

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

**SEPTEMBER 18, 2012**

**Council President Brian Stanton opened the Regular Meeting at 7:30 p.m. followed by a salute to the Flag. He advised that adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 15, 2011 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 19, 2011.**

**Note:** Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 2:00 p.m. on Sundays and are also available for viewing at [www.parsippany.net](http://www.parsippany.net).

**PRESENT:** Council President Brian Stanton  
Council Vice-President Vincent Ferrara  
Council Member Paul Carifi, Jr.  
Council Member Michael J. dePierro  
Council Member James Vigilante

**ALSO PRESENT:** Mayor James R. Barberio; John Inglesino, Township Attorney; Ruby Malcolm, CFO (for a portion of the meeting); and Yancy Wazirmas, Township Clerk.

**UPCOMING MEETINGS:**

10/9/12 @ 7:30 p.m. Agenda Meeting  
Public Invited – Public Participation

10/16/12 @ 7:30 p.m. Regular Meeting  
Public Invited – Public Participation

**MAYOR'S PRESENTATION(S):**

Mayor Barberio presented Proclamations to Modell's, Mike Corigliano and Shop-Rite for their help with Par-Troy East Little League.

**PRESENTATION(S):**

None.

**DISCUSSION:**

Best Practices Checklist: Ms. Ruby Malcolm presented to the Governing Body copies of the completed 2012 Best Practices Checklist and explained that the Best Practices checklist is a list of questions that each municipality is required to answer. The final percentage of affirmative answers determines the final amount of State Aid that each municipality receives. Based on the answers in the checklist, the Township of Parsippany-Troy Hills is not in danger of losing any state aid this year.

**BID(S)**

**To be Taken:**

9/27/12 @ 10:00 am            Sealed Proposals Replacement of the Accessible Ramp at the Sewage Treatment Plant  
9/27/12 @ 11:00 am            Sealed Proposals for Roof Replacement at the Sewage Treatment Plant

**Request(s) for Quotation(s)/Proposal(s)/Qualification(s)**

10/4/12 @ 11:00 am            Operation of Pro Shops and Provision of Golf Professional and Related Services at Knoll Country Club

**ORDINANCES - SECOND READING & PUBLIC HEARING**

**ORDINANCE 2012:33**

**AN ORDINANCE AMENDING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 29, BUS STOPS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY**

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

The forgoing Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on July 23, 2012.

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE AMENDING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 29, BUS STOPS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY,**” be read in title only on second reading and a hearing held thereon.

\* \* \* \* \*

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

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

\* \* \* \* \*

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

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

**NOW, THEREFORE, BE IT RESOLVED** that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Vigilante and Stanton

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**ORDINANCE 2012:34**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROVING TABLE OF ORGANIZATION OF THE PARSIPPANY-TROY HILLS POLICE DEPARTMENT**

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

The forgoing Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on July 23, 2012.

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROVING TABLE OF ORGANIZATION OF THE PARSIPPANY-TROY HILLS POLICE DEPARTMENT,**” be read in title only on second reading and a hearing held thereon.

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

- **Mr. Jerry Manning, 3 Oakdale Rd:** expressed his disagreement with the whole concept explaining that the current economy does not allow this for the budget at this time. He also expressed concerns that this may open the Township wide to litigation.

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

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

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

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**NOW, THEREFORE, BE IT RESOLVED** that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

**ROLL CALL:**

**YES** – Council Members dePierro, Vigilante and Stanton

**NO** – Council Member Ferrara

**ABSTAIN** – Council Member Carifi

**PUBLIC HEARING**

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

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

**CONSENT AGENDA**

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.

Council President Stanton, moved the approval of the Consent Agenda, seconded by Mr. Vigilante.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Vigilante and Stanton

**ABSTAIN** – Council Member Ferrara

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**MINUTES FOR APPROVAL**

\* Agenda Meeting of 7/10/12

**BID AWARD(S)**

Awarding Contract for Reconstruction of Curbs and Sidewalks at Various Locations (Add-On)

**RESOLUTION(S)**

**\* AUTHORIZING CHANGE ORDER #2 FOR SYLVAN WAY SOUTH INTERCEPTOR SEWER REPLACEMENT (1)**

**WHEREAS**, a change order is necessary for the contract for Sylvan Way South Interceptor Sewer Replacement with Pact Construction, Inc., 554 Route 31, Ringoes, NJ 08551, resulting in a net increase in costs in the amount of \$4,635.52; and

**WHEREAS**, the Consulting Engineer has recommended the changes as outlined in Change Order #2, due to various modifications to the contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it hereby approves Change Order #2, resulting in a \$4,635.52 increase in the contract price

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute Change Order #2, in the form on file with the Township Clerk.

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**\* APPROVING LENGTH OF SERVICE AWARD PROGRAM CERTIFICATION LISTS FOR THE YEAR 2011 (2)**

**WHEREAS**, the Township Council of Parsippany-Troy Hills adopted a Resolution approving the creation of a Length of Service Award Program (LOSAP) at its meeting of May 14, 2002, covering the members of the volunteer first aid squads and rescue and recovery unit members; and

**WHEREAS**, the Parsippany Rescue & Recovery Unit, Inc., the Rockaway Neck First Aid Squad and the Parsippany Volunteer Ambulance Squad have submitted certified lists of active volunteer first aid squad and rescue and recovery unit members who qualify for LOSAP contributions for the year 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council has reviewed and approved the lists of volunteer first aid squad and rescue and recovery unit members who qualify for LOSAP contributions for the year 2011; and

**BE IT FURTHER RESOLVED**, that the certified lists and this resolution shall be posted for thirty (30) days at the squad buildings of the two ambulance squads and the rescue & recovery unit and in the office of the Township Clerk in accordance with N.J.S.A. 40A:14-192.

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**\* AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH COMMUNITY HOPE FOR FUNDING FROM THE AFFORDABLE HOUSING TRUST FUND OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS (3)**

**WHEREAS**, in a Resolution, dated July 10, 2012, the Township of Parsippany-Troy Hills (the "Township") (a) approved the granting of funding to Community Behavioral Healthcare, Inc. ("CBH") in the amount of \$600,000 from the Township's Affordable Housing Trust Fund ("AHTF") to be spent by CBH on its intended acquisition and rehabilitation of a five (5) bedroom community residence for the developmentally disabled on property located at 44 Reynolds Avenue, Parsippany, New Jersey (the "Reynolds Avenue Property") so as to provide low and moderate income housing for five (5) residents with developmental disabilities, including affordable housing for low income, special needs, disabled individuals; and (b) authorized the Municipal Attorney to prepare an Agreement between the Township

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and CBH setting forth the terms and conditions by which said funds shall be distributed to, and utilized by CBH; and

**WHEREAS**, in a Resolution, dated July 17, 2012, the Township corrected the above-referenced Resolution to reflect the proper name of Community Hope as the organization to receive said \$600,000 of funding from the AHTF; and

**WHEREAS**, on July 16, 2012, the Township entered an Agreement setting forth the terms and conditions by which said funds shall be distributed to, and utilized by Community Hope, which Agreement provided, *inter alia*, that if Community Hope were to determine that the Reynolds Avenue Property was not suitable for affordable housing development, then Community Hope would have the right to pursue other property that it believes is suitable for such development subject to the review and approval by the Township; and

**WHEREAS**, Community Hope has determined that the Reynolds Avenue Property is not suitable for such affordable housing development; and

**WHEREAS**, Community Hope believes that the property located at 639 Tabor Road, Parsippany, New Jersey (the "Tabor Road Property"), is suitable for such affordable housing development, and has requested that the Township authorize an amendment to the Agreement providing for Community Hope's use of said AHTF monies to acquire the Tabor Road Property and to renovate the existing building thereon (currently used and configured as two apartment units, each containing two-bedrooms, and a medical office) to be used as a three-unit, multi-family building, which would provide affordable housing for six (6) special needs, disabled individuals of low income; and

**WHEREAS**, Community Hope believes that the renovation and conversion of the Tabor Road Property into a three-unit, multi-family building, may require a use variance or other variances or approvals, and has requested that, if same is required, the Township state its support of the granting of a use variance, or other variances or approvals to allow the renovation and conversion of the Tabor Road Property into a three-unit, multi-family building for use by six (6) special needs, disabled individuals of low income; and

**WHEREAS**, Community Hope's proposed renovation and conversion of the Tabor Road Property furthers the intent and purpose of the Code of the Township of Parsippany-Troy Hills and the use of the AHTF monies to address the low and moderate income housing needs and obligations of the Township and to provide affordable housing to low and moderate income people; and as such, subject to the Township's review of the proposed renovation and conversion, the Township is in support of the granting of a use variance, or other variances or approvals to allow the renovation and conversion of the Tabor Road Property into a three-unit, multi-family building for use by six (6) special needs, disabled individuals of low income; and

**WHEREAS**, the Township desires to approve the request of Community Hope and authorize an amendment to the Agreement so as to incorporate the above-referenced modifications.

**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:

(a) The Township hereby approves Community Hope's request to amend the Agreement so as to provide for Community Hope's use of said AHTF monies to acquire the Tabor Road Property and to renovate the existing building thereon to be used as a three-unit, multi-family building to provide

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affordable housing for six (6) special needs, disabled individuals of low income, and subject to an amendment to the Agreement between the parties, as set forth in (b), below; and

(b) The Municipal Attorney is hereby authorized to prepare an amendment to the Agreement between the Township and Community Hope providing for Community Hope's use of the AHTF monies to acquire the Tabor Road Property and to renovate the existing building thereon to be used as a three-unit, multi-family building to provide affordable housing for six (6) special needs, disabled individuals of low income; and

(c) Subject to the Township's review of the proposed renovation and conversion, the Township is in support of the granting of a use variance, or other variances or approvals to allow the renovation and conversion of the Tabor Road Property into a three-unit, multi-family building for use by six (6) special needs, disabled individuals of low income.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to ultimately execute and witness an amendment to the Agreement to be prepared by the Municipal Attorney's office, with the conditions and requirements that have been set forth in this Resolution.

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**\* APPROVE AN ITEM OF REVENUE IN THE CURRENT FUND BUDGET IN THE SUM OF \$4,400.00 FOR STATE OF NEW JERSEY DRIVE SOBER OR GET PULLED OVER 2012 (4)**

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2012 in the sum of \$ 4,400.00 which item is now available as revenue from:

State of New Jersey  
Section 410-Alcohol Traffic Safety & Drunk Driving Prevention  
Incentive Grants-CFDA 20.601

**BE IT FURTHER RESOLVED** that a like sum of \$ 4,400.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey  
Drive Sober or Get Pulled Over 2012  
Statewide Crackdown

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**\* AUTHORIZING THE SALE OF A VEHICLE TO THE PARSIPPANY PAL (5)**

**WHEREAS**, the Township of Parsippany-Troy Hills currently owns a 2000 Dodge Caravan, VIN number 2B4GP2537YR560850 that is no longer needed for Township purposes; and

**WHEREAS**, the Parsippany Police Athletic League has requested to purchase this vehicle; and

**WHEREAS**, the Township would like to sell this vehicle for the nominal price of \$1 to the Parsippany Police Athletic League, in accordance with N.J.S.A. 40A:12-21.1 and N.J.S.A. 40A:12-21 (k).

**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 2000 Dodge Caravan, VIN number 2B4GP2537YR560850 be sold to the Parsippany Police Athletic League for the nominal price of \$1 with the following conditions:
  - a. that the vehicle be used only for the purposes of the Parsippany Police Athletic League and shall not be used for commercial business or trade; and
  - b. that if the vehicle is not used in accordance with that limitation, ownership of the vehicle shall revert to the Township.
2. That this Resolution shall take effect immediately.

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**\* EXTENDING THE MAJOR SOIL MOVING PERMIT GRANTED TO K&K DEVELOPERS/FOX RUN (6)**

**WHEREAS**, K & K Developers was granted a Major Soil Moving Permit by resolution of the Township Council adopted on August 18, 2009 to remove approximately 4,623 cubic yards of material in conjunction with a project for a ten-lot subdivision at Block 98, Lots 22 and 23; and

**WHEREAS**, the Planning Board at its General Business Meeting on June 18, 2012 recommended to the Council that the **K & K Developers** be granted a one year extension of its Soil Moving Permit #02:007 to August 18, 2013; and

**WHEREAS**, the request for an extension of the Major Soil Moving Permit has been reviewed by Justin Lizza, Municipal Engineer, and his recommendation to grant said extension has been memorialized in a memorandum dated August 31, 2012;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant an extension of the Major Soil Moving Permit issued to K & K Developers to remove approximately 4,623 cubic yards of material on Block 98, Lots 22 & 23, Fox Run, to August 18, 2013, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements specified in a memorandum from the Township Municipal Engineer, dated February 10, 2009, which recommendations and requirements were incorporated in the resolution adopted August 18, 2009 granting the Major Soil Moving Permit and with the resolution adopted August 16, 2011 granting an Extension of the Major Soil Moving Permit.
  2. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.
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**\* AUTHORIZING A LEASE AGREEMENT WITH THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE LEASE OF PROPERTY LOCATED AT EDWARDS AND SHARKEY ROADS IN THE TOWNSHIP OF PARSIPPANY-TROY HILLS (7)**

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills (the "Township") desires to maximize the use of its property by generating recurring revenues by way of leasing property owned by the Township located at the intersection of Edwards Road and Sharkey Road (shown on the Tax Map of the Township as part of Lot 1, Block 769) (the "Property") not needed for public use; and

**WHEREAS**, since approximately June of 1982, the Morris County Municipal Utilities Authority (the "MCMUA"), together with the current tenant of the Property, has operated certain solid waste facilities on the Property in conjunction with the MCMUA's operation of its solid waste transfer station located on adjacent property owned by the MCMUA; and

**WHEREAS**, the MCMUA expressed an interest in continuing its solid waste operations on the Property and in entering into a lease agreement directly with the Township for the lease of the Property upon the expiration of the lease agreement with the current tenant of the Property; and

**WHEREAS**, the lease agreement with the current tenant of the Property expires on or about January of 2013; and

**WHEREAS**, in addition to the rental income to be generated by a lease agreement directly with the MCMUA, the Township would continue to receive host benefit fees of \$4.50 per ton of solid waste deposited at the MCMUA's solid waste transfer station located on adjacent property owned by the MCMUA and a ten percent (10%) discount on the rates charged for all solid waste generated within the Township and collected by or on behalf of the Township and deposited at the MCMUA's transfer station; and

**WHEREAS**, pursuant to N.J.S.A. 40A: 12-14, the Township desires to enter into a lease agreement with the MCMUA, as a public body, for the lease of the Property to the MCMUA for (a) the MCMUA's continued use of the Property as a solid waste facility operated in conjunction with MCMUA's operation of its solid waste transfer station located on adjacent property owned by the MCMUA; (b) a term of twenty five (25) years commencing January 27, 2013 (or a shorter term if the MCMUA ceases operation of its transfer station); and (c) an annual rent of \$202,758.23 per year with annual increases equal to the increase in the Consumer Price Index, plus one percent (1%) of revenues on solid waste tonnage disposed of at the MCMUA's solid waste facility in excess of 294,192 tons per year.

**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) That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
- (2) That the Mayor and Clerk are hereby authorized to execute and witness a lease agreement with the MCMUA for the lease of the Property owned by the Township located at the intersection of Edwards Road and Sharkey Road (shown on the Tax Map of the Township as part of Lot 1, Block 769) to be prepared by the Municipal Attorney's office in accordance with the terms, conditions and requirements set forth in this Resolution and

such other terms and conditions as deemed necessary and appropriate after further consultation with the Municipal Attorney's office.

**APPLICATION(S)**

**\* LIMOUSINE LICENSE RENEWAL – UNLIMO01.COM CORP., 239 NEW ROAD, BUILDING C, SUITE 208, PARSIPPANY, NJ 07054 (8)**

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following Limousine Owner's License be renewed for the year 2012 pending verification of registration with the New Jersey Motor Vehicle Commission:

**UNILOM001.COM CORP.**

239 New Road  
Bldg. C, Suite 208  
Parsippany, NJ 07054  
(2 vehicles)

**ORDINANCES - INTRODUCTION**

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

**ORDINANCE 2012:35**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE ACQUISITION BY PURCHASE OF PROPERTIES LOCATED WITHIN THE TOWNSHIP THROUGH FEMA HAZARD MITIGATION GRANT PROGRAM**

**WHEREAS**, pursuant to N.J.S.A. 40A:12-5, the Township of Parsippany-Troy Hills ("Township") has the power to acquire any real property for a public purpose through negotiated agreement; and

**WHEREAS**, the Township has executed a grant agreement with the State of New Jersey, Office of Emergency Management for disaster relief funds under the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (Grant No. HMGP-4021-NJ-0014) to acquire certain properties deemed substantially damaged as the result of Tropical Storm Irene; and

**WHEREAS**, the Township has received preliminary approval for grant funding through the Morris County Flood Mitigation Program to supplement the funding provided through FEMA Grant No. HMGP-4021-NJ-0014; and

**WHEREAS**, properties to be acquired under FEMA Grant No. HMGP-4021-NJ-0014 and the Morris County Flood Mitigation Program include:

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<u>Block</u>	<u>Lot</u>	<u>Address</u>
526	7	67 Hiawatha Boulevard
551	17	4 Cherokee Avenue
550	8	3 Cherokee Avenue
540	3	30 Cherokee Avenue
539	4	35 Cherokee Avenue
554	23	32 Lake Shore Drive
558	13	35 Lake Shore Drive
554	19	40 Lake Shore Drive
553	7	53 Lake Shore Drive
552	1	67 Lake Shore Drive
552	28	71 Lake Shore Drive
539	7	92 Lake Shore Drive
538	10	104 Lake Shore Drive
528	11	1 Minnehaha Boulevard
528	8	59 River Drive
528	6	63 River Drive
529	2	68 River Drive
501	54	126 River Drive
552	4	57 Rockaway Boulevard
553	11	3 Wilbur Avenue
552	21	18 Huron Avenue

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

1. The above recitals are hereby incorporated into the body of this Ordinance as if set forth at length herein.
2. The acquisition by negotiated purchase of a fee simple interest in the Property as defined herein above is hereby authorized.
3. The Township Attorney and the Business Administrator are hereby authorized to take all actions necessary to acquire the Property through negotiated purchase.
4. The Mayor and Township Clerk are hereby authorized to execute and witness, respectively, any documents necessary to effectuate the purchase of the Property subject to the above terms.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict only; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

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**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 **September 18, 2012** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **October 16, 2012** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Vigilante and Stanton

**ADD – ON RESOLUTION(S):**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR RECONSTRUCTION OF CURBS AND SIDEWALKS AT VARIOUS LOCATIONS (Add-On 1)**

Motion to Approve Award of Contract for Reconstruction of Curbs and Sidewalks at Various Locations by Mr. dePierro, seconded by Mr. Ferrara.

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Curbs and Sidewalks at Various Locations-2012 on September 13, 2012, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Arnold's Roads, Inc., 8 Dante Road, Monroe Township, NJ 08831 for a Total Bid Price of \$207,060.15, 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 2006:08 adopted May 23, 2006 and  
2011:07 adopted June 21, 2011, 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 Curbs and Sidewalks at Various Locations-2012 be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Vigilante and Stanton

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**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONFIRMING THE APPOINTMENT OF TOWNSHIP PUBLIC DEFENDER AND AWARDING A CONTRACT FOR PROFESSIONAL SERVICES (Add-On 2)**

Motion to Confirm the Appointment of Township Public Defender and Award a Contract for Professional Services by Mr. Ferrara, seconded by Mr. dePierro.

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to retain professional legal services pursuant to §4-48 of the Township Administrative Code to serve as Public Defender; and

**WHEREAS**, the Mayor has appointed Matthew W. Young, Esq. of the firm Nuzzi & Mason, LLC, with offices located at 50 Nelson Street, Dover, NJ 07801; and

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

**WHEREAS**, Matthew W. Young, Esq. will submit a Business Entity Disclosure Certification providing he has not made any and will not make any contribution 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 term of this contract shall be from September 1, 2012 through December 31, 2012.

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

Dedication by Rider: Municipal Public Defender

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

1. The Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Matthew W. Young, Esq. of the firm Nuzzi & Mason, LLC, with offices located at 50 Nelson Street, Dover, NJ 07801 to serve as Public Defender for the Township.
2. The Business Entity Disclosure Certification and Determination of Value shall be placed on file with this Resolution; and

That, this contract shall be awarded without competitive bid as a “Professional Service” in accordance with N.J.S.A. 40A:11-1, et seq. because said services are performed by persons authorized by law to practice a recognize profession.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Vigilante and Stanton

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**Discussion 1**

Mr. Vigilante introduced for discussion the issue of the four families about to be evicted from their rental units due to the enforcement of the housing occupancy limits ordinance (Displacement Reimbursement). He asked Mr. Inglesino if there is any way the ordinance can be suspended until the ordinance is revised.

Mr. Inglesino responded that the only way to make a law ineffective is to change it by ordinance. Township officials cannot just selectively enforce or suspend laws. He recommended that the Council approve the ordinance submitted to them at a prior meeting that works on a waiver mechanism in the interim while a sub-committee is formed to find a revision that is a permanent solution.

Mr. Carifi and Mr. dePierro re-iterated their objections to the waiver mechanism as too arbitrary and may “open a can of worms.” Mr. Ferrara and Mr. Stanton asked if there is a way to set a maximum allowable age limit for children in one bedroom apartments. Mr. Inglesino recommended against it on the basis that this would invite litigation issues. He further advised that decisions have to be based on health, safety and welfare reasons.

Mayor Barberio asked that landlords be made more accountable.

Mr. Stanton stated that he will be forming a sub-committee to address this issue immediately.

**Discussion 2**

Mr. dePierro brought to the attention of the Council that Joseph Medwin, a former Committee man passed away and asked if his name is supposed to be placed on the wall outside Council Chambers. Mayor Barberio stated he will look into it and take care of the issue.

**Discussion 3**

Mr. Ferrara asked the attorney if the Council is entitled to receive a list of all the lawsuits currently pending against the Township. Mr. Inglesino responded that lawsuits against the Township are a matter of public record and he will prepare a list of all the active lawsuits. He also stated that the majority of the lawsuits are being handled by the Township’s insurance company.

**Motion to Adjourn Meeting by Mr. Ferrara and Seconded by: Mr. Carifi.**

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Vigilante and Stanton

**MEETING ADJOURNED: 8:33pm**

Respectfully submitted,

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Yancy Wazirmas, Township Clerk

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Brian Stanton, Council President

Minutes approved: