

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
REGULAR TOWNSHIP COUNCIL MEETING OF FEBRUARY 12, 2013**

**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 10, 2012 where it has remained posted since that date. A legal notice appeared in both the Daily Record on December 14, 2012 and the Star Ledger on December 13, 2012 and was forwarded by fax to other local newspapers and local radio stations on December 10, 2012.**

**Note:** Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 1:00 p.m. on Saturdays and are also available for viewing at [www.parsippany.net](http://www.parsippany.net).

**PRESENT:** Council President Brian Stanton  
Council Vice-President Vincent Ferrara  
Council Member Paul Carifi, Jr.  
Council Member Michael J. dePierro  
Council Member Jonathan Nelson

**ALSO PRESENT:** Mayor James R. Barberio; John Inglesino, Esq., Township Attorney; Paula Cozzareli, Assistant Business Administrator; and Yancy Wazirmas, Township Clerk.

**FLAG SALUTE**

**UPCOMING MEETINGS:**

3/12/13 @ 7:30 p.m. Agenda Meeting  
Public Invited – Public Participation

3/19/13 @ 7:30 p.m. Regular Meeting  
Public Invited – Public Participation

**MAYOR’S PRESENTATION(S):**

- Mayor Barberio presented a Proclamation to the Woman’s Club for their efforts to call awareness to dating violence.
- Representatives of ADP presented checks for \$2,000.00 to the following: Parsippany Library, PBA, PAL, Parsippany Ambulance and Parsippany Fire Association District 6.

**PRESENTATION(S):**

- Extension of 1989 Water Service Agreement for Section 3 of the Mack-Cali Business Campus (Hanover Wegmans)

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

Mr. Thomas Golden, Sr. Director of Planning and Development of the Mack-Cali Group is requesting that the Township Council authorize to extend the existing water service agreement for another 25 years. The property, formerly known as the Prudential Business Campus, is located in the Township of Hanover and is the proposed site for a Wegmans Market.

Mr. Inglesino added that the extension fees would be in excess of one million dollars. In addition to that, there would be user fees for usage of the water that would be paid on a yearly basis.

Mr. Kevin Ryan, Superintendent of Water, was asked by the Council Members to address their concerns about water usage. Mr. Ryan confirmed that by renewing the agreement with Mack Cali there would be no adverse effect to the town's water usage imposed by the Township's conservation ordinance. The State's Bureau of Safe Drinking Water will also double check the Township's numbers.

Mr. dePierro requested that they include signage at the driveways for easier traffic flow that will not affect the Township.

At the direction of the Township Council, Mr. Inglesino will prepare a resolution authorizing agreement for extension of water services for next month's meeting.

**BID(S)**

**To be Taken:**

2/14/2013 @ 11:00am                      Supplying Various Materials for the Municipal Utilities and Public Works

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

None

**ORDINANCES - SECOND READING & PUBLIC HEARING**

**ORDINANCE 2013:01**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, SETTING TOWNSHIP COUNCIL GENERAL RULES OF PROCEDURE**

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills (the "Township") has established rules of procedure; and

**WHEREAS**, rules of procedure are necessary for the efficient handling of Township business;

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

**SECTION 1.** Section 4-67(C) of the Township Code is hereby created as follows:

- C. In the event of a vacancy in the position of President of the Council or Vice President of the Council, the Council shall, by majority vote of the remaining Councilmembers, appoint a

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

Councilmember to fill the vacancy for the unexpired term. The Mayor shall be permitted to vote to fill a vacancy in the position of President of the Council or Vice President of the Council only in the case of a tie vote.

**SECTION 2.** All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

**SECTION 3.** 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 other part thereof.

**SECTION 4.** All Ordinances or parts of Ordinances of the Township 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 5.** This Ordinance shall take effect immediately upon final passage, approval, and publication as provided by law.

*The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on January 21, 2013.*

Motion to accept that Ordinance 2013:01 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**PUBLIC HEARING 2013:01**

Motion to open the public hearing for Ordinance 2013:01 by Mr. Carifi, seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**\*Council President Stanton noted a three-minute time limit per speaker.**

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:01 by Mr. dePierro, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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

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

Motion to approve the Resolution above by Mr. dePierro, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**ORDINANCE 2013:02**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROVING RESTRICTIONS ON MAXIMUM OCCUPANCY OF RESIDENTIAL UNITS**

**WHEREAS**, the Township Council established occupancy limitations of residential dwellings; and

**WHEREAS**, enforceable occupancy limitations are essential for the health, safety and welfare of Township residents;

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

**SECTION 1.** Section 213-42(A) of the Township Code is hereby amended as follows:

D. Overcrowding. Except as provided in § 213-42(K) and § 213-42(L) in this chapter, dwelling units shall not be occupied by more occupants than permitted by the minimum occupancy area requirements of Table 1. The following factors may be considered by a Housing Inspector as rebuttable presumptions of overcrowding and shall support the issuance of a summons and complaint by the Housing Inspector:

1. The occupying of areas of dwelling units not classified as habitable rooms under § 213-2 of this chapter, such as basements and attics.
2. The location of mattresses or bedding materials in areas of the dwelling units prohibited for occupation, as specified under prohibited uses (§ 213-42E) in this chapter.
3. The existence of cooking appliances and refrigeration units (excluding freezer appliances) in various areas of a dwelling unit in addition to those located in the kitchen.

**SECTION 2.** Section 213-42(C)(1) of the Township Code is hereby amended as follows:

C. Area for sleeping purposes.

- (1) Every room occupied for sleeping purposes shall contain not less than seventy (70) square feet of floor area for the first occupant thereof, and not less than fifty (50) square feet of floor area for each additional occupant thereof.

**SECTION 3.** Section 213-42(K) of the Township Code is hereby created as follows:

- K. The occupancy limitations set forth herein may be exceeded only by one (1) guest of the primary occupant(s) of the dwelling or dwelling unit, who may not occupy the dwelling or dwelling unit, continuously or intermittently, for more than two (2) months in any twelve (12) month period.

**SECTION 4.** Section 213-42(L) of the Township Code is hereby created as follows:

L. Waivers.

- (1) A person whose name appears on a lease agreement for the lease of a dwelling unit covered by the provisions of § 213-42 may apply to the Division of Housing for a waiver of the occupancy limitations specified therein.
- (2) Applications for a waiver pursuant to § 213-42(L) shall be made on a form provided by the Division of Housing, shall be signed by the applicant, and shall be addressed to the Director of Planning, Zoning, and Construction Inspections.
- (3) The Director of Planning, Zoning, and Construction Inspections may require applicants to submit such forms and information that he or she deems necessary to properly review an application for a waiver.
- (4) Each application for a waiver pursuant to § 213-42(L) shall be signed by the applicant's landlord indicating the landlord's consent to the waiver. Any application not signed by the applicant's landlord shall be deemed incomplete and shall not be processed by the Division of Housing.
- (5) Each application for a waiver pursuant to § 213-42(L) shall be accompanied by a copy of an unexpired lease agreement indicating that the applicant is the lessee or, in the case of a joint or multiple lease, that the applicant is one of the lessees of the dwelling unit that is the subject of the waiver application. Each application shall also be accompanied by a statement of reasons why the waiver is being requested, and shall set forth the following information: the number of adults and children occupying the dwelling unit and the age of each child, the number of vehicles owned or used by each and every occupant of the dwelling unit, the total number and size of sleeping rooms in the dwelling unit, and the total number and size of food preparation areas and bathrooms or water closet compartments in the dwelling unit.
- (6) Upon receipt by the Division of Housing, an application for waiver pursuant to §213-42(L) shall be reviewed to determine its completeness. Any application found to be incomplete shall be returned to the applicant with a statement indicating the application's deficiencies. Applications found to be complete shall be forwarded to the Director of Planning, Zoning, and Construction Inspections, who shall review the merits of the application and render a decision.

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

- (7) The Director of Planning, Zoning, and Construction Inspections shall, in his or her sole discretion, have the final authority to grant and deny applications for waivers pursuant to §213-42(L). The Director of Planning, Zoning, and Construction Inspections may, in his or her sole discretion, impose reasonable conditions or restrictions upon a waiver granted pursuant to § 213-42(L).
- (8) Within thirty (30) days of receiving an application for waiver, the Director of Planning, Zoning, and Construction Inspections shall forward a written decision to the applicant at the address indicated on the application via Regular and Certified Mail, Return Receipt Requested. The decision shall either grant the waiver, deny the waiver, or grant the waiver with conditions or restrictions.
- (9) In reviewing an application for waiver pursuant to § 213-42(L), the Director of Planning, Zoning, and Construction Inspections shall consider all relevant facts including, but not limited to, the following:
  - (a) The availability of larger units in the complex within which the applicant resides;
  - (b) The number of adults and children occupying the subject dwelling unit and the current age of each child;
  - (c) The total number and size of sleeping rooms in the subject dwelling unit;
  - (d) The total number and size of food preparation areas and bathrooms or water closet compartments in the subject dwelling unit;
  - (e) The number of vehicles owned or used by each and every occupant of the subject dwelling unit;
  - (f) Any other positive or negative impacts on health, safety, and welfare of the occupants of the subject dwelling unit, and any occupants of surrounding dwelling units;
- (10) The Director of Planning, Zoning, and Construction Inspections, in granting a waiver pursuant to § 213-42(L), may impose any and all reasonable conditions or restrictions upon the waiver that are necessary to maintain the health, safety, and welfare of the occupants of the subject dwelling unit and the surrounding dwelling units.
- (11) Waivers granted pursuant to § 213-42(L) shall be for a term not exceeding the shorter of the remainder of the applicant's lease term, or one (1) year.

**SECTION 5.** All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

**SECTION 6.** 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 other part thereof.

**SECTION 7.** All Ordinances or parts of Ordinances of the Township 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 8.** This Ordinance shall take effect immediately upon final passage, approval, and publication as provided by law.

*The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on January 21, 2013.*

Motion to accept that Ordinance 2013:02 be heard in its second and final reading by title only, by Mr. Ferrara, seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Council Members dePierro, Ferrara, and Stanton

**NO** – Council Member Carifi

**ABSTAIN** – Council Member Nelson

**PUBLIC HEARING 2013:02**

Motion to open the public hearing for Ordinance 2013:02 by Mr. Ferrara, seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**\*Council President Stanton noted a three-minute time limit per speaker.**

- Pat Petaccia, 182 Hawkins Ave: Ms. Petaccia stated her objections to this ordinance stating that it is too vague and does not help safety and quality of life issues. She asked what every room in the dwelling means and if the zoning officer will receive an increase in salary for the additional workload.
- John Inglesino, Township Attorney: Mr. Inglesino gave a brief history of how this ordinance came about and then proceeded to respond to the questions submitted by Mr. Venezia at the February Agenda Meeting. Some key points: Paragraph C clarifies the language for enforcement and Paragraph K establishes limitations on length of stay for guests; the waiver provision is to permit a mechanism is place for waivers; application process in place and must be signed by the landlord. The application must be deemed completed or it will not receive a determination. The waiver provides a period of time to give people the opportunity to transition out of the apartment. If the waiver expires then they would have to re-apply for a new waiver. This is not an effort to loosen “stacking” laws.

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

- Bob Venezia, 102 Brooklawn Dr: thanked Mr. Inglesino for his detailed answers to his questions. He has an issue with the landlord giving the super the right to sign the waiver on their behalf. He sees this a delay tactic for violators of the law to continue to remain in violation and will make it more difficult to prosecute. He is asking that the Council include a clause to exempt natural born and adopted children under 2 years old from the current law.  
Mr. Inglesino advised that that a clause exempting any class of people from a law would be in violation of the Federal Fair Housing Act. The waivers must be linked to the health, safety and welfare of the residents.
- Mayor Barberio added that these new provisions would strengthen the stacking laws.
- Roy Messmer, 10 Drummlin Dr: stated that he doesn't see much difference between this ordinance and the one that was voted down seven months ago. He is asking for honesty from the landlords and asked how the Housing department will enforce the ordinance.

Motion to close the public hearing for Ordinance 2013:02 by Mr. dePierro, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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

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

Motion to approve the Resolution above by Mr. Ferrara, seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Council Members dePierro, Ferrara, and Stanton

**NO** – Council Member Carifi

**ABSTAIN** – Council Member Nelson

Before voicing his vote, Mr. Carifi gave the following explanation: he was not a member of the subcommittee and believed there would be provision to hold the landlords liable for relocation fees and agrees that the waivers do not strengthen the stacking ordinance.

Before voicing his vote, Mr. Nelson gave the following explanation: Believes that the Housing Coordinator must uphold the law and must ultimately use their good judgment. He believes this ordinance is being created for the benefit of one employee and is uncomfortable voting for it.

Before voicing his vote, Mr. Stanton gave the following explanation: he doesn't see this as a free for all that people think it will be and will he believes it will strengthen the stacking laws.

**ORDINANCE 2013:03**  
**AN ORDINANCE AMENDING ORDINANCE #2012:23 ENTITLED AN ORDINANCE  
ESTABLISHING WHITE COLLAR SALARY RANGES FOR THE TOWNSHIP OF  
PARSIPPANY-TROY HILLS**

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

Section 1: That Section 1 –Annual Salaries be amended by increasing the maximum salary in the following title:

<u>Annual Salaries</u>	<u>Salary Ranges</u>	
	<u>Minimum</u>	<u>Maximum</u>
<u>Position Classification</u>		
Chief Financial Officer	50,000	145,000

Section 2: This ordinance shall be retroactive to January 1, 2013.

Section 3. This ordinance shall take effect as provided by law.

*The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on January 21, 2013.*

Motion to accept that Ordinance 2013:03 be heard in its second and final reading by title only, by Mr. Carifi, seconded by Mr. Nelson.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**PUBLIC HEARING 2013:03**

Motion to open the public hearing for Ordinance 2013:03 by Mr. Nelson, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**\*Council President Stanton noted a three-minute time limit per speaker.**

- Pat Petaccia, 182 Hawkins Ave: asked what why there is a big jump from the previous maximum range of \$125,000.  
Ms. Lim explained that the current salaries for this position are much higher than what the Township pays and therefore while searching for a replacement for the retiring CFO, they are having a difficult time finding someone experienced to handle the size of this town.

Motion to close the public hearing for Ordinance 2013:03 by Mr. Carifi, seconded by Mr. Nelson.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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

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

Motion to approve the Resolution above by Mr. Carifi, seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**ORDINANCE 2013:04**

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

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

**WHEREAS**, Parsippany Soccer Club, Inc. has requested use of the residential structure (excluding the garage space on the right side), premises known as 580 Smith Road Lot 9.2 in Block 736 as shown on the Official Tax Maps of the Township; and

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

**WHEREAS**, the term of the license agreement will be twelve (12) months commencing January 1, 2013, with an option to renew for four additional twelve (12) month terms upon the same terms and conditions; and

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

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

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

**Section 1.** The Township Council does hereby authorize a license agreement between the Township of Parsippany-Troy Hills and Parsippany Soccer Club, Inc., a copy of which license agreement will be on file with the Township Clerk and which licenses to Parsippany Soccer Club, Inc. the residential structure (excluding the garage space on the right side) and an approximate area of 120 feet in width and 200 feet in depth of surrounding lawn area located at 580 Smith Road, Lot 9.2 of Block 736 as shown on the Official Tax Maps of the Township, for twelve (12) months commencing January 1, 2013, with an option to renew for four additional twelve (12) month terms, the use of said tract to be for the sole purpose of meetings, social events, gatherings and other related activities of the Licensee.

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

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

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

*The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on January 21, 2013.*

Motion to accept that Ordinance 2013:04 be heard in its second and final reading by title only, by Mr. Nelson, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**PUBLIC HEARING 2013:04**

Motion to open the public hearing for Ordinance 2013:04 by Mr. dePierro, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**\*Council President Stanton noted a three-minute time limit per speaker.**

- Michael Espejo, 80 Brooklawn Dr: found out through an OPRA request that the Parsippany soccer league has a blanket permit for use of the fields and they in turn determine the schedules for the teams within their league without sharing that information with the Recreation department. Believes there is an imbalance because some of the travelling teams are disproportionately more non-residents than residents.

Motion to close the public hearing for Ordinance 2013:04 by Mr. dePierro, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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

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

Motion to approve the Resolution above by Mr. Nelson, seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**PUBLIC HEARING**

Motion to open the public hearing by Mr. Ferrara seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**\*Council President Stanton noted a five-minute time limit per speaker.**

- Dave Ferguson, 4 Biscane Dr: current President of the Parsippany Soccer Club. Thanked the council for their support in passing the ordinance. He wished to clarify some issues to the Council about the Soccer Club: there are roughly between 1,600 and 1,700 kids that participated in the program in 2012. Of that, 230 were not residents and per the ordinance, a \$100 fee per non-resident child was remitted to the Township. The current ordinance permits the 80/20 ration of residents to non-residents from the total number of participants in the Club and not based on the numbers of individual teams. This was changed to be able to allow Parsippany kids the opportunity to be part of a Parsippany team as numbers in teams dwindled.
- Michael Espejo: 80 Brooklawn Dr: asked how many practices are reserved for the fields besides the actual games played. Feels that this is out of hand and believes they should change the ordinance for the ratio of non-residents to be per team and not to apply to the total number of the participants in the club.
- TJ Ritter, 72 Broowklawn Dr: tried to get a permit for use of the fields for a rugby team and was unable to do so because the soccer club has most of the fields reserved. Believes that the Township is losing money in that the fees don't cover the amount of electricity being used.
- David Lowe, 16 Maplewood: former Parsippany Soccer Club president. Clarified that the ordinance was changed as a decision for administrative reasons. Explained the types of teams in the club and reasoned that if they don't bring in non-residents for the travel teams then there would not be enough players for a team.
- Pat Petaccia, 182 Hawkins Ave: asked if the soccer fields were purchased with green acres money. Mayor Barberio responded that yes they were.
- Jim Castagnia, 34 N Beverwyk Rd: has a complaint regarding his neighbor the Spartan Gas Station. He has a cyclone penned fence along the north side of his property that is padlocked in the front and back giving him no access to his own property. His neighbor is also bringing junked cars and keeping trucks parked that keep idling. He is looking for a solution to be able to access his property for maintenance.  
Mr. Inglesino recommended that he address the administration for compliance with Township Codes. Private disputes with his neighbor cannot be resolved through the Township government and need to be addressed either between him and his neighbor or through the courts.

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

- Roy Messmer, 10 Drummlin Dr: asked what is going to happen to the house next to the PAL; asked what is the intent of the use of the Balwin house; pointed out that that tennis court nets are up and covered in snow and should be taken down for the winter; noted that boarding houses are popping up all over town and need to be addressed; why is the inspection of the apartments done once every 2 years; asked that they work with the Board of Education to find out how many kids are coming out of the apartments.
- Mr. Jonathan Nelson: asked what is the intended use of the Balwin house. Mayor Barberio responded that it will be used as historical, for meeting rooms and events and possibly use the garage to house the ambulance.

Motion to close the public hearing by Mr. Carifi Seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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Discussion: Council President Stanton asked the Council has the authority to look into or be notified when the State approves or pays for a boarding house. Mr. Inglesino stated that they can't do anything if they serve as non-profits and the State does not have to notify or receive approval from the Township.

**CONSENT AGENDA**

**BE IT RESOLVED**, 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 table Resolution #2013-36 from the Consent Agenda by Mr. Nelson seconded by Mr. Carifi.**

(Council President Stanton explained that the gentleman who proposed the resolution was supposed to come and read the resolution and is not in attendance so they are tabling until a future meeting where he can be in attendance.)

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

Motion to approve the Consent Agenda as amended by Mr. Nelson seconded by Mr. Carifi.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**Minutes for Approval:**

- \* Re-Organization Meeting of 01/03/2013
- \* Agenda Meeting of 01/03/2013
- \* Regular Meeting of 01/15/2013

**Bid Award(s):**

- R2013-033\*** A Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of Contract to Brown's Hunterdon International LLC for One (1) New 2013 International Model 4300 SBA Garbage Truck With a 14-Yard Split Side Load Packer Body for Parks and Forestry for Final Bid Price of \$138,152.00
- R2013-034\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Rejecting the Bid Received for FEMA House Elevation Project – Phase I
- R2013-035\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of Contract to Grinell for 2012 FEMA Acquisition/Demolition –Phase I for a Total Bid Price of \$74,000.00

**Resolutions:**

- R2013-036\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Recognizing the 150<sup>th</sup> Anniversary of the Emancipation Proclamation
- R2013-037\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Grant Agreement Between the Township of Parsippany-Troy Hills and the State of New Jersey by and for the Department of Environmental Protection (Grant Identifier NR 12-010)
- R2013-038\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Grant Agreement Between the Township of Parsippany-Troy Hills and the State of New Jersey by and for the Department of Environmental Protection (Grant Identifier PF11-077)
- R2013-039\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving the Use and Release of Money Funded to the NJ Housing Mortgage Finance Agency from the Township Affordable Housing Trust Fund for Use by the Rose House and New Bridge Services, Inc. (At 30 Henry Street) Under the NJDCA/NJDHS Special Needs Housing Partnership Program
- R2013-040\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving the Use and Release of Money Funded to the NJ Housing Mortgage Finance Agency from the Township Affordable Housing Trust Fund for Use by the Rose House and New Bridge Services, Inc. (At 37 Moraine Road) Under the NJDCA/NJDHS Special Needs Housing Partnership Program
- R2013-041\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving the Use and Release of Money Funded to the NJ Housing Mortgage Finance Agency from the Township Affordable Housing Trust Fund for Use by Advancing Opportunities, Inc. and New Bridge Services, Inc. (At 112 Hiawatha Boulevard) Under the NJDCA/NJDHS Special Needs Housing Partnership Program

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

- R2013-042\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract for Broker of Record Services for the Township's 457b Deferred Compensation Plan to American Economic Planning Group, Inc.
- R2013-043\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills to Join the Morris County Adaptive Recreation Program for a Total of \$6,100.00 for One Year
- R2013-044\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing an Interlocal Services Agreement Between the Township and the County of Morris Department of Human Services, Division of Aging, Disability and Veteran Services to Lease an Area of the Community Center to Operate a Nutrition Center
- R2013-045\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing an Agreement with Saint Clare's Community Care, a Member of Saint Clare's Health Services for the Provision of Certain Health Clinic Services
- R2013-046\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing an Agreement with KEMS, LLC for Chemical Engineering Services Related to Title V Air Pollution Regulations for the Parsippany Wastewater Treatment Facility for an Approximate Yearly Cost of \$50,000.00
- R2013-047\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming the Appointment and Awarding a Contract for Professional Engineering Services to Cherry, Weber & Associates for General Engineering Services at the Approximate Annual Cost of \$72,000.00
- R2013-048\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing an Amendment to the Agreement with the Rose House and New Bridge Services, Inc. for Funding from the Township Affordable Housing Trust Fund
- R2013-049\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Regarding Purchases of Goods and Services Utilizing NJ Cooperative Purchasing Program, Morris County Cooperative Pricing Council and Somerset County Cooperative Pricing Council
- R2013-050\*** Resolution Authorizing the Township of Parsippany-Troy Hills to Enter Into an Agreement for Participation in a Cooperative Pricing System With the Middlesex Regional Educational Services Commission for the Purchase of Goods and Services
- R2013-051\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Addendums to the Agreement for the Operation of Catering and Banquet Facilities at Knoll Country Club
- R2013-052\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Extending the Major Soil Moving Permit Granted to Morris Corporate Center VII, LLC/SJP Properties, Block 136.01, Lot 1
- R2013-053\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills in Support of a 2013 Application for Home Program Grant Funds for Special Homes of New Jersey, Inc.
- R2013-054\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills in Support of a 2013 Application for Home Program Grant Funds for New Bridge Services, Inc.

**R2013-055\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills in Support of an Application for CDBG Funds for Family Promise of Morris County Formerly Interfaith Council for Homeless Families

**APPLICATION(S)**

**R2013-056\*** Resolution Of The Township Council Of The Township Of Parsippany-Troy Hills Approving 2013 License Renewals – Part IV

**R2013-057\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills approving New Limousine License for Jake’s Limo Service

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**R2013-033: A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AWARD OF CONTRACT TO BROWN’S HUNTERDON INTERNATIONAL LLC FOR ONE (1) NEW 2013 INTERNATIONAL MODEL 4300 SBA GARBAGE TRUCK WITH A 14-YARD SPLIT SIDE LOAD PACKER BODY FOR PARKS AND FORESTRY FOR FINAL BID PRICE OF \$138,152.00**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for One (1) New 2013 International Model 4300 SBA Garbage Truck with a 14-Yard Split Side Load Packer Body for Parks and Forestry on December 20, 2012, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Superintendent of Parks and Forestry have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Brown’s Hunterdon International LLC, P.O. Box 98, 963 Route 173, Bloomsbury, NJ 08804 for a Final Bid Price of \$138,152.00, 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 # 2012:24 adopted June 19, 2012 entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 2013 International Model 4300 SBA Garbage Truck with a 14-Yard Split Side Load Packer Body for Parks and Forestry be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

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**R2013-034: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REJECTING THE BID RECEIVED FOR FEMA HOUSE ELEVATION PROJECT – PHASE I**

**WHEREAS**, the Township of Parsippany-Troy Hills received a bid proposal for FEMA House Elevation Project-Phase I on January 31, 2013, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bid received and recommend that the bid be rejected.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for FEMA House Elevation Project-Phase I be rejected.

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**R2013-035: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AWARD OF CONTRACT TO GRINELL FOR 2012 FEMA ACQUISITION/DEMOLITION –PHASE I FOR A TOTAL BID PRICE OF \$74,000.00**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for 2012 FEMA Acquisition/Demolition-Phase I on January 31, 2013, 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, Grinnell, 482 Houses Corner Road, Sparta, NJ 07871 for a Total Bid Price of \$74,000.00, and

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

“2012 FEMA Hazard Mitigation Grant.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for 2012 FEMA Acquisition/Demolition-Phase I 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.

**BE IT FURTHER RESOLVED**, that the award is contingent upon acquisition of any and all of the nine (9) listed properties as per the bid specifications.

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**R2013-037: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A GRANT AGREEMENT BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (GRANT IDENTIFIER NR 12-010)**

The governing body of Parsippany Troy Hills Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$39,300.00 to fund the following project: No Net Loss Grant.

Therefore, the governing body resolves that or the successor to James R. Barberio the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$39300.00 and not more than \$39300.00, and (c) to execute  any amendments thereto  any amendments thereto which do not increase the Grantee's obligations.

\*The Parsippany Troy Hills Township Council authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).\*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

**R2013-038: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A GRANT AGREEMENT BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (GRANT IDENTIFIER PF11-077)**

The governing body of Parsippany Troy Hills Township desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$54,000.00 to fund the following project: No Net Loss Grant.

Therefore, the governing body resolves that or the successor to James R. Barberio the office of Mayor is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$54,000.00 and not more than \$54,000.00 , and (c) to execute  any amendments thereto  any amendments thereto which do not increase the Grantee's obligations.

\*The Parsippany Troy Hills Township Council authorizes and hereby agrees to match 0% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).\*

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

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**R2013-039: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING THE USE AND RELEASE OF MONEY FUNDED TO THE NJ HOUSING MORTGAGE FINANCE AGENCY FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND FOR USE BY THE ROSE HOUSE AND NEW BRIDGE SERVICES, INC. (AT 30 HENRY STREET) UNDER THE NJDCA/NJDHS SPECIAL NEEDS HOUSING PARTNERSHIP PROGRAM**

**WHEREAS**, the Mayor and Council of the Township of Parsippany-Troy Hills, Morris County (the "Township"), has approval to establish and administer an Affordable Housing Trust Fund (the "AHTF") that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

**WHEREAS**, the NJ Department of Human Services ("NJDHS") is charged with finding appropriate housing for individuals with developmental disabilities in the community rather than in institutions set apart from the community and their families and strives to provide supported housing in the least restrictive environment possible and to facilitate integration with the surrounding community; and

**WHEREAS**, the NJ Department of Community Affairs (the "NJDCA") and the NJ Housing Mortgage Finance Agency (the "HMFA") have partnered with NJDHS to form NJDCA/NJDHS Special Needs Housing Partnership (the "Partnership") to provide housing development expertise and funding to create homes designed to the specifications of NJDHS in order to offer community-based housing to an expanded number of individuals with developmental disabilities, and specifically single family (three or four bedroom) ranch style homes or two bedroom condos or apartments to create community housing arrangements ready for occupancy (the "Partnership Program"); and

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

**WHEREAS**, in Resolutions, dated December 6, 2011 and July 10, 2012, the Township allocated and funded \$2,000,000.00 to HMFA for the purpose of providing loans to pre-qualified, experienced housing developers and appropriate service providers with the capacity and technical expertise to acquire and manage housing units within the Township that meet the various residential needs of individuals with developmental disabilities and that meet their need for supports and services under the Partnership Program; and

**WHEREAS**, the Township was approached by The Rose House (“Rose House”) and its contractor, New Bridge Services, Inc. (“New Bridge”), which are interested in developing up to four (4) low and moderate income housing units for developmentally disabled adults at the property located at 30 Henry Street (Lot 1, Block 146) in the Township (the “Property”) using up to \$250,000.00 of the amounts funded by the Township to HMFA under the Partnership Program; and

**WHEREAS**, Rose House is a grassroots non-profit organization providing person-centered programs for developmentally disabled adults, helping them to pursue their goals and to become valued members of their communities; and

**WHEREAS**, New Bridge is a building contractor which, among other things, specializes in constructing community residences and other housing types for developmentally disabled persons; and

**WHEREAS**, Rose House and New Bridge have requested that the Township approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Rose House and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Rose House for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities; and

**WHEREAS**, the Township has determined that the release of up to \$250,000.00 of the amounts that the Township funded to HMFA for use by Rose House and New Bridge under the Partnership Program and as set forth herein will provide an opportunity to create homes designed to the specifications of NJDHS and offer community-based housing to an expanded number of individuals with developmental disabilities within the Township.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Township of Parsippany-Troy Hills hereby approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Rose House and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Rose House for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities all as stated herein.

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**R2013-040: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING THE USE AND RELEASE OF MONEY FUNDED TO THE NJ HOUSING MORTGAGE FINANCE AGENCY FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND FOR USE BY THE ROSE HOUSE AND NEW BRIDGE SERVICES, INC. (AT 37 MORAIN ROAD) UNDER THE NJDCA/NJDHS SPECIAL NEEDS HOUSING PARTNERSHIP PROGRAM**

**WHEREAS**, the Mayor and Council of the Township of Parsippany-Troy Hills, Morris County (the “Township”), has approval to establish and administer an Affordable Housing Trust Fund (the “AHTF”)

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

**WHEREAS**, the NJ Department of Human Services (“NJDHS”) is charged with finding appropriate housing for individuals with developmental disabilities in the community rather than in institutions set apart from the community and their families and strives to provide supported housing in the least restrictive environment possible and to facilitate integration with the surrounding community; and

**WHEREAS**, the NJ Department of Community Affairs (the “NJDCA”) and the NJ Housing Mortgage Finance Agency (the “HMFA”) have partnered with NJDHS to form NJDCA/NJDHS Special Needs Housing Partnership (the “Partnership”) to provide housing development expertise and funding to create homes designed to the specifications of NJDHS in order to offer community-based housing to an expanded number of individuals with developmental disabilities, and specifically single family (three or four bedroom) ranch style homes or two bedroom condos or apartments to create community housing arrangements ready for occupancy (the “Partnership Program”); and

**WHEREAS**, in Resolutions, dated December 6, 2011 and July 10, 2012, the Township allocated and funded \$2,000,000.00 to HMFA for the purpose of providing loans to pre-qualified, experienced housing developers and appropriate service providers with the capacity and technical expertise to acquire and manage housing units within the Township that meet the various residential needs of individuals with developmental disabilities and that meet their need for supports and services under the Partnership Program; and

**WHEREAS**, the Township was approached by The Rose House (“Rose House”) and its contractor, New Bridge Services, Inc. (“New Bridge”), which are interested in developing up to four (4) low and moderate income housing units for developmentally disabled adults at the property located at **37 Moraine Road** in the Township (the “Property”) using up to \$250,000.00 of the amounts funded by the Township to HMFA under the Partnership Program; and

**WHEREAS**, Rose House is a grassroots non-profit organization providing person-centered programs for developmentally disabled adults, helping them to pursue their goals and to become valued members of their communities; and

**WHEREAS**, New Bridge is a building contractor which, among other things, specializes in constructing community residences and other housing types for developmentally disabled persons; and

**WHEREAS**, Rose House and New Bridge have requested that the Township approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Rose House and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Rose House for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities; and

**WHEREAS**, the Township has determined that the release of up to \$250,000.00 of the amounts that the Township funded to HMFA for use by Rose House and New Bridge under the Partnership Program and as set forth herein will provide an opportunity to create homes designed to the specifications of NJDHS and offer community-based housing to an expanded number of individuals with developmental disabilities within the Township.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Township of Parsippany-Troy Hills hereby approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Rose House and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Rose House for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities all as stated herein.

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**R2013-041: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING THE USE AND RELEASE OF MONEY FUNDED TO THE NJ HOUSING MORTGAGE FINANCE AGENCY FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND FOR USE BY ADVANCING OPPORTUNITIES, INC. AND NEW BRIDGE SERVICES, INC. (AT 112 HIAWATHA BOULEVARD) UNDER THE NJDCA/NJDHS SPECIAL NEEDS HOUSING PARTNERSHIP PROGRAM**

**WHEREAS**, the Mayor and Council of the Township of Parsippany-Troy Hills, Morris County (the "Township"), has approval to establish and administer an Affordable Housing Trust Fund (the "AHTF") that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

**WHEREAS**, the NJ Department of Human Services ("NJDHS") is charged with finding appropriate housing for individuals with developmental disabilities in the community rather than in institutions set apart from the community and their families and strives to provide supported housing in the least restrictive environment possible and to facilitate integration with the surrounding community; and

**WHEREAS**, the NJ Department of Community Affairs (the "NJDCA") and the NJ Housing Mortgage Finance Agency (the "HMFA") have partnered with NJDHS to form NJDCA/NJDHS Special Needs Housing Partnership (the "Partnership") to provide housing development expertise and funding to create homes designed to the specifications of NJDHS in order to offer community-based housing to an expanded number of individuals with developmental disabilities, and specifically single family (three or four bedroom) ranch style homes or two bedroom condos or apartments to create community housing arrangements ready for occupancy (the "Partnership Program"); and

**WHEREAS**, in Resolutions, dated December 6, 2011 and July 10, 2012, the Township allocated and funded \$2,000,000.00 to HMFA for the purpose of providing loans to pre-qualified, experienced housing developers and appropriate service providers with the capacity and technical expertise to acquire and manage housing units within the Township that meet the various residential needs of individuals with developmental disabilities and that meet their need for supports and services under the Partnership Program; and

**WHEREAS**, the Township was approached by Advancing Opportunities, Inc. ("Advancing Opportunities") and its contractor, New Bridge Services, Inc. ("New Bridge"), which are interested in developing up to four (4) low and moderate income housing units for developmentally disabled adults at the property located at **112 Hiawatha Boulevard** in the Township (the "Property") using up to \$250,000.00 of the amounts funded by the Township to HMFA under the Partnership Program; and

**WHEREAS**, Advancing Opportunities is a grassroots non-profit service organization providing person-centered programs for developmentally disabled adults; and

**WHEREAS**, New Bridge is a building contractor which, among other things, specializes in constructing community residences and other housing types for developmentally disabled persons; and

**WHEREAS**, Advancing Opportunities and New Bridge have requested that the Township approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Advancing Opportunities and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Advancing Opportunities for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities; and

**WHEREAS**, the Township has determined that the release of up to \$250,000.00 of the amounts that the Township funded to HMFA for use by Advancing Opportunities and New Bridge under the Partnership Program and as set forth herein will provide an opportunity to create homes designed to the specifications of NJDHS and offer community-based housing to an expanded number of individuals with developmental disabilities within the Township.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Township of Parsippany-Troy Hills hereby approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Advancing Opportunities and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Advancing Opportunities for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities all as stated herein.

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**R2013-042: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT FOR BROKER OF RECORD SERVICES FOR THE TOWNSHIP'S 457b DEFERRED COMPENSATION PLAN TO AMERICAN ECONOMIC PLANNING GROUP, INC.**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire Broker of Record services for the Township's 457b Deferred Compensation Plan as a non-fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

**WHEREAS**, the Business Administrator and CFO of the Township have reviewed the qualifications received by American Economic Planning Group, Inc. (AEPG, Inc.) and recommend that a contract be awarded to AEPG, Inc. for Broker of Record services for the Township's 457b Deferred Compensation Plan; and

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

**WHEREAS**, AEPG, Inc. has completed and submitted a Business Entity Disclosure Certification, which Certification provides that they have not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit AEPG, Inc. and any member of the firm 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

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

**WHEREAS**, the Business Entity Disclosure Certification further provides that the AEPG, Inc. has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

**WHEREAS**, AEPG, Inc. has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

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

1. The Township of Parsippany-Troy Hills hereby authorizes the Mayor and Township Clerk to execute the contract for Broker of Record services for the Township's 457b Deferred Compensation Plan with American Economic Planning Group, Inc. (AEPG), 75 Mountain Boulevard, Watchung, NJ 07069, in form on file with the office of the Township Clerk.
2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; and Determination of Value be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
3. This contract shall 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 N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession.

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**R2013-043: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO JOIN THE MORRIS COUNTY ADAPTIVE RECREATION PROGRAM FOR A TOTAL OF \$6,100.00 FOR ONE YEAR**

**WHEREAS**, there has been created a Morris County Adaptive Recreation Program (MCARP); and

**WHEREAS**, said program intends to provide recreational services for persons with disabilities of all ages, and further to give said persons an opportunity to explore new leisure time skills in conjunction with their age and abilities; and

**WHEREAS**, the total project cost is estimated to exceed \$300,000.00; and

**WHEREAS**, the Township of Parsippany-Troy Hills' costs with respect thereto will be approximately \$6,100.00 according to the Fair Share Ratio schedule.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the Township hereby intends to join the Morris County Adaptive Recreation Program (MCARP) as described above and contribute thereto in the amount not in excess of the Fair Share Assessment for one year.

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**R2013-044: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP AND THE COUNTY OF MORRIS DEPARTMENT OF HUMAN SERVICES, DIVISION OF AGING, DISABILITY AND VETERAN SERVICES TO LEASE AN AREA OF THE COMMUNITY CENTER TO OPERATE A NUTRITION CENTER**

**WHEREAS**, the Township has available in its Community Center approximately 1,400 square feet commonly known as the Meeting and Coffee Hour Room, plus associated kitchen space and equipment, rest rooms, office space and storage closets; and

**WHEREAS** the Morris County Department of Human Services, Division on Aging, Disability and Veteran Services would like to lease this area of the Community Center to operate a nutrition center; and

**WHEREAS**, the Township feels that this is a benefit to the residents of the community; and

**WHEREAS**, the Township is authorized pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.*, to enter into a contract with any other local unit for the provision of any service which that local unit is empowered to render within its own jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby authorizes execution of an Interlocal Services Agreement with the County of Morris for a period of one year with an option to renew for an additional one year period, in the form on file in the Office of the Township Clerk, upon the terms and conditions provided therein.

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**R2013-045: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AN AGREEMENT WITH SAINT CLARE'S COMMUNITY CARE, A MEMBER OF SAINT CLARE'S HEALTH SERVICES FOR THE PROVISION OF CERTAIN HEALTH CLINIC SERVICES**

**BE IT RESOLVED** by the Township Council, acting as the Board of Health of the Township of Parsippany-Troy Hills, Morris County, New Jersey, as follows:

**WHEREAS**, the Board of Health wishes to provide certain public health services to residents of the Township, and Saint Clare's Community Care, a member of Saint Clare's Health Services has offered to provide such services, particularly described and upon terms and conditions set forth in a certain Agreement on file with the Township Clerk, which terms and conditions are incorporated herein; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services will not exceed \$17,500.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby approve the above referenced Agreement by and between the Township of Parsippany-Troy Hills and Saint Clare's Hospital, Inc. and authorizes the Mayor and the Township Clerk to execute that agreement.

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**R2013-046: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AN AGREEMENT WITH KEMS, LLC FOR CHEMICAL ENGINEERING SERVICES RELATED TO TITLE V AIR POLLUTION REGULATIONS FOR THE PARSIPPANY WASTEWATER TREATMENT FACILITY FOR AN APPROXIMATE YEARLY COST OF \$50,000.00**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire chemical engineering services in connection with Title V Air Pollution Regulations for the Township's Wastewater Treatment facility as a non-fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

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

**WHEREAS**, the Director of Municipal Utilities, Business Administrator and the Mayor have recommended that a one year contract commencing on January 1, 2013 be awarded to KEMS, LLC with offices located at 368 Hollow Road, Skillman, NJ 08558, to provide chemical engineering services at an estimated yearly cost of approximately \$50,000; and

**WHEREAS**, KEMS, LLC has completed and submitted a Business Entity Disclosure Certification, which Certification provides that they have not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit KEMS, LLC and any member of the firm 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**, KEMS, LLC has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

**WHEREAS**, the 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:

2013 Temporary Budget: Sewer Utility – Other Expenses

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

1. The Township of Parsippany-Troy Hills hereby authorizes the Mayor and Township Clerk to execute the contract for chemical engineering services with KEMS, LLC, 368 Hollow Road, Skillman, NJ 08558, in form on file with the office of the Township Clerk.
2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certification of Extraordinary Unspecifiable Services be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and

3. This contract shall be awarded pursuant to a non-fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. and as an exception pursuant to N.J.S.A. 40A:11-5(1)(bb), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and
4. This Resolution shall take effect immediately

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**R2013-047: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONFIRMING THE APPOINTMENT AND AWARDED A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO CHERRY, WEBER & ASSOCIATES FOR GENERAL ENGINEERING SERVICES AT THE APPROXIMATE ANNUAL COST OF \$72,000.00**

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

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

**WHEREAS**, Cherry, Weber and Associates has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract; and

**WHEREAS**, Cherry, Weber and Associates has completed and submitted a Business Entity Disclosure Certification, which Certification provides that the firm has not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit the firm from making any reportable contributions through the term of the contract that would bar the award of this Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, the Business Entity Disclosure Certification further provides that the firm has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

**WHEREAS**, Cherry, Weber and Associates has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for this purpose.

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

1. That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into a contract for the 2013 year with Cherry, Weber and Associates, 20 Gibson Place, Suite 100, Freehold, NJ 07728 for professional engineering services upon the terms and conditions as stipulated in the contract on file in the Office of the Township Clerk; and

2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
3. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and
4. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

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**R2013-048: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE ROSE HOUSE AND NEW BRIDGE SERVICES, INC. FOR FUNDING FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND**

**WHEREAS**, in a Resolution, dated July 10, 2012, the Township of Parsippany-Troy Hills (the "Township") (a) approved the granting of funding to The Rose House and New Bridge Services, Inc. ("Rose House/New Bridge") in the amount of \$505,000 from the Township's Affordable Housing Trust Fund ("AHTF") to be spent by Rose House/New Bridge on its intended acquisition and rehabilitation of a six (6) bedroom community residence for the developmentally disabled on property located at 1350 South Beverwyck Road, Parsippany, New Jersey (the "South Beverwyck Road Property") so as to provide low and moderate income housing for six (6) residents with developmental disabilities, including affordable housing for low income, special needs, disabled individuals; and (b) authorized the Municipal Attorney to prepare an Agreement between the Township and Rose House/New Bridge setting forth the terms and conditions by which said funds shall be distributed to, and utilized by Rose House/New Bridge; and

**WHEREAS**, on July 16, 2016, the Township entered an Agreement setting forth the terms and conditions by which said funds shall be distributed to, and utilized by Rose House/New Bridge in connection with property located at 1081 Littleton Road, Parsippany (the "Littleton Road Property") (with Rose House/New Bridge having determined and the Township having agreed subsequent to the July 10<sup>th</sup> Resolution that the South Beverwyck Road Property was not suitable affordable housing development), which Agreement provided, *inter alia*, that if Rose House/New Bridge were to determine that the Littleton Road Property was not suitable for affordable housing development, then Rose House/New Bridge would have the right to pursue other property that it believes is suitable for such development subject to the review and approval by the Township; and

**WHEREAS**, Rose House/New Bridge has determined that the Littleton Road Property is not suitable for such affordable housing development; and

**WHEREAS**, Rose House/New Bridge believes that the property located at Henry Road (Lot 1, Block 146) Parsippany, New Jersey (the "Henry Road Property"), is suitable for such affordable housing development, and has requested that the Township authorize an amendment to the Agreement providing for Rose House/New Bridge's use of said AHTF monies to acquire the Henry Road Property and to renovate the existing building thereon to provide affordable housing for six (6) special needs, disabled individuals of very low, low and/or moderate income; and

**WHEREAS**, Rose House/New Bridge contemplates an arrangement where New Bridge will purchase and develop/renovate the Henry Road Property utilizing such funds and then, upon the completion of Henry Road Property for occupancy, convey the Henry Road Property to Rose House for

its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities all as stated herein; and

**WHEREAS**, Rose House/New Bridge's proposed renovation and conversion of the Henry Road Property furthers the intent and purpose of the Code of the Township of Parsippany-Troy Hills and the use of the AHTF monies to address the low and moderate income housing needs and obligations of the Township and to provide affordable housing to low and moderate income people; and

**WHEREAS**, the Township desires to approve the request of Rose House/New Bridge and authorize an amendment to the Agreement so as to incorporate the above-referenced modifications.

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

(a) The Township hereby approves Rose House/New Bridge's request to amend the Agreement so as to provide for Rose House/New Bridge's use of said AHTF monies to acquire the Henry Road Property and to renovate the existing building thereon to be used as a multi-family building to provide affordable housing for six (6) special needs, disabled individuals of very low, low and/or moderate income under an arrangement where New Bridge will purchase and develop/renovate the Henry Road Property utilizing such funds and then, upon the completion of Henry Road Property for occupancy, convey the Henry Road Property to Rose House for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities all as stated herein and subject to an amendment to the Agreement between the parties, as set forth in (b), below; and

(b) The Municipal Attorney is hereby authorized to prepare an amendment to the Agreement between the Township and Rose House/New Bridge providing for Rose House/New Bridge's use of the AHTF monies to acquire the Henry Road Property and to renovate the existing building thereon to be used as a multi-family building to provide affordable housing for six (6) special needs, disabled individuals of very low, low and/or moderate income; and

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to ultimately execute and witness an amendment to the Agreement to be prepared by the Municipal Attorney's office, with the conditions and requirements that have been set forth in this Resolution.

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**R2013-049: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REGARDING PURCHASES OF GOODS AND SERVICES UTILIZING NJ COOPERATIVE PURCHASING PROGRAM, MORRIS COUNTY COOPERATIVE PRICING COUNCIL AND SOMERSET COUNTY COOPERATIVE PRICING COUNCIL**

**WHEREAS**, the Township of Parsippany-Troy Hills purchases goods and services under the cooperative purchasing contracts utilizing New Jersey Cooperative Purchasing Program, Morris County Cooperative Pricing Council contracts and Somerset County Cooperative Pricing Council contracts; and

**WHEREAS**, the Local Public Contracts Law requires a resolution authorizing purchases that exceed an expenditure of \$17,500.00 per year for the aggregate cost of similar and like items.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, that it hereby awards contracts to the vendors listed on a schedule, a copy of which is on file in the office of the Township Clerk, and in accordance with the New Jersey Cooperative Purchasing Program, Morris County Cooperative Pricing Council contracts and Somerset County Cooperative Pricing Council contracts on file in the Purchasing Director's office.

**R2013-050: RESOLUTION AUTHORIZING THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ENTER INTO AN AGREEMENT FOR PARTICIPATION IN A COOPERATIVE PRICING SYSTEM WITH THE MIDDLESEX REGIONAL EDUCATIONAL SERVICES COMMISSION FOR THE PURCHASE OF GOODS AND SERVICES**

**WHEREAS**, N.J.S.A.40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Middlesex Regional Educational Services Commission, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on February 12, 2013 the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of good and services.

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

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Parsippany-Troy Hills.

**AUTHORITY**

Pursuant to the provisions of N.J.S.A.40A11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A.40A11-1 et. seq.) and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

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**R2013-051: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING ADDENDUMS TO THE AGREEMENT FOR THE OPERATION OF CATERING AND BANQUET FACILITIES AT KNOLL COUNTRY CLUB**

**WHEREAS**, pursuant to N.J.S.A. 50A:11-5, the Township of Parsippany-Troy Hills (the “Township”) entered into negotiations with Knoll West Country Club, LLC (the “Contractor”) for the operation of catering and banquet facilities at Knoll Country Club ; and

**WHEREAS**, by Resolution dated March 13, 2012, the Contractor was awarded a contract for the operation of catering and banquet facilities at Knoll Country Club (the “Contract”); and

**WHEREAS**, the Contract specifies various improvements to be undertaken by both the Contractor and the Township for purposes of maintaining the Knoll Golf Clubhouse facilities; and

**WHEREAS**, it has become necessary and desirable to make various improvements and renovations at both the Knoll Golf Clubhouse West and the Knoll Golf Clubhouse East in addition to those specified in the Contract; and

**WHEREAS**, improvements and renovations at both the Knoll Golf Clubhouse West and the Knoll Golf Clubhouse East are necessary for the proper maintenance, safety, and upkeep of said facilities; and

**WHEREAS**, the Contractor has agreed to make the aforesaid necessary improvements and renovations at both the Knoll Golf Clubhouse West and the Knoll Golf Clubhouse East in addition to those specified in the Contract.

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

- (1) That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
- (2) That the Mayor and the Business Administrator are hereby authorized to negotiate and execute such addenda to the contract for the operation of catering and banquet facilities at Knoll Country Club for purposes of allowing additional improvements, renovations, and maintenance of the Knoll Golf Clubhouse West and the Knoll Golf Clubhouse East.

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**R2013-052: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS EXTENDING THE MAJOR SOIL MOVING PERMIT GRANTED TO MORRIS CORPORATE CENTER VII, LLC/SJP PROPERTIES, BLOCK 136.01, LOT 1**

**WHEREAS**, Morris Corporate Center VII, LLC/SJP Properties was granted a Major Soil Moving Permit by resolution of the Township Council adopted on March 13, 2007 to regrade 28,967 cubic yards of material and to remove an additional 199 cubic yards of material from the site, in connection with the construction of an office building on Interpace Parkway, known and designated as Block 136.01, Lot 1 on the tax maps of the Township of Parsippany-Troy Hills; and

**WHEREAS**, the Township Council granted by Resolutions adopted on November 24, 2009, an extension of the Major Soil Moving Permit, as recommended by the Planning Board, to December 10, 2010 to coincide with the term of the Sire Plan Approval; and

**WHEREAS**, the Township Council also granted by Resolution adopted October 19, 2010, an extension of the Major Soil Moving Permit, as recommended by the Planning Board, to December 10, 2011; and

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

**WHEREAS**, via a memorandum from the Planning Board dated December 18, 2012, the Township Council was advised that the Planning Board, at its regular meeting of December 17, 2012, approved an extension of one (1) year for the Major Soil Moving Permit to December 10, 2013;

**WHEREAS**, the request for an extension of the Major Soil Moving Permit has been reviewed by Justin Lizza, Municipal Engineer, and his recommendation to grant said extension has been memorialized in a memorandum dated January 31, 2013;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant an extension of the Major Soil Moving Permit issued to Morris Corporate Center VII, LLC/SJP Properties to regrade 28,967 cubic yards of material and to remove an additional 199 cubic yards of material from the site to December 10, 2013, subject to the conditions of the original approval, including the following terms:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Michael Pucilowski, former Municipal Engineer dated July 12, 2005 and reaffirmed in the memoranda from Justin Lizza, Township Municipal Engineer, dated November 5, 2009, October 5, 2010 and January 31, 2013.
2. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.
3. Hours of operation shall be Monday through Friday, 9:00a.m. to 4:00 p.m.

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**R2013-053: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN SUPPORT OF A 2013 APPLICATION FOR HOME PROGRAM GRANT FUNDS FOR SPECIAL HOMES OF NEW JERSEY, INC.**

**WHEREAS**, Special Homes of New Jersey, Inc. has submitted an application to the County of Morris for HOME Program grant funds to renovate and convert garage space of a group home into a one-bedroom fully accessible apartment to be used by a developmentally disabled adult who lives independently with physical disabilities; and

**WHEREAS**, the location of the facility is in the Township of Parsippany-Troy Hills (1259 Littleton Road) and therefore requires Township consent.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that it hereby supports the application made by Special Homes of New Jersey, Inc. to the County of Morris for HOME Program funds in the amount of \$60,500.

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**R2013-054: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN SUPPORT OF A 2013 APPLICATION FOR HOME PROGRAM GRANT FUNDS FOR NEWBRIDGE SERVICES, INC.**

**WHEREAS**, New Bridge Services, Inc. has submitted an application to the County of Morris for HOME Program grant funds to construct six, one bedroom apartments for low income, developmentally disabled individuals and a four bedroom group home for developmentally disabled individuals who require more intensive care; and

**WHEREAS**, the location of the facility is in the Township of Parsippany-Troy Hills (30 Henry Street) and therefore requires Township consent.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that it hereby supports the application made by New Bridge Services, Inc. to the County of Morris for HOME Program funds in the amount of \$300,000.

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**R2013-055: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN SUPPORT OF AN APPLICATION FOR CDBG FUNDS FOR FAMILY PROMISE OF MORRIS COUNTY FORMERLY INTERFAITH COUNCIL FOR HOMELESS FAMILIES**

**WHEREAS**, Family Promise of Morris County, formerly Interfaith Council for Homeless Families, has submitted an application to the County of Morris for Community Development Block Grant (CDBG) funds to expand the family room at the County facility they share with the Eric Johnson House and Hope House; and

**WHEREAS**, the location of the facility is located in the Township of Parsippany-Troy Hills (Greystone Park) and therefore requires Township consent.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that it hereby supports the application made by Family Promis of Morris County, formerly Interfaith Council for Homeless Families, to the County of Morris for CDBG funds in the amount of \$20,000.

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**R2013-056: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING 2013 LICENSE RENEWALS – PART IV**

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2013:

**TOURIST ACCOMMODATIONS**

**NUMBER OF ROOMS**

Hampton Inn Parsippany

152

**LIMOUSINES**

**NUMBER OF VEHICLES**

Yassine & Family Inc.

1

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**R2013-057: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING NEW LIMOUSINE LICENSE FOR JAKE'S LIMO SERVICE**

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following new Limousine Owner's Licenses be issued for the year 2012.

**Jake's Limo Service  
799 Route 46  
Parsippany, NJ 07054**

**(7 Vehicles)**

**APPROVAL OF MINUTES (Non-Consent Agenda)**

Motion to approve the Minutes listed below by Mr. dePierro seconded by Mr. Carifi.

- Agenda Meeting of 10/9/2012
- Closed Session of 10/16/2012

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, and Stanton  
**ABSTAIN** – Council Member Nelson

**ORDINANCES - INTRODUCTION**

**ORDINANCE 2013:05**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP 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**

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **February 12, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 19, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

Motion to approve the above Resolution by Mr. dePierro, seconded by Mr. Ferrara.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**ORDINANCE 2013:06**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, SETTING FEES FOR RECREATION PERMITS**

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **February 12, 2013** and that said Ordinance be further considered for second reading and

final passage at a Meeting to be held on **March 19, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

Motion to approve the above Resolution by Mr. Ferrara, seconded by Mr. dePierro:

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**ORDINANCE 2013:07**

**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: 1479 ROUTE 46, Block 726, Lot 6**

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of ParsIPPany-Troy Hills held on **February 12, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 19, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

Motion to approve the above Resolution by Mr. Carifi, seconded by Mr. Ferrara:

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**RESOLUTIONS (Non-Consent Agenda):**

**R2013-058: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING THE USE AND RELEASE OF MONEY FUNDED TO THE NJ HOUSING MORTGAGE FINANCE AGENCY FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND FOR USE BY ADVANCING OPPORTUNITIES, INC. AND NEW BRIDGE SERVICES, INC. (AT 66 NORTH BEVERWYCK ROAD) UNDER THE NJDCA/NJDHS SPECIAL NEEDS HOUSING PARTNERSHIP PROGRAM**

Motion to approve the above Resolution by Mr. Nelson, seconded by Mr. dePierro.

**WHEREAS**, the Mayor and Council of the Township of Parsippany-Troy Hills, Morris County (the "Township"), has approval to establish and administer an Affordable Housing Trust Fund (the "AHTF") that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

**WHEREAS**, the NJ Department of Human Services ("NJDHS") is charged with finding appropriate housing for individuals with developmental disabilities in the community rather than in institutions set apart from the community and their families and strives to provide supported housing in the least restrictive environment possible and to facilitate integration with the surrounding community; and

**WHEREAS**, the NJ Department of Community Affairs (the "NJDCA") and the NJ Housing Mortgage Finance Agency (the "HMFA") have partnered with NJDHS to form NJDCA/NJDHS Special Needs Housing Partnership (the "Partnership") to provide housing development expertise and funding to create homes designed to the specifications of NJDHS in order to offer community-based housing to an expanded number of individuals with developmental disabilities, and specifically single family (three or four bedroom) ranch style homes or two bedroom condos or apartments to create community housing arrangements ready for occupancy (the "Partnership Program"); and

**WHEREAS**, in Resolutions, dated December 6, 2011 and July 10, 2012, the Township allocated and funded \$2,000,000.00 to HMFA for the purpose of providing loans to pre-qualified, experienced housing developers and appropriate service providers with the capacity and technical expertise to acquire and manage housing units within the Township that meet the various residential needs of individuals with developmental disabilities and that meet their need for supports and services under the Partnership Program; and

**WHEREAS**, the Township was approached by Advancing Opportunities, Inc. ("Advancing Opportunities") and its contractor, New Bridge Services, Inc. ("New Bridge"), which are interested in developing up to four (4) low and moderate income housing units for developmentally disabled adults at the property located at 66 North Beverwyck Road in the Township (the "Property") using up to \$250,000.00 of the amounts funded by the Township to HMFA under the Partnership Program; and

**WHEREAS**, Advancing Opportunities is a grassroots non-profit service organization providing person-centered programs for developmentally disabled adults; and

**WHEREAS**, New Bridge is a building contractor which, among other things, specializes in constructing community residences and other housing types for developmentally disabled persons; and

**WHEREAS**, Advancing Opportunities and New Bridge have requested that the Township approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Advancing Opportunities and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Advancing Opportunities for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities; and

**WHEREAS**, the Township has determined that the release of up to \$250,000.00 of the amounts that the Township funded to HMFA for use by Advancing Opportunities and New Bridge under the Partnership Program and as set forth herein will provide an opportunity to create homes designed to the specifications of NJDHS and offer community-based housing to an expanded number of individuals with developmental disabilities within the Township.

**NOW THEREFORE BE IT RESOLVED** that the Mayor and Council of the Township of Parsippany-Troy Hills hereby approve the release of up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use by Advancing Opportunities and New Bridge for the purchase and development/renovation of the Property under an arrangement where New Bridge will purchase and develop/renovate the Property utilizing such funds and then, upon the completion of Property for occupancy, convey the Property to Advancing Opportunities for its ownership and operation under the approval and licensing by the New Jersey Division of Developmental Disabilities all as stated herein.

**Discussion:** Mr. Nelson wished to address safety concerns with property right on a busy street. Ms. Lim responded that she reached out and was informed that the organization running the home chose the location and will be providing 24/7 supervision. In addition, due to the area in the back of the property for cars to be able to turn around, no cars will be backing out into the street from this property.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**R2013-059: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT FOR ONSITE WELLNESS COACHING SERVICES**

Motion to approve the above Resolution by Mr. Nelson seconded by Mr. dePierro.

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

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

**WHEREAS**, the Business Administrator, Mayor and Health Insurance Brokers have recommended that a one year contract commencing on February 1, 2013 be awarded to Wellness Coaches USA, LLC, 725 Skippack Pike, Ste. 300, Blue Bell, PA 19422 for a Proposed Total Price per month of \$6,190, and

**WHEREAS**, Wellness Coaches USA, LLC has completed and submitted a Business Entity Disclosure Certification, which Certification provides that the they have not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit Wellness Coaches USA, LLC and any member of the firm 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

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

**WHEREAS**, Wellness Coaches USA, LLC has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

**WHEREAS**, the 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:

2013 Temporary Budget: Current Fund - Insurance  
2013 Temporary Budget: Water, Sewer and Golf & Recreation Utility- Other Expenses

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

- (1) That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into an agreement with Wellness Coaches USA, LLC, 725 Skippack Pike, Ste. 300, Blue Bell, PA 19422, to provide onsite wellness coaching services; and
- (2) That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certification of Extraordinary Unspecifiable Services be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
- (3) This contract shall be awarded through a non-fair and open process pursuant to N.J.S.A. 19:44A-20.5 and as a bid exception pursuant to N.J.S.A. 40A:11-5(1)(m); and
4. That a notice of this action be printed once in the official newspaper of the Township of Parsippany-Troy Hills.

**Discussion:** Mr. Nelson asked Ms. Lim if she would attribute the lower number of Workers Compensation cases to the Wellness Coach.

Ms. Lim responded in the affirmative and also attributed it to the milder winter.

Mayor Barberio confirmed that the Township employees have gotten great use of it and improved their health because of it. Ms. Lim read the following statistics: After being in operation for 18 months, 6 employees quit smoking, 14 employees reduced tobacco use, 60 employees increased their weekly exercise, 80 employees lost 1,300 pounds, 105 employees improved their blood pressure and of that 51 lowered their blood pressure below 140/90. These produce huge savings to health and workers compensation cases.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**R2013-060: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AN AGREEMENT WITH ALPHADOG SOLUTIONS FOR MAINTENANCE OF THE TOWNSHIP'S WEBSITE**

Motion to approve the above Resolution by Mr. Nelson, seconded by Mr. Ferrara.

**WHEREAS**, AlphaDog Solutions, Inc. provides a variety of technical services relating to the installation and maintenance of hardware, software and communications facilities relating to the operation of Internet sites; and

**WHEREAS**, AlphaDog Solutions, Inc. is the owner of certain software known as "The Cyber Clerk Program," <sup>TM</sup> which is a combination of proprietary software and internet based applications that facilitate the operations of governmental entities and the interaction of governmental entities with its citizenry; and

**WHEREAS**, the Township desires to enter into an agreement for services with AlphaDog Solutions to maintain its website; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500, but will not exceed the public bidding threshold of \$36,000 utilizing a purchasing agent qualified pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, AlphaDog Solutions, Inc. has submitted a Business Entity Disclosure Certification, which Certification provides that they have not made any reportable contributions to candidate committees, joint 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 AlphaDog Solutions, Inc. from making any reportable contributions through the term of the contract that would bar the award of this Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, the Business Entity Disclosure Certification further provides that AlphaDog Solutions, Inc. has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

**WHEREAS**, AlphaDog Solutions, Inc. will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.6, 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 term of this contract shall be from January 1, 2013 through December 31, 2013.

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for these services.

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

1. That the Township of Parsippany-Troy Hills hereby awards, and the Mayor and the Township Clerk are hereby authorized to execute an agreement between the Township of Parsippany-Troy

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

Hills and AlphaDog Solutions, Inc., 335 Union Avenue, Belleville, NJ 07109, to provide website maintenance services for the year 2013 in accordance with the contract on file in the office of the Township Clerk; and

2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
3. That this contract be awarded through a non-fair and open process pursuant to N.J.S.A. 19:44A-20.5 and without public bidding pursuant to an exception from public bidding as the value of the contract is not reasonably anticipated to exceed on an annual basis the public bidding threshold, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

**Discussion:** Council Members Nelson and Carifi stated their objections to the cost of the annual contract and requested that the resolution be tabled until a better solution can be found. The current contract with AlphaDog has a month to month provision so the Township would still be provided with a service in the meantime. Mr. dePierro recommended that a subcommittee of the Council be formed to look into the possibility of changing provider for next year.

**ROLL CALL:**

**YES** – Council Members dePierro, Ferrara, and Stanton  
**NO** – Council Members Carifi and Nelson

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**R2013-061: RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AUTHORIZING THE ENGAGEMENT OF AN ONLINE ENERGY AGENT CONSULTANT FOR A GOVERNMENT ENERGY AGGREGATION (“GEA”) PROGRAM**

Motion to approve the above Resolution by Mr. Nelson, seconded by Mr. Ferrara.

**WHEREAS**, the Electric Discount and Energy Competition Act (P.L. 1999, c. 23, codified at N.J.S.A. 48:3-49 et seq., “*EDECA*”) authorizes certain government entities, including the Township, known as Government Aggregators, to purchase electric generation service for itself or on behalf of its residents and/or businesses through a government energy aggregation program (“*GEA Program*”);

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills (the “*Township*”) desires to undertake such GEA Program to provide electricity savings for itself and residential and/or business customers within its territorial jurisdiction;

**WHEREAS**, the Township desires to implement the GEA Program by way of the most efficient and cost effective means in order to reduce the cost of procuring electricity to the Township and its residents, thereby enhancing governmental efficiencies;

**WHEREAS**, the Local Electronic Technology Pilot Program and Study Act (P.L. 2001, c. 30, the “*Technology Pilot Act*”), enacted to enhance governmental efficiencies through the use of electronic technology to experiment with purchasing bulk commodities and services, permits certain government entities, known as local units, including the Township, to purchase bulk commodities and services

through electronic technology by way of an auction, conducted by either its own personnel or by an online purchasing agent, to purchase and/or sell surplus select bulk commodities and services (the “Energy Services”), which Energy Services would include the GEA Program;

**WHEREAS**, the Technology Pilot Act provides that contracts hiring the service of an online purchasing agent (an “Energy Services Agreement”) are exempted from public bidding laws;

**WHEREAS**, Gabel Associates (the “Energy Consultant”) submitted a proposal dated January 18, 2013 (as attached hereto as **Exhibit A**, the “Proposal”), to the Township to provide Energy Services as a consultant under the Technology Pilot Act as an online purchasing agent for the purpose of implementing a GEA Program; and

**WHEREAS**, the Township has reviewed the Proposal and desires to retain the Consultant to provide the Energy Services, acting as an online energy agent in implementing a GEA Program in the Township, all as further detailed in the Proposal.

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

**Section 1.** The above recitals are hereby adopted and incorporated herein as if repeated in full.

**Section 2.** The Mayor and the Business Administrator of the Township (including their designees, each an “Authorized Officer”) are each hereby severally authorized and directed to negotiate, execute and deliver an Energy Services Agreement with the Consultant, which shall include the scope of services and pricing reflected in the Proposal, the final form of which Energy Services Agreement shall be determined by the Authorized Officer, after consultation with counsel, to be in the best interests of the Township, and such Authorized Officer is hereby further authorized to take all such further actions in connection therewith in accordance with all applicable law, including, without limitation, the execution of such other documents as any such Authorized Officer, in consultation with counsel, shall deem necessary, convenient or desirable by any such Authorized Officer to implement the GEA Program and the Energy Services Agreement.

**Section 3.** The Township Clerk of the Township, is hereby authorized and directed, where required, to affix the corporate seal of the Township and to attest to the signature of the Authorized Officer on any such Energy Services Agreement, including such other certificates, instruments or documents contemplated herein. Thereafter the Authorized Officer is hereby authorized and directed to deliver any such fully authorized, executed, delivered, and if applicable, attested and sealed certificates, instruments and documents to any interested party, and to execute such certificates in connection with the GEA Program and the Energy Services Agreement as an Authorized Officer shall direct..

**Section 4.** All actions taken to date in connection with the Energy Services Agreement by the Township and the Township’s counsel are hereby ratified, confirmed and approved.

**Section 5.** This resolution shall be effective immediately.

**Discussion:** Mr. Nelson stated his objection to the provision that only gives residents the opportunity to opt-out of the program and not the opportunity to opt-in if they wish to receive the lower rates.

Mr. Robert Chilton of Gabel Associates explained that the GEA Program rules only give the option of opt-out and then gave a synopsis of the laws governing the process and the history of

the program. Briefly, he explained that the utilities were put out of the power generation business by selling off their power plants by State order 12 years ago, in essence making them wires delivery companies. The State mandates how the utilities go out and buy their power for customers who have not switched to a third party supplier. There is State oversight of when the utilities go out to bid, how they go out to bid and how much they buy, etc. In the end, the State and Utilities are essentially choosing the power supplier for the customers because they can no longer provide it themselves. Customers have the option to opt-out of the utilities' supplier by choosing their own third party supplier. The GEA program is on a municipal level, as opposed to the State level, putting the customers together to go out to bid to try to get a better price, offer that price to customers and then give the customers the choice of whether they would choose not to accept it. The GEA program follows the same model but on a local level, with the added protection of proactively notifying the customers in the municipality of the price, savings and terms. If they don't like it, they can mail the card that is mailed to them to opt-out.

Mayor Barberio read an excerpt from an article recently published in the League of Municipalities magazine regarding this issue. He re-iterated that the customers do have an option to decline the savings offered by opting-out.

Mr. Inglesino also further explained that the resolution is to authorize a contract with Gabel Associates to be able to prepare the RFP and go through the bid process. The Council is not making a commitment to do anything except to begin the process of seeing whether savings can be achieved.

Mr. Chilton explained that the bid process will be governed under the Open Public Contracts Law. They will develop the bid documents because they have to be very specific to energy market particulars to the BPU rules on Government Aggregation. The Township will advertise the bid opening which will take place in Town Hall. A report will be written to the Administration, who would in turn advise the Council of the results after which the Council will vote to accept or reject the results. At the request of Mr. dePierro, they will forward a Q&A list to be posted on the Township website for residents to better understand the Program and the process.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**Motion to add Resolution #2013-062 to the agenda by Mr. dePierro seconded by Mr. Ferrara.**

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**R2013-062: A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE CONNECTION OF 3000 ROUTE 10 WEST, BLOCK 31501, LOT 3, DENVILLE, NEW JERSEY TO THE SEWER SYSTEM OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

Motion to approve Resolution #2013-062 by Mr. dePierro and seconded by Mr. Ferrara.

**REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 12, 2013**

**WHEREAS**, 3000 Route 10 West, LLC (“Applicant”) is the owner of property located at 3000 Route 10 West, Denville, New Jersey (“Property”), which Property is identified as Block 31501, Lot 3 on the official tax map of the Township of Denville; and

**WHEREAS**, the Property is currently improved with an approximately 7,100 square foot single story, mixed-use, multi-tenant commercial building, which includes a dry cleaners, window retailer, contractor and distributor, and a vacant leasehold space which is intended to be a restaurant; and

**WHEREAS**, the Property is presently served by a septic system; and

**WHEREAS**, there is insufficient capacity in the septic system to handle all three business operations; and

**WHEREAS**, Denville cannot provide sewer service to the Property at this time due to the distance of the nearest sanitary sewer lines from the Property; and

**WHEREAS**, the subject Property and other adjacent properties are presently located in the Parsippany-Troy Hills Wastewater Management Plan Area; and

**WHEREAS**, the Township of Parsippany-Troy Hills (“Township”) already provides sewer service to the adjacent property located at 2980 Route 10 West (“Pelican Property”), identified as Block 51501, Lot 5 on the tax map of the Township of Denville; and

**WHEREAS**, the Pelican Property is connected to the Township’s sewer system via an 8 inch sewer lateral; and

**WHEREAS**, the Applicant desires to connect its Property to the Township’s sewer system by way of a 4 inch lateral connection to the 8 inch lateral connection on the adjacent Pelican Property pursuant to plans submitted to the Township for its review; and

**WHEREAS**, the Township Code generally does not permit two buildings to be connected to the Township sewer system via a single building lateral. However, due to the fact that the Pelican Property is serviced by an 8 inch lateral, the proposal has been deemed acceptable to the Township’s wastewater consulting engineer; and

**WHEREAS**, the Township has confirmed that there is sufficient capacity to serve the subject Property in the Township’s system, that the Property is within the Township’s Wastewater Management Plan Area, and that the proposal does not require the issuance of a Treatment Works Approval from the New Jersey Department of Environmental Protection; and

**WHEREAS**, the Township’s wastewater consulting engineer has reviewed the plans, and recommended approval of the connection, subject to certain terms and conditions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, State of New Jersey, that the Township Council hereby approves the application of 3000 Route 10, LLC to connect the subject building on Property located at 3000 Route 10 West, Block 31501, Lot 3, Denville, New Jersey to the Township’s sewer system, subject to the following terms and conditions:

1. Payment by the Applicant of any and all sewer connection fees, tapping fees, user fees and inspection fees in accordance with the Township Code, as determined by the Township’s Sewer

Utility. All sewer connection fees, tapping fees and estimated inspection fees shall be paid in full prior to the commencement of any sewer utility work.

2. A Township of Parsippany-Troy Hills water meter shall be installed on the potable water line serving the subject Property to meter the domestic water usage for the purpose of calculating sewer charges due and payable by the Applicant to the Township. The Applicant shall be responsible to pay the Township for the full cost of the meter, installation, and inspections. All such costs shall be paid in full prior to the utility connection to the Township Sewer System.
3. Review and approval by the Township Attorney as to the form of easement agreement between 2980 Route 10 West, LLC and 3000 Route 10, LLC, and any and all other legal documents deemed necessary by the Township.

**BE IT FURTHER RESOLVED**, that this approval permits two commercial building developments to be serviced by a single lateral connection to the Township sewer system.

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**CLOSED SESSION**

**RESOLUTION**

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

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

**WHEREAS**, the Township Council wishes to discuss: Litigation and Attorney/Client Privilege.

**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.

**Motion To Adjourn Into Closed Session by Mr. Carifi Seconded By Mr. Nelson.**

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

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**Motion To Reconvene Into Open Session by Mr. Carifi Seconded By Mr. Ferrara.**

**ROLL CALL:**

**YES** – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton

**ADJOURNMENT**

**Motion To Adjourn Meeting by Mr. Ferrara Seconded By Mr. Carifi.**

**ROLL CALL:**

**YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton**

**MEETING ADJOURNED: 10:50pm**

Respectfully submitted,

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Yancy Wazirmas, Township Clerk

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Brian Stanton, Council President

Minutes approved: 3/19/2013