

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

April 12, 2011

Council President Fox 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 and was forwarded by fax to other local newspapers and local radio stations on December 16, 2011. He further noted that Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 10:00 a.m. on Sundays and are also available for viewing on www.parsippany.net.

PRESENT: Council Members Cesaro, dePierro, Ferrara, Stanton and Fox

ALSO PRESENT: Mayor Barberio, J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney; J. Silver, Township Clerk

PRESENTATION: Two members of the United States Marine Corps Reserves presented a “Mayor’s Award” to Mayor Barberio and thanked the Township for its participation in the Marine Corps Toys for Tots Program, noting that, over the years, more than 2,000 toys were collected. On behalf of the Township, the Mayor thanked the young men for serving our great nation and helping less fortunate children.

The Council reviewed the agenda for the meeting and agreed to add resolutions authorizing an Agreement and Release with DLS Contracting, Inc. and confirming the appointment of Gerald P. Scala as Municipal Court Judge.

**UPCOMING
MEETINGS:**

5/10/11 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

5/17/11 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

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BID(S) TO BE TAKEN:

4/21/11 @ 11:00 a.m. Fireworks Display Services

ORDINANCE(S):

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

None

PUBLIC HEARING

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

Roy Messmer, 10 Drumlin Drive, reaffirmed his position on using sewer surplus to reduce the tax levy, noting that he, as well as many other people, feels this is wrong. With or without the “Tool Kit,” no municipality should be able to use a non-deductible tax payment, such as sewer, to reduce a tax deductible item such as real estate taxes. He commented that this year’s “tax gimmick” by the Administration, which was condoned by the Council, is like an attorney using clients’ escrow money for his or her personal expenditures. He reiterated that this is wrong and a bad precedent. He felt that the sewer surplus funds are taxpayers’ money, for which they were overcharged, and the taxpayers want it back now. He noted that for the last six years he challenged the 52% sewer charge increase and the management’s use of taxpayers’ money at the Sewer Plant, especially when elected officials keep saying that the Sewer Plant is a break-even entity. On May 17th, he will present a petition with hundreds of signatures to the Mayor and Council regarding this action taken.

In connection with the “cash payout to retirees,” he expressed his view that the Council and Administration should detail how this is being accomplished. He questioned where the money is coming from.

Mr. Messmer, with regard to “shared services, and, specifically, referencing the “occupancy ordinance,” felt that an attorney on a County level should work with all municipalities because often the problems faced by municipalities are the same. As a result, legal expenses could be reduced.

Relative to taxation on apartments, Mr. Messmer indicated that he would like to see the Mayor and the Council work with other towns to try to change the “net income approach” so that we can get fair and equitable taxation.

Mr. Cesaro agreed with Mr. Messmer’s comments regarding the “net income approach.” He indicated that he has also been addressing this for years. Hopefully, the State Legislature will make a change.

Mayor Barberio reminded everyone that the Township has to follow New Jersey State Law.

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Mr. Inglesino explained that the concept of “shared services” as it relates to legal representation would not work because as lawyers, we represent a client, and under the rules that govern attorneys, that concept doesn’t work. However, he pointed out that he and many other lawyers who represent public entities are aware of, and have access to, ordinances in other communities and, when issues arise, the work done with respect to similar issues in other municipalities is considered. He commented that attorneys are not reinventing the wheel every time a similar issue comes up, which results in a cost savings.

Regarding the sewer surplus, Mayor Barberio explained that he still wants to “write-off” the maintenance portion of the sewer bill. That is an IRS Code that we must tackle. He noted that some have criticized him from taking a portion of the Sewer Utility surplus to reduce the tax levy, but the criticism is misguided. He explained that our Sewer Utility currently has a surplus of \$5,460,000. The Township has used \$1,615,000 for next year’s (Sewer Utility) Budget. He proposed taking \$700,000 from the surplus to reduce our tax burden while leaving \$3,145,000 in surplus. He felt that this is the right thing to do at this time for the Township. His critics believe that no tax is too high and no surplus is too much; they want to use our money to “grow government and increase taxes.” He has a different view. He felt that government should take what it needs, not what it wants, and give the excess surplus back to the taxpayer. This is exactly what he is doing. He is taking the money from the same ratepayer and giving it back to the same ratepayer. He also felt that it is important to know the history of the Sewer Treatment Plant before making any accusations. He noted that the sewer surplus hasn’t always been excessive. In 2005, Mayor Letts irresponsibly neglected our Sewer Utility, which resulted in a \$28,500 deficit in 2005 in operations and a record low surplus of \$56,000. If anything catastrophic would have happened, the Township would have been in dire straits. We would have had to go into the General Fund or an emergency fund. In 2006, the Utility was headed for an even larger deficit. At that time, Mayor Luther was forced to increase the rate to 52% to balance the Sewer Budget. Mayor Barberio reiterated that he is doing the right thing, noting that the \$700,000 will keep our tax levy low; that’s his job – to keep taxes low and that is what he will continue to do. He pointed out that the bond rating companies have agreed that this is the fiscally responsible thing to do. Under this Administration’s approach, we will maintain an appropriate level of surplus in the sewer utility. The reason why we can’t reduce sewer rates at this time is because we are going through a major renovation. If something were to happen right now, the surplus would be required; we are keeping \$3,145,000 in surplus to deal with any type of catastrophic event. When the Sewer Treatment Plant is finished, we will have a state of the art plant and then we will be able to lower rates.

Mr. Stanton noted that Mr. Messmer made a comment in which he compared the use of the sewer surplus funds to lower taxes to an attorney using his escrow account. He asked Mr. Messmer to explain, noting that it is illegal for an attorney to use escrow funds for personal expenditures. Mr. Stanton pointed out that if the Mayor didn’t use the \$700,000, the budget would go up \$700,000.

Mr. Messmer commented that his analogy, used to get everyone’s attention, was not really “way off.” He wants the tax deduction for the taxpayers of Parsippany. He agreed that the personal use of escrow funds by an attorney is illegal. What the Mayor proposed is not illegal, but in his opinion, it is unethical and not fair to the taxpayers.

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Mayor Barberio reiterated that the sewer surplus is going back to the same base rate taxpayer.

Mr. Stanton indicated that, in connection with the “retirement payouts,” once the Governor signs health care legislation increasing payments by employees, Parsippany could see 16 police officers retire with approximately \$3 million in payouts; \$3 million on a \$60 million budget is 5%. Dividing the amount into five payments is the best way to address this.

Annelise Catanzaro, 67 Midvale Avenue, asked for clarification in connection with police payouts, questioning if payment is being deferred, one-fifth each year for the next five years. Ms. Lim explained that the payouts will all be made this year, but for budget purposes, one-fifth of the total will be included in each of the next five years’ budget, commencing with the 2011 budget. Additionally, in connection with the Sewer Treatment Plant renovations, which are anticipated to be completed in April of 2012, she questioned how much will be in the sewer surplus at that time. Ms. Lim responded that the surplus will probably be between \$4 and \$5 million. Ms. Catanzaro also questioned, in connection with police retirements, what is the Administration doing to prevent these retirements in 2012. Mayor Barberio indicated that he cannot discuss this because of ongoing negotiations. Mr. Fox explained that once the Governor signs the legislation, any police officer presently on the payroll will have 90 days to retire or face the penalties that will occur for all those individuals who are working, which involves a huge increase in medical and other costs. Mayor Barberio confirmed that the officer eligible to retire will retire when the bill is signed. There’s no avoiding it; there’s no stopping it. Ms. Lim explained that the Health Care Contribution Bill is mandatory; the Township cannot change this.

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

CONSENT AGENDA:

Mr. Cesaro noted that all items listed with an asterisk (*) are considered to be routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda. He then moved the approval of the Consent Agenda, seconded by Mr. dePierro.

ROLL CALL: YES – Council Members Cesaro, dePierro, Ferrara, Stanton and Fox

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MINUTES FOR APPROVAL

- * Agenda Meeting of 3/8/2011
 - * Regular Meeting of 3/15/2011
 - * Closed Session of 3/15/11 (Approval Only, Disclosure Upon Authorization of Township Attorney)
 - * Budget Review Meetings of 3/14/11, 3/18/11 and 3/19/11
-

BID AWARD(S):

* **Transportation and Disposal of Sewage Sludge Cake**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Transportation and Disposal of Sewage Sludge Cake on February 24, 2011, and

WHEREAS, the Business Administrator, Director of Purchasing, Director of Municipal Utilities and Assistant Sewer Superintendent have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Spectraserv Inc., 75 Jacobus Avenue, Kearny, NJ 07032 for the Unit Price per wet ton (sludge cake) of \$77.92 and the Unit Price per gallon (liquid sludge) of \$0.113, and

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

“2011 Temporary Sewer Budget/O/E.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Transportation and Disposal of Sewage Sludge Cake 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.

* **Roadway Improvements to Ronald Road, Oak Lane and Ridgewood Avenue**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Roadway Improvements to Ronald Road, Oak Lane & Ridgewood Avenue on April 6, 2011, 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, Crossroad Construction Corporation, 312 Emmet Street, Newark, NJ 07114 for a Total Bid Price of \$651,423.90, and

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

2010 Community Development Block Grant and
Current Capital Ordinance # 2010:13
adopted July 20, 2010 entitled,
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Roadway Improvements to Ronald Road, Oak Lane & Ridgewood Avenue 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.

* **Reconstruction of Various Streets in Lake Parsippany, Centerton Drive and Stirling Road**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Various Streets in Lake Parsippany, Centerton Drive and Stirling Road on April 7, 2011, and

WHEREAS, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Stanziale Construction, P.O. Box 2597, Bloomfield, NJ 07003 for a Total Bid Price of \$445,665.55, 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 # 2009:24
adopted June 16, 2009 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 Various Streets in Lake Parsippany, Centerton Drive and Stirling 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.

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*** Reconstruction of Delanco Drive and Clubhouse Court**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Delanco Drive and Clubhouse Court on April 7, 2011, and

WHEREAS, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Stanziale Construction LLC, P.O. Box 2597, Bloomfield, NJ 07003 for a Total Bid Price of \$228,612.10, 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 # 2010:13
adopted July 20, 2010 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 Delanco Drive and Clubhouse Court be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract

RESOLUTION(S):

*** Approving Length of Service Award Program Certification Lists for the Year 2010**

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 2010.

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 2010; 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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*** Supporting an Application for the Federal Fiscal Year 2011 Department of Homeland Security Emergency Management Agency Assistance Sub-Grant**

WHEREAS, the Township of Parsippany - Troy Hills, Office of Emergency Management is eligible to apply for a subgrant from the 2011 Emergency Management Agency Assistance (EMAA) Program for up to \$5,000, which funds are contingent upon the State of New Jersey's receipt of funding from the Emergency Management Performance Grant; and

WHEREAS, the subgrant will aid the Township's Office of Emergency Management's ability to prevent, protect against, respond to and recover from acts of terrorism, natural disasters and other catastrophic events and emergencies; and

WHEREAS, the application for the subgrant, consisting of a total amount of \$10,000, requires local matching funds in the amount of \$5,000, which the Township's Office of Emergency Management adequately satisfies through the 2011 Township of Parsippany - Troy Hills approved budget for Division salaries and wages and fringe benefits.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that the Township Council supports and authorizes the submittal of the aforementioned subgrant application to the New Jersey State Police, Office of Emergency Management for \$5,000 in federal funding through the 2011 Emergency Management Agency Assistance Program with local matching funds in the amount of \$5,000; and

BE IT FURTHER RESOLVED that the Business Administrator and Office of Emergency Management Coordinator are authorized to prepare and submit documents on behalf of the Township; and

BE IT FURTHER RESOLVED that the appropriate officials are authorized to take whatever other steps necessary to complete the Federal Fiscal year 2011 Department of Homeland Security Emergency Management Agency Assistance Grant application, execute required documents, accept funds and meet other requirements as necessary.

*** Awarding Contract with Benecard Services, Inc. for Prescription Insurance Benefits**

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

WHEREAS, the procurement of insurance services is an exception pursuant to N.J.S.A. 40A:11-5(1) (m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1) (a) (ii); and

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

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WHEREAS, the Township's Health Insurance Broker requested quotes from eight other carriers (Bollinger, Horizon, ESI, IDA, PCA, Maxor AmWINS and GSPOPS), but due to the "equal or better" criteria, only Benecard Services, Inc. was able provide comparable coverage at a lower cost; and

WHEREAS, the Township's Health Insurance Broker, Business Administrator and the Mayor have recommended that a one-year contract commencing on May 1, 2011 be awarded to Benecard Services, Inc., 3131 Princeton Pike, Building 2B, Suite 103, Lawrenceville, NJ 08648, to provide prescription insurance coverage at an estimated yearly cost of \$2,821,015; and

WHEREAS, Benecard Services, Inc. (Benecard) will complete and submit a Business Entity Disclosure Certification, which Certification provides that Benecard has not made any reportable contributions to 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 Benecard 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, Benecard will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, 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 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:

2011 Temporary Budget: Current Fund - Insurance

2011 Temporary Budget: Water, Sewer and Golf & Recreation Utility- Other Expenses.

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 Benecard Services, Inc., 3131 Princeton Pike, Building 2B, Suite 103, Lawrenceville, NJ 08648, to provide prescription insurance coverage 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.

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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; Certificate of Availability of Funds; and Certification of Extraordinary Unspecifiable Service 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 an exception pursuant to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and
4. That a notice of this action shall be printed once in the legal newspaper of the Township of Parsippany-Troy Hills.

*** Awarding Contract with The Standard for Employee Life Insurance Benefits**

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

WHEREAS, the procurement of insurance services is an exception pursuant to N.J.S.A. 40A:11-5(1) (m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1) (a) (ii); 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's Health Insurance Broker requested quotes from eleven other carriers (Hartford, Fort Dearborn, Assurant, MetLife, UNUM, Prudential, Cigna, Guardian, SunLife, Madison National Life and Aetna); however, The Standard provided the most competitive rate; and

WHEREAS, the Township's Health Insurance Broker, Business Administrator and the Mayor have recommended that a two-year contract commencing on May 1, 2011 be awarded to The Standard, 920 SW 6th Avenue, Portland, OR 97204, to provide employee life insurance coverage at an estimated yearly cost of \$54,810; and

WHEREAS, The Standard (Standard) has completed and submitted a Business Entity Disclosure Certification, which Certification provides that Standard has not made any reportable contributions to 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 Standard 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

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WHEREAS, Standard has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, 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 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:

2011 Temporary Budget: Current Fund - Insurance

2011 Temporary Budget: Water, Sewer and Golf & Recreation Utility- Other Expenses;
and

WHEREAS, funds for the second year of the contract are contingent upon the approval of funding for this purpose in the 2012 Budget.

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 The Standard, 920 SW 6th Avenue, Portland, OR 97204, to provide life insurance coverage in accordance with the contract on file in the office of the Township Clerk.
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; Certificate of Availability of Funds; and Certification of Extraordinary Unspecifiable Service 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 an exception pursuant to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and
4. That a notice of this action shall be printed once in the legal newspaper of the Township of Parsippany-Troy Hills.

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*** Authorizing a Professional Services Agreement with John P. Inglesino with the Firm of Inglesino, Pearlman, Wyciskala and Taylor, LLC for the Year 2011**

WHEREAS, John P. Inglesino was duly appointed and confirmed as Township Attorney by Resolution dated January 5, 2010 (the “Confirming Resolution”), and pursuant to law, shall serve during the term of office of the Mayor and until a successor is appointed and qualified; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., provides that the duration of Professional Services Agreements shall be one (1) year and, accordingly, a Professional Services Agreement for 2011 covering the Township Attorney’s scope of services and compensation, is required; and

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

WHEREAS, the Township Attorney has completed and submitted a Business Entity Disclosure Certification, which Certification provides that the Township Attorney has not made any reportable contributions to 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 the Township Attorney 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, The Township Attorney has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no 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 the Township Attorney 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 these services.

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

1. The Township Council hereby authorizes the 2011 Professional Services Agreement with John P. Inglesino of the firm of Inglesino, Pearlman, Wyciskala & Taylor, LLC, 600 Parsippany Road, Parsippany, NJ 07054; and

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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 a professional service, pursuant to N.J.S.A. 40A:11-1 et seq.; and
4. A notice of this award be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

* **Amending Temporary Budget**

WHEREAS, an emergent condition has arisen with respect to the need for CY 2011 appropriations under the temporary budget and no adequate provision has been made in the CY 2011 temporary appropriations for the aforesaid purposes and that N.J.S.A.:40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that, in accordance with the provision of N.J.S.A. 40A:4-20, the temporary budget is amended with the following additions:

CURRENT FUND

General Administration	Salaries and Wages	165,000.00
	Other Expenses	5,000.00
Municipal Clerk	Salaries and Wages	15,000.00
	Other Expenses	10,000.00
Tax Collection	Salaries and Wages	15,000.00
	Other Expenses	5,000.00
Tax Assessing	Salaries and Wages	65,000.00
Engineering	Salaries and Wages	50,000.00
	Other Expenses	10,000.00
Department of Planning	Salaries and Wages	5,000.00
	Other Expenses	5,000.00

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Board of Adjustment	Salaries and Wages	10,000.00
	Other Expenses	5,000.00
Housing & Zoning Code Enforcement	Salaries and Wages	110,000.00
Building & Inspections	Salaries and Wages	160,000.00
Workers Compensation		150,000.00
Employee Health & Group Insurance		1,500,000.00
Police Department	Salaries and Wages	3,971,099.00
	Other Expenses	100,000.00
Municipal Court	Salaries and Wages	70,000.00
	Other Expenses	2,000.00
Prosecutor	Other Expenses	10,000.00
Fire Prevention Bureau	Salaries and Wages	65,000.00
	Other Expenses	5,000.00
Office of Emergency Management	Salaries and Wages	10,000.00
First Aid Organizations		75,000.00
Department of Public Works	Salaries & Wages	150,000.00
	Other Expenses	100,000.00
Garbage & Trash Removal	Salaries & Wages	200,000.00
Buildings & Grounds	Salaries & Wages	50,000.00
	Other Expenses	80,000.00
Vehicle Maintenance	Other Expenses	100,000.00
Maintenance of Free Public Library		1,000,000.00
Public Health Services	Salaries & Wages	135,000.00
	Other Expenses	67,000.00
Senior Citizen Center	Salaries & Wages	26,000.00
	Other Expenses	60,000.00
Dog Regulation	Other Expenses	40,000.00
Contribution to Day Care Center	Other Expenses	10,000.00
Maintenance of Parks	Salaries & Wages	250,000.00

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Recreation Services	Salaries & Wages	150,000.00
Electricity		100,000.00
Street Lighting		100,000.00
Telephone		50,000.00
Gas (Natural or Propane)		20,000.00
Gasoline		159,090.00
Solid Waste Disposal Costs		40,000.00
Statutory Expenditures		
Public Employees' Retirement System		90,910.00
Municipal Alliance Grant		28,901.00
TOTAL CURRENT FUND		9,600,000.00

WATER UTILITY

Operating	Salaries & Wages	390,000.00
	Other Expenses	901,131.00
Statutory Expenditures		
Public Employees' Retirement System		8,869.00
TOTAL WATER UTILITY		1,300,000.00

SEWER UTILITY

Operating	Salaries & Wages	800,000.00
	Other Expenses	1,136,485.00
Statutory Expenditures		
Public Employees' Retirement System		13,515.00
Social Security System		50,000.00
TOTAL SEWER UTILITY		2,000,000.00

KNOLL COUNTRY CLUB UTILITY

Operating	Salaries & Wages	472,000.00
	Other Expenses	395,821.00
Statutory Expenditures		
Public Employees' Retirement System		7,179.00
TOTAL KNOLL COUNTRY CLUB UTILITY		875,000.00

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

*** Authorizing the Planning Board to Conduct a Preliminary Investigation of Certain Property Within the Township for Potential Redevelopment – Edwards Road, Block 766, Lots 11 and 12 and Block 767, Lot 15**

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is an “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills considers it to be in the best interest of the Township to have the Township Planning Board conduct such an investigation regarding certain properties located in the Township located on Edwards Road, which properties are identified as Block 766, Lots 11 & 12, and Block 767, Lot 15 as shown on the official Tax Map of the Township of Parsippany-Troy Hills (the “Property”); and

WHEREAS, the Township believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Township; and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Property as “in need of redevelopment” is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5.

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

1. The Planning Board of the Township of Parsippany-Troy Hills is hereby directed to conduct a preliminary investigation to determine whether the aforementioned Property, or any portions thereof, constitute an “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Planning Board of the Township of Parsippany Troy Hills is hereby directed to study the area known as Block 766, Lots 11 & 12, and Block 767, Lot 15; to develop a map reflecting the boundaries of the proposed redevelopment area; to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:6; and to draft a report/Resolution to the Mayor and Council containing its findings; and
3. The results of such preliminary investigation shall be submitted to the Mayor and Council for review and approval in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq.

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

*** Supporting An Amendment to the Open Public Records Law to Preserve Its Original Intent**

WHEREAS, the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) was adopted to assure the public's access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying all government records; and

WHEREAS, since the adoption of OPRA, there has been an escalating series of requests by private sector firms from all over the nation for voluminous public records, already freely accessible to the general public through government websites, with the intent of selling said information to the general public for a profit; and

WHEREAS, said information is already freely available to the public on government websites; and

WHEREAS, this information freely obtained for resale to the public involves a treble extra cost to the general public, once upon its creation by government employees, second upon extraction, copying, and, frequently, conversion to specific formats by government employees, and thirdly by sale to the same public which has already paid twice for this information; and

WHEREAS, this constitutes additional substantial costs to the tax paying public solely to benefit a private entity; and

WHEREAS, in the new renaissance of fiscal responsibility, unnecessary expenses by government should strictly be curtailed;

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

- 1) That the current Open Public Records Law be amended to preserve its original intent and reduce expenses to the public by providing that in situations where the requested documents are already available to the public on a downloadable government website, regardless of format, a referral of the requestor to the said website shall fully comply with the OPRA obligation of the governmental unit, with no need to convert the data contained therein to any other format.
 - 2) That copies of this resolution be forwarded to Governor Chris Christie, Senate President Stephen M. Sweeney, Assembly Speaker Sheila Y. Oliver, Senator Joseph Pennacchio, Assemblymen Alex DeCroce and Jay Webber, the Morris County Board of Chosen Freeholders, and all Morris County Municipalities.
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REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

APPLICATION(S):

License(s):

- * **Limousine Owner's License – Morris Limousine Service, LLC t/a All Morris Taxi & Limousine Service (3 vehicles)**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following new Limousine Owner's Licenses be issued for the year 2011.

Morris Limousine Service, LLC
t/a All Morris Taxi & Limousine Service
181 New Road, Suite 306/15
Parsippany, NJ 07054

(3 vehicles)

ORDINANCE(S):

Introductions

Ordinance No. 2011:04

An Ordinance of the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, Authorizing a License Agreement between the Township of Parsippany-Troy Hills and Parsippany Soccer Club, Inc.

(Attachment No. 1)

The following resolution was offered by Council President Fox, seconded by Mr. dePierro:

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 **April 12, 2011** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **May 17, 2011** 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 Cesaro, dePierro, Ferrara, Stanton and Fox

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

Ordinance No. 2011:05

Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, providing for Retirement Payouts and Authorizing a Special Emergency Appropriation of \$895,944 therefor

(Attachment No. 2)

The following resolution was offered by Mr. Ferrara, seconded by Council President Fox:

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 **April 12, 2011** and that said Ordinance be further considered for second reading and final passage at a Special Meeting to be held on **May 17, 2011** at 7:00 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 Cesaro, dePierro, Ferrara, Stanton and Fox

Ordinance (2011:06)

Calendar Year 2011 Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank

(N.J.S.A. 40a: 4-45.14)
(Attachment No. 3)

The following resolution was offered by Mr. Cesaro, seconded by Mr. Stanton:

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 **April 12, 2011** and that said Ordinance be further considered for second reading and final passage at a Special Meeting to be held on **May 17, 2011** at 7:00 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 Cesaro, dePierro, Ferrara, Stanton and Fox

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

RESOLUTION – NON CONSENT

2011 Budget Introduction

Attachment No. 4

The attached resolution to approve (introduce) the 2011 Budget was offered by Mr. Stanton, seconded by Council President Fox:

ROLL CALL: YES – Council Members Cesaro, dePierro, Ferrara, Stanton and Fox

APPLICATION – NON CONSENT

Liquor License Transfer From WYB II Liquor LLC to Domenico, Inc. – 252 Route 46 West

In connection with the person to person Liquor License Transfer application from WYB II Liquor LLC to Domenico, Inc. for premises located at 252 Route 46 West, Mr. Inglesino advised that all of the paperwork has been received and deemed complete by the Clerk's Office, reviewed by his office and determined to be in order. Additionally, he noted that the Police Department has signed off on the transfer application. From a processing standpoint, this transfer application is ready for Council action. He noted that there is an objection to the transfer by the transferor, WYB II Liquor LLC, who is represented in this matter by Mr. Espinosa.

Councilman Ferrara recused himself. Mr. Inglesino explained that Councilman Ferrara had previously indicated that he has a conflict. Councilman Ferrara stepped out of the room during the portion of the meeting in connection with the transfer application.

Mr. Inglesino asked Mr. Espinosa to be brief, noting that this is informal, not a court. He further advised that he is familiar with the facts and noted that there is a Final Order dated December 17, 2010, signed by the Honorable David B. Rand, that says, in part, that "WYB II Liquor, through its members, is hereby directed to immediately authorize the transfer." Mr. Inglesino stated that attached to the Court Order is a Statement of Reasons which says, "As such, WYB II Liquor, through its member Mr. De Lamos, is directed to fully cooperate in the transfer of the liquor license at issue to Mr. Parrota." He asked Mr. Espinosa why this Council should not transfer the liquor license in light of this Court Order.

Mr. Espinosa commented, with respect to the Order, that it doesn't mean that the Council cannot have other considerations. Mr. Inglesino reiterated that all the proper paper work is in place, the application had been reviewed and approved by his office, signed off by the Police and, as far as he can see, there is no reason, independent of the Court Order, why the Council should not take action tonight. He then asked Mr. Espinosa if he knows of any such reason.

Mr. Espinosa answered "yes," explaining that the Court Order is not a final order. Mr. Inglesino again asked, "Absent the Court Order, is there any reason why the Council should not take action tonight on the transfer?"

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

Mr. Espinosa stated that the objections are based on the litigation that is ongoing. Mr. Inglesino then questioned Mr. Espinosa if there are any orders subsequent to the December 17, 2010 Order. Mr. Espinosa replied that there have been none, noting that “this matter is right now for trial de nova,” and, under the court rules, you cannot have an appeal of this interlocutory order. Mr. Inglesino noted that, as he understands it, there was a motion for reconsideration that was also denied. Mr. Espinosa, in response to further questioning by Mr. Inglesino, advised that an interlocutory appeal was not filed.

Mr. Inglesino confirmed that since an interlocutory appeal was not filed, the Court Order is final. Mr. Espinosa disagreed, explaining that it was not certified as final. If it is not certified “final,” then all issues of this case are open for appeal.

Mr. Inglesino asked if there is any order staying the Judge’s Order pending an appeal. Mr. Espinosa advised that there is “none.” Further explanation was provided by Mr. Espinosa who noted that nothing is finalized until the trial in May of 2011.

Mr. Inglesino reiterated the Statement of Reasons which says that Mr. Espinosa’s client, through Mr. De Lamos, is directed to fully cooperate in the transfer of the liquor license. He asked how Mr. Espinosa’s being here this evening objecting to the transfer is fully cooperating with the Statement of Reasons attached to Judge Rand’s Order. Mr. Inglesino pointed out that, by objecting to the Court Order, Mr. Espinosa’s client is disobeying the Court Order.

Mr. Espinosa explained that he wants to make it clear that, while his client is totally cooperating, he is not abandoning all of his rights under litigation that has no final answer.

Mr. Inglesino stated that this is not a court of law; nobody is taking any action tonight that is going to result in the abandonment of any rights with respect to the litigation. Those are rights that are completely independent of this body. This is a very simple liquor license transfer. We have a Court Order that directs Mr. Espinosa’s client to fully cooperate in the transfer of the liquor license and yet he stands here, on behalf of this client, objecting to the transfer.

Mr. Espinosa advised that his client is not objecting to the transfer and has cooperated with the Court Order. However, despite Judge Rand’s Order, he wants this Council to be aware that there are claims of his client on this license that have not been totally and absolutely resolved. He reiterated his earlier comment that the litigation is not finalized.

To clarify, Mr. Inglesino asked Mr. Espinosa whether or not he is objecting to the transfer and to answer with either a “yes” or a “no.” Mr. Espinosa replied that his client will not disobey the Court Order; he is not here for that purpose. Mr. Inglesino repeated the question, noting that a simple answer is required. Mr. Inglesino further advised that he is not asking Mr. Espinosa to prejudice any rights in any pending litigation. Mr. Espinosa repeated that his client is not disobeying the Court Order, but he wants to make it clear to this Council that the rights of his client are still alive.

Mr. Inglesino advised the Council that there is no reason not to take action to approve this transfer.

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

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

Liquor License Transfer From WYB II Liquor LLC to Domenico, Inc. – 252 Route 46 West

WHEREAS, an application has been filed for a person to person transfer of **Plenary Retail Consumption License No. 1429-33-001-007**, heretofore issued to WYB II Liquor LLC t/a What’s Your Beef, for premises located at 252 Route 46 West, Parsippany-Troy Hills Township, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby approve, effective April 12, 2011, the person to person transfer of the aforesaid Plenary Retail Consumption License to Domenico, Inc. t/a Rigoletto Ristorante for premises located at 252 Route 46 West, Parsippany-Troy Hills Township, New Jersey and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: **“This license, subject to all its terms and conditions, is hereby transferred to Domenico, Inc. t/a Rigoletto Ristorante, effective April 12, 2011.”**

ROLL CALL: YES – Council Members Cesaro, dePierro, Stanton and Fox

(Note: Mr. Ferrara was not present during the discussion and subsequent vote on this liquor license transfer)

RESOLUTION(S) – ADDITION TO AGENDA

A motion was then made by Mr. Cesaro, seconded by Mr. Stanton to add the following resolutions to the agenda:

(1) Authorizing an Agreement and Release with DLS Contracting, Inc.

(2) Confirming the Appointment of Gerald P. Scala as Municipal Court Judge

ROLL CALL: YES – Council Members Cesaro, dePierro, Ferrara, Stanton and Fox

A motion was made by Mr. dePierro, seconded by Mr. Stanton, to adopt the following resolution:

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

Authorizing an Agreement and Release with DLS Contracting, Inc.

WHEREAS, on February 26, 2008, the Township of Parsippany-Troy Hills (the “Township”) awarded DLS Contracting, Inc. (“DLS Contracting”) the Knoll Country Club West Course Asphalt Golf Cart Path Reconstruction Contract (the “Contract”); and

WHEREAS, pursuant to the Contract, DLS Contracting has undertaken various improvements on the Knoll Country Club West Course; and

WHEREAS, said improvements undertaken by DLS Contracting have reached substantial completion; and

WHEREAS, the Township has accepted said improvements to the Knoll Country Club West Course; and

WHEREAS, DLS Contracting has sought final payment for said improvements made; and

WHEREAS, the Township desires to fully and finally release DLS Contracting from the Contract; and

WHEREAS, the Township and DLS Contracting have reached an agreement on an amicable resolution of any and all outstanding claims, invoices, and amounts, and all of them, that have been or could have been asserted against one another, in exchange for final payment of Twelve Thousand Dollars (\$12,000.00);

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

1. The Township Council hereby authorizes the Agreement and Release by and between the Township and DLS Contracting, Inc.; and
2. The Township Council hereby authorizes the Mayor, Business Administrator, and/or Township Clerk to execute and deliver the Agreement and Release; and to deliver and return that sum agreed upon by the Township and DLS Contracting as due and owing under the Agreement and Release to DLS Contracting in the manner set forth in the Agreement and Release.

Mr. dePierro advised that he was there when this contractor put in the cart paths; the work was unsatisfactory. He intends to vote “no.” Mr. Cesaro asked Mr. dePierro to describe the work that was done. Mr. Inglesino suggested that action on this matter be deferred. A motion was then made by Mr. Cesaro to **rescind the motion** on the floor, seconded by Council President Fox.

ROLL CALL: YES – Council Members Cesaro, dePierro, Ferrara, Stanton and Fox

The matter was tabled for further discussion at the May 10, 2011 Agenda Meeting.

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

A motion was made by Mr. dePierro, seconded by Council President Fox, to adopt the following resolution:

Confirming the Appointment of Gerald P. Scala as Municipal Court Judge

WHEREAS, Mayor James R. Barberio desires to appoint Gerald P. Scala as Municipal Court Judge commencing May 1, 2011 for a term which expires December 31, 2013;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that Gerald P. Scala is hereby confirmed as Municipal Court Judge for the above referenced term.

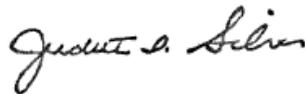
ROLL CALL: YES – Council Members Cesaro, dePierro, Ferrara, Stanton and Fox

Mr. Cesaro made a motion to adjourn the meeting, seconded by Mr. Ferrara:

ROLL CALL: YES – Council Members Cesaro, dePierro, Ferrara, Stanton and Fox

The meeting adjourned at 8:28 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John M. Fox Council President

Minutes approved: 5-17-11

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2011:04

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND PARSIPPANY SOCCER CLUB, INC.

WHEREAS, Parsippany Soccer Club, Inc., a non-profit corporation of the State of New Jersey, provides recreational facilities and opportunities to the residents of the Township of Parsippany-Troy Hills; and

WHEREAS, Parsippany Soccer Club, Inc. has requested use of the Reynolds Avenue Soccer Fields and associated facilities, premises known as a portion of Lot 65 in Block 753 as shown on the Official Tax Maps of the Township; and

WHEREAS, the number of persons who will benefit from the public purpose is approximately 1600/per annum; and

WHEREAS, the term of the license agreement will be ten (10) years with an option to renew for an additional ten (10) year period; and

WHEREAS, the officer or employee responsible for enforcement of the conditions of the license shall be the Business Administrator of the Township; and

WHEREAS, the Township Council believes that such a license is appropriate.

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. The Township Council does hereby authorize a license agreement between the Township of Parsippany-Troy Hills and Parsippany Soccer Club, Inc., a copy of which license agreement will be on file with the Township Clerk and which licenses to Parsippany Soccer Club, Inc. a portion of Lot 65 of Block 753 as shown on the Official Tax Maps of the Township, for a renewable ten (10) year term commencing April 1, 2011, at a nominal rental of \$1.00 per term, the use of said tract to be for the sole purpose of providing recreational activities.

Section 2. The Mayor and the Township Clerk are hereby authorized to execute the aforementioned license agreement.

Section 3. This ordinance shall take effect in accordance with law.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2011:05**

ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR RETIREMENT PAYOUTS AND AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$895,944 THEREFOR

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than a 2/3 majority of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. For the purpose of paying contractually required severance liabilities resulting from the retirement of employees, there is hereby appropriated the sum of \$895,944 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(h).

SECTION 2. The authorization to finance the appropriation shall be provided for in the 2011 budget and in succeeding budgets by the inclusion of at least 1/5 of the amount authorized pursuant to N.J.S.A. 40A:4-55

SECTION 3. This ordinance shall take effect on the later of twenty (20) days after its final passage by the Council and approval by the Mayor as provided by N.J.S.A. 40:69A-181 and twenty (20) days after the first publication thereof after final adoption as provided by N.J.S.A. 40:49-27.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

**CALENDAR YEAR 2011
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

ORDINANCE NO.: 2011:06

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills in the County of Morris finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 685,958.93 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Parsippany-Troy Hills in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Township of Parsippany shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 1,600,570.83, and that the CY 2011 municipal budget for the Township of Parsippany be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

REGULAR TOWNSHIP COUNCIL MEETING, APRIL 12, 2011

Attachment No. 3
Page 2 of 2

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Township of Parsippany-Troy Hills, County of Morris for the Fiscal Year 2011;

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011;

Be it Further Resolved, that said Budget be published in the Daily Record Newspaper in the issue of April 22, 2011;

The Governing Body of the Township of Parsippany-Troy Hills does hereby approve the following as the Budget for the year 2011:

RECORDED VOTE (Insert last name)	Ayes	(Cesaro (dePierro (Ferraro (Stanton (Fox	Nays (NONE	Abstained	(NONE
				Absent	(NONE

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, on April 12, 2011.

A Hearing on the Budget and Tax Resolution will be held at the Municipal Building, on May 17, 2011 at 7 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons.

EXPLANATORY STATEMENT

SUMMARY OF CURRENT FUND SECTION OF APPROVED BUDGET

	YEAR 2011
General Appropriations For: (Reference to item and sheet number should be omitted in advertised budget)	
1. Appropriations within "CAPS" -	
(a) Municipal Purposes {(Item H-1, Sheet 19) (N.J.S. 40A:4-45.2)}	\$ 46,633,913.00
2. Appropriations excluded from "CAPS"	
(a) Municipal Purposes {(Item O Sheet 29) (N.J.S. 40A:4-45.3 as amended)}	\$ 13,687,908.74
(b) Local district School Purposes in Municipal Budget (Item K, Sheet 29)	
Total General Appropriations excluded from "CAPS" (Item O, Sheet 29)	\$ 13,687,908.74
3. Reserve for Uncollected Taxes (Item M, Sheet 29) - Based on Estimated 99.06 Percent of Tax Collections	\$ 1,750,000.00
4. Total General Appropriations (Item 9, Sheet 29)	\$ 62,071,821.74
Building Aid Allowance for Schools - State Aid	_____
5. Less: Anticipated Revenues Other Than Current Property Tax (Item 5, Sheet 11) (i.e. Surplus, Miscellaneous revenues and Receipts from Delinquent Taxes)	\$ 19,292,091.74
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget (as follows)	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	\$ 39,665,094.00
(b) Addition to Local District School Tax (Item 6(b), Sheet 11)	
(c) Minimum Library Tax Item 6(c), Sheet 11)	\$ 3,114,636.00

