

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

**May 10, 2011**

**Public Invited – Public Participation**

**MEETING CALLED TO ORDER by Council President Fox at 7:31 p.m.**

**FLAG SALUTE**

<b>Roll Call:</b>	<b>Mr. Cesaro</b>	<b>-</b>	<b>Present</b>
	<b>Mr. dePierro</b>	<b>-</b>	<b>Present</b>
	<b>Mr. Ferrara</b>	<b>-</b>	<b>Present</b>
	<b>Mr. Stanton</b>	<b>-</b>	<b>Present</b>
	<b>Mr. Fox</b>	<b>-</b>	<b>Present</b>

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

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of May 17, 2011.

**FORMAL ACTION MAY OR MAY NOT BE TAKEN.**

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, 2010 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, 2010.

**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).

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**ORDINANCES**

**Second Reading(s) and Public Hearing(s) – 5/17/11    ON**

**License Agreement with Parsippany Soccer Club, Inc. – Reynolds Avenue Field (2011:04)**    *Second Reading/Public Hearing scheduled for Regular Meeting of 5/17/11*

**Providing for Retirement Payouts and Authorizing a Special Emergency Appropriation of \$895,944 Therefor (2011:05)**    *Second Reading/Public Hearing scheduled for Special Meeting of 5/17/11*

**Calendar Year 2011 Ordinance to Exceed the Municipal Budget Appreciation Limits and to Establish a Cap Bank (2011:06)**    *Second Reading/Public Hearing scheduled for Special Meeting of 5/17/11*

**Status of Adopted Ordinances:**

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
None			

**DISCUSSION/REMINDERS**

**Scheduled Meetings**

**5/17/11 @ 7:00 p.m.**

**Special Meeting - Budget Hearing/Adoption  
Public Invited – Public Participation**

**5/17/11 @ 7:30 p.m.**

**Regular Meeting  
Public Invited – Public Participation**

**6/14/11 @ 7:30 p.m.**

**Agenda Meeting  
Public Invited – Public Participation**

**Minutes for Approval:**

**Agenda Meeting of 4/5/11 (Absent – Fox and dePierro)    ON**

**Regular Meeting of 4/12/11    ON\***

**APPOINTMENTS TO COMMITTEES/BOARDS:**

**Zoning Board of Adjustment**

**Alternate No. 1 Member to Fill Vacancy – Term Expiring 12/31/12**

A motion was made by Mr. Stanton, seconded by Mr. Ferrara, to appoint Steven Cappadona as the Alternate No. 1 Member for an unexpired term ending December 31, 2012. No additional nominations were offered.

**Roll Call:**

**Mr. Cesaro** - Yes  
**Mr. dePierro** - No  
**Mr. Ferrara** - Yes  
**Mr. Stanton** - Yes  
**Mr. Fox** - Yes

**Council Liaison to the Emergency Services Committee – Term Expiring 12/31/11**

Council President Fox formally appointed Mr. Cesaro to serve as Council Liaison to the Emergency Services Committee.

**Council Liaison to the Board of Education – Term Expiring 12/31/11**

Council President Fox formally appointed Mr. Stanton to serve as Council Liaison to the Board of Education.

**Resolution:**

**Certifying Individuals, Ambulances and Ambulance Equipment of Volunteer First Aid, Rescue and Recovery and Ambulance Squads as Being Qualified for Emergency Medical Service Programs (5/11) ON\***

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**MAYOR**

No Agenda Items.

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**ADMINISTRATION**

**BID(S)**

**Taken:**

4/28/11      New Replacement Bleachers for Various Parks      **AWARD\***

5/3/11            **Park Road Resurfacing Project – Phase I   AWARD\***

5/3/11            **Simpson Avenue Reconstruction for Mount Tabor – Phase II  
AWARD\***

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**To Be Taken: None**

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**QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S)**

**Received:**

5/28/09            **Proposals for the Redesign, Permitting, Construction, Operation and Maintenance Services for Sludge Incinerators and Design, Permitting, Construction, Operation and Maintenance Services for a New Sludge Cake Receiving Facility at the Wastewater Treatment Facility**  
Ms. Lim advised that the Administration will try to bring this to the Council this month.

4/14/11            **Qualification Statements for Risk Management Consultant/Liability Insurance Broker of Record Services   NEXT AGENDA**

4/14/11            **Proposals for Professional Services (Including Design Preparation of Bid Specifications and Construction Inspection Services) for Installation of a 30kW Roof Mounted Solar Panel Array for the Township’s Community Center/Tennis Facility**

Ms. Lim noted that this project is funded through the Federal Government’s Energy Efficiency Block Grant.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
PARSIPPANY-TROY HILLS AWARDING A CONTRACT  
FOR PROFESSIONAL SERVICES FOR INSTALLATION OF A  
30KW ROOF MOUNTED SOLAR PANEL ARRAY FOR THE  
COMMUNITY CENTER/TENNIS FACILITY**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire professional services as a fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

**WHEREAS**, the Township advertised for a Request for Proposals from parties interested in providing Professional Services for Installation of a 30kW Roof Mounted Solar Panel Array for the Community Center/Tennis Facility; and

**WHEREAS**, the Business Administrator and Director of Purchasing for the Township have reviewed the proposals received and recommend that the contract be awarded to Parette Somjen Architects, 439 Route 46 East, Rockaway, NJ 07866 for a Lump Sum Price for Phase 1 of \$8,500.00, a Lump Sum Price for Phase 2 of \$11,800.00, a Lump Sum Price for Phase 3 of \$3,200.00 and a Lump Sum Price for Phase 4 of \$3,200.00, and

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

“2009 Energy Conservation Block Grant”

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

- (1) That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into an agreement with Parette Somjen Architects, 439 Route 46 East, Rockaway, NJ 07866; and
- (2) This contract shall be awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. and as a “Professional Service” pursuant to N.J.S.A. 40A:11-5(1)(a).

**Roll Call:**

**Mr. Cesaro - Yes**  
**Mr. dePierro - Yes**  
**Mr. Ferrara - Yes**  
**Mr. Stanton - Yes**  
**Mr. Fox - Yes**

**4/21/11 Proposals for Fireworks Display Services AWARD\***

**Requested: None**

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**Resolution(s):**

**Confirming Appointments and Awarding Contracts for Professional Services - Chief Municipal Prosecutor (Peter J. King, Esq.) and Municipal Prosecutor (Douglas Cabana, Esq.) and Appointing Alternate Municipal Prosecutor (Matthew R. Petracca, Esq.) (5/11) ON\***

**Endorsing Submission of the 2010 Recycling Tonnage Grant Application (5/11) ON\***

**Authorizing Application to the Local Finance Board in Connection with the Morris County Improvement Authority’s Renewable Energy Program for the Installation of 200 kW Solar Panels at the Parsippany Library (5/11) Ms. Lim explained that this project will be funded through the Morris County Improvement Authority.**

A motion was made by Mr. Stanton, seconded by Mr. Ferrara, to adopt the attached resolution (Attachment No. 1).

**Roll Call:**

**Mr. Cesaro - Yes**  
**Mr. dePierro - Yes**  
**Mr. Ferrara - Yes**  
**Mr. Stanton - Yes**  
**Mr. Fox - Yes**

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**Confirming the Appointment of Robyn Ann Valle, Esq. as Public Defender and Awarding a Contract for Professional Services (5/11) ON\***

**Authorizing Submittal of Application for Community Development Block Grant Funds for the Fiscal Year 2011 (5/11)** A motion was made by Mr. Ferrara, seconded by Mr. Stanton, to adopt the following resolution:

**WHEREAS**, the Township of Parsippany-Troy Hills is eligible to receive Federal funds available through the Department of Housing and Urban Development; and

**WHEREAS**, the U.S. Department of Housing and Urban Development requires certain certifications to be submitted along with and as part of the Consolidated Plan Submission; and

**WHEREAS**, pursuant to government regulations the Township of Parsippany-Troy Hills has prepared the required submission to apply for Community Development Block Grant funds for fiscal year 2011.

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

1. The Mayor of the Township of Parsippany-Troy Hills is hereby authorized to submit the application for Community Development Funding, including all understandings and assurances contained therein, to utilize to the fullest extent of funding allowed and determined by the Department of Housing and Urban Development, under the Housing and Community Development Act of 1974, as amended, and to act as the authorized representative of the Township of Parsippany-Troy Hills and to provide such additional information as may be required.
2. The Mayor and other appropriate and responsible officials are hereby authorized and directed to execute on behalf of the Township such certification or certifications as may be required under the Rules and Regulations of the U.S. Department of Housing and Urban Development.

**Roll Call:**

**Mr. Cesaro - Yes**  
**Mr. dePierro - Yes**  
**Mr. Ferrara - Yes**  
**Mr. Stanton - Yes**  
**Mr. Fox - Yes**

**Ordinance(s):**

**Approving Restrictions on Maximum Occupancy of Residential Units (4/11)**

**NEXT AGENDA**

**Amending and Supplementing Chapter 57, Personnel Policies, Article III, Section 57-3, Waiver of Health Benefit Coverage, of the Code (5/11)**

**INTRODUCTION - ON**

**Amending and Supplementing Section 4-23, Division of Recreation, By Increasing the Number of Regular Members Serving on the Recreation Advisory Committee (5/11)**

**INTRODUCTION - ON**

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**ENGINEERING**

**Update/Recommendation(s):**

*Italicized* comments below are excerpts from a May 5, 2011 memo from Mr. Lizza to Ms. Lim:

**Status of Road Resurfacing – Puddingstone Area (8/07)** No change in status.

**NEXT AGENDA**

**Revisions to Escrow Requirement in Connection with Residential**

**Sidewalk/Driveway Repairs (10/07)** No change in status. **NEXT AGENDA**

**Troy Brook through the Hills of Troy (11/08)** No change in status. **NEXT**

**AGENDA**

**711 Park Road – Fairview Estates (11/08)** No change in status. **NEXT AGENDA**

**Edgefield Drive No Parking Zone (Upper) (6/09)** No change in status. **NEXT**

**AGENDA**

**Canterbury Estates Vacation of Lots 26 and 77 in Block 98 (5/09)** No change in status. **NEXT AGENDA**

**New Road Flood Mitigation (5/10)** No change in status. **NEXT AGENDA**

**Train Horns at Intersections (12/10)** *The result of the diagnostic team meeting from June 2009 showed that the only acceptable method of implementing a quiet zone at the Powder Mill Road grade crossing would be if the rail crossing was upgraded to include 4 quadrant gates as well as other ancillary warning devices. The cost for the quad gates is over \$700,000 not including improvements to the dam, power-out warning devices and a 20 year maintenance obligation. We are investigating an option whereby wayside horns are installed to alert motorists of approaching trains. The wayside horn demonstration held on April 5<sup>th</sup> and the report on the findings will be released shortly.* **NEXT**

**AGENDA**

**Collapsing Retaining Walls – 1 & 3 Eldridge Road, Block 89, Lots 13.2 and 13.1**  
(1/11) No change in status. **NEXT AGENDA**

**Extension of Major Soil Moving Permit and Developer’s Agreement – Morris Corporate Center V and VI, Block 136, Lots 43.03, 44 and 76 (2/11)** *The Planning Board granted a five year extension to the Final Major Site Plan application and recommended the Township Council approve a five year extension of the Major Soil Moving Permit and Developer’s Agreement until December 31, 2015. **No changes are proposed as part of this extension; therefore, this office has no objection to the Township Council granting the extension until December 31, 2015 by resolution.***  
**RESOLUTIONS – ON\***

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**CHIEF FINANCIAL OFFICER**

**Resolution(s):**

**Authorizing Cancellations of Grant Fund Receivables and Reserve Balances (5/11)**  
**ON\***

**Ordinance(s):**

**Bond Ordinances for Capital Improvements - Current Capital, Water, Sewer, Golf**  
(5/11) **INTRODUCTIONS - ON**

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**ATTORNEY**

**Resolution(s):**

**Authorizing an Agreement and Release with DLS Contracting, Inc. (5/11)** Mr. Inglesino explained that this resolution authorizes final payment to DLS Contracting in the amount of \$12,000, which would include the retainage, in exchange for a full release of all claims from the contractor. **RESOLUTION – ON\***

Mr. Inglesino took this opportunity to update the Council regarding **Brookside Senior Citizen Corporation** and discussions over the past several months about extending the tax exemption (payment in lieu of property taxes) that this facility currently has and has had for some time. Mr. Inglesino advised that the Administration reached an agreement that had considerable appeal both to the Township and to Brookside, but unfortunately, the law does not allow the Township to consummate that agreement and, therefore, the Administration has been forced to suspend all further negotiations. Mr. Inglesino explained that, only in certain circumstances, does a municipality have statutory authority to let a property taxpayer “not pay taxes.” In the case of senior citizen housing, there must be financing through the New Jersey Housing Mortgage and Finance Agency (HMFA). He explained that there is a loan, and there has been a loan, since the early 1980s to Brookside through that institution. However, Brookside intends on paying that mortgage off and, once that mortgage is satisfied, there is no basis to treat Brookside

differently from other property owners. If, however, Brookside goes back for financing through the HMFA, then these discussions could recommence.

**Closed Session – CBS Billboard Litigation (4/11) and Attorney Client Privilege Issues (5/11)** Closed Session Resolution (Attachment No. 2) Mr. Inglesino noted that the Council may take action in connection with the second matter when the Council reconvenes in open session.

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**TOWNSHIP OFFICES / COMMITTEES**

No Agenda Items.

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**COMMUNICATIONS**

**Correspondence:**

**Mount Tabor Fire Department District No. 1- Requesting the Establishment of Fire Zones and Regulation of Parking at Andican Brothers, Plaza 53, 976 Tabor Road, Block 27, Lot 11.01 (4/25/11)** **INTRODUCTION - ON**

**Resolution(s):**

**Randolph Township - Supporting OPRA's Original Intent**

**Netcong Borough - Supporting OPRA's Original Intent**

**Boonton Town - Supporting OPRA's Original Intent**

The above listed resolutions were noted.

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**APPLICATION(S):**

**License(s):**

**Limousine Owners' Licenses (New) – Limo 4 U, LLC, 38 Adelpia Road (1 Vehicle) and Trustworthy Limo & Taxi, LLC, 7 Sedgfield Drive (2 Vehicles)** **ON\***

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**\*Consent Agenda Items**

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**PUBLIC HEARING**

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

**Julia Peterson, 25 Old Parsippany Road**, presented her views (reflected in the following correspondence submitted to the Township Clerk for distribution) regarding the request for property at 272 Parsippany Road to be declared in need of rehabilitation:

Councilmen and Mayor Barberio,

In the interest of being positive, I want to complement the people who work at Town Hall who are unfailingly cheerful, polite and informative, even during "tax week." Tribute is due to all of them.

I am here to speak about a curious thing that happened in October of last year. When I saw it in the council agenda, I thought it was odd, and, it turns out that it was.

The town attorney had brought a request for a property at 272 Parsippany Road to be declared in need of rehabilitation by the planning board, thus setting a process in place for it to be placed in a special zone. The name of the owner, or the person requesting this designation is not part of the public record. Then, in January, after an investigation, this council passed an ordinance declaring the property in need of rehabilitation. The Planning Board began debating this at their last meeting, and will be voting on the type of project that is suitable next Monday, May 16<sup>th</sup>.

What is most curious about the entire process is that it is unprecedented. Usually, zone changes affect more than one property, and are proposed after study and reflection. Allowing a property owner to request such a designation will open the door to many such requests, given the number of partially vacant buildings in the town. No residents from the area were sent notices of the change, since the notification requirement is 200 foot radius; and all those properties are businesses. It is the residents of a neighborhood who have the greatest stake in major changes in it.

Parsippany Road is one of the busiest streets in town, due to the fact it parallels Route 287, connects several major office parks with Route 80 and 287, and serves as one of three traffic outlets to Lake Parsippany neighborhood. Any plan that adds traffic to Parsippany Road is not in the interests of the people who live along it.

I would hope that the Council would speak out to defend the rights of residents to be informed about large changes in their neighborhood. The proposal for this property is to develop 50 condominiums in a sixty-foot-high building. This is being promoted as a way to improve the neighborhood. The mature trees which now screen Colonial Heights apartments from the B-3 district on Parsippany Road would be cut down. A six-story building would change the view for many in Lake Parsippany and people who live in the Green Hills development.

In Planning Board hearings, it is not permissible to ask, "How would you like a six-story building next to your house," but I would ask the Councilmen this question.

How would you like a six-story building next to your house or visible from your deck?

With the Daily Record and the Star Ledger out of the local news business, newspaper notification is no longer adequate. Perhaps the council would consider an ordinance which would ask an applicant to erect a sign on a piece of property under consideration for a zone change. Or perhaps this body would prefer to keep such proposed changes from citizens until it is too late for them to express an opinion.

Thank you for listening.

Mr. Inglesino noted his recollection that this property has not been declared in need of development; it has been declared in need of rehabilitation, which is significantly different under the law. He explained that the property owner engaged the Township in discussion about the prospect of a project and it was he (Mr. Inglesino) who suggested that an appropriate mechanism, in this instance, would be to utilize the redevelopment law. He noted that Mr. Ed Snieckus, the Township Planner, had wholeheartedly concurred. Mr. Inglesino further advised this process is commonly used throughout the State.

Ms. Peterson felt it is very strange to rezone one one-acre lot in the middle of a whole neighborhood and expressed her view that the Council needs to consider talking to the people who live in the area.

Mr. dePierro noted that the six-story building is proposed by a developer, but has not been approved by the Planning Board yet. Mayor Barberio suggested that interested citizens attend the May 16, 2011 Planning Board meeting.

**Robert Simpson, 30 Hilsinger Road**, stated that, about two weeks ago, he asked Mr. Winters (Engineering Office) for a copy of the report on the wayside horn demonstration. He understands that the report is being reviewed by Mr. Lizza (Municipal Engineer) and that a copy would be available next week or, maybe, next month. He advised that he did receive a copy of the sound test performed by the Health Office; he noted the readings.

Mayor Barberio assured Mr. Simpson that he would receive a copy of the report.

**Robert Peterson, 25 Old Parsippany Road**, read the following into the record:

My name is Robert Peterson. I live at 25 Old Parsippany Road. I'm here tonight to address the proposal for 272 Parsippany Road that is currently being considered by the Planning Board, at the direction of this Council.

When I moved to Parsippany in 2004, it was my first experience living in a suburban setting. I was born and brought up in Brooklyn, and raised my family in the city of Rochester, New York. My experiences in Parsippany have been pleasant ones - friendly people, convenient services, less density (even in this highly developed area), easy access to major urban settings, and an absence of high-rise buildings. I can understand why people might want to move to Parsippany, and I am aware that the Township is mostly built out. This places pressure on planners and politicians who see development as

an opportunity to make money - either for themselves, or for the town government. Obviously, one way to address the lack of available land to spread out in is to build up - the "if you can't make them wider, make them taller" theory of development. I'm here tonight to plead with you to reject this theory, and to encourage you to maintain the low-rise character of Parsippany. One of the things that makes Parsippany special is the absence of high-rise buildings. Problems associated with this type of development include increased population density, the need for more services (for example, would the current firefighting equipment be adequate?), increased traffic congestion, and a change in the very nature of an area. High-rise development has no place in a suburban setting, unless the citizens of Parsippany want their township urbanized in the future.

Which brings us to planning. Or the lack of it. One thing that this area seems to have suffered from is the inconsistent application of planning principles in its development. While there have been Master Plans in the past, and a new one is being developed at the present time, it seems that there have been many exceptions, based on the supposed special needs of property owners. This has often resulted in planning by exception, rather than by maintaining a consistent regard for the big picture. The currently proposed plans for the property at 272 Parsippany Road are a good example of this. Creating a new zoning area for a property that has been declared in need of rehabilitation, and then proposing that it would be in the best interests of the citizens of Parsippany in general, and the home owners around Parsippany Road in particular, to erect a 6 story building, contradicts the whole concept of planning. (I know - the proposal is for 5 stories plus a parking garage, which equals six stories for everyone but zoning planners.) How have the citizens been involved in this proposal? What is to stop other developers from pursuing an area in need of rehabilitation designation for their property, if they have been unable to profit from its present configuration? (By the way, the current building on the site doesn't appear to be in need of rehabilitation.) How is the rehabilitation process different from "spot zoning," which has been shown to generally defeat the planning process. If high-rise buildings are in Parsippany's future, why haven't citizens been involved in the planning process? Is there mention of this type of development in the new Master Plan? I hope that Council Members will consider these concerns when reviewing plans for 272 Parsippany Road, and when considering other requests for designation of rehabilitation areas.

**Frank Guiliana, 33 Glenwood Avenue**, indicated that he has a tree on his front yard that he is has been trying to get taken down for three years, a tree that is hanging over his driveway, dropping branches onto his cars, and preventing grass from growing. Jim Walsh (Superintendent of the Division of Parks and Forestry) refuses to remove the tree because there is nothing wrong with it. Mr. Guiliana stated that he is present this evening because he really has nowhere else to turn. The tree is ruining his front lawn; he cannot landscape to improve his property.

Mayor Barberio told Mr. Guiliana that he spoke to Jim Walsh. He also looked at the tree, which appears to be very healthy. The Mayor explained that he thinks the best the Township could do is trim the tree. He explained that the Township cannot take down healthy trees at residents' requests, noting that this sets a bad precedent.

Mr. Guiliana reminded the Mayor that this tree, which is situated directly in front of his house at the corner of his driveway, is causing a problem. Mayor Barberio indicated that he and Mr. Walsh will investigate a possible resolution. He reiterated, however, that he

doesn't want the Township to get into a situation where any resident can ask the Township to cut a tree down.

**Pat Petaccia, 182 Hawkins Avenue**, asked the Mayor what happened to the sewer tax (deduction) that he was pursuing. Mayor Barberio noted that it is the maintenance portion of the sewer tax that could possibly be written off, not the user portion. This IRS regulation is complicated. He stated that he won't do anything until the IRS provides written confirmation that the maintenance portion could be tax deductible.

Additionally, Ms. Petaccia indicated that, at the School Budget Meeting, Mr. Mancuso and Dr. Seitz stated that they were told that the Board of Education has a flat water/sewer rate that won't change. She asked if this information is correct. Mayor Barberio replied that this was not the discussion he had with the Board, but he will check with the Water Department.

**Annelise Catanzaro, 67 Midvale Avenue**, asked for clarification regarding several matters:

- She asked how the solar panel project approved this evening compares with the 2007 project. Ms. Lim explained that there are two solar arrays being considered. One is at the Community Center, which is a small project. The second one, at the Library, is a larger project because it includes a roof-mounted array as well as canopies in the parking lot. Both projects are much smaller than the solar project that was proposed for Sharkey's. The Library Project will be installed by a private developer who owns the solar array and sells electricity back to the Library at a cheaper rate. The Community Center is a significant user of electricity because of the long hours at both the Community Center itself and at the Tennis Facility. The amount to be generated won't even be enough for the building, but it will reduce the demand from the grid. The estimated cost to the Township for this solar project is \$120,000 to \$140,000, which is funded through the Energy Block Grant.
- In terms of the Brookside tax agreement, Ms. Catanzaro asked what the impact of paying taxes would be on the senior complex. Mr. Inglesino explained that Brookside was paying \$144,000 in lieu of taxes. Mr. Inglesino recalled that the taxes will be \$256,000. He pointed out that when Brookside pays off its mortgage, it will be in a very strong position financially. There will be no hardship on the senior center. He reiterated that the State does not give the Township the ability, under the law, to accept payment in lieu of taxes once the mortgage has been paid off.
- Regarding the closed session to be conducted later this evening, Ms. Catanzaro questioned "waiving the attorney-client privilege in relation to the Mosberg case." She asked for an explanation. Mr. Inglesino reviewed the matter, noting that Mr. Mosberg has been charged criminally by the United States Attorney's Office for

various crimes. His understanding is that this matter is progressing towards a trial. The U.S. Attorney's Office would like to interview former attorneys of the Township, but under the attorney-client privilege, those attorneys are not able to answer any questions posed to them by the U.S. Attorney's Office. The issue will be whether or not the Council wants to authorize a waiver of the attorney-client privilege, which will then permit former counsel to be able to answer questions.

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

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The Township Council convened in closed session to discuss pending litigation and Attorney Client Privilege Issues. (Closed Session Resolution, Attachment No. 2)

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The Council reconvened in open session at 9:25 p.m.

A motion was made by Council President Fox, seconded by Mr. Ferrara, to waive its attorney-client privilege with the DeCotiis Firm for purposes of cooperating with the United State Attorney's Office and its investigation of Edward Mosberg.

**Roll Call:**

<b>Mr. Cesaro</b>	-	<b>Yes</b>
<b>Mr. dePierro</b>	-	<b>Yes</b>
<b>Mr. Ferrara</b>	-	<b>Yes</b>
<b>Mr. Stanton</b>	-	<b>Yes</b>
<b>Mr. Fox</b>	-	<b>Yes</b>

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**MOTION TO ADJOURN: Council President Fox  
SECONDED BY: Mr. Ferrara**

<b>Roll Call:</b>	<b>Mr. Cesaro</b>	-	<b>Yes</b>
	<b>Mr. dePierro</b>	-	<b>Yes</b>
	<b>Mr. Ferrara</b>	-	<b>Yes</b>
	<b>Mr. Stanton</b>	-	<b>Yes</b>
	<b>Mr. Fox</b>	-	<b>Yes</b>

**MEETING ADJOURNED: 9:22 p.m.**

May 10, 2011

**RESOLUTION OF THE SERIES 2011 LOCAL UNIT PARTICIPATING IN THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S SERIES 2011 RENEWABLE ENERGY PROGRAM, AND AUTHORIZING SUCH AUTHORITY TO APPLY TO THE LOCAL FINANCE BOARD FOR THE NECESSARY CONSENTS AND APPROVALS ON BEHALF OF SUCH PARTICIPANT, ALL IN CONNECTION WITH THE AUTHORITY'S COUNTY OF MORRIS GUARANTEED RENEWABLE ENERGY PROGRAM LEASE REVENUE BONDS, SERIES 2011 (FEDERALLY TAXABLE) IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$60,000,000 AND THE PARTICIPANT PROJECT FINANCED THEREBY**

**WHEREAS**, the Morris County Improvement Authority (including any successors and assigns, the "*Authority*") has been duly created by resolution duly adopted by the Board of Chosen Freeholders (the "*Board of Freeholders*") of the County of Morris (the "*County*") in the State of New Jersey (the "*State*") as a public body corporate and politic of the State pursuant to and in accordance with the county improvement authorities law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (the "*Act*"), and other applicable law;

**WHEREAS**, the Authority has developed a program (the "*Renewable Energy Program*") for the financing, design, permitting, acquisition, construction, installation, operation and maintenance of renewable energy capital equipment and facilities such as solar panels, wind turbines, and hydro-electric, bio-diesel, geothermal, and bio-mass facilities, including any related electrical modifications, work related to the maintenance of roof warranties, or other work required, desirable or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the "*Renewable Energy Projects*") for and on behalf of the County and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities; collectively, including the County, the "*Local Units*";

**WHEREAS**, the Renewable Energy Projects procured under the Renewable Energy Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit controlled buildings, other structures, lands or other properties of the Local Units (collectively, the "*Local Unit Facilities*");

**WHEREAS**, the primary goal of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities, with the attendant environmental and financial benefits associated thereby, and to reduce the energy related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units;

**WHEREAS**, on February 18, 2010 the Authority issued its \$21,600,000 aggregate principal amount of “County of Morris Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2009A [Federally Taxable]”, to finance the initial tranche (the “*Initial Tranche*”) of the Authority’s Renewable Energy Program;

**WHEREAS**, the Authority is presently funding the engineering, energy consulting, legal, financial advisory and other preliminary costs of the second tranche (the “*Second Tranche*”) of its Renewable Energy Program necessary, desirable or convenient for the development and implementation of the Renewable Energy Program (the “*Preliminary Program Costs*”) prior to the issuance of the Authority’s hereinafter defined Series 2011 Bonds;

**WHEREAS**, in order to implement the Second Tranche of the Renewable Energy Program, the Authority has determined to finance the respective Renewable Energy Projects and Capital Improvement Projects, if any, on, in or about the respective Local Unit Facilities, all as set forth on Exhibits B, C, and A to the hereinafter defined Local Unit License Agreement for each of the following participating Local Units:

- (i) Township of Hanover and Township of Parsippany-Troy Hills (collectively, the “*Municipal Series 2011 Local Units*”); and
- (ii) Chester School District, Kinnelon Board of Education, Mine Hill Board of Education, Montville Township Board of Education, Morris Knolls School District, Morris Plains Board of Education, Morris School District, Randolph Board of Education and Washington Township Board of Education (collectively, the “*Board of Education Series 2011 Local Units*”); and
- (iii) County College of Morris (the “*County Series 2011 Local Units*”);

(each a “*Series 2011 Local Unit*”, and together with any additional local governmental units within the County that might be added by the Authority to the Second Tranche pursuant to the hereinafter defined Local Finance Board Application or otherwise, collectively, the “*Series 2011 Local Units*”), through the issuance by the Authority of one or more series of Series 2011 Bonds, (i) one series of either bond or notes entitled “County of Morris Guaranteed Renewable Energy Program Lease Revenue [Notes] Bonds, Series 2011A (Federally Taxable)” dated their date of delivery (the “*Series 2011A Bonds*”), by either a competitive process or by negotiated sale after a competitive process to an Underwriter (as defined herein) the terms of which sale shall be as set forth in a bond purchase agreement between an underwriter and the Authority and (ii) one or more series of notes entitled “County of Morris Guaranteed Renewable Energy Program Lease Revenue Notes, Series 2011B (Federally Taxable)” dated their date of delivery (the “*Series 2011B Notes*” and together with the Series 2011A Bonds, the “*Series 2011 Bonds*”) by either a competitive process or by negotiated sale after a competitive process; provided, however that the aggregate principal amount of the Series 2011A Bonds and the Series 2011B Notes together with any other bonds issued under the Bond Resolution shall not exceed \$60,000,000;

**WHEREAS**, prior to the issuance of the Series 2011 Bonds and in accordance with N.J.S.A. 40:37A:54(1) of the Act and N.J.S.A. 40A:5A-6, 7 and 8 of the Local Authorities Fiscal Control Law, the Authority shall have made an application (the “*Local Finance Board Application*”) to, and seek, obtain, and officially recognize the findings from, the Local Finance Board (the “*Local Finance Board*”) in the Department of Local Government Services of the State Department of Community Affairs;

**WHEREAS**, the governing body of the Series 2011 Local Unit adopting this resolution (the “*Participant*”) desires to authorize the Authority and its consultants to submit the Local Finance Board Application on their behalf to finance the proposed Renewable Energy Project(s) for the Participant (the “*Participant Project*”) set forth in Schedule A to **Exhibit A** attached hereto (it being understood that the Participant is taking no action in connection with the other Renewable Energy Projects of the other Series 2011 Local Units as set forth on **Schedule A** to **Exhibit A** hereto and further that a final detailed Participant Project list will be sent to each Series 2011 Local Unit prior to their signing the certificate attached hereto as Exhibit A);

**WHEREAS**, upon or prior to the issuance of the Series 2011 Bonds, and in accordance with (i) N.J.S.A. 40A:11-4.1(k) of the Local Public Contracts Law, (ii) Local Finance Board Notice 2008-20, December 3, 2008, *Contracting for Renewable Energy Services*, (iii) the State Board of Public Utilities (“*BPU*”) protocol for measuring energy savings in PPA agreements dated February 20, 2009 (*Public Entity Energy Efficiency and Renewable Energy Cost Savings Guidelines*), (iv) Local Finance Board Notice 2009-10 dated June 12, 2009, *Contracting for Renewable Energy Services: Update on Power Purchase Agreements*, and (v) all other applicable law, and pursuant to a competitive contracting process governed thereby, which shall include a request for solar developer proposals to be issued by the Authority (the “*Company RFP*”) and the receipt of proposals from prospective solar developers, including that (the “*Company Proposal*”) of the successful respondent (the “*Company*”), the Authority shall select the Company to (y) design, permit, acquire, construct, install, operate and maintain the Renewable Energy Projects and (z) design, permit, acquire, construct, renovate, and install the Capital Improvement Projects, if any, in both cases for the designated Local Unit Facilities of such Series 2011 Local Units, with such Program terms to be set forth in the following Company Documents to be entered into between the Company and, at a minimum, the Authority, or acknowledged by the Company, as applicable;

**WHEREAS**, the pricing terms for the purchase of renewable energy generated electricity produced from the Participant Project and sold through the Authority to the Participant, and bought by the Participant at an agreed upon price lower than that presently being paid by the Participant for electricity from its local utility, which pricing terms shall be competitively procured through the Company RFP process and the Company Proposal, shall be established under the Authority’s Series 2011 Local Unit Renewable Energy Program for an initial term no greater than 15 years, simultaneously with, or prior to the issuance of the Series 2011 Bonds;

**WHEREAS**, the Participant understands and acknowledges that by taking this official action, the Participant intends to participate in the Authority's Series 2011 Local Unit Renewable Energy Program to fund the Participant Project, and that the Authority is taking several actions in reliance upon such action, including without limitation seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds, as set forth in the Local Finance Board Application, and proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the marketing, sale and issuance of the Series 2011 Bonds; and

**WHEREAS**, the Participant believes: (i) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Participant Project; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Participant; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Participant and will not create an undue financial burden to be placed upon the Participant.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Participant as follows:

**Section 1.** The Participant believes: (a) it is in the public interest to accomplish such purposes as set forth in the preambles hereof, including the financing of the Participant Project; (b) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Participant; (c) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Participant and will not create an undue financial burden to be placed upon the Participant.

**Section 2.** The Mayor, Business Administrator, Municipal Clerk and the CFO of the Participant (including their designees in writing, each an "*Authorized Officer*") are each hereby severally authorized to assist the Authority with the preparation and submission of the Local Finance Board Application for the purpose of financing the Participant Project through the issuance of the Series 2011 Bonds, and to take all action necessary, desirable, or convenient in connection therewith. Accordingly, the Authorized Officers, and any consultants of their choosing, shall, if necessary, represent the Participant at any public hearing held by the Local Finance Board in connection with the Local Finance Board Application.

**Section 3.** Upon a date to be selected by the Authority and upon receipt of a finalized Participant Project, but in no event later than the sale date of the Series 2011 Bonds, the Authorized Officers shall deliver to the Authority a fully executed certificate, substantially in the form attached hereto as **Exhibit A**, evidencing the proper officials approval of the substance and scope of the Participant Project.

**Section 4.** The Participant understands and acknowledges that by adopting this resolution, the Participant intends to participate in the Authority's Series 2011 Local Unit Renewable Energy Program to fund the Participant Project through a portion of the proceeds of the Authority's Series 2011 Bonds, and that the Authority is taking several actions in reliance upon this action by the Participant, including without limitation seeking the required approvals from the Local Finance Board to issue the Series 2011 Bonds, as set forth in the Local Finance Board Application, and proceeding with the issuance of the Company RFP, the selection of the Company, the establishment of the renewable energy pricing under the Company Proposal, and the marketing, sale and issuance of the Series 2011 Bonds, all for the benefit of the Participant and the other Series 2011 Local Units. Therefore, the Participant covenants to the Authority that: (i) except for extraordinary circumstances not presently contemplated, the Participant intends to participate in the Authority's Series 2011 Local Unit Renewable Energy Program, so long as the Company Proposal results in a savings to the Participant, and further, this official action authorizes the Authority to take all such actions contemplated above in order to develop the Participant Project and to provide the Participant with such savings and (ii) prior to the sale of the Series 2011 Bonds, the Series 2011 Local Unit shall (a), if the Participant is a board of education, obtain any and all approvals from the State Department of Education with respect to the Participant Project, and (b) adopt a resolution authorizing, among other things, the Series 2011 Local Unit to enter into that certain "License and Access Agreement (Morris County Renewable Energy Program, Series 2011)" to be dated as of the first day of the month of issuance of the Series 2011 Bonds in such form as shall be presented to the Series 2011 Local Unit prior to adoption of the supplemental resolution (the "Local Unit License Agreement").

**Section 5.** The Authorized Officer shall direct the Participant official in charge of the officially adopted resolutions of the governing body of the Participant to (a) prepare an official, certified copy of this resolution, as adopted, and (b) deliver such certified copy in accordance with Section 10 below. Further, the Participant hereby consents to such certified copy of the resolution, and any further information regarding the Participant and/or the Participant Project, as the Authorized Officer shall determine to be necessary, desirable or convenient in connection with the Local Finance Board Application, to be submitted as part of, or pursuant to the Local Finance Board Application.

**Section 6.** The Authorized Officers are hereby severally authorized to take such other actions, and execute such other certificates, documents, and instruments, as such Authorized Officers shall deem to be necessary, desirable, or convenient to assist the Authority in developing the Participant Project, producing the contemplated energy savings for the Participant, issuing the Company RFP and selecting the Company through the most desirable Company Proposal in accordance with the terms of the Company RFP and applicable law, marketing, selling, and issuing the Series 2011 Bonds, procuring the final terms of the Renewable Energy Program documents, or any other action related to the implementation of the Renewable Energy Program for the Series 2011 Local Units.

**Section 7.** The Local Finance Board is hereby respectfully requested to consider the Local Finance Board Application as the means to finance the Participant Project and record its findings and recommendations as provided by N.J.S.A. 40A:5A-7 of the Local Authorities Fiscal Control Law.

**Section 8.** To the extent the Series 2011 Bonds are issued in any year other than 2011, references herein to “2011” may without any further action be changed to the year of issuance of such Series 2011 Bonds.

**Section 9.** All actions of the Authorized Officers or Participant consultants taken prior to the date of adoption hereof in connection with the Series 2011 Bonds, the Participant Project or any of the foregoing transactions contemplated by this resolution, are hereby ratified and approved.

**Section 10.** Upon the adoption hereof, a certified copy of this resolution shall be forwarded to John Bonanni, County Administrator and Chairman of the Authority, Daniel O’Mullan, County Counsel and Authority Counsel, Stephen B. Pearlman, Esq., all of which may be sent as a single certified copy to the offices of Authority Counsel, attention David Wainger, Paralegal at [dwainger@iandplaw.com](mailto:dwainger@iandplaw.com) followed by the original to David Wainger at Inglesino, Pearlman, Wyciskala & Taylor, LLC, 600 Parsippany Road, Suite 204, Parsippany, New Jersey 07054-3715.

**Section 11.** This resolution shall take effect immediately.

[remainder of this page left intentionally blank]

**EXHIBIT A**

**[Attach Form of Local Unit Facility Acceptance Certificate]**

## LOCAL UNIT FACILITY ACCEPTANCE CERTIFICATE

On behalf of the Township of Parsippany – Troy Hills (the “*Local Unit*”), and as a duly authorized officer of the Local Unit, I hereby represent, warrant and covenant as follows:

1. The Local Unit understands that it has been preliminarily selected by the Morris County Improvement Authority (the “*Authority*”) as one of the local government participants in the Authority’s 2011 Renewable Energy Program (the “*Program*”). The Local Unit further understands that although there is no legal agreement between the Authority and the Local Unit until such parties execute that certain “License and Access Agreement (Morris County Renewable Energy Program, Series 2011)” (a form of which “*License Agreement*” shall be supplied to the Local Unit by the Authority when the Program is closer to implementation), the information being provided to the Authority in this Certificate enables the Authority to draft the License Agreement, seek the necessary approvals, and otherwise implement the Program.

2. The License Agreement shall refer to the building(s) or ground(s) (each “*Local Unit Facility*”), location, size and scope (and if applicable, style) of the solar project (the “*Renewable Energy Project*”) to be implemented on behalf of the Local Unit by the Authority and its various contract parties, including a competitively selected solar developer (the “*Company*”). Various consultants to the Authority, based on site visits and past information supplied by the Local Unit to the Authority, have identified the Local Unit Facility(ies) and Renewable Energy Project(s) (which include solar overlays prepared by Authority consultants) set forth on Schedule A to this certificate for inclusion in the License Agreement, for selection of the Company, and for financing and implementation under the Authority’s Renewable Energy Program.

a. The Local Unit Facility and Renewable Energy Project set forth on Schedule A to this certificate has been reviewed on behalf of the Local Unit, at a minimum, by the Local Unit official responsible for managing the day to day affairs of the Local Unit (which may include the undersigned), and at least by an in-house facilities director or consulting engineer and/or architect. Based on such review, and the review of such other in-house officers or employees or outside consultants of the Local Unit’s choosing (including council, board, legal or technical review), if deemed necessary by the Local Unit, the description of the Local Unit Facility and Renewable Energy Project set forth on Schedule A to this certificate is materially accurate, and can be used by the Authority in drafting the various Program documents, selecting the Company, and seeking the various Program approvals.

b. The Local Unit understands that any changes desired by the Local Unit to the Local Unit Facility and Renewable Energy Project from that set forth on Schedule A to this certificate (i) are the responsibility of the Local Unit to inform the Authority and its consultants, and (ii) may or may not be accepted by the Authority, depending on the timing of any such proposed change. The Local Unit may contact County Administrator and Authority Chairman, John Bonanni, (973) 285-6047, [jbonanni@co.morris.nj.us](mailto:jbonanni@co.morris.nj.us), or the Authority’s engineering consultant for the Program, Daniel Swayze of Birdsall Services Group, Inc. at (908) 497-8900, [dswayze@birdsall.com](mailto:dswayze@birdsall.com), with any subsequent changes. To the extent the Company proposes other changes acceptable to the Authority, the Authority shall seek the consent of the Local Unit.

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James R. Barberio, Mayor  
Local Unit Authorized Officer

Dated: May \_\_, 2011

## **SCHEDULE A**

[Attach Local Unit's Local Unit Facility(ies) and Renewable Energy Project(s)]

**EXHIBIT A**

**Morris County Improvement Authority**  
not to exceed \$60,000,000 aggregate principal amount of  
County of Somerset Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2011  
(Federally Taxable)

**Series 2011 Local Unit List of Local Unit Facilities**

**a. Series 2011 Municipal Local Units**

1. *Township of Hanover* (<http://www.hanovertownship.com/>)

Municipal Building/Police (Roof 45.08, Ground, 176.64 kw)  
1000 Route 10  
Whippany, NJ

2. *Township of Parsippany-Troy Hills* (<http://www.parsippany.net/>)

Township Library (Roof 60.49 k.w., Canopy 144.9 kw)  
449 Halsey Road  
Parsippany, NJ

**b. Series 2011 Board of Education Local Units**

1. *Chester School District*  
(<http://www.chester-nj.org>)

Dickerson School (Roof 156.4 kw)  
250 Route 24  
Chester, NJ

Bragg Intermediate School (Roof 52.44 kw)  
250 Route 24  
Chester, NJ

Black River Middle School (Roof 199.87 kw, Ground 471.04 kw)  
133 North Road  
Chester, NJ

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 10, 2011

2. *Kinnelon Schools Board of Education*  
(<http://www.kinnelonpublicschools.org>)

Kinnelon High School (Roof 131.56 kw)  
121 Kinnelon Road  
Kinnelon, NJ

Pearl R. Miller Middle School (Roof 197.11 kw)  
117 Kiel Avenue  
Kinnelon, NJ

Stonybrook School (Roof 147.2 kw)  
118 Boonton Avenue  
Kinnelon, NJ

3. *Mine Hill Board of Education* (<http://www.minehill.com/boardofeducation.cfm>)

Canfield Avenue School (Roof 121.67 kw)  
42 Canfield Avenue  
Mine Hill, NJ

4. *Montville Township Board of Education* (<http://www.montville.net>)

Montville Township High School (Roof 425.04 kw)  
100 Horseneck Road  
Montville, NJ

Robert R. Lazar Middle School (Roof 254.38 kw)  
123 Changebridge Road  
Montville, NJ

Valley View Elementary School (Roof 97.98 kw)  
30 Montgomery Avenue  
Montville, NJ

William Mason Elementary School (Roof 72.91 kw)  
5 Shawnee Trail  
Montville, NJ

Woodmont Elementary School. (Roof 116.84 kw)  
39 Woodmont Road  
Montville, NJ

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 10, 2011

5. *Morris Knolls* (<http://www.mhrd.k12.nj.us>)

High School (Roof 214.36)  
50 Knoll Drive  
Rockaway, NJ

6. *Morris Plains Borough Board of Education* (<http://www.morris.k12.nj.us/mps>)

Borough School (Roof 85.33)  
500 Speedwell Avenue  
Morris Plains, NJ

7. *Morris School District* (<http://www.morrischooldistrict.org>)

Frelinghuysen Middle School (Roof 224.94)  
Jane Way  
Morristown, NJ

Hillcrest School (Roof 36.34 kw)  
160 Hillcrest Avenue  
Morristown, NJ

Morristown High School (Roof 238.05 kw)  
50 Early Street  
Morristown, NJ

Sussex School (Roof 56.81 kw)  
125 Sussex Avenue  
Morristown, NJ

Thomas Jefferson School (Roof 57.27 kw)  
101 James Street  
Morristown, NJ

8. *Randolph Board of Education* (<http://www.rtnj.org>)

Randolph High School (Roof 490.36 kw)  
25 School House Road  
Randolph, NJ

Randolph Middle School (Roof 168.13 kw, Canopy 282.9 kw)  
507 Millbrook Avenue  
Randolph, NJ

TOWNSHIP COUNCIL AGENDA MEETING OF MAY 10, 2011

Ironia School (Roof 164.91 kw)  
513 Dover Chester Road  
Randolph, NJ

9. *Washington Township Schools (<http://www.wtschools.org>)*

Benedict A Cucinella School (Roof 229.08 kw, Ground 567.63 kw)  
470 Naughtright Road  
Long Valley, NJ

Kossmann Elementary School (Roof 139.15 kw)  
90 Flocktown Road  
Long Valley, NJ

Long Valley Middle School (Roof 397.44 kw, Ground 195.04)  
51 West Mill Road  
Long Valley, NJ

**c. Series 2011 County Local Units**

1. *County College of Morris (<http://www.ccm.edu/>)*

Demare Hall Penthouse (Roof 46.46 kw)  
214 Centre Grove Road  
Randolph, NJ

Parking Lot One (Canopy 1483.5 kw)  
214 Centre Grove Road  
Randolph, NJ

Parking Lot 7/8 (Canopy 897 kw)  
214 Centre Grove Road  
Randolph, NJ

Student Community Center (SCC) (Roof 136.62 kw)  
214 Centre Grove Road  
Randolph, NJ

**RE: Litigation (CBS Billboard) and Attorney Client Privilege Issues (DeCotiis Law Firm)**

**DATE: May 10, 2011**

**TIME: 8:32 p.m.**

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**MOTION BY: Council President Fox**

**SECONDED BY: Mr. Cesaro**

**RESOLUTION**

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

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

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

**Litigation and Attorney Client Privilege Issues**

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

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

**Roll Call:**

<b>Mr. Cesaro</b>	-	<b>Yes</b>
<b>Mr. dePierro</b>	-	<b>Yes</b>
<b>Mr. Ferrara</b>	-	<b>Yes</b>
<b>Mr. Stanton</b>	-	<b>Yes</b>
<b>Mr. Fox</b>	-	<b>Yes</b>

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**MOTION TO ADJOURN CLOSED SESSION BY: Council President Fox**

**SECONDED BY: Mr. Ferrara**

**Roll Call:**

<b>Mr. Cesaro</b>	-	<b>Yes</b>
<b>Mr. dePierro</b>	-	<b>Yes</b>
<b>Mr. Ferrara</b>	-	<b>Yes</b>
<b>Mr. Stanton</b>	-	<b>Yes</b>
<b>Mr. Fox</b>	-	<b>Yes</b>

**CLOSED SESSION ADJOURNED: 9:22 p.m.**