person shall use or introduce or cause any other person to use or introduce into any subsurface sewage water disposal system any sewage system cleaner containing any restricted chemical material.

4. Disposal of materials containing toxic substances into a subsurface sewage disposal system is prohibited. Materials containing toxic substances include, but are not limited to, waste oil (other than cooking oil), oil based or acrylic paints, varnishes, photographic solutions, pesticides, insecticides, paint thinners, organic solvents or degreasers and drain openers.

5. Inert or non-biodegradable substances should not be disposed of in the subsurface sewage disposal system. Such substances include, but are not limited to, disposable diapers containing plastic, cat box litter, coffee grounds, cigarette filters, sanitary napkins, facial tissues and wet-strength paper towels.

6. Large quantities of cooking greases or fats shall not be discharged into systems not equipped with a grease trap designed and constructed as prescribed in N.J.A.C. 7:9A-8.1.

7. Major plumbing leaks shall be repaired promptly to prevent hydraulic overloading of the system.

8. Vehicle traffic and vehicular parking shall be kept away from the aspects of the system, unless the system has been specifically designed to support vehicular traffic.

B. Disposal field maintenance requirements. The following additional requirements pertain to subsurface sewage disposal systems which incorporate disposal fields.

1. The area of the disposal field shall be kept free of encroachments from decks, pools, sprinkler systems, driveways, patios, accessory buildings, additions to the main building and trees or shrubbery whose roots may cause clogging of any part of the system.

2. Grading shall be maintained in a condition that will promote run-off of rainwater and prevent ponding.

3. All drainage from roofs, footing drains, ditches or swales shall be diverted away from the disposal field.

4. Vegetation shall be maintained to prevent soil erosion.

5. Vehicle traffic and vehicular parking shall be kept away from the area of the disposal field, unless the disposal field has been specifically designed to support vehicular traffic.

C. Abandonment of subsurface sewage disposal systems.

1. When it is necessary to abandon a system or components of a system, all septic tanks, dosing tanks, seepage pits, dry wells and cesspools which are to be abandoned shall be emptied of wastes and removed or filled completely with sand, gravel, stones or soil material in a manner which is acceptable to the Township Department of Health and Human Services.

2. Except when done as part of or in conjunction with an alteration, permits must be obtained from the Township Department of Health and Human Services and the Township Building Department prior to abandoning any subsurface sewage disposal system or component of said system.

D. Inspection and maintenance requirements for systems with grease traps. The following additional requirements apply to subsurface sewage disposal systems which utilize grease traps.

1. Grease traps shall be inspected and cleaned out at a frequency adequate to prevent the volume of grease from exceeding the grease retention capacity. Grease shall be removed whenever seventy-five percent (75%) of the grease retention capacity has been reached.

2 Pumping of grease traps shall be performed by a solid waste hauler registered with the NJDEP in accordance with the requirements of N.J.A.C. 7:26-3.1.

3. Equipment used in the pumping of grease traps shall meet the following requirements:

a. Mobile tanks shall be securely mounted on trucks or trailers, shall be watertight and provided with a leak-proof cover and shall be vented to permit the escape of gases but not the liquid or solid contents of the tank.

b. Pumps and hoses shall be maintained and operated in a condition that will prevent the leakage of sewage.

c. Equipment shall be available to permit accurate measurement of the volume of grease in relation to the grease retention capacity of the grease trap.

d. Pumping of grease traps shall be conducted in such a manner that the entire contents of the grease trap including both liquids and solids are removed.

e. Pumping shall be carried out in a manner that will prevent spillage of sewage onto the ground. If any spillage occurs, the solid portion shall be immediately removed and disposed of in a sanitary manner and the area of the spill shall be disinfected using a method

acceptable to the Township Department of Health and Human Services.

f. Grease and other waste materials removed from grease traps shall be disposed of in accordance with the requirements of the Statewide Sludge Management Plan adopted pursuant to N.J.S.A. 13:1E-1 *et seq.* and N.J.S.A. 7:11A-1 *et seq.*, as well as any other applicable State or local rules, regulations, ordinances or directives.

E. Maintenance of dosing tanks. The following additional requirements pertain to subsurface sewage disposal systems which incorporate dosing tanks.

1. Dosing tanks and associated pumps, siphons, switches, alarms, electrical connections and wiring shall be maintained in proper working order.

2. Any solids that accumulate in the dosing tank shall be removed and disposed of in a sanitary manner.

SECTION 6. Chapter 326, Sewage Disposal Systems, Individual, Section 326-7, Fees, of the Township Code is hereby repealed and replaced as follows:

§ 326-7 Emptying, relieving or pumping out subsurface sewage disposal systems.

A. Prior to emptying, relieving or pumping out all or a portion of any individual or non-individual subsurface sewage disposal system within the Township, the septic sludge removal operator shall obtain a septic sludge removal permit from the Township Department of Health and Human Services.

B. The septic sludge removal operator shall complete all information on the septic sludge removal permit and deliver one copy to the property owner and one copy to the Township Department of Health and Human Services within seventy-two (72) hours of the time that the individual or non-individual subsurface sewage disposal system is pumped. Failure to deliver said report within the required time frame shall be considered to be a violation of this ordinance.

C. In addition to the permit required under section A. above, the pumping of septic tanks shall be performed by a solid waste hauler registered with the NJDEP in accordance with the requirements of N.J.A.C. 7:26-1.1 *et seq.*

D. Equipment used in the pumping of septic tanks shall meet the following requirements:

1. Mobile tanks shall be securely mounted on trucks or trailers, shall be watertight and provided with a leak-proof cover and shall be vented to permit the escape of gases but not the liquid or solid contents of the tank.

2. Pumps and hoses shall be maintained and operated in a condition that will prevent the leakage of sewage.

3. Equipment shall be available to permit the accurate measurement of the sludge and scum levels in relation to the bottom of the outlet baffle.

E. Pumping of septic tanks shall be conducted in such a manner that the entire contents of the septic tank including both liquids and solids are removed.

F. Pumping shall be carried out in a manner that will prevent spillage of sewage onto the ground. If any spillage occurs, the solid portion shall be immediately removed and disposed of in a sanitary manner and the area of the spill shall be disinfected using a method acceptable to the Township Office of Health.

G. Septage shall be disposed of at a sewage treatment plant designated in accordance with District and/or State Solid Waste Management Plans pursuant to the Statewide Sludge Management Plan adopted pursuant to N.J.S.A. 13:1E-1 et seq. and N.J.S.A 58:IA-1 *et seq.*

SECTION 7. Chapter 326, Sewage Disposal Systems, Individual, Section 326-8, Appeal to Township Council, of the Township Code is hereby created as follows:

Any person aggrieved by any decision of a designee of the Township Department of Health and Human Services made pursuant to this chapter shall have the right to appeal that decision to the Township Council. Any aggrieved person seeking a hearing under this section shall make application in writing to the Township Clerk within thirty (30) days of the decision to be appealed. The Township Clerk shall schedule the matter for a hearing on the agenda for the next regular meeting of the Township Council. The hearing shall be conducted at a meeting held pursuant to the Open Public Meetings Act.

SECTION 8. Chapter 326, Sewage Disposal Systems, Individual, Section 326-9, Enforcement, of the Township Code is hereby created as follows:

A. Nuisances to be corrected.

1. Any on-site sewage disposal system or component thereof that is found to be malfunctioning (as defined in N.J.A.C. 7:9A-2.1 and 3.4) shall constitute a nuisance and shall be repaired, modified or replaced pursuant to an order of the Township Department of Health and Human Services to correct the condition caused by the malfunction. Alterations shall be performed in accordance with "Standards for the Construction of Individual Subsurface Sewage Disposal Systems" as adopted and implemented by the Township by virtue of this Code and any amendments thereto.

2. Any individual or non-individual subsurface sewage disposal system which has not been maintained in accordance with N.J.A.C. 7:9A:12.3, Septic Tank Maintenance, is hereby declared a nuisance.

3. Any individual or non-individual subsurface sewage disposal system which is constructed, installed, altered, operated or maintained in violation of this section, the DEP Regulations, any rule or regulation promulgated pursuant to this ordinance or any permit, certificate or license issued pursuant to this ordinance is hereby declared to be a nuisance.

4. In addition the powers provided for in N.J.A.C. 7:9A-1.1 *et seq.*, the Township Department of Health and Human Services retains its authority to abate any nuisance in accordance with the provisions of N.J.S.A. 26:3-45 *et. seq.*

B. Malfunctioning subsurface sewage disposal system; inspections of system; revocation of license.

1. The Township Department of Health and Human Services shall have the right to inspect any system which shows evidence of any malfunction. Such evidence may include, but not be limited to, foul odors, leakage to ground surface, or soggy ground over system. Water and/or soil samples may be taken to confirm the existence of a malfunctioning system.

2. The Township Department of Health and Human Services may require that any malfunctioning system be corrected by servicing or by replacement or alteration of the system.

3. Until any necessary replacement or alteration of a system has been accomplished, the Township Department of Health and Human Services may require pumping and the removal of the entire contents of the septic tank for the system (both liquids and solids) at intervals specified by the Township Department of Health and Human Services.

4. No provision to this Chapter shall be interpreted as precluding the Township Department of Health and Human Services from revoking a license issued by the Township Department of Health and Human Services for the operation of a system in the event that the Township Department of Health and Human Services shall determine that such action is necessary and appropriate for the enforcement of this Chapter. Any such revocation shall be upon notice to the owner or operator, with an opportunity to comment or appeal.

SECTION 9. Chapter 326, Sewage Disposal Systems, Individual, Section 326-10, Right of entry, of the Township Code is hereby created as follows:

In furtherance of the rights granted to the Township Department of Health and Human Services in N.J.S.A. 26:3-45 *et seq.* and N.J.A.C. 7:9-3.19, any employee or agent of the Township Department of Health and Human Services, upon presentation of identification, shall have the right to enter upon property where an individual or non-individual subsurface sewage disposal system is located for the purpose of observation, inspection, monitoring and/or sampling of the on-site sewage disposal system. This authority is exercised by virtue of N.J.S.A. 26:3-31 as a necessary and reasonable method of furthering the duties of the Township Department of Health and Human Services as enumerated therein.

SECTION 10. Chapter 326, Sewage Disposal Systems, Individual, Section 326-11, Fees, of the Township Code is hereby created as follows:

A. Any application for the initial issuance or annual renewal of a license to engage in the business of construction, repairing or reconstructing any individual sewage disposal system or privy shall be accompanied by a nonrefundable $50 application fee.

B. Any application for the issuance of a subsurface sewage disposal system permit shall be accompanied by a nonrefundable $250 application fee. The application fee shall include plan review related to a new system or alteration of an existing system, and a certificate of compliance. Percolation and water tests are to be

performed by a licensed contractor or engineer at the expense of the property owner.

C. Any application for the issuance or renewal of a License to Operate shall be accompanied by a nonrefundable $50 application fee.

D. Any application for the issuance or renewal of a license to a person engaged in the business of cleaning or emptying receptacles for the reception and storage of human excrement or other putrescible matter shall be accompanied by a nonrefundable $25 application fee for each vehicle or conveyance so licensed.

SECTION 11. Chapter 326, Sewage Disposal Systems, Individual, Section 326-12, Fines, of the Township Code is hereby created as follows:

A. A person who violates any provision of this article, or any term or condition of any certificate or license issued hereunder, shall be liable for one or more of the following penalties [N.J.S.A. 40:69A-29(b)].

1. A fine of not less than one hundred dollars ($100.00) nor more than one thousand dollars ($1,000).

2. A period of community service not to exceed ninety (90) days.

B. Each separate day and each violation of any provision or this article, any term or condition of any certificate or license or any notice or order issued by the Township Department of Health and Human Services shall constitute a separate and distinct violation under this ordinance.

C. Nothing in this section shall be construed as limiting the remedies of the Township Department of Health and Human Services for violation of this article. The Township Department of Health and Human Services may proceed under any other remedy available at law or in equity for any violation of this article or any term or condition of any certificate or license issued by the Township Department of Health and Human Services or for any failure to comply with any notice or order issued by the Township Department of Health and Human Services or its enforcement official under this ordinance.

SECTION 12. Chapter A445, Fees Compilation, Section A445-33, Individual sewer disposal system, of the Township Code, is hereby amended as follows:

A. Any application for the initial issuance or annual renewal of a license to engage in the business of construction, repairing or reconstructing any individual sewage disposal system or privy shall be accompanied by a nonrefundable $50 application fee.

B. Any application for the issuance of a subsurface sewage disposal system permit shall be accompanied by a nonrefundable $250 application fee. The application fee shall include plan review related to a new system or alteration of an existing system, and a certificate of compliance. Percolation and water tests are to be performed by a licensed contractor or engineer at the expense of the property owner.

C. Any application for the issuance or renewal of a License to Operate shall be accompanied by a nonrefundable $50 application fee.

D. Any application for the issuance or renewal of a license to a person engaged in the business of cleaning or emptying receptacles for the reception and storage of human excrement or other putrescible matter shall be accompanied by a nonrefundable $25 application fee for each vehicle or conveyance so licensed.

SECTION 13. 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 14. 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 such inconsistency.

SECTION 15. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Council of the Township of Parsippany Troy Hills at a duly convened meeting held on _____ and adopted on _____.

_____

Khaled Madin
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2016:

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 430, ZONING, ARTICLE XXXIX, ADMINISTRATION AND ENFORCEMENT, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

WHEREAS, the Township of Parsippany-Troy Hills (the "Township") has promulgated ordinances establishing certain planning and zoning standards within the Township; and

WHEREAS, the Township finds and declares that enforcement of its planning and zoning standards is in the best interests of health, safety and welfare for all Township residents.

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

SECTION 1. Chapter 430, Zoning, Section 430-294, Administrative and enforcement officer designated, of the Township Code, is hereby amended as follows:

> The provisions of this Chapter shall be administered and enforced by the Administrative Officer or his designee. In no case shall a permit be granted for the construction or alteration of any building or structure where the proposed construction, alteration or use thereof would be in violation of any provision of this Chapter, and no structure or land shall be used in violation of any provision of this Chapter or any approved variance, subdivision or site plan. It shall be the duty of the Administrative Officer or his designee to inspect any building, structure or premises which may be in violation of this Chapter or any approved variance, subdivision or site plan and to order, in writing, the remedying of any conditions found to exist in violation thereof. Additionally, it shall be the duty of the Administrative officer or his designee to enforce the conditions of any variance, subdivision or site plan approved by the Township Planning Board, Township Board of Adjustment, or other board or agency of competent jurisdiction, including any conditions of approval set forth in a resolution of approval.

SECTION 2. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 3. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

SECTION 4. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Council of the Township of Parsippany Troy Hills at a duly convened meeting held on _____ and adopted on _____.

_____

Khaled Madin
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2016:14

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING ORDINANCES 90:31 AND 99:18, AND AUTHORIZING THE SALE OF LEASEHOLD INTERESTS IN AND TO BLOCK 498, LOT 23; BLOCK 136, LOT 65; BLOCK 15.8, LOT 35.01; AND BLOCK 736.1, LOT 3, AND CHANGING THE MINIMUM BID STRUCTURE THEREFOR

WHEREAS, the Township of Parsippany-Troy Hills (the "Township") owns certain real property identified as all or portions of Block 498, Lot 23; Block 136, Lot 65; Block 15.8, Lot 35.01; and Block 736.1, Lot 3 on the official Township Tax Map (the "Property"); and

WHEREAS, the Township owns, operates and maintains water distribution systems, including water towers and supporting structures on the Property; and

WHEREAS, the Township Council finds that it is beneficial to rent those portions of its water towers and supporting structures not otherwise dedicated to public use to private entities supplying cellular telephone and data services to the public; and

WHEREAS, the Township Council further finds that it is in the public interest to modify and update the terms and conditions upon which leasehold interests in the Property are granted, including minimum rents, escrows and insurance requirements.

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

SECTION 1. Ordinance 90:31, Authorizing the Sale of Leasehold Rights in and to Lot 23, Block 498, Lot 65, Block 136 and/or Lot 35.01, Block 15.8, is hereby repealed in its entirety.

SECTION 2. Ordinance 99:18, Authorizing the Sale of Leasehold Rights in and to Lot 23, Block 498, Lot 65, Block 136 and/or Lot 35.01, Block 15.8, by Additionally Authorizing the Sale of Leasehold Rights in and to Lot 3, Block 736.1 and/or Lot 31.01, Block 25 and by Changing the Minimum Bid Structure is hereby repealed in its entirety

SECTION 3. There is hereby authorized the sale of a leasehold interest in property identified as Block 498, Lot 23; Block 136, Lot 65; Block 15.8, Lot 35.01; and Block 736.1, Lot 3 on the official Township Tax Map, the purpose of such leasehold interest shall be to erect cellular communications antennae and construct communications equipment enclosures upon the following terms and conditions:

A. The initial term of any lease awarded hereunder shall not exceed five (5) years, and the tenant shall have the right to renew the lease for an additional five (5) year period.

B. The minimum basic rent for the year 2016 shall be $50,408, and shall increase at the rate of two percent (2%) per year for every year thereafter. All rent shall be payable in equal monthly installments.

C. Any improvements to be constructed by the tenant shall be constructed at the tenant's cost and shall be constructed in such a manner so as to not interfere with the Township's utilization of the site for water storage and distribution or related municipal uses such as public safety communication. Communications equipment enclosures shall, to the extent practicable, be placed outside of and away from any Township security fences and critical security, technical or systems areas. The Township may require the tenant to construct its own fenced enclosure for its communications equipment and place its own lock thereon.

D. Should the tenant have to maintain, repair or replace any of its equipment installed on a Township water tower or supporting structure, or located within a Township security fence or technical or critical area, the tenant shall, to the extent practicable, provide the Township with twenty-four (24) hours' notice. Prior to entering any area enclosed by a Township security fence or designated by the Township as a technical or critical area, the tenant shall hire an off-duty Township police officer pursuant to Township Code § 4-34 to provide security at the site during all times that the Township's facility is unlocked or open.

E. Should the Township need to maintain, repair or replace its water tower or supporting structures, the tenant shall be given seventy-two (72) hours' notice to secure or remove all antennae and/or equipment affected by the Township's maintenance, repair or replacement. Should the tenant fail to secure or remove said equipment, the Township shall not be liable for damages to the antennae, equipment or enclosures, or for any expenses incurred by the tenant in repairing or replacing any of the antennae or equipment damages during any such maintenance, repair or replacement. This notice requirement shall not apply in the event of an emergency.

F. The tenant shall submit to the Township a Certificate of Insurance and shall maintain the following minimum insurance coverages in amounts satisfactory to the Township during the term of its lease, and shall annually submit Certificates of Insurance to the Township to verify maintenance of the same.

1. Worker's Compensation and Employer's Liability Insurance in accordance with New Jersey and federal laws and regulations.

2. Broad form Comprehensive General Liability, including bodily injury liability, property damage liability, personal injury liability, contractual liability, contingent liability, broad form property damage and independent contractors coverage.

G. The tenant shall agree to hold the Township harmless and indemnify the Township from any and all claims, including attorney's fees that may arise out of its use or maintenance of any facilities which it seeks to install on Township property.

H. The tenant shall not commence or undertake any installation of antennae or communications equipment prior to receiving written approval from the Township Director of Water Utility as to the method by which antennae and communications equipment shall be affixed to any structure. All installations shall meet the National Electric Code, BOCA Code and, where applicable, the tenant shall obtain all federal, state and local required permits. The tenant shall be held strictly liable for any damage to Township water towers or supporting structures sustained during any installation, repair, maintenance, replacement or removal of tenant's antennae or communications equipment.

I. The tenant, upon execution of the lease, and in addition to any rents due or paid, shall deposit with the Township a security deposit of Fifteen Thousand United States Dollars (US$15,000.00). The security deposit shall be kept in an interest bearing account and the Township and the tenant shall annually share in the interest equally.

J. The bidder for the lease or leases to be offered by this Ordinance shall include with the bid the following information:

1. Length of antenna, including any lightning protection.

2. Antenna diameter or width.

3. Antenna weight, including the weight of any flanges, brackets or supports.

4. Maximum wind load of the antenna as installed.

5. A complete description of the antenna mounting system, such as flange, tank leg, or tank side, along with a diagram of the mounted antenna and any communications equipment enclosure.

K. At the time of the receipt of bids, the prospective tenant shall describe where its antennae shall be located on any water tower or supporting structure. The acceptance of the bid shall also be subject to a determination that the prospective tenant's antennae will not interfere with other nearby radio or Township public safety equipment.

L. No leasehold interest authorized by this Ordinance shall be considered exclusive and the Township reserves the right to sell similar leasehold interests provided that the same do not interfere with each other.

M. The Township reserves the right to accept any bid or reject all bids pursuant to governing law.

SECTION 4. The Business Administrator is hereby directed to proceed to advertise for and take public bids in accordance with the terms set forth in Section 3 of this Ordinance. N.J.S.A. 40A:12-14 and such other terms and conditions not inconsistent with this Ordinance, as the Business Administrator shall deem appropriate. The Mayor and Township Clerk are hereby authorized to execute an appropriate lease, in a form acceptable to the Township Attorney in accordance with the terms of this Ordinance.

SECTION 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

SECTION 6. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Council of the Township of Parsippany Troy Hills at a duly convened meeting held on _____ and adopted on _____.

_____

Khaled Madin
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2016: 15

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, ESTABLISHING A SELF INSURANCE PLAN AND FUND FOR EMPLOYEE HEALTH BENEFITS AND CREATING A BOARD OF FUND COMMISSIONERS AS REQUIRED BY LAW

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills (the "Township") has determined that providing for a partially self-funded health insurance program for its employees will be an efficient and cost effective method of providing such benefits to its employees; and

WHEREAS, such a program is authorized by N.J.S.A. 40A:10-6e; and

WHEREAS, as part of the establishment of such a program it is required by N.J.S.A. 40A:10-8 that a board of fund commissioners be created to oversee the safe and proper administration of such a fund;

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

SECTION 1: Establishment of Plan and Fund.

There is hereby established a self-funded health insurance plan for Township employees to be known as the "Township of Parsippany-Troy Hills Self-Funded Insurance Plan" (the "Plan"). There is further established in accordance with the provisions of N.J.S.A. 40A;10-6, *et seq.* an insurance fund to be known as the "Township of Parsippany-Troy Hills Self-Insurance Fund" (the "Fund"). The Plan and the Fund shall be operated and maintained in accordance with the terms of: (i) N.J.S.A. 40A:10-6, *et seq.*; (ii) this Ordinance, the agreement between the Township and its Third-Party Administrator ("TPA"), any final non-appealable directives issued by a governmental agency with respect to the Plan (collectively, the "Plan Documents"); and (iii) the rules and regulations promulgated by the Department of Community Affairs.

SECTION 2: Establishment of Fund Commission.

There is hereby established in accordance with the requirements of N.J.S.A. 40A:10-8, a Fund Commission (the "Commission") consisting of the Township Business Administrator, the Township Chief Financial Officer, and one official of the Township and a secretary of the Commission to be appointed by the Mayor, with the advice and consent of the Township Council. The Commissioners shall hold office for two (2) years or for the remainder of their term as officials, whichever is less, and until their successors shall have been duly appointed and

qualified. The Secretary shall serve at the pleasure of the Commission. The Commissioners shall serve without compensation. The compensation of the secretary, if any, shall be established and authorized by the Township Council. Vacancies occurring on the Commission shall be filled for the unexpired term through appointment by the Mayor. The Commissioners shall forthwith after appointment organize for the ensuing year by electing a Chairman from among their membership.

SECTION 3: Powers and Authority of Commission.

In order to maintain the efficient, professional and actuarially sound operation of the fund, the Township will contract with a qualified TPA to assist the Township and the Commission in the proper design and administration of the Plan. Subject to consultation and review by the Mayor, the Commissioners shall have the power and duty to oversee the TPA, adopt rules and regulations for the control and investment of the Fund, assure that the Fund has sufficient funds for payment of losses and claims, invest assets of the Fund in accordance with the Township's established investment policy and as provided by law and approved by the Township CFO, and assure the proper operation of the Plan and the Fund consistent with their purpose. The Commission shall have the authority to authorize and effectuate the payment of Fund-related claims and take such other action as is necessary to effectuate the Fund and the contract with the TPA regarding the Fund.

SECTION 4: Purpose of the Fund.

The purpose of the Fund is to hold, manage and distribute funds in accordance with the Plan Documents. The Fund exists to pay healthcare claims and related expenses covered by the Plan and the Fund shall not be used for any other purpose.

SECTION 5: Reserve for Claims.

The Commissioners and the TPA shall cause the Fund to achieve a reasonable reserve of up to one (1) year of claims payments to assure that sufficient assets are available to continue to pay all claims and expenses in a high claims year.

SECTION 6: Plan Requirements – Administration of Claims.

Claims shall be administered and paid, after review, by the TPA in accordance with the TPA administration contract. The TPA shall assure that all Township employees covered by the Plan are fully informed as to the proper procedure for submitting claims and that all notices required by law with respect to the Plan are promptly provided to the plan participants.

SECTION 7: Plan Requirements – Additional and Excess Coverage.

The Township, directly or through the TPA, shall arrange for the purchase of "Stop Loss" or "Excess" coverage in order to provide ascertainable limits to the liability of the Fund. Such coverage shall include, but need not be limited to, coverage for catastrophic illness for plan participants, aggregate coverage (below catastrophic coverage) to assure that the Plan's risk level

is capped at a maximum amount as established by the Township in consultation with the Commissioners and the TPA, and run-out coverage to allow claims incurred during the plan year to be paid out for a period of three months after the end of the plan year. The Plan shall also include a requirement that the Township shall, directly or through the TPA, contract for Liability Insurance pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), which shall include responsibility for handling all second level appeals.

SECTION 8: Appeals.

Appeals from denial of claims shall, in the first instance, be reviewed by the TPA. In considering appeals, any relevant supplemental information provided by the plan participant or the service provider shall be considered. Second level appeals shall be handled by a third party retained to review appeals on an independent basis according to the Plan Documents. In order to assure that the Plan is consistently, fairly and equitably administered, the approval or denial of individual claims shall in all cases shall be determined by the terms of the Plan.

SECTION 9: Annual Review; Open Enrollment Period.

The Commission shall annually, in consultation with the Township Council and coordination with its TPA and other professional consultants, review and evaluate the Plan, and evaluate the Plan in comparison to plan designs offered by the New Jersey State Health Benefit Plan. The base plan option of the Township's Plan shall be modified to mirror the design of the base plan option offered by the State Health Benefit Plan. This review shall occur at the same time as the annual open enrollment period. At no time will the Township be required to offer base plan benefits greater than those offered by the State Health Benefit Plan.

SECTION 10: Continuation of Fund; Termination.

The Fund shall continue from year to year without lapse until the self-fund insurance plan is terminated by action of the Township Council. In the event of such a termination, after payment of all claims and expenses of the Plan, any fund balance remaining shall revert to the Township's general fund.

SECTION 11. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

SECTION 12. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Council of the Township of Parsippany Troy Hills at a duly convened meeting held on _____ and adopted on _____.

_____
Khaled Madin
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2015-109: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS GRANTING A MAJOR SOIL MOVING PERMIT TO ROBERT AND JULIA PETERSON: 25 OLD PARSIPPANY ROAD, BLOCK 392.1, LOT 2

WHEREAS, Robert and Julia Peterson, have applied to the Township of Parsippany-Troy Hills to move approximately 4,160 cubic yards of soil as part of the proposed work at, **Block 392.1, Lot 2, 25 Old Parsippany Road**; and

WHEREAS, the Planning Board made and passed a motion at its meeting of May 9, 2016 recommending approval to the Township Council, as indicated in a May 10, 2016 memorandum from the Planning Board; and

WHEREAS, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Planning Board dated May 11, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to Robert and Julia Peterson for the moving of approximately 4,160 cubic yards as part of the proposed work at, **Block 392.1, Lot 2, 25 Old Parsippany Road**, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated May 11, 2016.
2. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of May 9, 2016.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

TOWNSHIP OF PARSIPPANY-TROY HILLS
PLANNING BOARD

TO: Khaled Madin, Township Clerk
Justin Lizza, Township Engineer
Jim Walsh, Township Forester

FROM: Peggy Mader, Planning Board

DATE: May 10, 2016

RE: Robert & Julia Peterson
Block: 392.1 Lot: 2
25 Old Parsippany Road
Major Soil Moving Permit

At the Planning Board meeting of May 9, 2016 the following motion was made and passed;

"to recommend to the Township Council approval of the Major Soil Moving Permit for Robert and Julia Peterson, Block: 392.1 :Lot: 2, 25 Old Parsippany Road subject to the memo from the Township Engineer Justin Lizza dated May 3, 2016. Also subject to the hours of operation being 8:00 am to 4:40 pm Monday to Friday and the truck route being Route 287 to Parsippany Road."

Should you have any questions or need further information, please contact this office.

TOWNSHIP OF PARSIPPANY-TROY HILLS
DIVISION OF ENGINEERING
INTEROFFICE MEMORANDUM

To: Planning Board

From: Justin Lizza, Municipal Engineer

Date: May 3, 2016

Subject: Major Soil Moving Permit
Robert & Julia Peterson
25 Old Parsippany Road
Block 392.1 Lot 2

This office has reviewed the Major Soil Moving application for the referenced project along with a hand drawn plan prepared by the Petersons. The applicant proposes to place 4,160 cubic yards of fill soil on the lot to be used as a noise barrier from Route 80 traffic. We offer the following comments:

1. A pre-construction meeting must be held prior to the start of work. Drainage and runoff issues will also be discussed at this meeting.
2. The soil application fee is $400.
3. The soil-moving fee is $224.00.
4. The estimated inspection fee is $180.
5. The required performance guarantee for site restoration is $2,000.
6. A tree removal permit must be obtained.
7. Township Council approval is required.
8. No ground disturbance shall take place until approved by the Engineering office.

This office has no objection to the Major Soil Moving permit provided the above items are addressed.

Please contact me if you have any questions.

I:\Block\392.1\Lot\2\major soil.doc

TOWNSHIP OF PARSIPPANY-TROY HILLS
DIVISION OF ENGINEERING
INTEROFFICE MEMORANDUM

To: Khaled Madin, Township Clerk

From: Justin Lizza, Municipal Engineer

Date: May 11, 2016

Subject: Major Soil Moving Permit
Robert & Julia Peterson
25 Old Parsippany Road
Block 392.1 Lot 2

This office has reviewed the Major Soil Moving application for the referenced project along with a hand drawn plan prepared by the Petersons. The applicant proposes to place 4,160 cubic yards of fill soil on the lot to be used as a noise barrier from Route 80 traffic. We offer the following comments:

1. The soil application fee is $400.
2. The soil-moving fee is $224.00.
3. The estimated inspection fee is $180.
4. The required performance guarantee for site restoration is $2,000.
5. A pre-construction meeting must be held prior to the start of work. Drainage and runoff issues will also be discussed at this meeting
6. No ground disturbance shall take place until approved by the Engineering office
7. A tree removal permit must be obtained.

Township Council approval <u>is</u> required. This office has no objection to the Major Soil Moving permit.

Please contact me if you have any questions.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2015-110: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS GRANTING A MAJOR SOIL MOVING PERMIT TO POOJA DHRUVI, LLC: 1479 RT. 46 EAST, BLOCK 726, LOT 6

WHEREAS, Pooja Dhruvi, LLC (Budget Inn/Super 8 Motel), has applied to the Township of Parsippany-Troy Hills to move approximately 630 cubic yards of material as noted in Application #15:57 as part of the proposed work at, **Block 726, Lot 6, 1479 Rt. 46 East**; and

WHEREAS, the Zoning Board of Adjustment considered this application at its meeting of May 4, 2016 and recommends approval to the Township Council, as indicated in an May 5, 2016 memorandum from the Zoning Board of Adjustment; and

WHEREAS, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Zoning Board of Adjustment dated March 2, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to Pooja Dhruvi, LLC for the moving of approximately 630 cubic yards of material as noted in Zoning Board of Adjustment Application #15:57 as part of the proposed work at, **Block 726, Lot 6, 1479 Rt. 46 East**, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated March 2, 2016.
2. The applicant shall comply with the recommendations and requirements stipulated by the Zoning Board of Adjustment at its meeting of May 4, 2016.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 24, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
DIVISION OF ENGINEERING
INTEROFFICE MEMORANDUM

To: Board of Adjustment

From: Justin Lizza, Municipal Engineer

Date: March 2, 2016

Subject: Major Soil Moving Permit
Budget Inn / Super * Motel
1479 Route 46
Block 726 Lot 6

This office has reviewed the Major Soil Moving application for the referenced project along with the plan prepared by AWZ Engineering dated January 18, 2016. In accordance with the Major Soil Moving Application the applicant proposes to move 630 cubic yards of material as part of the proposed work however the volume should be based on the total volume of soil moved which equals 849 cubic feet. In accordance with Ordinance Section 350 we offer the following:

1. Several items of information have not been provided on the application but must be prior to commencement of any ground disturbance. This information includes, but is not limited to, the excavator's name and contact information, date of work, hours of operation, equipment information, the origin and destination of material and the travel route.

2. The soil application fee is $400

3. The soil-moving fee is zero.

4. The estimated inspection fee is $180.00.

5. The required performance guarantee for site restoration is $2,000.00.

6. Township Council approval is required.

7. A pre-construction meeting must be held prior to the start of work.

8. No ground disturbance shall take place until approved by the Engineering office.

This office has no objection to the soil moving application provided the above items are addressed.

Please contact me if you have any questions

I:\Block\726\Lot\6\major soil.doc

INTEROFFICE TOWNSHIP OF PARSIPPANY-TROY HILLS
ZONING BOARD OF ADJUSTMENT
MEMORANDUM

TO:	*Township Council* *Khaled Madin, Township Clerk* *Ellen Sandman, Business Administrator* *Justin Lizza, PE Township Engineer*
FROM:	*Harriet Jacobs, Board of Adjustment*
DATE:	*May 5th 2016*
SUBJECT:	*Major Soil Moving Permit for* *Budget Inn/Super 8 Motel* *1479 Rt. 46 East* *Block: 726 Lot: 6* *Zone: B-2*

Attached for your review and approval please find a certified copy of a resolution adopted by the Board of Adjustment on May 4th, 2016 recommending approval of a major soil moving permit in conjunction with a previously granted major site plan for the above captioned property under Board of Adjustment application # 15:57.

Att:

POOJA DHRUVI, LLC
[BUDGET INN SUPER 8 MOTEL]

APPLICATION NO. 15:57

BLOCK 726, LOT 6, ZONE B-2

May 4, 2016

Mr. Chairman, I move the adoption of the following Resolution memorializing the grant of relief requested by the Applicant, Pooja Dhruvi, LLC [Budget Inn Super 8 Motel], in Application No. 15:57, for an application for a soil moving permit pursuant to Section 350-4 of the Ordinances of the Township of Parsippany-Troy Hills, and in connection with the construction activities and recommendation to seek a major soil moving permit to remodel a Budget Inn Super 8 Motel from the Township Council, under the Zoning Ordinances of the Township of Parsippany-Troy Hills, for such reasons as placed on the record relating to property known as 1479 Route 46 Eastand designated as Block 726, Lot 6, on the Tax Map of the Township of Parsippany-Troy Hills.

RESOLUTION

WHEREAS, the Parsippany-Troy Hills Zoning Board of Adjustment (hereinafter referred to as the "Board") held a public hearing according to law on April 20, 2016 on Application No. 15:57 filed by Pooja Dhruvi, LLC [Budget Inn Super 8 Motel] (hereinafter referred to as the "Applicant") for relief fromSection 350-1, *et al*, for a recommendation to the Township Council to grant a Major Soil Moving Permit in order to remodel a Budget Inn Super 8 Motel and requesting recommendation to seek a major soil moving permit from the Township Council, under the Ordinances of the Township of Parsippany-Troy Hills, and for such reasons as placed on the record which relate to

property known as 1479 Route 46 East, and designated as Block 726, Lot 6, on the Tax Map of the Township of Parsippany-Troy Hills, and subject to a prior approval for construction.

WHEREAS, the Board does hereby set forth the following findings of fact, circumstances, reasons and conclusions:

1. The Application and service notice were found to be in order. The Applicant was represented by Joseph A. O'Neill [or William Ruggierio], of Garofalo & O'Neill, P.A. 60 Baldwin Road, Suite 202, Parsippany, New Jersey, for the construction of a Budget Inn Super 8 Motel and relief from Chapter 350-1, *et al*, of the Ordinances of the Township of Parsippany-Troy Hills.
2. The Applicant is the owner of the subject property which is located in the B-2 zone.
3. Applicant's Engineer, Adnan A. Khan, P.E., of 150 River Road, Suite B3, Montville, New Jersey, was qualified, sworn and testified that no more than 31 truckloads of soil would be moved. There would be 3 to 4 loads per day and the excavation activities would be no more than five to six days. The truck route will be pursuant to the Township Engineer's approval. Times of operation will be pursuant to Township Ordinances and/or at the direction of the Township Engineer.
4. Applicant's Engineer testified that he will obtain and provide to the Township Engineer all certifications of clean fill and comply with all recommendations

as contained in the March 2, 2016 letter of Justin Lizza, the Township's Engineer, which is hereby made a part of this Resolution.

5. Applicant's Engineer further testified that essentially 31 truckloads, or up to 849 cubic feet of material will be taken away from the property requiring a major soil removal permit, which will be required to be given issued and approved by the Township Council.
6. There were no objectors.
7. The Board concludes that the recommendations to the Township Council of the permit relating to this property is appropriate.

NOW, THEREFORE, BE IT RESOLVED, on this 4th day of May, 2016, that the Zoning Board of Adjustment of the Township of Parsippany-Troy Hills recommends to the Parsippany-Troy Hills Council that they grant a soil movement permit to the Applicant subject to the following conditions:

1. The application approval is subject to all items as set forth in the Township's Engineer, Justin Lizza, P.E., letter dated March 2, 2016 letter.
2. The Applicant is to make application with the Township Council for soil a removal permit of no more than 849 cubic feet of soil, consisting of no more than 31 truckloads. The Major Soil Moving Permit is contingent upon Township Council approval.

3. The Applicant shall apply for all required building permits within 180 days from the date of publication of the prior grant of approval of Application 15:57.
4. The Applicant shall comply with all other rules, regulations and requirements affecting development in the Township, county and state.

J:\CLIENT FOLDERS\PTH Zoning\RESOLUTIONS 2015\Resolution_Budget Inn_15_57_soil removal.docx

CLERK'S CERTIFICATION

I, HARRIET JACOBS, Clerk of the Board of Adjustment of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, hereby certifiy that the foregoing is a true and exact copy of a Resolution adopted at the meeting of the Board of Adjustment of the Township of Parsippany-Troy Hills held on this 4th day of May, 2016.

Harriet Jacobs, Clerk

Moved by: Mr. Berkowitz, second, Mr. Snyder

Soil Moving – 15:57
Budget Inn

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-111: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE CANCELLATION AND REFUND OF PROPERTY TAXES FOR BLOCK 582, LOT 3 – 100% TOTALLY PERMANENTLY DISABLED VETERAN

WHEREAS, N.J.S.A. 54:4-3.30 exempts 100% permanently and totally disabled veterans or surviving spouses of veterans from the payment of real estate taxes; and

WHEREAS, Raymond and Janet Kaczmarek , husband and wife, are the owners of the residential property assessed as Block 582, Lot 3, having an address of 343 Lake Shore Drive and purchased on May 7, 1974 and

WHEREAS, Raymond Kaczmarek has been certified by the Department of Veterans Affairs as a 100% permanently and totally wartime service connected disabled veteran effective November 13, 2015 and

NOW, THEREFORE, BE IT RESOLVED by the Township of Parsippany-Troy Hills that the 2016 real estate taxes on the above parcel be and are hereby canceled for the period January 1, 2016 through December 31, 2016; and

BE IT FURTHER RESOLVED that said 2016 taxes ***paid*** for the period from January 1, 2016 to December 31, 2016 be refunded to the owner, Raymond and Janet Kaczmarek, of the property.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 24, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-112: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT TO NISIVOCCIA, LLP FOR PROFESSIONAL SERVICES AS TOWNSHIP AUDITOR

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire professional auditing services as a non-fair and open contract pursuant to the N.J.S.A. 19:44A-20.5 et seq.; and

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

WHEREAS, the Township wishes to provide professional auditing services at a cost of $118,397.00; and

WHEREAS, Nisivoccia, LLP has submitted a Business Entity Disclosure Certification, which Certification provides that they have not made any reportable contributions to candidate committees, joint candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit Nisivoccia, LLP from making any reportable contributions through the term of the contract that would bar the award of this Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, Nisivoccia, LLP has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.6, not later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than $300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

WHEREAS, the Business Entity Disclosure Certification further provides that Nisivoccia, LLP has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for this purpose in the following accounts:

2016 Annual Budget: Current Water, Sewer and Golf Other Expenses, Pursuant to Adequate Funds Being Appropriated in the Annual Budgets.

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

1. That the Township of Parsippany-Troy Hills hereby awards, and the Mayor and the Township Clerk are hereby authorized to execute a contract between the Township of Parsippany-Troy Hills and Raymond G. Sarinelli of the firm Nisivoccia, LLP, 200 Valley Road, Mt. Arlington, New Jersey 07856, to provide professional auditing services for the year 2016 in accordance with the contract on file in the office of the Township Clerk, no sooner than ten (10) days

following the submission of a Political Contribution Disclosure Form and Stockholder Disclosure Certification.

2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and

3. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as "Professional Services" in accordance with N.J.S.A. 40a:11-1, et seq.

Khaled Madin
TOWNSHIP CLERK

Louis Valori
COUNCIL PRESIDENT

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-101: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AWARD OF A CONTRACT TO ALLIED PAINTING, INC., 41 LARWIN ROAD, CHERRY HILL, NJ 08034 FOR KNOLL ROAD WATER TANK PAINTING AND REHABILITATION

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Knoll Road Water Tank Painting and Rehabilitation on April 7, 2016, and

WHEREAS, the Business Administrator, Director of Purchasing, Water Superintendent and Consulting Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Allied Painting, Inc., 4 Larwin Road, Cherry Hill, NJ 08034 for the Total Base Bid Price of $1,271,500.00 as well as the Total Alternate No. 1 Bid Price of $15,000.00 and the Total Alternate No. 2 Bid Price of $45,000.00, and

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

Water Capital Ordinance # 2015:21 adopted September 15, 2015, entitled,
"Various Improvements"

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Knoll Road Water Tank Painting and Rehabilitation 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.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 17, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-102: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AWARD OF A CONTRACT TO EVOQUA WATER TECHNOLOGIES LLC, 2650 TALLEVAST ROAD, SARASOTA, FL 34243 FOR SUPPLY OF BIOXIDE FOR THE WASTEWATER TREATMENT PLANT

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for Supply of Bioxide for the Wastewater Treatment Plant on April 21, 2016, and

WHEREAS, the Business Administrator, Director of Purchasing and Sewer Superintendent have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Evoqua Water Technologies LLC, 2650 Tallevast Road, Sarasota, FL 34243 for the Price Per Gallon of $2.47, and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify the availability of funds at the time of purchase under the following:

"2016 Temporary Sewer Budget/Other Expenses"

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Supplying Bioxide for 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.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 17, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-103: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REJECTING THE BID FOR THE FEMA HOUSE ELEVATION PROJECT, PHASE VI

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for the FEMA House Elevation Project, Phase VI on April 27, 2016, and

WHEREAS, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bid received and recommend that the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for the FEMA House Elevation Project, Phase VI be rejected.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY17, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-104: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT TO MIDWEST CONSTRUCTION, INC., FOR RECONSTRUCTION OF GLENCOVE ROAD AND MEDFORD ROAD FOR THE TOTAL BID PRICE OF $748,854.62

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for the Reconstruction of Glencove Road and Medford Road on April 27, 2016, and

WHEREAS, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Midwest Construction Inc., 23 Dead River Road, Warren, NJ 07059 for a Total Bid Price of $748,854.62, 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 2014:27 adopted August 19, 2014
and 2015:22 adopted September 15, 2015,
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 Glencove Road and Medford 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.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 17, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-105: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR FIREWORKS DISPLAY SERVICES TO INTERNATIONAL FIREWORKS MFG. CO. FOR A TOTAL PRICE OF $23,000.00

WHEREAS, the Township wishes to have a fireworks show for its residents for the Fourth of July; and

WHEREAS, although it is not required for Extraordinary Unspecifiable Services, the Township advertised for Proposals from parties interested in providing Fireworks Display Services; and

WHEREAS, the Business Administrator, Director of Purchasing and Recreation Department have reviewed the proposals received and recommend that a contract be awarded to International Fireworks Mfg. Co., 242 Sycamore Rd., Douglassville, PA 19518 for the fireworks display description proposed for a total price of $23,000.00; and

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

"2016 Temporary Budget/Recreation O/E."

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

(1) The Township of Parsippany-Troy Hills hereby awards and authorizes the Mayor and Township Clerk to execute the agreement with International Fireworks Mfg. Co., 242 Sycamore Rd., Douglassville, PA 19518 for Fireworks Display Services; and

(2) This contract shall be awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. and without competitive bid as "Extraordinary Unspecifiable Services" in accordance with N.J.S.A. 40A:11-5(1)(a).

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 17, 2016.**

KHALED MADIN
TOWNSHIP

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

CLERK

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-106: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS SUPPORTING THE NEW JERSEY DEPARTMENT OF TRANSPORTATION'S USE OF A "NO PASSING" ZONE ALONG ROUTE NJ 53 IN THE TOWNSHIP OF PARSIPPANY-TROY HILLS

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route NJ 53 in the Township of Parsippany-Troy Hills; and

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route NJ 53 meet and conform to current design standards; and

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone Conditions along Route NJ 53;

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 it supports the use of a "No Passing Zone" on Route NJ 53 in the Township of Parsippany-Troy Hills as recommended by NJDOT.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to NJDOT as requested.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 17, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI,Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-107: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE USE OF EXISTING FACILITIES IN THE PUBLIC RIGHT-OF-WAY FOR SMALL NETWORK NODES

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Township of Parsippany-Troy Hills; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality;

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

1) Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Parsippany-Troy Hills, subject to the following:

   A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.

   B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Parsippany-Troy Hills.

   C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Parsippany-Troy Hills, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Parsippany-Troy Hills.

   D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than $1,000,000 for injury to or death of one or more persons in any one occurrence and $500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Parsippany-Troy Hills as an additional insured.

E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. Notwithstanding any provision contained herein, neither the Township of Parsippany-Troy Hills nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

G. This instrument shall be adopted on behalf of the Township of Parsippany-Troy Hills by the Township Council of the Township of Parsippany-Troy Hills and attested to by the Township of Parsippany-Troy Hills Clerk who shall affix the Township of Parsippany-Troy Hills Seal thereto.

H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 17, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.

TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY

RESOLUTION

R2016-108: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING MANDATORY DIRECT DEPOSIT FOR ALL TOWNSHIP EMPLOYEES EFFECTIVE JUNE 1, 2016

WHEREAS, P.L. 1981, c. 385 (C.52:14-15a) was amended by the Senate and General Assembly of the State of New Jersey to provide that municipalities (along with other State entities) may provide for mandatory direct deposit of net pay for all employees on or after July 1, 2014; and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills recommends the municipality adopt this requirement for mandatory direct deposit of net pay as it provides an increase in the productivity of the Finance department and a decrease in the cost of producing and replacing lost checks; and

WHEREAS, the employees of the municipality shall indicate, in writing to the Chief Financial Officer, the specific banking institutions(s) and designated checking account(s), savings account(s) or share account(s) to which the deposit shall be made on behalf of the employee; and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills may determine special exceptions to this policy for paychecks for terminated employees, special awards and other unique circumstances; and

WHEREAS, the Chief Financial Officer, Human Resources Officer and Township Administrator recommend the adoption of this policy.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills that, effective June 1, 2016, mandatory direct deposit of net pay for all employees of the Township of Parsippany-Troy Hills shall be made to the specific banking institution(s) provided by each employee.

THIS IS TO CERTIFY THAT THE ABOVE IS A TRUE AND LAWFUL COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AT ITS MEETING OF **MAY 24, 2016.**

KHALED MADIN
TOWNSHIP CLERK

COUNCIL PRESIDENT LOUIS A. VALORI, Ed.D.