

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

July 19, 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, and Stanton

ABSENT: Council President Fox

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

**UPCOMING
MEETINGS:**

8/09/11 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

8/16/11 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

BID(S) TO BE TAKEN:

None

PRESENTATION:

None

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

None

REGULAR TOWNSHIP COUNCIL MEETING, JULY 19, 2011

ORDINANCE(S):

For Second Reading and Adoption

Ordinance No. 2011:15

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING POWERS AND DUTIES OF THE PURCHASING AGENT (Attachment No. 1)

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

BE IT RESOLVED that an ordinance entitled “**Amending Powers and Duties of the Purchasing Agent,**” be read in title only on second reading and a hearing held thereon.

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

ABSENT: Council President Fox

Council Vice President dePierro opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.

Annelise Catanzaro-67 Midvale Ave., asked whether the lack of a specific amount in the Ordinance meant that the purchasing agent would have free rein on spending.

Township Attorney John Inglesino explained that no number was included because the bid threshold is defined by state statute and changes every 18 months or so. In order to make the ordinance correct, it’s drafters thought it best not to include a specific number. Mr. Inglesino said the new ordinance lifts the threshold from \$17,500 to about \$36,000.

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

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

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

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

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

ABSENT: Council President Fox

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PUBLIC HEARING

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

Roman Horshowsky 919 Lake Shore Dr. Just an update regarding a 10,000 Legal Fee the Board made, it was dismissed in the Appellate Division. He filed his own order to show cause that the whole Board would have to vote on the Legal Fee Expenditure. Judge Bozonelis couldn't sign the order because the board would have to exhaust all administrative remedies. He then questioned Mancuso and asked him if all administrative remedies were exhausted, at first Mancuso said yes, but after more questioning it became apparent they didn't. Six month's later the Appellate Division dismissed it. He is still trying to get \$10,000 back from the Weinert Leslie Law Firm because it wasn't properly appropriated.

Annelise Catanzaro-67 Midvale Ave., questioned, were you able to get the Ordinance for the Municipal Alliance Grant Resolution as an Add On, she then went on to explain what the Grant is used for.

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

CONSENT AGENDA:

Mr. Ferrara 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. Cesaro.

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

Councilman dePierro moved to add two items to the Agenda

ROLL CALL: YES – Council Members Cesaro, dePierro, Ferrara and Stanton.
ABSENT: - Council President Fox.

Mr. Cesaro moved to approve the following Resolution:

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MINUTES FOR APPROVAL:

* Agenda Meeting of 6/14/11

* Regular Meeting of 6/21/11

BID AWARD(S):

* **Reconstruction of Curbs and Sidewalks at Various Locations – 2011**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Curbs and Sidewalks at Various Locations-2011 on July 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, Arnold's Roads, Inc., 8 Dante Road, Monroe Township, NJ 08831 for a Total Bid Price of \$148,314.00, 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 Curbs and Sidewalks at Various Locations-2011 be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Acting Township Clerk are authorized to execute the contract.

* **Reconstruction of Retaining Wall, East Hedding Place, Mount Tabor**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Retaining Wall, East Hedding Place, Mount Tabor on July 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, CMS Construction Inc., 152 Sherman Avenue, Newark, NJ 07114 for a Total Bid Price of \$107,785.00, and

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

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Current Capital Ordinance #'s 2002:23 adopted June 18, 2002
and 2005:07 adopted May 10, 2005, both entitled,
"Various Improvements."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Reconstruction of Retaining Wall, East Hedding Place, Mount Tabor be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Acting Township Clerk are authorized to execute the contract.

RESOLUTION(S):

* **Confirming the Appointment and Awarding Contracts for Professional Engineering Services – Slaby Engineering Associates, Inc. and Hatch Mott MacDonald, LLC**

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

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

WHEREAS, Slaby Engineering Associates, Inc. and Hatch Mott MacDonald, LLC has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contracts; and

WHEREAS, Slaby Engineering Associates, Inc. and Hatch Mott MacDonald, LLC have completed and submitted a Business Entity Disclosure Certification, which Certification provides that both firms have 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 Contracts, and that the Contracts will prohibit the firms from making any reportable contributions through the term of the contracts that would bar the award of these Agreements pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, The Slaby Engineering Associates, Inc. and Hatch Mott MacDonald, LLC have 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 firms have not made any and will not make any contributions or solicit any contribution of money or

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pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for this purpose in various previously adopted bond ordinances in the Sewer Capital.

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 contracts for the 2011 year with Slaby Engineering Associates, Inc., 51 Gibraltar Drive, Suite 2C, Morris Plains, NJ 07950 and Hatch Mott MacDonald, LLC, 27 Bleeker Street, Millburn, NJ 07041 for professional engineering services; and
2. That the Business Entity Disclosure Certifications, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Forms; Stockholder Disclosure Certifications; 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 these contracts be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, 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.

* **Authorizing the Award of a Contract for Professional Services to Retain Special Legal Counsel – Michael B. Lavery, Esq. of the Firm of Courter Kobert & Cohen, PC**

WHEREAS, the Township of Parsippany-Troy Hills has a need to retain Special Legal Counsel pursuant to §4-6 of the Township Administrative Code to serve as Special Legal Counsel in a matter in which the Township Attorney has a conflict; and

WHEREAS, the Mayor hereby appoints Michael B. Lavery, Esq. of the firm of Courter Kobert & Cohen, PC whose office is located at 1001 Route 517, Hackettstown, New Jersey 07840 as special counsel in the matter of Tilcon NY, Inc. v. Morris County Cooperative Pricing Council (a New Jersey Superior Court matter docketed as MRS-L-569-09) in which the Township Attorney has a conflict; and

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

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WHEREAS, Michael B. Lavery, Esq. has completed and submitted a Business Entity Disclosure Certification, which Certification provides that he 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, Michael B. Lavery, Esq. 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 Michael B. Lavery, Esq. 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 term of this contract shall be from January 1, 2011 through December 31, 2011.

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, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, as follows:

1. The Township Council hereby confirms the Mayor's appointment of and authorizes the 2011 Professional Services Agreement with Michael B. Lavery, Esq. of the firm Courter, Kobert & Cohen, PC whose office is located at 1001 Route 517, Hackettstown, New Jersey 07840, as Special Legal Counsel in connection with the above-referenced matter in which the Township Attorney has a conflict; and
2. The Township Council hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Michael B. Lavery, Esq. of the firm Courter, Kobert & Cohen, PC whose office is located at 1001 Route 517, Hackettstown, New Jersey 07840, as Special Legal Counsel in connection with the above-referenced matter in which the Township Attorney has a conflict; and
3. That the Business Entity Disclosure Certifications, 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

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on file in the Office of the Township Clerk with the Contract and authorizing resolution;
and

4. 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

* **Authorizing the Replacement of a Fence Located in a Township Right of Way**

WHEREAS, there existed on a certain parcel of real property located at 137 Minnehaha Road, and identified as Block 597, Lot 17 on the tax map of the Township of Parsippany-Troy Hills (the "Township"), an existing fence extending 3.29 feet into a Township right of way ; and

WHEREAS, said fence was constructed in approximately 1970, and has extended into a Township right of way since then, except for a portion that was removed due to excessive age and wear; and

WHEREAS, the owner of the above-identified property has made the necessary and proper applications to acquire a permit to replace the existing fence, including that portion which was removed; and

WHEREAS, application was made to the Parsippany-Troy Hills Board of Adjustment (the "Board of Adjustment") for a new fence in the exact same location as the existing fence and such application was granted, subject to obtaining Township Council approval for the fence to remain in the Township right of way; and

WHEREAS, the Township Engineer has made an investigation into the location and condition of the existing fence, including that portion which was removed; and

WHEREAS, the Township Engineer has issued a written report which concludes that the existing fence, including that portion which was removed, does not appear to create either an obstruction or a restriction to pedestrian traffic; and

WHEREAS, the Township Engineer has determined that the existing fence, including that portion which was removed, does not reduce the required sight distance of the adjoining roadway;

NOW THEREFORE, BE IT RESOLVED, as follows that:

1. The application to replace an existing fence on a certain parcel of real property located at 137 Minnehaha Road, and identified as Block 597, Lot 17 on the tax map of the Township of Parsippany-Troy Hills be, and hereby is, granted; and
2. The new fence may not extend any further into the Township right of way than the existing fence, including that portion which was removed; and

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3. In no event shall the new fence extend further than 3.29 feet past boundary of the above-listed property into the Township right of way; and
4. The fence shall be in accord with the approval granted by the Board of Adjustment; and
5. The Township Construction Official is hereby authorized to grant all necessary and proper permits for the construction of the above-referenced fence, provided that all other requirements for the issuance of said permits are met.

* **Authorizing Change Order #1 for the Sandalwood Drive Drainage Phase I Improvements Project**

WHEREAS, a change order is necessary for the contract for the Sandalwood Drive Drainage Phase I Improvements project with Crossroad Construction Corporation, resulting in an increase in net costs in the amount of \$13,562.26; and

WHEREAS, the Township Engineer has recommended the changes as outlined in Change Order #1, due to various modifications to the contract; and

WHEREAS, the funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby approves Change Order #1 resulting in an increase in the amount of \$13,562.26 in the contract price.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute Change Order #1, in the form on file with the Township Clerk.

* **Supporting Equal Distribution of State Aid for Education by the New Jersey Legislature**

WHEREAS, the Township of Parsippany – Troy Hills believes that every child should have equal resources of state aid distributed by the legislature for an education in the State of New Jersey by utilizing a fair school funding mechanism; and

WHEREAS, the current distribution of state aid for education to the schools has not been distributed in a fair and equitable manner to provide property tax relief to all the citizens of the State of New Jersey; and

WHEREAS, Article III., Paragraph 1, of the New Jersey State Constitution states, "The powers of government shall be divided among three distinct branches, the legislative, executive, and judicial. No person or persons belonging to or constituting one branch shall exercise any of the powers properly belonging to either of the others, except as expressly provided in this Constitution;" and

* **Appointing Risk Management Consultant – Brown & Brown Metro, Inc. and Fairview Insurance Associates**

WHEREAS, the Township of Parsippany-Troy Hills (hereinafter “Township”) has joined the Morris County Joint Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the bylaws of said Fund require that each member appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the bylaws; and

WHEREAS, the Board of Fund Commissioners established a fee equal to six percent (6%) of the Municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Township; and

WHEREAS, the Township advertised for a Request for Qualifications from parties interested in providing Risk Management Consultant / Liability Broker of Record Services to the Township pursuant to the fair and open contract provisions of P.L. 2004, c. 19 (N.J.S.A. 19-44A-20.5 et seq.);

WHEREAS, the Business Administrator and Director of Purchasing for the Township have reviewed the qualifications received and recommend that contracts be awarded to Brown and Brown Metro, Inc. with offices located at 26 Columbia Turnpike, Florham Park, New Jersey 07932 as the Township’s Risk Management Consultant / Liability Insurance Broker of Record for the period from January 1, 2011 through July 31, 2012 and to Fairview Insurance Associates, with offices located at 25 Fairview Avenue, Verona, New Jersey 07932 as the Township’s Risk Management Consultant / Liability Insurance Broker of Record for the period from August 1, 2011 through December 31, 2011.

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

1. The Township hereby appoints Brown and Brown Metro, Inc. with offices located at 26 Columbia Turnpike, Florham Park, New Jersey 07932 as its local Risk Management Consultant for the period from January 1, 2011 through July 31, 2011 and
2. The Township hereby appoints Fairview Insurance Associates, with offices located at 25 Fairview Avenue, Verona, New Jersey 07932 as the Township’s Risk Management Consultant / Liability Insurance Broker of Record for the period from August 1, 2011 through December 31, 2011.
3. The Township Council of the Township of Parsippany-Troy Hills hereby authorizes the Mayor and Township Clerk to execute the Risk Management

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Consultant's Agreements for the year 2011 in the form on file in the office of the Township Clerk

4.

APPLICATION(S):

- * **Transfer of Tourist Accommodations License for Hilton Parsippany, from Crestline Hotels & Resorts, Inc. to Remington Parsippany Employers, LLC**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following License be transferred for the year 2011:

Hilton Parsippany
1 Hilton Court
Parsippany, NJ 07054

From:
Crestline Hotels & Resorts
3950 University Drive
Suite 301
McLean, VA 22102

To:
Remington Parsippany Employers LLC
14185 Dallas Parkway, Suite 1150
Dallas, TX 75254

ORDINANCE(S):

First Reading Introduction

Ordinance No. 2011:16

AN ORDINANCE AMENDING SECTION 285-4, SCHEDULE A, NO PARKING FIRE ZONES, OF ARTICLE I, OF CHAPTER 285, PARKING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH FIRE ZONES AND REGULATE PARKING AT: 260 WALSH DRIVE, Block 136, Lot 36 (Attachment No. 1)

The following motion was offered by Mr. Cesaro, seconded by Mr. Ferrara to introduce Ord. 2011:16 for Introduction.

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BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **July 19, 2011** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **August 16, 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, and Stanton
ABSENT: Council President Fox

RESOLUTION(S) ADD-ON

Councilman dePierro moved to add two items to the Agenda.

Authorizing Submission of an Application for the Municipal Alliance Grant for Calendar Year 2012

Personnel Settlement Agreement - Mongiello

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

Mr. Cesaro moved to approve the following resolutions, seconded by Mr. Stanton:

Authorizing Submission of an Application for the Municipal Alliance Grant for Calendar Year 2012

WHEREAS, The Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris,

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

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1. The Township Council supports and authorizes submittal of an application for the Township of Parsippany-Troy Hills Municipal Alliance grant for calendar year 2012 in the amount of \$28,901.00
2. The Township acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Mayor and Township Clerk are hereby authorized to executive a grant agreement on behalf of Township of Parsippany-Troy Hills,
4. The appropriate officials are authorized to take whatever steps necessary to complete the grant application and meet other grant requirements.
5. This resolutions shall take effect immediately.

A motion was made by Mr. Cesaro, seconded by Mr. Ferrara:

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

Personnel Settlement Agreement

Attachment No. 2

A motion was made by Mr. Cesaro, seconded by Mr. Stanton to go into closed session.

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

The Council convened in closed session to discuss Settlement Litigation. Closed Resolution attached (Attachment No. 3)

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Upon reconvening in open session at 8:04 pm, a motion was made by Mr. Cesaro, seconded by Mr. Stanton, to adjourn.

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

ABSENT: – Council President Fox

Respectfully submitted,

Leslie Miller, Clerk's Office

Michael J. dePierro Council Vice President

Minutes approved:

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

ORDINANCE NO 2011:15

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,
IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING POWERS
AND DUTIES OF THE PURCHASING AGENT**

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) currently employs a qualified purchasing agent who acts as the contracting agent of the Township; and

WHEREAS, by employing a qualified purchasing agent, the Township is permitted by State Statute to avail itself of a higher bid threshold; and

WHEREAS, the Township wishes to avail itself of the highest permissible threshold for public bidding of contracts

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1: Section 4-14 of the Township Code shall be supplemented as follows:

2. To prepare bids and specifications for the purchase of work, materials, supplies, or services desired to be acquired by the Township when the estimated aggregate value thereof exceeds the highest authorized bid threshold amount as determined pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

Section 2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

Section 3. If any article, section, subsection, paragraph, phrase, or sentence contained herein is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable from this Ordinance and shall not affect the validity of the remainder of the Ordinance.

Section 4. This Ordinance shall take effect upon final passage, approval, and publication as provided by law.

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Attachment No. 2
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WHEREAS, Joseph Mongiello has been employed by the Township of Parsippany-Troy Hills (the "Township") Police Department for approximately Twenty Five (25) Years currently serving in the rank of Sergeant; and

WHEREAS, disputes between Sergeant Mongiello and the Township arose as set forth in cases bearing Docket Numbers A-2260-09T3, A-5486-09T2, 2010-1876, CSV 6587-2010N; and

WHEREAS, the Township and Sergeant Mongiello desire to resolve their disputes of the matters set forth above.

NOW, THEREFORE, THE TOWNSHIP COUNCIL HEREBY AUTHORIZES, as follows, that:

The Township Mayor and/or the appointing authority to execute a Settlement Agreement with Sergeant Mongiello that provides for, among other things, the following:

1. Sergeant Mongiello releases the Township and its officials/agents/representatives from any and all of his claims up to and including the date of this agreement, except for his pending worker's compensation claim and his application for disability retirement.
2. Sergeant Mongiello will be retroactively placed on administrative leave beginning on February 25, 2011 through July 31, 2011, during which time he will not be charged with the use of sick, vacation, personal or compensatory time. Sick time used after February 25, 2011 will be credited to his bank of sick time.
3. Sergeant Mongiello shall retire from the Department effective on or about August 1, 2011 so long as his pension service (25 years) is not negatively affected by that retirement date. (There was some confusion as to whether he would have the full 25 years of service with the Township as of August 1, 2011).
4. Sergeant Mongiello agrees to the proration of any sick, vacation or personal time earned in 2011 as per past practice so that no such time will be earned after February 25, 2011.
5. Sergeant Mongiello agrees to surrender his sidearm and other Department-issued items immediately, but will remain a paid Department employee (on approved leave) until his retirement date. He will be provided with retirement badge and retirement identification as soon as possible.

6. If his accidental disability retirement application is denied by the State of New Jersey, Sergeant Mongiello will commence a regular service retirement upon completion of 25 years of service.
7. Sergeant Mongiello will be compensated for accumulated sick, vacation, personal and compensatory time pursuant to the requirements of the SOA collective bargaining agreement.
8. The parties agree that Sergeant Mongiello will not be dismissing his pending worker's compensation claim concerning injuries sustained on duty in a motor vehicle accident which will proceed in its normal course.
9. Sergeant Mongiello will receive benefit bank time as explicitly described in the settlement agreement. He will also receive compensation for all accrued and unused benefits pursuant to the SOA agreement with the first payment on September 1, 2011 and which, when combined with his salary earned prior to retirement shall not exceed his normal 2011 working salary.
10. The Township agrees to cooperate with Sergeant Mongiello in the filing of his disability retirement application before PFRS and agrees not to oppose that filing.

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Attachment No. 3
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RE: Personnel Settlement Agreement

DATE: July 19, 2011

TIME: 7:40 p.m.

MOTION BY: Mr. Cesaro

SECONDED BY: Mr. Stanton

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:

Authorizing a Settlement Agreement

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: Mr. Cesaro - Yes
Mr. dePierro - Yes
Mr. Ferrara - Yes
Mr. Stanton - Yes
Absent: Mr. Fox

MOTION TO ADJOURN CLOSED SESSION BY: Mr. Cesaro

SECONDED BY: Mr. dePierro

Roll Call: Mr. Cesaro - Yes
Mr. dePierro - Yes
Mr. Ferrara - Yes
Mr. Stanton - Yes
Absent: Mr. Fox

CLOSED SESSION ADJOURNED: 7:59 p.m.