

**TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF MARCH 20, 2012**

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

PRESENT: Council Members Carifi, Cesaro, dePierro, Ferrara and Council President Stanton

ALSO PRESENT: Mayor Barberio, J. Lim, Business Administrator; John Inglesino, Township Attorney; Mary Cilurso, Acting Deputy Clerk.

**UPCOMING
MEETINGS:**

3/24/12 @ 8:30 a.m.	Budget Sessions
3/27/12 @ 7:30 p.m.	
3/31/12 @10:30 a.m.	
4/3/12 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
4/10/12 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

BID(S)

To be Taken:

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

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

None

ORDINANCE(S):

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

ORDINANCE No. 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 1140 & 1160 Parsippany Road, Block 410, Lot 22.01

Motion to Adopt: Mr. Carifi

Seconded By: Mr. Cesaro

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

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

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ORDINANCE No. 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 50 Parsippany Road, Block 392, Lot 4

Motion to Adopt: Mr. Cesaro

Seconded By: Mr. Ferrara

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

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

Roll Call: **Mr. Carifi** - **Yes**
 Mr. Cesaro - **Yes**
 Mr. dePierro - **Yes**
 Mr. Ferrara - **Yes**
 Mr. Stanton - **Yes**

ORDINANCE No. 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 100 Kimball Drive, Block 735, Lot 1.06

Motion to Adopt: Mr. Stanton

Seconded By: Mr. Cesaro

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

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

Roll Call: **Mr. Carifi** - **Yes**
 Mr. Cesaro - **Yes**
 Mr. dePierro - **Yes**
 Mr. Ferrara - **Yes**
 Mr. Stanton - **Yes**

ORDINANCE No. 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 1 Jefferson Road, Block 735.02, Lot 4

Motion to Adopt: Mr. Ferrara

Seconded By: Mr. Cesaro

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

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

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ORDINANCE No. 2012:08

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

Motion to Adopt: Mr. dePierro

Seconded By: Mr. Ferrara

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

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

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ORDINANCE No. 2012:09

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

Motion to Adopt: Mr. Ferrara

Seconded By: Mr. Stanton

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

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

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ORDINANCE No. 2012:10

An Ordinance Amending Chapter 51, Open Space Committee, 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, Floodplain Protection and Farmland and Historic Preservation Trust Fund”

Motion to Adopt: Mr. Cesaro

Seconded By: Mr. Ferrara

Mr. Inglesino gave an overview of the Ordinance before the Open to the Public portion of the Meeting after conferring with the Council President. The general purpose of this Ordinance is to clarify, codify the Township laws for Open Space. They feel this Ordinance should proceed irrespective if the Turf Fields project does not go through. He has received many emails and incorporated the questions to hopefully answer them. In the beginning 1988 the Township of Parsippany passed a referendum legally establishing an Open Space Trust Fund. It was put on the ballot and approved according to state law 40:12-10, which has now been repealed. What the question said was “Shall the Township Council of the Township of Parsippany-Troy Hills adopt an Ordinance establishing an Open Space Trust Fund which will have the following provisions: Provision No. 2 – designated solely for the property within the Township of Parsippany-Troy Hills for active and passive recreation. There are other provisions to the questions but none relate to the purposes of the Fund. That is the only provision for the sole purpose of the Fund. The sole purpose of the Fund was to acquire the property for active and passive recreation. There has been a lot of commentary whether the Open Space Trust Fund monies can be used for recreation.

Clearly, Open Space Trust Fund monies can be used, should be used and its sole purpose was to be used originally for the acquisition of property for active and passive recreation.

In 1989 there was an Ordinance to codify the will of the voters and implement the Trust Fund. While the Ordinance does not contain the precise verbiage of the referendum clearly, the Ordinance was intended to implement the referendum and that is the only interpretation that can be given to the Ordinance because the authority for the Law in the first instance comes from the Legislature in 40:10, which has since been repealed and was in effect at the time. Secondly,

from the Referendum, pursuant to the Legislation and third, from the Ordinance. So the Ordinance, Referendum and Legislation have to be read in a manner that is consistent. The verbiage with active and passive recreation is also contained in the statute that was applicable at the time. So from 1989 to 1997 that was the law in the Township of Parsippany – Troy Hills. The New Jersey State Legislature enacted a law signed by Governor Whitman that brought in the purposes for which Open Space Trust Fund money could be used. That law is contained in N.J.S.A.40:12-15 et seq. The purposes are contained in 15.7 which is set forth in the memo of February 14th available on the Townships website. Those purposes are things such as historic preservation, debt service for bond payments, farmland preservation, etc. all the purposes that were enumerated in that statute.

Mr. Inglesino wanted to make clear that any town, under 15.8 that had already passed a referendum to create an Open Space Trust Fund under the old repealed Law 40:12-10 like Parsippany Troy Hills, could expand the purposes of its Fund to include the purposes set forth in 15-7 debt service, historic preservation, farmland preservation etc. by holding a public hearing and adopting an Ordinance. If you did not pass an Ordinance back in 1988, in order to avail yourself of 15.7 you had to go to the voters by referendum for approval. Parsippany did not have to do that, in fact there is no provision in the law to do that because they did it in 1988 and because of that the way in which Parsippany avails itself of the broader purposes of the Law was to pass an Ordinance and hold a Public Hearing such as we are doing tonight. There is no need for a referendum, no requirement for a referendum, in fact, a referendum really has no legal purpose under the Law because Parsippany's mechanism again, to avail itself of the broader purposes of the Open Space Trust Fund was to proceed by way of Ordinance. There was no attempt by Parsippany to increase the tax levy. If you wanted to do that you would have to go to referendum. Now things get difficult. In 2006 there was a referendum. Why? He did not know.

Mr. dePierro said he could answer him. There was a referendum because of the legal advice that the Council received at that time said we established Open Space Ordinance by Referendum and now if we want to change we will have to do it by another Referendum.

Mr. Inglesino said he disagreed with that. He does not believe that is debatable because clearly under 15.8 a referendum was not required. The referendum itself provided two things: 1. Clear that the referendum sort to expand the Fund for improvements and the other was to set percentage allocations for how the Fund was to be used, certain percentage for capital improvements, historical preservation and acquisitions. Again, none of this comes out of the statute at all. It was in the referendum and when you look at the verbiage in the referendum it does not comfort with the verbiage in the statute. So it is very confusing as to what was intended at that time when you just look at the law – initial referendum in 1988 and 1987 statute. They have reviewed the minutes from the meeting and had discussions with people that were there at that time and it is the Council's opinion and appears the intent of the Council at that time was to broaden the purposes of the Fund to take advantage of all of the flexibility of the 1997 statute provided. The point is the way to expand the usage of the Open Space Trust Fund was no by referendum but by Ordinance.

Mr. Inglesino stated the purpose of this Ordinance was to clarify, clean-up that occurred back in 2006 and have an Ordinance that clearly states, if it is the policy of the Council, that Open Space Trust monies be used for all of the purposes that they are permitted to use under existing law. That includes not only the enumerated provisions set forth in the 1997 law but also includes a

new provision that just became law in January of 2012 that is for Blue Acres purposes. Basically to buy flood prone properties with Open Space Trust Fund monies is a new purpose. The other is to codify past practices of the municipality. The Township has, in fact, been using Open Space Trust Fund monies to pay debt service on Bonds for Open Space and Recreation projects. That has occurred under the previous Administration and under the Administration before that. It has been the practice of the Township. This Ordinance will codify or legitimate that purpose as well as provide for that use going forward. Finally, which is a housekeeping job, is to just rename the Fund. The Ordinance does 1. Clearly provides for what the Fund can be used for so that there is Not any misunderstanding in that regard. The Ordinance would mirror the state statute and provide you with all of the flexibility to use the Open Space Trust Fund monies in the manner the New Jersey State Legislature and Governor Whitman and now Governor Christie have decided to use the money for. 2. The way the Ordinance is prepared it maintains the allocation of the percentages in the 2006 referendum. Why? because there was a referendum and the voters did approve it, you have an Ordinance that provides for that. He understands that has been the practice and it codifies past practices in that regard. We have maintained those percentages and if you want to change those percentages you can. The other things that was done was to redefine the term acquisition which is a term in connection with the turf field project that has come up. We defined the term acquisition identical in the state statute 40:12-15.1. There is one provision in the existing Ordinance that we intend to remove and repeal. It is in Section 15 -7 Accumulation and Use of Funds – the last paragraph. He read “In the event of the entire annual allocation in 1 or 2 above, 1 refers to a percentage of capital improvements and 2. Refers to a percentage of historic properties is not required for such purpose in any year. The balance shall be allocated to acquisition of land and improvements for Open Space purposes. The effect of the new Ordinance would be to eliminate that provision. This is a policy decision to be made by the Council. The reason for that is 1. There was no provision in the 2006 referendum that referenced that language. Again, trying to codify existing practice and try to maintain some consistency in regard to policy matters that were reference in the 2006 referendum. That language deviates from that and proposed eliminating it. It will give you more flexibility on how to use the Open Space monies and would enable you to maintain your percentages for recreation and historic preservation as the voters approved in 2006. Again, it is policy decision. This was an overview of what the Ordinance is, what its purpose is, what it is intended to do. If you take a look at the way Open Space Trust Fund Legislation and practice has been applied in Parsippany since 1988 and we saw the need to clean it up and go forward. That is why we are proposing the Ordinance.

Council President Stanton Opened this portion of the Meeting to the Public on this Ordinance only.

Rick McNulty, 5 St. John’s Avenue expressed how this Ordinance that has been changed was not published in the newspaper. He would like to see it. How can we pass this if it was not published?

Mr. Inglesino said there were a few typographical errors pointed out at the last meeting and the addition of floodplain protection and are not material changes to the Ordinance. The Ordinance will be published after passage and in his opinion does not have to be reintroduced.

Mr. McNulty thought the Council should look at what the actual intention of previous Councils

Would be and what your intention is in the verbiage that is here. What is the intention of the Council that voted on it back in 1989 and the Council who voted back in 2006 and what is the intention of those Councils that have passed on codified Ordinances? Is the Council's intention today to continue and how we should use it moving forward? It is very easy to do an Audit and how much taxes has gone to each exact thing. We don't have to break it up.

Mr. dePierro stated he was there in 1998 and the sole intention was to establish the Open Space Trust Fund and when the state expanded what we could use that money for including historic preservation, maintenance and was told the only way we could change was with another referendum. So we put out another referendum. The intent was to conform to the state statute and provide what else the state provided to do that. After the referendum of 2006 the way the Ordinance was codified it did not really align with the state statute. That is what our Attorney is cleaning up so we now align with the state statute. We are now conforming with the state statute.

Pat Petaccia, 182 Hawkins Road believed this Ordinance should be tabled. She asked if any changes were made to the Ordinance and was advised yes. She received a copy of the Ordinance and this newer Ordinance still has some problems with it. Page 3, no. 6, no.3 should be removed and no. 7 should be added. Section 3, no. 1 maintenance is not covered. She thought the Council should have looked at this before and asked the Council to table it.

Mr. Inglesino stated she was correct.

Ray Pagano 16 Whitewood Drive, made a comment last week that this Council has approached this thing with the Field of Dreams in a very convoluted manner. He suggested that this Council is not prepared to vote on this ordinance due to the constant changing of the verbiage and the explanation given by the attorney is not sufficient for him to ascertain whether he thinks he would feel comfortable the Council approving. He thinks the Attorney should get the words finalized, issue it so the taxpayers can review it and come back and make intelligible comments and inclusions. He believes the Council is not ready to vote on this tonight.

Mary Purzycki, 273 Marcella Road has been asking herself what happened to the honor and integrity that were present in these council chambers. She cannot believe that three (3), four (4) times Ordinances that were Introduced had been changed and changed. She asked the Council to table this Ordinance until the right wording in the Daily Record is done.

Hank Heller, 10 Fenwick Place has been a taxpayer in Parsippany since 1970, has been a staunch republican since he moved his family to Parsippany. He voted on the Referendum establishing the Open Space Trust Fund. He cannot support this change tonight .that would change the entire intent of the original legislation. This change will permit you to take monies that were voted into your care for the purchase of parks and open space for a number of residents. He wants to put it as a Referendum.

Julia Peterson, 25 Old Parsippany Road had four (4) questions. 1. Today you have \$5.4 million dollars in the Open Space Trust fund. It is restricted to one purpose. In the new Ordinance, are you allowed to spend or do you have to do what prior years were done. 2. Under the proposed Ordinance, if we do not spend the Open Space Trust Fund in that year – what happens to the money? 3. Under the proposed Ordinance what is the definition of funds? 51.7-b,

4. What is the legal definition and difference between maintenance and improvements as used in this Open Space Trust Fund Ordinance? She is worried about the language used in this proposed Ordinance and the changes it implies. It seems to alter the purposes of the Open Space as originally enacted and it seems to remove citizen due diligence from the equation. She voted in the 2006 referendum and did not vote to give our government card blanche in the spending of funds earmarked for preserving Open Space in Parsippany. She did not predict that the development and maintenance would be prioritized over acquisition. She did not foresee the day when the use of these funds would be manipulated by elected officials for their own purposes. The Open Space Trust fund was established by referendum and should be changed only by referendum. We never agreed to use these Funds for Bonding. She asked the Council to prevent voter sentiment in the Town.

Bob Farbanish, 6 Inwood Road stated since 2011 has gone does it mean that money can be used for Open Space. The law right now says that until you pass a new Ordinance the money has to be used for Open Space.

Mr. Inglesino explained the Township can change its Ordinance and the allocation of the money.

Jonathan Nelson, 202 Patriots Road, read into the record Pat Petaccia changes in the Ordinance since she did not have enough time. This is on the following page.

Bob Crawford, 35 Hidden Glen asked if the Council acted upon this Ordinance as yet. This Ordinance has not been acted upon. He asked Mr. Inglesino where he stood on the material changes.

Mr. Inglesino said he saw no material changes.

Mr. Crawford stated how Mr. Inglesino said the importance of consistency in terms of the approach. It is for the process to be consistent. Mr. dePierro explained that in 1996 they were told by legal counsel to do a referendum. Now, legal counsel is advising them to do it by Ordinance. He was struck by some comments made by Mr. Inglesino "it is a gray area, it is our opinion, it is our view. Where is it opinion and where is it law? He questioned Section 6.

Mr. Inglesino explained the Severability Clause. It means that if a particular part of the Ordinance is ruled invalid by the Court it does not invalidate the whole Ordinance but invalidates that particular part. It is a boiler plate provision. This Ordinance strengthens and clarifies what the Council intends and based upon what the two Councilmen has said clarifies what was intended back then.

Tara St. Angelo with the law firm of Gregory & Reed, represents a group of citizens, Parsippany Unite. She sent a letter to Mr. Inglesino stating the people who are involved. She asked about the Ordinance that was published and the Ordinance that was given out tonight. They are two different ones and need clarification on which version is being voted on tonight.

Mr. Inglesino said the Ordinance to be voted on is the most recent one, the title of Flood Plain protection and changes the letters to numbers. It includes maintenance to the extent they are legally able to do that. If maintenance is not a capital item then you cannot Bond for it and if you cannot Bond for it you cannot use debt service on a Bond to pay for it.

Mr. dePierro was under the understanding that state statute allowed us to use Open Space Funds for maintenance. We do not bond for maintenance but use Open Space Funds for maintenance. The changes that Ms. Petaccia offered tonight are substantial or minor. He is getting uncomfortable on voting when nothing is in one package.

Mr. Inglesino stated Ms. Petaccia has referenced typographical errors from the last meeting that has been changed and you have an Ordinance that is ready to be voted on tonight. If you want to reintroduce and do a public hearing you can.

Mr. Stanton made a motion to **table the Ordinance**.

Mr. Carifi seconded the Motion.

Seeing no one else come forward to speak, Council President Stanton closed this portion of the Meeting to the Public on this Ordinance only.

ROLL CALL TO TABLE:	Mr. Carifi	Yes
	Mr. Cesaro	Yes
	Mr. dePierro	Yes
	Mr. Ferrara	Yes
	Mr. Stanton	Yes

PUBLIC HEARING

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

Judy Hernandez, 5 Moran Road and is a member of the Open Space Committee. She had a question on the New Jersey Statute section 7c,d. It talks about the voters having a special election. She felt the Field of Dreams project was not introduced to the residents in a productive fashion. The plan was well developed before most even understood what was transpiring leaving many, as herself, wondering why there was more transparency. There were lots of discussion, meetings but the details still have not been flushed out. In her opinion, all this conversations are superfluous when we need to discuss the merits in financing which now is being taken care of since they are revising the Ordinance. The Open Space and Recreation plan we do have now is a well thought out wide assessment of how we will see Parsippany in the future. The goals of the plan are commendable and to view the plan on the website. She believes this should be brought to a referendum and a vote.

Mr. Inglesino stated that if Parsippany did not vote in 1988 by referendum then it would be an applicable provision and Parsippany would have to go to the voters. If the Councilman want to increase the Open Space beyond the current rate they would have to go to the voters. What 15.8 says if you approved the Resolution under the previous law then the way to take advantage of the expanded purposes of the law is not to go back to a referendum but to adopt an Ordinance.

Ms. Hernandez said you don't have to do it or you cannot do it.

Mr. Inglesino said a referendum has no impact or affect. It is not a legal requisite. The Township's practice has been to use Open Space monies to pay for debt service and if the Council were to say, we should not have been doing it then it creates a potential exposure, now do you have to pay it back?

Pat Venezia, 102 Brooklawn Drive said today we have \$5.4 million dollars in the Open Space Trust Fund and is restricted today to one purpose for the acquisition of land and improvements for Open Space preservation. 1. If this Ordinance passes what would you spend the \$5.4 million dollars on? Are you restricted to the prior year, percentage proportions in 51.7 or is it free fall for the seven possibilities in 51.6. 2. Under the proposed Ordinance if the Council does not spend all the annual Open Space tax money in that year, what happens to the on-spent money? Does it go into a bucket for those percentage allocations? 3. Under the proposed Ordinance what is the definition of the funds? 51-7b Are we talking about \$4.5 million dollars or the annual money? What is the legal definition between maintenance and improvement as they are used in the Ordinance.

Mr. Inglesino said right now the Open Space Trust Fund is not limited to acquisition for land and improvements. When you read the referendum it talks about the allocation of percentages. It does not say whether the trust fund can be used for historic preservation. It just allocates x percentage to historic preservation. That is what the Ordinance says and the Ordinance is fine. The \$5.4 million dollars will be spent on the allocations. You could spend 40% of that sum to be used for capital improvements or maintenance to recreation and conservation purposes. Point 2 cents would be used for preservation of historic properties, then rest would be used for acquisition.

Ms. Venezia asked if you pass the proposed Ordinance and in a year you do not spend all the money for the Open Space, you have allocated that Open Space money by the 40/10/50% percentages. Does it go into a bucket or does it go into a general fund that can be spent on anything? It is not defined here.

Mr. Inglesino said under the proposed Ordinances the allocations that he just referenced would remain. Under the existing Ordinance those allocations do not remain. All the money is in the acquisition fund. Under the new Ordinance the allocations would remain. The intention of the Ordinance and say there is \$5.4 million dollars in the fund, as soon as it passes then that \$5.4 million dollars would be allocated to the percentages set forth in the Ordinance.

The funds is all of the money in the account in the aggregate. Maintenance vs Improvements – Hockey rink is an improvement and maintenance is the day -to -day things you need to improve.

Hank Heller, 10 Fenwick Place said if the use of funds were applied in prior administrations, and this Administrations then this is a justification of possibly going ahead and using it in the future for funds used for bonding. If that is the case where is the logic of not using a referendum for the new provision because they went back and used a referendum back in 2006. Why is it not just as applicable to bring this Ordinance to a referendum of the people so that we can all be on the same page. He feels the voters of Parsippany need Administration to do a better job drafting.

Mr. Inglesino took responsibility for the product and the title of the new law was not available at the time.

Mr. Heller would like to see the Board of Education use their money to do it properly and keep control of the fields for our students.

Mayor Barberio said in regards to the debt service, we can thank the turf field project because it would never have come about because we wanted to use Open Space Trust money because he saw the problem in 1999 and on and brought it to the attention of the Attorney and did not want to continue it if we could not do it. The Township has done their due diligence.

Mr. dePierro stated it was always the intent to Bond for Open Space. It just was not written properly by one of the Attorney's after the referendum.

Bob Venezia, 102 Brooklawn Drive said he did some research on Open Space law and came across N.J.S.A. 40:12-15.7d which clearly indicates that voter approval is required to change the amount or the rate of the annual space levy. Many towns lowered the Open Space rate when they performed the home revaluation. He asked Mr. Inglesino, in his legal opinion, did Parsippany violate Open Space statutes when it allowed the Open Space Tax to triple in 2003 as the result of the home revaluation? Is the Town still in non-compliance with these statutes today? He asked the Council what they are going to do to get the Town back in compliance with the state law and when are you going to do it?

Mr. Inglesino replied, the question is one that have not looked at and will look into. He had no reason to research the 2003 revaluation or the impact it had on the Open Space Trust Fund. We can take a look at it.

Pat Petaccia, 182 Hawkins Avenue handed the Town Council a letter she sent to the Attorney General and statements of this evening which is on the following pages. If our Ordinances are wrong, people have the right to vote and get a new Ordinance that is acceptable to them and have a right to vote on how their tax money is being spent. The biggest concern – you have the trust of your community and she does not give that easily. She would like to say she can walk out the door tonight feeling better. She thanked the Council for tabling the Ordinance. She is for the community and doing this without a referendum you are slapping the community in the face.

Julia Peterson, 25 Old Parsippany Road said since February 14, 2012 has not seen an Ordinance change so rapidly. She questioned in the state statute 40:12-15.7 when you have a1 and you have C Maintenance for lands acquired for conservation and purposes and then go down to f – Payments of debt services on indebtedness issued or incurred by municipalities for any purposes set forth in paragraph a, b, d, e, g of this paragraph is allowed. C is eliminated and wanted to know why? Is it because you cannot indebt those services? She thanked the Council for tabling the Ordinance and feel they should not have rushed to it.

Bob Crawford, 35 Hidden Court Drive asked the Mayor who approached him with recommendations for the High School fields, track and the lights and what recommendations were made to him back in April.

Mayor Barberio said he looked at the fields, track and had discussions about it.

Mr. Crawford asked if Mr. Peterweicz approach you with recommendations with regard to the High School fields, fences, lights.

Mayor Barberio said they made recommendations at the meetings and discussed what needed to be done. We decided in some of those meetings that if we are going to do those projects let us do it right. The agreement, if he was to do this project, the fence and anything else the Township would do.

Mr. Crawford asked what did the Mayor do in regard to conducting a due diligence and analysis bringing in people who were experts in the area before he declared his support and engage the Attorney and spending tax dollars to make this process. It is clear that the input in regard to the

Field of Dreams, turfing the two (2) fields, 8 lane tracks, putting in fences and lights at the Hills and repairing lights at the High all came from Mr. Peterweicz. He wants to understand what the Mayor did, due diligence wise to analyze these various proposals?

Mayor Barberio stated they did meet and spoke to the Township Parks & Forestry Department. He asked them to get quotes from our Township Engineer that does our Parks. The quotes came back \$4.5 million dollars. We would not be in the situation we are in with the High School Football Fields if Mr. Crawford did his due diligence in 2009 to 2011 when he was Chairman of the Buildings and Grounds. He did nothing and this will always come back and that is why we are here today.

Art Hendrickson, 65 Leamoer Drive said he hates to see money that could be used for very constructive purposes in this town be used to bail out the Board of Education for their lack of judicious use of the money we gave them. Those fields were not maintained and cannot see using Open Space money should be used to maintain the fields. The Board of Education has plenty of money, given contentious raises, gave a raise to the Superintendent that is above state guidelines which incurs lawyer fees. This is not the way to use this money.

The Council or the public knows what the total public bidding is. There are sharp divisions and think this is the time that he would strongly support a referendum and have people get out and vote.

Ray Vigano, 16 Whitewood Drive said he is a little confused. He has heard that Parsippany is short of money but he also hears there is a \$5.4 million dollars in Open Space, \$7 million surplus in the Utility Surplus Account. He would like to know what that money is intended to be used for and if it is a surplus, can that money be returned to the utility payers of the town as credits or a refund? He has looked at the High School fields and they are not as nearly in a bad shape as some people have contended. At the last meeting, Mayor Barberio agreed that instead of an 8 lane you could have 6 lanes. Would the High School Football fields be used just for football for non high school activities or open to other activities. Is there something other than the refurbishing of soccer fields, lacrosse fields. How much night activities will there be and does that justify that amount of money. The Board of Education should dedicate some money to refurbish the fields. Fence does not cost that much money to replace and the stands that he saw were fine. What is the utility money going to be used for?

Mayor Barberio said when you talk about hard economic times, the League of Municipalities want officials to go to classes on how to consolidate within the community, Board of Education.

They give points to the Township if we consolidate services with the Board of Education we get points for that which means we will not lose state aid because we have to come out with a certain amount of points. This has all been encouraged by the state to consolidate. We found a way to use the Open Space money. To use the debt service to pay off the bond which means it is not going to raise anymore taxes. Something needs to be done. He looked at those fields and those fields have not changed. This is his opinion and the way he feels – We have found a way to do projects, which the League of Municipalities encourage towns to share services to no extent. They want to pass a bill that if we do not do shared services we will lose state aid.

Mr. Vigano suggested to share services on maintenance. If you want to use the Trust Fund monies use it to help the Board of Education to maintain and upgrade the fields. You do not have to have the other expenditures to accommodate the recreational activities. He wanted an answer regarding the utility money.

Mayor Barberio said he was going to use a portion of it to bring down the tax levy in the general fund.

President Stanton answered his other question about what kind of fields? It will be multi-purpose.

Mike Peterweicz, 480 Park Road thanked Mr. dePierro at the last meeting for setting the record straight that challenged his integrity and character. He also thanked Mr. Carifi, Mr. Cesaro, Mr. Ferrara and President Stanton for pledging the support of the Field of Dreams project and for the financing that is under review. This town has been a trend setter. In 1998 this town approved Open Space before it was a state statute. It was one of the first municipalities in the area. The use of these funds have been multifold. We have acquired property that we have put in Open Space. We have done good things with the money. We have built active recreation facilities that everyone in Parsippany has access to. There have been many people before him such as George Shriner, people who have went before the board of Education multiple times with proposals on how to dramatically improve our High School fields. The problem with those proposals were a lack of a dedicated funding stream. People have turned a blind eye, but now over the years has

resulted in the conditions of our fields. Our fields are used nine (9) to ten (10) times a year – including Marching Bands, Cheerleaders, Field Hockey, Boys and Girls soccer, softball, baseball. Those grass fields are never used. There were many attempts to sod, change the grade, change the drainage. There were many good people that tried but failed because of the basic structure of the fields. If you are here to say the fields are fine, go look at Dover, Morristown, Boonton. Recognize the problem, rally around what there is a need to do and find a way to do it. Twelve hundred people have signed the petition and find a solution and get it done.

Rob Monroe, 16 Dartford Road said this is his first year in Track and practices long distance running. When he is on the track he notices many things that can be improved by the Field of Dreams project. The grass portion of the field is in bad condition and the track can use upgrading as well. He feels if the Field of Dream Project is approved it will bring something to his family and all the other students and their families who go to PHHS and Parsippany High, pride. He asked to please approve the Field of Dreams.

Rick McNulty, 5 St. John's said the word Funds seem to be calling a lot of confusions and questions. If the Council does not have time to redraft the ordinance, can they clarify that not all the funds may be used for any of the purposes in subsection 1, 2, 3, 4, 5, 7 because at a sense the way it is read, is if you took the acquisition portion of the not less than 1% you can use it for development of land acquired for conservation purposes because that number 2 is listed. He asked about past practices. He asked what the past practices were for Parks & Forestry. He asked the Council if they knew that all the parks were closed. Today is a beautiful day and he does not understand why every park is closed except for activities or events that have permits.

Mayor Inglesino said he would not advise the change Mr. McNulty because (b) refers to the way the funds can be used and (a) is not a necessary change in his judgment. He will review with Mr. Cesaro and take his comments. In terms of the parks, we will look into it in terms of liability, but his reaction is there is not much of a liability issue because you have the protection of Title 59.

Mr. dePierro found out about the parks just recently. He and Mayor Priore spent a lot of money years ago to build fourteen (14) parks so that every child could go to a park without their mothers or fathers driving them. This is contrary to what we meant. Someone slipped a long time ago in the park in the winter and that is the cause now. He would like to see a sign that say's Parks not maintained from November to April, use at your own risk as opposed to closing them. His recommendation is put up a different sign and keep the parks open.

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

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

CONSENT AGENDA

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

Motion to Adopt: Mr. Stanton

Seconded By: dePierro

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

MINUTES FOR APPROVAL:

- * Regular Meeting of 1/10/12
-

BID-AWARD(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 1597, Bloomfield, NJ 07003, for a Total Bid Price of \$582,381.39**
-

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 – Attach. No. 1**
 - * **Awarding Bid for the Reconstruction of Madison Avenue to Stanziale Construction LLC, PO Box 1597, Bloomfield, NJ 07003, for a Total Bid Price of \$582,381.39 - Attach. No. 2**
 - * **Rejecting Bid Proposals for Phase 3 Interior Restoration of the Bowsby-DeGelleke House – Attach. No. 3**
 - * **Awarding Contract for Prescription Insurance Benefits – Attach. No. 4**
 - * **Supporting the New Jersey Department of Transportation I-80 Parsippany-Troy Hills Roadway Improvement Project – Attach. No. 5**
 - * **Authorizing Transfers Between the 2011 Budget Appropriations Reserve – Attach. No. 6**
-

APPLICATION(S)

- * **Person-to-Person, Place-to-Place Transfer (Expansion of Premise) Liquor License to Sierra Hospitality Corporation at 299 Smith Road, Parsippany, NJ – Attach. No. 7**
-

ORDINANCE(S):

Introductions

ORDINANCE NO. (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 22 Sylvan Way, Block 202, Lot 1.14

Motion to Introduce: Mr. dePierro

Seconded By: Mr. Ferrara

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ORDINANCE NO. (2012:12)

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

Motion to Introduce: Mr. Ferrara

Seconded By: Mr. Cesaro

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ORDINANCE NO. (2012:13)

An Ordinance Establishing Hourly Wage Ranges for Blue Collar Supervisor Employees of the Township of Parsippany-Troy Hills

Motion to Introduce: Mr. Stanton

Seconded By: Mr. dePierro

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ORDINANCE NO. (2012:14)

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

Motion to Introduce: Mr. Cesaro

Seconded By: Mr. dePierro

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

ADD – ON RESOLUTION(S):

Person-to-Person, Place-to-Place Transfer of Plenary Retail Consumption License to Tawa Hospitality License, LLC, t/a Amiya

Motion to Approve Transfer of Plenary Retail Consumption License to Tawa Hospitality License, LLC, t/a Amiya:

Motion to Adopt: Mr. dePierro

Seconded By: Mr. Carifi

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

Resolution of the Township Council of the Township of Parsippany-Troy Hills Supporting the Filing of an Application for the Morris County Historic Preservation Trust Fund (Craftsman Farms)

Motion to Support the Application for the Morris County Historic Preservation Trust Fund:

Motion to Adopt: Mr. Cesaro

Seconded By: Mr. Carifi

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

MOTION TO ADJOURN MEETING: Mr. Cesaro

SECONDED BY: Mr. Ferrara

Roll Call:	Mr. Carifi	-	Yes
	Mr. Cesaro	-	Yes
	Mr. dePierro	-	Yes
	Mr. Ferrara	-	Yes
	Mr. Stanton	-	Yes

MEETING ADJOURNED: 9:00 PM

Respectfully submitted,

Mary Cilurso
Acting Deputy Clerk

Brian Stanton, Council President

Minutes approved _____

**ORDINANCE
INTRODUCTIONS**

ORDINANCE NO. 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:

22 SYLVAN WAY, Block 202, Lot 1.14

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

SECTION 1. Section 285-4, Schedule A, No Parking Fire Zones, is hereby amended to include:

22 SYLVAN WAY, Block 202, Lot 1.14

SECTION 2. In connection with the above listed property (or properties), there shall be **No Parking in the Fire Zones** as outlined by cross-hatching on map(s) on file in the Office of the Township Clerk.

SECTION 3. Pavement markings and signage, as hereinafter described, shall be installed by the owner of each property listed in Section 1 within 30 days from the effective date of this ordinance.

- a) pavement marking: all curbs within the designated fire zone shall be painted yellow except when Belgian block curbing is utilized, then a 4 inch solid line, 1 foot from the base of the curb shall be painted.
- b) signage: “no parking – any time” signs as deemed appropriate by the District Fire Chief shall be of uniform size and height being not less than 7 feet from the ground to the sign. All signs shall be in accordance with the Manual on Uniform Traffic Control.

SECTION 4. For violation of any provision of this ordinance, the penalty, upon conviction, shall be as set forth in chapter 1, Section 1 -17 of the Code of the Township of Parsippany-Troy Hills.

SECTION 5. For failure to install the required signs and lines as detailed in this ordinance, the owner of each property listed in Section 1 shall be subject to penalty and/or arrest as provided for in New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.12.

SECTION 6. This ordinance shall take effect upon final passage, approval and publication as required by law.

ORDINANCE NO. 2012:12

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

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

SECTION 1. Section 285-4, Schedule A, No Parking Fire Zones, is hereby amended to include:

78 FANNY ROAD, Block 448, Lot 23

SECTION 2. In connection with the above listed property (or properties), there shall be **No Parking in the Fire Zones** as outlined by cross-hatching on map(s) on file in the Office of the Township Clerk.

SECTION 3. Pavement markings and signage, as hereinafter described, shall be installed by the owner of each property listed in Section 1 within 30 days from the effective date of this ordinance.

- a) pavement marking: all curbs within the designated fire zone shall be painted yellow except when Belgian block curbing is utilized, then a 4 inch solid line, 1 foot from the base of the curb shall be painted.
- b) signage: “no parking – any time” signs as deemed appropriate by the District Fire Chief shall be of uniform size and height being not less than 7 feet from the ground to the sign. All signs shall be in accordance with the Manual on Uniform Traffic Control.

SECTION 4. For violation of any provision of this ordinance, the penalty, upon conviction, shall be as set forth in chapter 1, Section 1 -17 of the Code of the Township of Parsippany-Troy Hills.

SECTION 5. For failure to install the required signs and lines as detailed in this ordinance, the owner of each property listed in Section 1 shall be subject to penalty and/or arrest as provided for in New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.12.

SECTION 6. This ordinance shall take effect upon final passage, approval and publication as required by law.

ORDINANCE #2012-13

AN ORDINANCE ESTABLISHING HOURLY WAGE RANGES FOR BLUE COLLAR SUPERVISOR EMPLOYEES OF THE TOWNSHIP OF PARSIPPANY - TROY HILLS (2011-2014)

BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, as follows:

SECTION 1. This ordinance shall set forth the hourly wage compensation for blue collar supervisor employees in the Township for the years 2011 through 2014.

SECTION 2.

Position Classification	Salary Grade
Electrician	F
Supervising Greenskeeper	F
Supervising Maintenance Repairer	F
Supervising Mechanic	F
Supervising Sewage Plant Operator	F
Supervisor, Public Works	F
Supervisor, Recreation Maintenance / Trees	F
Supervisor, Sanitation	F
Supervisor, Trees	F
Supervisor, Parks	F
Supervisor, Water	F
Supervisor, Water Meter Reading	F
Assistant Supervisor, Parks	F
Plumber	F
Supervisor of Electronics Repair	F
Supervisor of Data Processing Systems & Programmng	F

SECTION 3.

The hourly wages for the positions listed in Section 2 are as follows:

A. Hourly Wages - Effective January 1, 2011

Salary Grade	2011 Salary - Hourly	
	Minimum	Maximum
F	19.00	38.50

B. Hourly Wages - Effective January 1, 2012

Salary Grade	2012 Salary - Hourly	
	Minimum	Maximum
F	19.00	39.30

C. Hourly Wages - Effective January 1, 2013

Salary Grade	2013 Salary - Hourly	
	Minimum	Maximum
F	19.00	40.10

D. Hourly Wages - Effective January 1, 2014

2014 Salary - Hourly

Salary Grade	Minimum	Maximum
F	19.00	40.90

SECTION 4.

No employee shall receive a base salary less than 5% higher than that of any direct reports. Effective January 1, 2012, any employee promoted into a Blue Collar Supervisor position will received a minimum base salary increase of \$5,000. For the next 3 years following the promotion, the employee will receive a base salary increase of \$1,000 on the anniversary date of the promotion.

SECTION 5.

Longevity payment in addition to the regular salary is granted after each five (5) years of service in accordance with the following schedule for all employees hired before January 1, 1996:

After five (5) years of service	\$300
After ten (10) years of service	\$700
After fifteen (15) years of service	\$900
After twenty (20) years of service	\$1,300
After twenty-five (25) years of service	\$1,600

SECTION 6.

In the event any position in Section 2 above becomes vacant, any replacement may be hired within the above designated ranges.

SECTION 7.

This ordinance shall be retroactive to January 1, 2011 for all employees actively at work on the date of execution of the contract.

SECTION 8.

This ordinance shall take effect as provided by law.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2012:14**

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

WHEREAS, the Township Council of the Township of ParsIPPany-Troy Hills wishes to update various fees charged pursuant to the Code of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of ParsIPPany-Troy Hills, Morris County, as follows:

SECTION 1. Chapter 180 entitled “Food Establishments, Retail” Section 2 entitled “License; fee, of the Code, is hereby deleted in its entirety and replaced with the following:

- A. No person shall operate a retail food-handling establishment unless a license or renewal of an existing license to operate same has been issued by the Health Officer. Such license or renewal of an existing license shall be posted in a conspicuous place in such establishment.
- B. Applications for new licenses and for renewal of such licenses shall be submitted, together with the required fee, prior to June 30 of each year. The licenses issued or renewed shall expire annually on June 30, with the exception of Temporary food licenses. Outdoor eating establishments are subject to the provisions of Chapter 275.
- C. The fees for a retail food establishment license, with the exception of Section I. below, shall be assessed on the basis of the total square footage of the establishment, including storage, preparation areas, indoor and outdoor dining according to the following schedule:

Establishment Square Feet			Fee
0	-	1,000	\$150
1,001	-	2,000	\$200
2,001	-	3,000	\$300
3,001	-	4,000	\$400
4,001	-	5,000	\$500
5,001	-	10,000	\$600
10,001	-	20,000	\$700
20,001	-	30,000	\$800
30,001	-	40,000	\$900
40,001	-	50,000	\$1,000
50,001	-	75,000	\$1,100
75,001	-	100,000	\$1,200
Over 100,000			\$1,500

D. In addition to the fees set forth in Section C above, an additional fee of \$50 per service shall be charged when the establishment also contains any of the following on site:

1. Bakery
2. Meat Counter
3. Deli Counter
4. Salad bar or raw bar (seafood/shellfish)
5. Sushi bar
6. Catering delivery amounting to 25% or more of the business

E. Re-inspection Fee (following Conditional satisfactory rating or other Division of Health related issue): \$200

F. Subsequent re-inspection: \$500

G. Late application (received after June 30), additional fee: \$100

H. Fees for a retail food establishment serving only prepackaged, potentially nonhazardous foods with no food preparation on site shall be assessed on the basis of the total square footage of the portion of the establishment dedicated to such products, including storage areas shall be as follows:

Establishment Square Feet			Fee
0	-	2,500	\$150
Over 2,500			\$250

I. Miscellaneous Establishments:

1. Mobile food vendors shall be charged a fee of \$250 for a retail food establishment license.
2. Vending Machines (food and beverage) licenses shall be charged as follows:
 - a) First machine: \$100 per company, per location
 - b) Each additional machine: \$20 per company, per location

J. Temporary food license applications must be submitted along with the fee prior to the event for which it is needed. Fees are as follows:

1. Fewer than 7 days: \$50
2. 7 through 14 days: \$100

SECTION 2. Chapter 326 entitled “Sewage Disposal Systems, Individual,” Section 326-7, “Fees” of the Code, is hereby deleted in its entirety and replaced with the following:

The following fees and charges are herewith established:

- A. Issuance of a license to engage in the business of construction, repairing or reconstructing any individual sewage disposal system or privy: \$50 to be renewed annually
- B. Septic System Permit application fee: \$250. Cost of application shall include plan review related to a new or alteration of an existing system and a certificate of compliance. Percolation and water tests are to be performed by a licensed contractor/engineer at the expense of the property owner.
- C. Issuance or renewal of a license to a person engaged in the business of cleaning or emptying receptacles for the reception and storage of human excrement or other putrescible matter: \$25 for each vehicle or conveyance.

SECTION 3. Chapter 367 entitled “Swimming Pools,” Section 367-11 A. entitled “Fee for permits” of the Code, is hereby amended by increasing the fee for a permit to conduct, operate and maintain a public swimming pool from \$200 to \$300.

SECTION 4. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 5. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

RESOLUTIONS – Attach No. 1

RESOLUTION

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for One New 2012 Ford E-450 Type III Class 1 Gas Engine Modular Ambulance for the Rockaway Neck First Aid Squad on March 2, 2012, and

WHEREAS, the Business Administrator, Director of Purchasing and Rockaway Neck First Aid Squad have reviewed the bid received and recommend that the bid be awarded to the lowest responsible bidder, P.L. Custom Body and Equipment Co. Inc., 2201 Atlantic Avenue, Manasquan, NJ 08736 for a Total Bid Price of \$167,515.00, 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 # 2011:07 adopted June 21, 2011 entitled,
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for One New 2012 Ford E-450 Type III Class 1 Gas Engine Modular Ambulance for the Rockaway Neck First Aid Squad be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

RESOLUTIONS – Attach No. 2

RESOLUTION

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Madison Avenue on March 6, 2012, and

WHEREAS, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Stanziale Construction LLC, P.O. Box 2597, Bloomfield, NJ 07003 for a Total Bid Price of \$582,381.39, and

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

Current Capital Ordinance #'s 2009:24 adopted June 16, 2009
and 2011:07 adopted June 21, 2011, both entitled,
“Various Improvements.”

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

RESOLUTIONS – Attach No. 3

RESOLUTION

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Phase 3 Interior Restoration of the Bowsby-DeGelleke House on March 8, 2012, and

WHEREAS, the Business Administrator, Director of Purchasing and Consulting Architect have reviewed the bids received and recommend that the bids be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bids for Phase 3 Interior Restoration of the Bowsby-DeGelleke House be rejected.

RESOLUTIONS – Attach No. 4

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS AWARDING CONTRACT WITH BOLLINGER
INSURANCE SOLUTIONS FOR PRESCRIPTION INSURANCE BENEFITS**

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

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

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

WHEREAS, the Township’s Health Insurance Broker requested quotes from ten carriers (Bollinger, Benecard, Envision, Medco, Horizon BCBS, Express Scripts, IDA, Prescription Corp of America, Maxor and GSPOPS); and

WHEREAS, the Township received proposals for fully insured and self-insured Prescription plans as follows:

BeneCard Rx (current carrier)	\$2,839,225
Bollinger Rx	\$2,756,529
PCA Rx	\$2,927,812
GS POPS	\$3,002,945
Maxor Rx	\$3,021,471
IDA – Self Insured	\$2,759,854 - \$3,972,300
Medco PBM – Self Insured	\$2,718,414 - ? (no max. provided)

WHEREAS, Envision, Horizon declined to quote; and

WHEREAS, Express Scripts was purchased by Medco; and

WHEREAS, Bollinger Insurance Solutions provided the lowest quote for a fully insured prescription plan and the Township’s Health Insurance Brokers, Business Administrator and the Mayor have recommended that a one-year contract commencing on May 1, 2012 be awarded to Bollinger Insurance Solutions, 101 JFK Parkway Short Hills, NJ 07078 to provide prescription insurance coverage at an estimated yearly cost of \$2,756,529; and

WHEREAS, Bollinger Insurance Solutions (Bollinger) will complete and submit a Business Entity Disclosure Certification, which Certification provides that Bollinger 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 Bollinger 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, Bollinger will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, not later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

WHEREAS, the Business Entity Disclosure Certification will further provide that the Bollinger 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 2010:02 (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 the following accounts:

2012 Temporary Budget: Current Fund - Insurance

2012 Temporary Budget: Water, Sewer and Golf & Recreation Utility- Other Expenses.

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

1. That the Township of Parsippany-Troy Hills hereby awards, and the Mayor, Business Administrator and the Township Clerk are hereby authorized to execute a contract between the Township of Parsippany-Troy Hills and Bollinger Insurance Solutions, 101 JFK Parkway, Short Hills, NJ 07078, to provide prescription insurance coverage in accordance with the contract on file in the office of the Township Clerk, no sooner than ten (10) days following the submission of a Political Contribution Disclosure Form and Stockholder Disclosure Certification.
2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; Certificate of Availability of Funds; and Certification of Extraordinary Unspecifiable Service will be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
3. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as an exception pursuant to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and
4. That a notice of this action shall be printed once in the legal newspaper of the Township of Parsippany-Troy Hills.

RESOLUTIONS – Attach No. 5

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS SUPPORTING THE NEW JERSEY DEPARTMENT OF
TRANSPORTATION I-80 PARSIPPANY-TROY HILLS
ROADWAY IMPROVEMENT PROJECT**

WHEREAS, the New Jersey Department of Transportation has proposed improvements to the portion of I-80 from the US 202/Littleton Road/Cherry Hill Road Interchange to the South Beverwyck Road Interchange in the Township of Parsippany-Troy Hills; and

WHEREAS, the proposed improvements will relocate two ramps, re-align two ramps, and re-construct the I-80 roadway; and

WHEREAS, construction of a noise barrier in the northwest quadrant of the I-80 and I-287 Interchange will reduce noise impacts to those affected properties situated within this area of the Township; and

WHEREAS, a public information center, which described the proposed improvements, was held on October 20, 2011 from 4:30 PM to 7:30 PM at the Parsippany-Troy Hills Municipal Building; and

WHEREAS, these proposed improvements will improve traffic safety and improve the traffic flow on I-80; and

WHEREAS, the proposed improvements will comply with the current stormwater management rules and regulations.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris that the Council supports the construction of the proposed improvements as indicated above and shown to the public at the October 20, 2011 public information center.

RESOLUTIONS – Attach No. 6

RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING TRANSFERS BETWEEN THE 2011 BUDGET APPROPRIATIONS RESERVE

WHEREAS, N.J.S.40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that transfers be made between the 2011 budget appropriations reserves as follows:

<u>CURRENT FUND</u>	<u>FROM</u>	<u>TO</u>
Statutory Expenditures:		
Social Security System	\$ 18,948.00	
Fire Prevention		
Other Expenses		\$ 18,948.00

ADD ON RESOLUTION

RESOLUTIONS – Attach No. 7

RESOLUTION

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1429-33-001-008 hereto issued to Domenico Inc. for premises located at 252 Route 46, Parsippany, NJ; and

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

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

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business

NOW, THEREFORE, BE IT RESOLVED that the Township of Parsippany-Troy Hills Council does hereby approve, effective March 20, 2012, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption #1429-33-001-008 to Tawa Hospitality License, LLC t/a Amiya #1429-33-001-009.

