

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

March 13, 2012

Public Invited – Public Participation

MEETING CALLED TO ORDER by Council President Stanton at 7:30 p.m.

FLAG SALUTE

Roll Call:

Mr. Carifi	- Present
Mr. Cesaro	- Present
Mr. dePierro	- Absent
Mr. Ferrara	- Present
Mr. Stanton	- Present

OTHERS PRESENT: Mayor Barberio; Jasmine Lim, Business Administrator; John Inglesino, Esq., Township Attorney; Mary Cilurso, Acting Deputy Clerk

The purpose of this meeting is to set the Agenda for the Regular Township Council Meeting of March 20, 2012.

FORMAL ACTION MAY OR MAY NOT BE TAKEN.

STATEMENT OF COMPLIANCE

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 19, 2011.

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

PRESENTATION(S):

Turf Fields at High Schools

Mayor Barberio introduced from Cairo and Calp, Brian Lomo, Civil Engineer; Michael Urban from Cairo and Carp Landscape Architects and Matthew Murello, Accoustic Engineer of Lewis

S. Goodfriend & Associates. They are here tonight to answer any questions you have about the turf fields. He has met with several residents in regard to the turf fields and had some questions and thought these questions could be asked tonight.

Mayor Barberio asked how will noise concerns be addressed, even kids playing and whistles exceed the noise ordinance?

Mr. Brian Lomo said during the daytime hours it is 65 dba and after 10 p.m. before 7 a.m. the statute gets lowered to 50 dba. The EPA has other exemptions to it such as national warnings, noise from the game, etc. The noise from the game itself is exempt.

Mayor Barberio asked where will the drainage tanks be placed?

Mr. Crowley said it will not use drainage tanks. Storm Water Management as currently, will drain into a stone bed underneath the turf field where it will be detained and infiltrate a large majority of water. They will comply with local and state regulations. The flow from the site will be less than existing conditions.

Mayor Barberio asked if the residents can see copies of water studies done to address residents concerns at both High Schools? They would like to see the overall impact and drainage studies.

Mr. Crowley stated they will be preparing a storm water management study that will be submitted to the Town as well as the Conservation District. Those studies are on-going and have not been completed yet.

Mayor Barberio asked how parking will be addressed at Parsippany High School as the lot is so far from the field. Is there a traffic impact study that has been done?

Mr. Crowley said an impact study has not been done but it is his understanding the football use would not anticipate a change in the parking requirements for each event.

Mayor Barberio asked if there have there been any investigations of the wetland boundaries protections done at the high school properties.

Mr. Brian Lomo stated as all proposed improvements are proposed within the already developed field are there have not been any wetlands investigations done.

Mayor Barberio asked if both fields have signs on the field that say test borings are being done.

Mr. Murello stated that in the past couple of weeks there have been geotechnical studies done at both sites.

Mayor Barberio asked if the insulation company offer insurance when repairs are needed.

Mr. Murello said yes. The typical warranty for the turf fields is a minimum of eight (8) years. That goes with the specification for the project.

Mayor Barberio said how will additional runoff be mitigated and how can we protect the adjacent residents from flooding and can they see the analysis that has been done on drainage of wetlands? Has a Wetland Delineation been done?

Mr. Murello said he addressed the storm water management and the wetlands but to reiterate, the storm water management is anticipated to be provided within a stone bed underneath the turf field which would detain the water and reduce run off from the site. Wetland delineation has not been done as all improvements have not been done as all proposed improvements are within the developed area of the field. The proposed development is within the existing developed portions of the field.

Mayor Barberio read what access will the general public lose to the tracks on the weekends if fields are rented out to the town. Who will control the scheduling of rentals?

Mayor Barberio answered saying they have no intention of limiting access to the tracks and when it comes to the scheduling, the Township of Parsippany would do the scheduling.

Mayor Barberio read what kind of partnership will be developed between the Board of Education and the Town Council Administration?

Mayor Barberio answered the Shared Services Agreement between the Town and the Board of Education will be negotiated and presented to the public at an appropriate time.

Mayor Barberio read who will get the rental from the fields, the Town or the Board of Ed.?

Mayor Barberio said since the Town has 51% majority the Town will do the scheduling and if the Town rents it the Town will receive the rental and if the Board of Education rents it they will receive it. Most of the teams that will be using the fields are the youth organizations. They are exempt by Ordinance for all fees. They will not be charged any fees.

What future projects or existing maintenance activities will be sacrificed if we spend our funds on bonding this project for fifteen (15) years?

They will not be sacrificing any maintenance activities. We did not spend all from last year.

Mayor Barberio said can you compare these proposed fields with the Fields of Veterans and Jannarone Park? How many were funded, when were they built, will any additional machinery be necessary?

Veterans and Jannarone Park were built between 2003 and 2005 and used capital funding for both. The normal maintenance cost to do the turf fields right now for man hours are \$1,500.00 to \$2,000.00 which does not include equipment depreciation, fuel costs. Add another \$1,500.00 for that. We own equipment to do the three (3) turf fields so we would not have to purchase any additional equipment.

Mayor Barberio read, before 2006 how was the Open Space Trust fund money used with respect to the Turf Fields. He said it was used for the acquisition of Open Space including debt service and down payment. Some of the Open Space has recreation and historical debt service attached.

Has the Board of Education been advised that the easement conservation is permanent?

Mayor Barberio said they had mentioned to them that it was for 25 years and could be reversed.

Mr. Inglesino said the Board of Education was aware the conservation easement was permanent easement.

At this time Council President Stanton Opened this portion of the Meeting to the Public re Turf Fields.

T. J. Ritter, 72 Brooklawn Drive is a professional Mechanical Engineer. Under Exemptions NJDEP 65DBA (Inaudible noise) what about whistles, air horns? Is that part of it?

Whistles and air horns are not amplified over the pa system.

Mr. Ritter asked about CIA values used and you do not believe there will be no difference in parking. He stated there will be a change. Jannerone Park has 267 parking spaces for one football field and one softball field. There are 442 parking spots at Parsippany Hills High School with two softball fields, two baseball fields, a track. The parking was not done correctly. There are wetlands in his backyard and want to know if delineation was done on that. You will have to move the bleachers and there are wetlands behind them. It is a 200ft. buffer zone back there.

Mr. Murillo stated with regard to the storm water management there will not be any drainage tanks. The drainage will be detained in the stone bed within the turf fields. To be clear, there will not be any tanks. With regard to parking, the football field will not change. The disturbed area of the developed field includes the fence and adjacent area.

Mr. Ritter was talking about the families, kids that coming to the football game having to walk far. This has not been addressed.

Mayor Barberio when we are having a youth soccer game you would not have fans coming as you would in a High School Football games. We are considering doing a traffic impact study with the Township and Traffic Engineer.

Mary Pryzecki, 273 Marcella Road asked if the PA system be used during the soccer, Little League Viking Football game?

Mayor Barberio said no youth organizations will be allowed to use the intercom system.

Rick Nagarro, 74 Brookline Drive said this Mayor, Town Council and Board of Education are subject to Lobbying. Lobbying by special interests including sports clubs, little Vikings, booster

clubs and also by their Legal Counsel, who stands to earn handsomely if this proposal is approved. He asked the Council to recognize this clandestine lobbying effort, the self serving push by those to benefit most while cloaked in the disguise of community consensus and to act in a manner that is consistent with true community interest consisting of all your constituents and not just these special interests. We, a small representation of your constituents in opposition to this proposal have extended great efforts to have our voices heard and to inform more of your voting public. They have called for more transparency O.P.R.A.'d documents, started a website and organized community members. Through our efforts the Mayor has granted them a platform to be heard in an invitation only meeting. He thanked the Mayor but needs more time to vent their concerns. Since the process so far has all but proven to be already approved and just a going through the motions, we have secured legal action. Once we have officially announced our legal representation he promises to cover the meetings. As a proud member of this community, as a taxpayer and neighbor he asks the Council to thoroughly consider the ramifications of their actions, to ignore all the barrage of the special interest spin and to practice good government with all constituents in mind.

Mr. Cesaro stated if this Council knew about the Field of Dreams when it was presented who was speaking with whom for two years?

Mr. Nagarro said the O.P.R.A. documents that they secured said that Mike Petewicz has had exchanges with Board of Education. There has been communications since 2010.

Mayor Barberio said there had been discussions between himself, Mr. Petewicz, members of recreation and organizations in Town. Those emails can be O.P.R.A.'d . We were going to form an Advisory Committee and his door is open to anyone. We had four (4) meetings. There was nothing to hide. He met with Mr. Nagarro, heard concerns of the residents near the High Schools and they are trying to find a compromise.

Mr. Nagarro said to open it to everyone in town is an absolute horror and it will bring down the value of his home. He, at this point, is considering leaving. It is unfortunate because he enjoys being a part of this community.

Bob Crawford, 35 Hidden Glen Drive, said he was still confused about the usage of the fields. Who indeed should the fields be allowed to use the fields during the time the schools are not using them.

Mayor Barberio said the youth organizations in the Town will be using the fields.

Mr. Crawford asked what time to what time.

Mayor Barberio stated it will be worked out in negotiations what time the schools want to use it till.

Mr. Crawford said if you have fields open 7:30 am to 11:00 pm at night is not like a football game. It is twelve hours of continual traffic in and out, strangers in our neighborhoods. He asked to have that factored into the analysis. He said the Superintendent declared the fields to be safe

and useable and would not make a statement that they were unusable. He asked the Mayor, in conversations with the Superintendent of the School District could you confirm that the fields, track and fences are safe and usable?

Mayor Barberio said he has not spoke with the Superintendent and you can go look at the fields to know they are deplorable, have many ruts, compacted and have big issues. The point is the Township's interest is to have more fields for the youth organizations. If this project goes it is great for the Township. If it does not go, it does not go.

Mr. Crawford interrupted and said the Mayor's purview is for the Town and the Board of Education is for the fields. The Superintendent who is responsible for ensuring the safety of the fields and responsible for ensuring they can be used has declared, indeed they are safe and can be used. The fact that the Mayor is rendering an opinion which he does not have the right to render as an elected official. It is the School Districts fault. That removes this need to go and turf both fields, removes the need to fix the fences. What thought has been given to the impact on housing values.

Mayor Barberio said he answered that question months ago. He spoke to the Tax Assessor and said those types of studies are mostly inconclusive. When a meeting was set up with Brooklawn Drive residents it was for them only. Mr. Crawford knew it was an invite only and of course, he came to make a statement.

Tom Bluge, 10 Wingate Road said it was apparent to him that the Field of Dreams project is embraced by honest, hard working officials and volunteers in this Town who give their time and effort selfishly to the people and kids of Parsippany. It is not turning our High Schools into public parks with crowds and traffic. Common sense, as a whole from statistics, that it is going to increase our property values. It is not pushing through something in haste and taking complete control of our High School Fields. It is a well thought out partnership between the Town and Board of Education for the greater good of the community. Finally, something will be done. Let's not miss what is at the heart of the Field of Dreams project. Nearly seven thousand students and their families, whether they step onto those facilities during physical education classes, pep rallies or High School graduations they will be positively impacted. If they participate in any programs, these students and their families will be positively impacted. His message is simple - Please make these young people and their families the basis of that decision.

Mike Laspahill, 80 Brookline Drive expressed his concern to Mr. Inglesino that this was a conflict of interest because he is now advising the Council that was he coached them to do is legal and valid and is telling the Council to vote on his decisions. Mr. Inglesino response was he represents the Town and the Town is his only client. He never denied doing work for the Field of Dreams people behind the website. If he has done work for them, this would be a conflict for everyone he is advising on this matter including the Council. He read O.P.R.A.'d documents starting June 11, 2011 that has been redacting and then went to November 28, 2011 email which says, "Thanks for your feedback on the website, changes to the content and layout will be made tonight. Once we have John's sections we will build them into the website. Frank is working on the Recreation Advisory Committee. He is basically thanking John for his work on the Field of Dreams website". The last email is dated December 12, 2011 from Mike Peterwecz, a private citizen, and does not know why some things are redacted. Mr. Plusha, who owns the website and

controls it, said he did not want me or anyone else to be publicly identified as owning or operating the website and it should not be attached to the Mayor's office. He could go on showing four (4) emails a day. He request Mr. Inglesino to take the billing away from the City for the work he did with Mr. Peterwiz and bill Mr. Peterwiz for that work instead.

Mr. Inglesino wanted to set the record straight. Mr. Laspahill has no emails from me. He does not represent or even has met Mr. Peterwiz until this particular issue came up. He never provided any content for the Field of Dreams website nor has been paid by the Field of Dreams and have nothing to do with the field of Dreams. The Field of Dreams project was originally approached to the Mayor. The essential question arose was "to what extent could the Town use Open Space Trust Fund money to finance the project and how could the project be financed?" There were a few ideas discussed. One was the possibility of using the Morris County Improvement Authority which was an idea that was looked into. Then the question became "whether or not the Township could use Open Space Trust fund monies can be used legally, in order to finance the project". That was the issue that was being bantered about in the emails that he recited. He was directed by the Mayor to do work on that and he did work on it and was cultivated by a seventeen (17) page memorandum of law, which is posted on the website. It is available to folks in opposition, folks in favor. He was asked to look at it in a legal way. He is proud of the work that he and his office did. All topics of conservation that he had with anyone concerning this subject had to do with this one issue on behalf of the Township.

Bob Farbanish, 6 Linwood Road moved in Parsippany since 1965, served on two (2) Boards, have four (4) children who graduated from Town. At that time they had grass fields, no lights. He is for the kids; they are our future but is speaking today as a tax paying citizen and is concerned about diverting funds earmarked for Open Space to the Board of Education facility. In these hard times, is not there a better way to spend these funds than astro turf and lights. If the Council is willing to use Open Space money than maybe we do not need it? Maybe we can find better ways to get more notebooks, teachers or better books, more computers. What about people who have lost their jobs, Lake Hiawatha people who were flooded out and people who cannot pay taxes and are in foreclosure. Maybe we should spend Open Space money and stop all the building. We have two (2) autonomous bodies in Parsippany – Municipal Government and the Board of Education; both are at arms length, both have different budgets. There is a responsibility of the Board of Education to determine their needs and get refunding. They have surplus funding and he does not understand why the Mayor and Council are involved in this matter coming up with creative ways earmarked for Open Space project. Why is the Council even addressing this issue when it is the Board of Education's issue?

Mayor Barberio said the sole purpose of the property within the Township of Parsippany-Troy Hills is for active and passive recreation only. When you look at the statute on Open Space dollars - acquisition for land for recreation and conservation purposes, the development of land acquired for recreation and conservation purposes and maintenance for conservation purposes. To say we cannot use Open Space Trust money, we have done it in the past and have debt service against it now. The economy dictates – you have to think outside the box. We have gotten state aid but since 2010 it has gone done and we have to find creative ways to do the project we need to do in the future.

Mr. Fabanish said his point is the Council should be at arms length from the Board of Education.

Mayor Barberio said it use to be. The Governor and state are encouraging to share services with the Board of Education to save tax dollars. There are some pending issues that we have to wait for with regards to the Attorney General.

Pat Petaccia, 182 Hawkins Avenue said there are many people who have looked at the O.P.R.A. requests. There are many redactions. As far as getting in touch and being in touch with the towns people it would effect, nobody from Wall Avenue or Hawkins Avenue were called by the Mayor. These residents were very much affected by this. When she came to the meeting she was not allowed in. We are residents, concerned citizens, taxpayers. It is not as though we come in here to destroy you. We come in with good questions and good ideas and you do not give anyone a chance. We are being told its this, it's that. The Council is reading the new state statute about recreation and conservation. It is not on our Ordinances to date. This is coming from the 1997 state statute and the 1998 Town Ordinance. Nowhere does it say recreation. You have bonding and debt service which was never okayed by the taxpayers. It was done by Ordinance but never went to a referendum. Debt service should be voted on.

Mike Petewicz, 480 Park Road stated he was a supporter of this project. There are over 1200 people who have signed petitions of support. The fields are a town asset, used by Township adults and children for sports, club activities, jogging and walking. There is no disagreement in this room among anybody here that these facilities are in horrible shape. Grass does not grow, rocks and goose feces are everywhere, the tracks have pot holes and are lifting. The fences are broken and rusted, the lights at the Parsippany High School are old. The fields get used 12 to 15 times a year and taxpayers spend thousands of dollars busing our kids to other town fields when the town fields are rendered unusable. For many years the residents of this town have tried to find ways to repair the fields. We were unsuccessful. The Town Council has already voter approval for this project. The Town Council has used Open Space dollars for similar projects. In 1988 the Ordinance was approved for open and passive recreation. The 2006 referendum dedicated a portion of taxes to build, fix and to maintain parks and facilities. The Town Council and the Board of Ed have already successfully executed Shared Services Agreements for example, at Parsippany Hills at the tennis courts. For years, the Town Council has used Open Space funds to build and maintain parks such as Vets Field and Jannarone Field. In these tough economic times our leaders have been challenged and mandated to find ways to fund Shared Services Projects. It has been said that it takes a community to ensure the well being of our children in society. The Field of Dreams is an investment in our community, our children, ourselves and the future of Parsippany. Our community asset at each High School has deteriorated before our eyes and the time is now to move forward with creative shared service opportunities. The Field of Dreams is an investment in the future of Parsippany. It would enhance property values and it will continue to build pride and provide us all with an invaluable asset and will require no new taxes.

Ray Pagano, 16 Whitewood Drive said we have an issue here that stirs up a lot of controversy, different of opinions. It seems there has been a convuluded explanation of why we need it, how we are going to get, who should be involved and why you should be involved. He is a Civil Engineer and went to the fields with a neighbor the day after it rained continually. There are some low spots on the field. Clean screened fill would solve the problem. If the Board of Education has let the condition of the turf deteriorate that can be remedied. The crowning of the fields could be improved somewhat. Someone dumped dirt with 2 to 3' inch rocks on it. It can be removed. The stands look like they are in good condition. The track at the Hills is in excellent condition, the track at the High is a little bit older and could be resurfaced. If you want to add two other lanes run another heat. That is what they do in all sporting complexes. The money for this seems to be the issue. If the Town is so flush and fat with funding why not use the money that is in the Utility Surplus. Why doesn't the Board of Education use some of its reserve. This belongs to the Board of Education. If the fields are in need of maintenance it is their responsibility. This will cause the Town to incur additional fees. Someone has to pay for this in the future. In twelve (12) years they have to be replaced from his understanding. That is even before the Bond becomes due. Someone will have to refinance this again. You are looking and grasping at straws to justify something to placate somebody's in your club.

Mayor Barberio responded saying the members of these recreation organizations are dedicated loyal volunteers and consider them his friends and consider a lot of people his friends, those that are against it as well. To sit there and call them cronies for the time and the amount they put in for the recreation they do for the town – it is an insult and disrespectful. The members he knows most of them and have dedicated their lives to the children in this community. This is what divides – those comments. He met with the opponents that were against it and met with people who are in favor of it. He will continue to do that.

Mr. Pagano said he was a volunteer, raised four (4) children that went through the schools and the athletic programs. He is not criticizing volunteers, that is not the issue. He is talking about the fallacious way you are trying to go around justifying this.

Chris Joyce, 54 Spring View Drive said he has been involved in Little Viking for twelve (12) years and was Vice President and President. He is now gone. His son plays High School football and spent time trimming bushes, etc. at the field. It is a mess up there and for people to come up and say it is not. They are lying and insane. He is asking for all to be up front. He is for this project because these High School kids deserve more than what we are giving them. They had to clean up everything just for the fields to be respectable. He was embarrassed when he went to the field in August. It looked like it was abandoned.

Tara Ann St. Angelo of the Law firm of Gregory and Reed said she represents a group of concerned citizens known as Parsippany Unite. She hopes that what comes across tonight is not a desire to deny the kids great athletic facility. She hopes what came across to the Council is a desire for proper planning and transparency. She had one question – Do you intend to have a full Planning Board review of this matter.

Mr. Inglesino stated you know there is well settled law on that question. He asked her if she would provide him with a list of who her clients were so they may have that information. There is also law that when people are represented by Counsel in public meetings that their Counsel should speak for them. Some of the people that spoke tonight should not have spoken if they have Counsel.

Tara Ann St. Angelo said she will comply with a complete list. There is litigation pending Currently in Morris County about the very question of whether Athletic facility type applications go before the Planning Board before the Board of Education and it has turned into a long and arduous legal battle that has denied the kids of the town use of their fields. She hopes that Mr. Inglesino will invite conversation about it.

Mr. Inglesino said he welcomed her opinion letter on the subject. The law is very well settled and that municipalities need not go before the Planning Board for municipal projects or site plan approval for municipal projects. He has litigated that issue in Morris County and is sure there is no issue as to what the status of the law is on that. The concept here is that the project would be utilized by 51% by the municipality and under the current structure would be funded by the Open Space Trust Fund. He does not see a need for Site Plan approval but he welcomed her written legal opinion and will respond to it.

Arthur Hendrickson, 65 Leemoor Drive said one of the residents stated they had cleaned up the fields. Is it not the responsibility of the Board of Education to maintain the fields. They seem to have plenty of money to pay their superintendent salaries and to give their teachers a 4% pay raise one year compounded with another 4% raise the following year. Yet, they have not paid attention to the children's facilities and let it degrade. He thought the Board of Education has aggregated its responsibility. Responsibility, as we as taxpayers have given them facilities and trusted them to maintain the schools and should maintain these facilities. He thinks it is the wrong use of the money because we have already paid the Board of Education already to maintain these facilities.

Bob Venezia, 102 Brooklawn Drive stated he sent a letter on March 2, 2012 to the Attorney General, Jeff Kiasa requesting that he prohibit the Board of Education entering into Partnership with the Town on the Field of Dreams project. The letter contains a summary of the major problems he sees with the project. He expressed his concerns 1. The partnership has provided the Board of Education with the means of circumventing the 2% budget cap. \$4.5 million dollars of Open Space money will now be used to purchase items that the Board of Education would be unable to fund. By selling 51% interest in two (2) Board of Education properties to the Town it will be able to use \$4.5 million dollars to purchase the turf fields, tracks and lights. Funding the project from an account belonging to the off budget Open Space Trust Fund is the only way that the Board can build the Field of Dreams project while maintaining its existing cap budget. 2. Instead of using a Conservation Easement to preserve the parcels of lands being purchase, the town is doing the exact opposite. Covering 200,000 square feet of grass with an asphalt base and a plastic rug surface makes a mockery of what this type of easement was intended for and might be illegal. 3. The Township of Parsippany has a history of attempting to circumvent rules and regulations in order to accomplish its goals. He believes the Field of Dreams is another example of the Towns willingness to bend the rules and will result in additional reprimands from the state.

6. The Towns 51% usage of the fields is earmarked for public use. A good part of that time it will be governed by Town issued permits. However when the permits are not in effect anyone can use them allowing anyone to use them. Allowing unregulated use of school grounds also does not seem to be in the best interest of the students. Mr. Venezia's time was up.

President Stanton quoted the letter, "In addition to moving forward the Parsippany Town Council and its Attorney had to resort to questionable tactics, hastily drawn up Ordinances". He questioned it since the letter was dated March 2, 2012.

Mr. Venezia explained he was talking about the soon to be adopted Ordinance.

Pat Venezia, 102 Brooklawn Drive and continued to read her husband's list. 7. As we mentioned earlier Open Space Funds will be used to fund the Field of Dreams project. The project was debated at the Open Space Committee and approval was denied. The Township Attorney then declared the Open Space Committee was merely an Advisory Board and the town was under no obligation to follow its recommendations. Technically, he is right. The Towns behavior regarding this matter seems somewhat suspicious because to their knowledge have never before over-ruled a recommendation coming from the Open Space Committee. 8. Because of fund limitation placed on the Open Space Trust Fund by a 2006 Referendum approved by Parsippany voters the project cannot be paid for in cash. As a result, the Town proposed to use Bonding to fund the project. During public discussions about the project the Town has come to realize that

- a) The proposed Bonding for the Field of Dreams Project may have legal issues.
- b) Over the last five (5) years they have been spending every dollar of the \$600,000 Open Space Allocation for capital improvements and maintenance. Therefore, There is nothing left to support the Bonding.

To circumvent these problems the Town has drafted an Ordinance which will in effect nullify the 2006 Open Space Referendum that was approved by the voters. You are scheduled to vote it will remove the current spending restrictions defined in the referendum. For example, the \$600,000 limitation on maintenance projects will disappear. Once passed the entire fund including the \$5.4 million dollars, currently reserved for acquisitions, could be used as the Council sees fit not as the voters specified in the referendum. The new Ordinance will also allow the balance of the entire fund to be used as collateral for Bonding without the approval of the voters. In essence, in order to fund the Field of Dreams Project, in our opinion, the Town has found it necessary to unilaterally repeal a Township approved referendum. 9. During the public discussion of the Field of Dreams project another Open Space Trust Fund issue arose. Residents were assessed at a rate that provided an annual rate of \$500,000.00 (half a million) to the fund. In 2003 homes were reevaluated but the Town did not address the Open Space Tax formula to compensate the tripling of home values. As a result in 2003 the Open Space Trust Fund tripled to \$1.5 million dollars annually. The Township has been collecting an extra \$1 million dollars each year since then and has been using this windfall to pay for items that would have come out of the regular budget. At the time this stealth tax went into effect voter approval was either sort nor obtained and maybe in violation of New Jersey 40:12-15.8.

Mr. McNulty spoke about the slopes. He said there was no issue with the Parsippany track. The issue with two (2) eight lane tracks for sanctioning events – New Jersey State Interscholastic Athletic Association does sanctioning events on six (6) lane and eight (8) lane events. The track championships have been done on six (6) lanes and he does not know why we have to have eight (8) lanes. As to the sharing of the fields (49%/51%) it is a simple question, would this be parks or Board of Ed fields?

Mr. Inglesino stated the term Parks which does appear in the 2006 referendum is not defined anywhere in the Ordinances. Why was it used in the referendum he did not know. The term recreation is used and parks is included within that definition. So a Park is a recreational facility by definition under the Ordinances but when you go back to the enabling ballot question in 1998 the question was to use Open Space Trust Fund to acquire for active and passive recreation purposes. When you read the Original Referendum and the definition of recreation, Parks is the only logical conclusion you can come to intended to mean a recreational facility.

Mr. McNulty asked would it be Township owned or Board of Ed run.

Mr. Inglesino said the land itself Title will not change. The title to the property would be in the Board of Education but there would be a Conservation Easement that would also appear in the title in favor of the Township. Then there would be the 51%/49% usage.

Mr. McNulty thought it would be run under the Forestry Department based on the 51% easement and it would not be under the Board of Ed rules.

Mr. Inglesino said a lot of these issues have to be worked out as part of the Shared Services Agreement and are very good questions. In his mind, at the moment, the fields would be subject to the Township rules while the Township is operating and the Board of Ed rules when they are operating. There may be some issues such as amplification, loud speakers that may want to be specified in the Shared Services Agreement.

Mr. McNulty asked if the park would be closed from November to April and would he need a permit to go on it.

Mayor Barberio said he was correct that it is not state sanctioned to have eight (8) lane track and you can have a sanctioned six (6) lane track. He is considering, if they go forward, reducing it down to six (6) lanes. Just to build two (2) lanes it will cost \$248,000 per field. If we just resurface the lanes it would reduce the Bonding by \$500,000. We are looking into the permit issue more.

Jerry Manning, Rainbow Lakes said he does not have any kids in school. Listening to the bantor that went on tonight, yes, there are times when the taxes are affected for young people's activities. When they proposed Jannarone Park, which happens to be on Green Acres that abuts Rainbow Lakes and had some second thoughts. He is happy with the way it turned out. His fears were covered and they did what they say they were going to do. Listening to what went on here tonight, throwing words around like special interests. In a town of 53,000 people there are 53,000 special interests in this Town. As far as parking, if there is no problem today he would not change tomorrow. We are not adding fields we are just cleaning them up and making them

more useable. Why would housing values change? They are going to be there if your house is there or not. The least cost of this project is the turf itself. He questioned if you buy a house close to school you have to expect student activities. If you do not like it move.

Jeff Caffey, 2 Ivy Lane lives a couple of blocks from Parsippany High School. He has been here forty-one years. When they moved in they knew the High School was there, liked the track. What he understands of this project is that you are turning the entire neighborhood around. We use those facilities about nine (9) to twelve (12) times a year when we have the lights on. We have lived with this and there is no reason to object to this if it was not changing the entire neighborhood situation. We understand that we are talking about more than one hundred (100) days a year. He is a realtor and knows it will impact the real estate situation. He has sold scores of houses in the neighborhood, helped people move in and out but the Tax Assessor certainly cannot tell him if the neighborhood changes, streets become heavy with traffic and the parking situation gets worse that it will not impact our pockets. His main concern is that housing values have fallen in the past three or four years dramatically. He does not want the situation and it only entails the people in the neighborhood. If our neighborhood radically changes it will affect the value.

Mayor Barberio said the traffic and parking concerns will be addressed. There will be more activity. We are looking at a curfew of 9:00 pm on those fields. If they can and do not know if it can be done, looking to have nothing on Sundays. On Saturday's there would be no plays after 6:00 p.m.

Gale Alba, 69 Brooklawn Drive appreciates everyone's opinion. Her house is exactly right across from the path going into the Hills. During football, fireworks and graduation she is locked into her house. She sees this as a nightmare. She thinks it is not fair.

Mayor Barberio said we are going to do a traffic study with the Township Engineer and he has talked to the Chief of Police who has been in the neighborhood and will be giving him some suggestions.

Ms. Alba said for her ten years experience Brooklawn Drive when there is a game going on bottlenecks.

Hank Barbreck, 23 Farran Drive said there has been reference to the Farran Drive jagged rock site – Parsippany High School is in nowhere near facilities that are lit. The proximity of the homes near Parsippany High School field is right there. We have had lights for over thirty (30) years. It is not a problem. It is thirty (30) nights a year. He cannot imagine this going over 100 to 300 nights a year. The Mayor mentioned four (4) to six (6) nights a year. He can live with the band. The people at Brooklawn do not know what lights are like. If it is minimal it is doable. On a football night game, people do park on Jagged Park Road and walk through. When he went to walk through the gate was locked because the School Board decided the entrance way was not safe and even with the lights on was unsafe. He wants to know what is going to happen.

John Simms, 1 Bankor Place, Mt. Tabor said some residents are in support of the turf fields. He is a lifetime resident of Parsippany and some of us feel there is a good benefit to the community at large to do this field. The Council has to work out whether this is a proper use of Open Space money. He questions why we can spend \$500,000 on a great facility like Craftsman Farms in one (1) year and then we are debating to spend money on a field for the youth and adult use in Parsippany. Many people are afraid of things they do not know and the town should provide information on what is going to happen with the use of the field. What the 51/49% means because the school will get as much use of that field as they need and the 51% can be achieved very easily by the Township without having to use it 300 days a year and every night of the week. In the turfing of the field a point was made earlier that they need to be paved over and a piece of plastic be put over. He has coached kids on turf fields and that is not his understanding of turf fields.

Mayor Barberio stated his idea personally of the Open Space Trust Fund money can be used for recreation, historical, conservation and acquisition. It has something for everything and thought that was the anticipated purpose in the 1997 state statute. You make a very good point and another one is if the Engineer can explain about how the water runs off the turf fields.

Once the stone sub base is placed for the drainage there will be a series of pipes that will take the water and store all the water underneath the field after a rain event. On top of that stone you have a carpet. The carpet has long filaments based upon the activity that will be used and made of Polypropylene thread and lay it down. Then brush a fine silica sand that helps the weight done and lets the water go through and then once that is placed comes back in with a cryogenic rubber and sand infill on top of that brings it up to level for a proper playing field that allows the water to go through. There is no pavement underneath it.

Beth Bleu, 10 Wingate Road is a big supporter of the Field of Dreams. She supports the concept, the scope as presented and the proposed funding. Contrary to what is being said about the original concept and the supporters of the Field of Dreams, the reality is a citizen had an idea, presented it to the Mayor. The Mayor was intrigued and thought it should be further researched. To imply anything else is wrong. We have many volunteer coaches throughout the Town and have put in many hours to help the kids mature into High School athletes. The Town has provided some of the nicest facilities in the County. Why can't the Town provide the same facilities at Parsippany schools. We are still one Town. The fields are not only an embarrassment to the schools but to the entire Town. In regard to Open Space, on a daily basis over 2,000 students per day will be using these fields whether for gym class, sports, graduation ceremonies, etc. These fields will still be available for the entire community and will be a true community asset.

Dina Sangarra, 74 Brooklawn Drive believed the genesis of this project stemmed from unsafe poor fields at the High Schools. She wondered why there were not a lot of more people at the Board of Ed Meeting a few weeks ago. How is it the Mayor has to be the one that has to bail out the Board of Ed.? That is what she wants to know. It is a great idea and children deserve the best fields possible but when this is in the back of your yards and cannot sleep at night and the lights are shining in then tell her how you feel about that.

John Petrelli of 18 Leonard Way said baseball has nothing to do with the turf fields. The main representation he has is seeing the beautiful town fields that the Town gives to our children. We work very hard as volunteers giving eighty (80) to hundred (100) hours a week to help the children. These fields are Town fields and can be used only by the football teams because these fields cannot take the abuse of multi kids playing on it. His daughter is looking to play soccer or field hockey when she grows up but she cannot use these fields. She will not be allowed and will have to play in the off fields. It is not just about football fields.

President Stanton asked if the turf fields last eight (8) years or depending on their use. The answer was depending on their use.

Mr. Carifi said the type of use we are looking to use it for what would be the estimate. The answer was at least 10 years with the proper maintenance or more.

Mayor Barberio said the conservative estimate for the fields is \$4.5 million. After use of the carpets they will have to be replaced and will cost about \$300,000 for one carpet which is due to wear and tear. You will not be spending another \$4.5 million. Once the structures are down it is just maintaining it. He is proud of our fields and Jimmy Walsh who maintains them. We know the liability that comes with it. It benefits the Town in several ways. We have to get the opinion from the Attorney General on what we can do and have a Shared Services Agreement with the Board of Education. We will be contacting them tomorrow. These are our assets. He read into the record "The most significant challenge facing local government is the need to provide the services we always had but in an economical way. We cannot afford to continue to raise taxes and he has said that. Our state aid has been reduced and our energy tax money has been diverted for state use. State Aid and energy dollars were implemented to reduce local property taxes because the state reduced our state aid and diverted money for state use. The demands on local government has changed as well. Services are expected with the least amount of tax increases. The Town needed to think outside the box and find a creative way to do projects without raising taxes. In 2010 Parsippany-Troy Hills lost \$1.2 million dollars in state aid. When you lose that amount of money that is a 3.4% tax levy increase. In 2011 the state put a 2% mandate on Budgets and the state has not brought up our state aid where it was in 2009 when he became Mayor. This has made it difficult to projects of this sort. We need to look at sharing services not only with other Towns but with our own Board of Education so we can keep our taxes low. The state legislators and have encouraged Towns and the Board of Education to keep these taxes low. The Township's interest is to increase the number of playing fields available for use by our residents and youth organizations without raising any new taxes. To do this we have to be creative. We are trying to back door anything. It becomes frustrating. What he is hearing is at times, raise taxes let the Board of Education do it and raises taxes. We do not want that any longer and try to find a creative way. Open Space money is not used just for recreation. It is used for historical buildings, conservation and acquisition. 41% of Parsippany-Troy Hills is Open Space. We will be purchasing Baldwin Manor and very proud of it. It has significant historical value to the Township. No matter what you do there will be people for or against it. We need to

communicate. He has brought it to the public and he still gets reprimanded for it. Times are changing. We have a cap and it will get tighter. He commended the Governor because he never thought the Town could stay within the 2% cap because of the needs of the Township residents but we did it and with sacrifice. This is why we do what we do. He heard today, why didn't they lower the Open Space tax? In 2003, the Mayor then should have done it. That was when the property values were reassessed. Now you have all these dollars attached to the Open Space Trust Fund that if you do reduce it you are going to have to collect those monies or pay through debt service through raising tax dollars. That is a fact. In regard to the amending of the Ordinance it is not to circumvent to find ways. He has said it in his closed door meeting that we have been using Open Space Tax dollars for debt services since 1999, 2001, 2008, 2009, 2010, 2012. We do not Amend the Ordinance we will not be able to use that money for debt services. He does not feel confident with the referendum of 2006. If this (Turf Field) does not go this Ordinance still needs to be addressed because we pay debt service on some historical properties such as Craftsman Farm. When he looked at the Ordinances, Statute and Referendum it was not clear to him if you can use those dollars to pay debt service. If we cannot do that we will have to raise taxes to get the money to pay debt service. What he liked about tonight – democracy is a wonderful thing because the cornerstone of democracy is what we saw tonight. We can agree to Disagree. We do not have to like or dislike. Everyone's voice was heard tonight.

President Stanton Closed this portion of the Meeting to the Public re Turf Fields.

At this time, the Council took a two minute break.

The Council reconvened at 9:40 p.m.

ORDINANCES – SECOND READING(S) AND PUBLIC HEARINGS(S)

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 1140 & 1160 Parsippany Road, Block 410, Lot 22.01 **(2012:04)**

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 50 Parsippany Road, Block 392, Lot 4 **(2012:05)**

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 100 Kimball Drive, Block 735, Lot 1.06 **(2012:06)**

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 1 Jefferson Road, Block 735.02, Lot 4 **(2012:07)**

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 1560 Route 46, Block 719, Lot 1.2 **(2012:08)**

Refunding Bond Ordinance of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Providing for the Refunding of the Township’s General Obligation Bonds Originally Issued in 2005 Consisting of General Improvement Bonds, Sewer Utility Bonds and Water Utility Bonds, and Authorizing the Issuance of Not to Exceed \$18,630,000 General Obligation Refunding Bonds consisting of Not to Exceed \$17,550,000 General Improvement Refunding Bonds, Not to Exceed \$790,000 Water Utility Refunding Bonds and Not to Exceed \$290,000 Sewer Utility Refunding Bonds for Financing the Cost Thereof **(2012:09)**

An Ordinance Amending Ordinance No. 89:9 Entitled “An Ordinance of the Township of Parsippany-Troy Hills Establishing an Open Space Committee, Providing for Its Membership, Its Powers and a Source of Funding for the Acquisition of Open Space”, as Amended by Ordinance No. 2007:12 Entitled, “An Ordinance Amending Chapter 51, Open Space Committee, Revising the Purposes for Which the Open Space Dedicated Trust Fund May Be Used and Allocating The Funds for Such Use” to Further Revise the Purposes for Which the Open Space Trust Fund Can Be Used and Authorizing the Township to Dissolve the “Open Space Trust Fund” and Create the “Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund” All in Accordance with N.J.S.A. 40:12-15.8 **(2012:10)**

These will be on the Agenda next week.

Status of Adopted Ordinances:

<u>Ordinance Title and Number</u>	<u>Adopted Date</u>	<u>Mayoral Action</u>	<u>Effective Date</u>
An Ordinance of the Township Council of the Township of Parsippany of Parsippany-Troy Hills, County of Morris, State of New Jersey, to Amend and Supplement Chapter 290 Entitled Parks, Recreation Areas and Public Lands, Article I of the code of the Township of Parsippany-Troy Hills (2012:01)	2/14/12	Yes	3/15/12
An Ordinance Amending and Supplementing Chapter 290, Parks, Recreation Areas and Public Lands (Permit Fees) (2012:03)	2/14/12	Yes	3/15/12

DISCUSSION/REMINDERS:

Scheduled Meetings

3/20/12 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

4/3/12 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

Minutes for Approval:

Regular Meeting of 1/10/12

Discussion:

None

MAYOR

None

ADMINISTRATION

Bid(s)

Taken:

2/16/12 Sealed Proposals for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club - REBID

3/2/12 Sealed Proposals for One (1) New 2012 Ford E-450 Type III Class 1 Gas Engine Modular Ambulance for the Rockaway Neck First Aid Squad

3/6/12 Sealed Proposals for the Reconstruction of Madison Avenue

3/8/12 Phase 3 Interior Restoration of the Bowlsby - DeGelleke House

To Be Taken:

3/15/12 @ 11:00 AM Proposals for the Supply and Installation of a 50' x 60' Pole Building for Parks and Forestry

3/28/12 @ 11:00 AM Sealed Proposals for the Park Road Resurfacing Project – Phase II

4/3/12 @ 12:00 PM Sealed Proposals for the Sylvan Way South Interceptor Sewer Replacement

Quotation(s)/Proposal(s)/Qualification(s)

Received: 3/2/12 Statements for a Traffic Engineering Consultant(s) for the Parsippany-Troy Hills Planning Board and /or Zoning Board of Adjustment

Requested: None

Ordinance(s) Introductions:

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 22 Sylvan Way, Block 202, Lot 1.14 (2012:11)

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 78 Fanny Road, Block 448, Lot 23 (2012:12)

An Ordinance Establishing Hourly Wage Ranges for Blue Collar Supervisor Employees of the Township of Parsippany-Troy Hills (2012:13)

An Ordinance of the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, to Amend and Supplement Various Sections of the Code of the Township of Parsippany-Troy Hills Dealing With Fees Governed by the Health Department (2012:14)

Resolution(s):

Awarding Bid for One New 2012 Ford E-450 Type III class 1 Gas Engine Modular Ambulance for the Rockaway Neck First Aid Squad to P.L. Custom Body and Equipment Co. Inc., 2201 Atlantic Avenue, Manasquan, NJ 08736 for a Total Bid Price of \$167,515

Awarding Bid for the Reconstruction of Madison Avenue to Stanziale Construction LLC, PO Box 2597, Bloomfield, NJ 07003 for a Total Bid Price of \$582,381.39

Rejecting Bid Proposals for Phase 3 Interior Restoration of the Bowlsby-DeGelleke House

Awarding Contract for Prescription Insurance Benefits

TOWNSHIP OFFICE REPORTS

Engineering:

Resolution(s):

Supporting the New Jersey Department of Transportation I-80 Parsippany-Troy Hills Roadway Improvement Project

Engineering Report of: March 2012

Status of Road Resurfacing-Puddingstone Area

The Developer has installed a water main and sanitary sewer line on a portion of Puddingstone Road. We have been working with the developer and will make temporary improvements until the sanitary sewer line is turned over to the Township. A meeting has taken place with the developer but there has been no resolution at this time. **(No Change)**

Revisions to Escrow Requirements in Connection with Residential Sidewalk/Driveway Repairs

The Lau's have expressed their unhappiness with the Township over the escrow fee and their belief that it is unnecessary and onerous on residents. Former Township Engineer Michael Pucilowski wanted to review the ordinance and draft changes to reduce the amount of escrow required for work performed between the property line and the edge of pavement in the Township right-of-way however this was not accomplished before his retirement.

We recently received a letter from Mr. & Mrs. Fraga also expressing their displeasure with the escrow requirement and with the burden on the property owner to request the return of escrow funds. Many people do not request their escrow back after one year. In an effort to help residents the Engineering and Finance offices have been compiling a list of right-of-way escrows that have not been returned.

I met with Michael Pucilowski and asked for his aid in reviewing the ordinances and making recommendations. Recommendations will be presented. **(No Change)**.

Edgefield Drive No Parking Zone (Upper)

A meeting will be scheduled with Mt. Tabor Fire Chief Smith to review the no parking area on an upper section of Edgefield Drive. A recommendation will be made following this meeting. **(No Change)**

Canterbury Estates Vacation of Lots 26 and 77 in Block 98

The applicant of Canterbury Estates has requested the vacation of Lot 26 in Block 98. This lot was apparently created as an access route to Lot 77 which was reserved for a future water tower. I take no objection to the vacation of the entire Lot 26 from Foote Lane to Lot 77. Please refer to

my May 5, 2009 memo on this subject. The metes and bounds descriptions have been reviewed and were sent back to the attorney for revisions. Once acceptable an Ordinance will need to be adopted by the Township Council to vacate this right-of-way. **(No Change)**

New Road Flood Mitigation

A property owner on New Road has requested that the Township raise New Road high enough to stop future flooding and closure of the roadway. Our preliminary cost estimate is \$200,000 to \$250,000. We are in the process of preparing a flood mitigation application through FEMA to secure funding for this project. **(No Change)**

Train Horns at Intersections – Quiet Zones

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. The report on the wayside horn findings has been submitted. **(No Change)**

Glacier Hills Sidewalk

Questions have arisen about the annual sidewalk replacement project which included locations in the Glacier Hills section of town last year. Property owners are responsible for the maintenance and replacement of sidewalk along the frontage of their property however, the Township is responsible for repair/replacement if the damaged is caused by a Township tree. The annual project is for the replacement of curb & sidewalk damaged by trees in the Township right of way. This office is evaluating the quality of work completed at the end of last year and any corrective action needed will be addressed once the project begins again this spring. **(No Change)**

NJDOT Resolution of Support - Route 80/287/202 Improvements

The NJDOT has requested a resolution in support of the referenced project. The Township has previously supported the earlier phases of this project. The plan was discussed at a public information meeting on October 20, 2011 in the Council Chambers and includes significant ramp improvements and the relocation and construction of new noise walls. This office has no objection to the construction plan. A resolution has been prepared in support the project. **The Township Council should discuss and approve the resolution.**

CHIEF FINANCIAL OFFICER

Resolution(s):

Authorizing Transfers Between the 2011 Budget Appropriations Reserve

Adopting and Approving the Temporary Capital Budget

This will be added to Resolutions for next week.

ATTORNEY

TOWNSHIP OFFICES / COMMITTEES
COMMUNICATIONS

Correspondence:

None

APPLICATION(S)

Person-to-Person, Place-to-Place Transfer (Expansion of Premise) Liquor License to Sierra Hospitality Corporation at 299 Smith Road, Parsippany, NJ

MOTION TO ADJOURN INTO CLOSED SESSION: Council President Brian Stanton

SECONDED BY: Mr. Cesaro

Roll Call:	Mr. Carifi	-	<u> yes </u>
	Mr. Cesaro	-	<u> yes </u>
	Mr. dePierro	-	<u> absent </u>
	Mr. Ferrara	-	<u> yes </u>
	Mr. Stanton	-	<u> yes </u>

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: Threatened Litigations and Contract Negotiations,

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

MOTION TO RECONVENE INTO OPEN SESSION: Council President Stanton

SECONDED BY:

Roll Call: **Mr. Carifi** - _____ **yes** _____
 Mr. Cesaro - _____ **yes** _____
 Mr. dePierro - _____ **absent** _____
 Mr. Ferrara - _____ **yes** _____
 Mr. Stanton - _____ **yes** _____

MOTION TO RESCIND CONTRACT WITH TODAY IN AMERICA: Council President Stanton

SECONDED BY: Mr. Carifi

Roll Call: **Mr. Carifi** - _____ **yes** _____
 Mr. Cesaro - _____ **yes** _____
 Mr. dePierro - _____ **absent** _____
 Mr. Ferrara - _____ **yes** _____
 Mr. Stanton - _____ **yes** _____

Formal Action to Be Taken by Council This Evening on the Following Resolution:

Resolution(s):

Awarding Contract for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club

Motion to Award Contract for Catering and Banquet Facilities at the Knoll: Mr. Ferrara

Seconded By: Council President Stanton

Roll Call:	Mr. Carifi	-	yes
	Mr. Cesaro	-	yes
	Mr. Ferrara	-	yes
	Mr. dePierro	-	absent
	Mr. Stanton	-	yes

MOTION TO ADJOURN MEETING: Cesaro

SECONDED BY: Mr. Ferrara

Roll Call:	Mr. Carifi	-	yes
	Mr. Cesaro	-	yes
	Mr. dePierro	-	absent
	Mr. Ferrara	-	yes
	Mr. Stanton	-	yes

MEETING ADJOURNED: 11:30 p.m.

Date: March 13, 2012

Submitted By: _____

Carol Kehoe, Acting Clerk

March 13, 2012

RESOLUTION

WHEREAS, the Township of Parsippany-Troy Hills advertised for bids for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club on two occasions, both November 30, 2011 and February 16, 2012, and

WHEREAS, no bids were received on either November 30, 2011 or February 16, 2012, and

WHEREAS, the Township's Mayor, Business Administrator, Director of Purchasing and Director of Municipal Utilities have revised the rent proposed to be more cost effective including a capital improvement schedule for future improvements to the facilities, and

WHEREAS, section N.J.S.A. 40A:11-5.3 of the Local Public Contracts Law allows a contract to be negotiated after no bids were received on two separate occasions, and

WHEREAS, the Mayor, Business Administrator, Director of Purchasing and Director of Municipal Utilities have negotiated this contract with the current Knoll Caterer and recommend award to Knoll Country Club and Catering, Knoll and Greenbank Road, Parsippany, N.J. 07054 for a Monthly Rent of \$55,000.00 for each month of the initial sixty (60) month term as well as \$20,000.00 per month for the initial twenty-five (25) month period to be deposited into a Township escrow account for future improvements to the facilities

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the contract for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and the negotiated proposal and that the Mayor and Township Clerk are authorized to execute the contract.