

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
REGULAR TOWNSHIP COUNCIL MEETING OF MARCH 19, 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.**

**In addition, adequate notice of the location change 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 notice on the bulletin board at the Municipal Building on March 12, 2013 where it remains continuously posted. A legal notice appeared in the Daily Record on March 13, 2013 with the location changes for the specified meeting dates.**

**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).

The Meeting was called to order by Council President Stanton at 7:30pm.

**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; Jasmine Lim, Business Administrator; Paula Cozzareli, Assistant Business Administrator; and Yancy Wazirmas, Township Clerk.

**FLAG SALUTE**

**UPCOMING MEETINGS:**

4/9/13 @ 7:30 p.m. Agenda Meeting (PHS)  
Public Invited – Public Participation

4/16/13 @ 7:30 p.m. Regular Meeting (PHS)  
Public Invited – Public Participation

**PUBLIC HEARING, Application to the Morris County Flood Mitigation Program:**

Ms. Lim explained that a public hearing is part of the Grant Application process. The Township is looking to acquire three properties in the Lake Hiawatha section.

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

**ROLL CALL:**

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

- No Comments.

Motion to close the public hearing for the Application by Mr. Carifi, seconded by Mr. Nelson.

**ROLL CALL:**

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

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**BID(S)**

**To be Taken:**

4/4/2013 @ 11:00am                      Reconstruction of Reynolds Avenue – Phase I

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

4/4/2013 @ 10:00am                      RFP – Private Collection of Municipal Court Debt

**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: On-Going Litigation and Attorney/Client Privilege relating to Mossberg and Walsh.

**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.

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**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. Nelson Seconded By Mr. dePierro.**

**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

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**MAYOR'S PRESENTATION(S):**

- **2013 Municipal Budget- Mayor Barberio read the following statement:**

*“Tonight, I would like to present you with a summary of the proposed 2013 township budget. While there were many challenges presented, particularly on the appropriations side, there were also many improvements on the revenue side. I believe that this budget will allow us to maintain our commitment to Parsippany residents and businesses to the same or improved level of services.*

*Key aspects of my proposed 2013 budget include:*

- *A slight increase in the current fund appropriations of \$500,000*
- *A 4.8% increase in revenues of \$881,000*
- *The result is a slight decrease in the tax levy of .9% and a 0% tax rate increase for the municipal budget, including the Library.*

*I am pleased to note that this budget provides for:*

- *A 2% salary increase for all white collar employees representing almost 1/2 of the township workforce*
- *Merit increases for a few employees who have gone above and beyond, have had significant accomplishments or achievements and/or have taken on additional responsibilities due to a reduced workforce*
- *5 replacement police officers to maintain the level of staffing required to adequately protect our residents and businesses*

*The appropriations side of the budget is largely stabilized. Increases have been offset by savings.*

*The largest increase is in the area of personnel (particularly police and sanitation personnel). However, as a %, personnel costs are up overall 3%.*

*Other large increases include:*

- *Emergencies for Superstorm Sandy & Retirement Payouts*
- *Debt Service*

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- *Police Pension Contribution*
- *Legal Fees in anticipation of pending litigation*
- *Disposal of yard waste which nearly doubled*
- *Replenishment of leaf bag supply*
- *Reinstatement of the Fall Festival, which, as you know, many residents have called for*

*Significant reductions were made in medical insurance due to lower claims in 2012 and increase in the employee contributions towards health care. The budgeted amount for gasoline was also significantly reduced.*

*I am very pleased to note that revenues increased significantly in 2012.*

- *First and foremost, our tax collection rate continues to be high at 99.2%*
- *Fees and Revenues realized in 2012 which far exceed Anticipated Revenues include:*
  - *Construction Fees (\$500,000)*
  - *Other Fees and Permits (\$160,000)*
  - *Other (Non-ABC) Licenses (50,000) and*
  - *The Hotel Occupancy Fee (\$176,000)*

*There are very positive trends that bode well for the future fiscal health of the Township.*

*With respect to the Water and Sewer Utilities, both continue with healthy revenues and surplus. The Knoll Utility continues to struggle with inhospitable weather conditions but I believe that changes that have been made will strengthen the Golf Utility and we will continue to improve the facility to increase play at the course and increased bookings for the caterer.*

*This Administration will continue to look for new revenue sources and opportunities to reduce staffing and other costs, particularly with respect to energy. While much of the low-hanging fruit has been picked, we continue to look for additional energy savings. I am personally committed to exploring economic development and redevelopment opportunities in order to increase the Township's ratable base.*

*I look forward to working with the Council during to continue to bring positive changes to the taxpayers of Parsippany and improve the quality of life for our residents and improve the economic vitality of the Township.”*

**ORDINANCES - SECOND READING & PUBLIC HEARING**

**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**

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

**SECTION 1. Chapter 290** entitled “Parks, Recreation Areas and Public Lands,” Section 290-4 entitled “Knoll Country Club Utility fees.” of the Code of the Township of Parsippany-Troy Hills is hereby amended and supplemented as follows:

A. The Tournament and handicap fee payable to the Golf Pro shall be increased to \$41 and shall read as follows:

**§290-4, A.(4). Tournament and handicap fee** (mandatory charge): \$41, payable to Golf Pro.

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

**SECTION 3.** All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This ordinance shall be retroactive to January 1, 2013.

*The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on February 15, 2013.*

Motion to accept that Ordinance 2013:05 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 2013:05**

Motion to open the public hearing for Ordinance 2013:05 by Mr. dePierro, seconded by Mr. Nelson.

**ROLL CALL:**

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

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

- Mary Purzycki, 273 Marcella Rd: asked if the ordinance is related to Open Space. Ms. Lim responded that the ordinance is to amend a fee for the Golf Pro.

Motion to close the public hearing for Ordinance 2013:05 by Mr. Carifi, 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 2013:06**

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

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills (the “Township”) requires permits for recreation activities which utilize its fields and facilities; and

**WHEREAS**, the Township charges fees for recreation permits; and

**WHEREAS**, fees collected for recreation permits allow the Township to offer substantial and diverse recreation opportunities and facilities.

**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 290-8(F) of the Township Code is hereby repealed and replaced as follows:

(1) Recreational Activities.

|  |       |
|--|-------|
| Art/crafts classes, youth (per person)   | \$35  |
| Basketball clinics, youth (per person)   | \$25  |
| Bowling (per person)                     | \$10  |
| Roller hockey, adult league (per person) |       |
| Resident                                 | \$75  |
| Nonresident                              | \$150 |
| Roller hockey, youth league (per person) |       |

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|   |  |
|---|--|
| Resident  | \$50                                     |
| Nonresident   | \$75                                     |
| Softball, adult league (per team)                                       |  |
| Men's   | \$500                                    |
| Women's   | \$350                                    |
| Softball umpire forfeit fee<br>deposit (per team)                       | \$120                                    |
| Resident travelling team (per person)                                   |  |
| Adult   | \$25                                     |
| Child   | \$5                                      |
| Spring/fall/winter Tot Time classes,<br>8 sessions (per person)         | \$50                                     |
| Summer playground program (per person)                                  |  |
| Half day  | \$150                                    |
| Full day  | \$450                                    |
| Summer playground program<br>transportation fee, per event (per person) | \$8                                      |
| Summer playground program<br>Tot Time (per person)                      | \$150                                    |
| Trips, special events, and programs                                     | Cost rounded to highest<br>dollar amount |
| Swimming lessons (per person)   | \$50                                     |
| Tennis (yearly pass)  |  |
| Resident (per person)   | \$15                                     |
| Nonresident (per person)  | \$30                                     |
| Corporate (10 passes)   | \$150                                    |
| Volleyball league, adult<br>men's/women's/co-ed (per team)              | \$75                                     |

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**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 February 15, 2013.*

Motion to accept that Ordinance 2013:06 be heard in its second and final reading by title only, by Mr. Ferrara, seconded by Mr. dePierro.

**ROLL CALL:**

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

**PUBLIC HEARING 2013:06**

Motion to open the public hearing for Ordinance 2013:06 by Mr. Ferrara, seconded by Mr. Carifi.

**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 2013:06 by Mr. Carifi, seconded by Mr. dePierro.

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

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

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

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

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

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

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

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

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

*The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on February 15, 2013.*

Motion to accept that Ordinance 2013:07 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 2013:07**

Motion to open the public hearing for Ordinance 2013:07 by Mr. Carifi, seconded by Mr. Nelson.

**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 2013:07 by Mr. Ferrara, seconded by Mr. Carifi.

**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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**PRESENTATION(S):**

- Ed Sneikus, Town Planner presentation for the “Waterview Project”  
Mr. Sneikus explained that the Ordinance presented to the Township Council for their consideration is as recommended by the Planning Board. The Ordinance is an RCR Overlay Ordinance to overlay the POD Zone district, also known as the Waterview Boulevard district. This is not to replace the POD zone, but to overlay on top of it and is only for the lot in question. Mr. Sneikus proceeded to discuss the sections of the ordinance.  
Mr. Inglesino then gave an overview of the procedure for adopting this ordinance
  - Ordinance must first be introduced by the Township Council
  - The Ordinance is then referred back to the Planning Board for review to check for consistency with the Township Master Plan and for recommendations. The Planning Board has a 35 day statutory deadline to act.
  - The Ordinance then comes back to the Township Council for a Public Hearing.

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- Notice Requirements: regular legal advertising in the official newspaper; mailed to the property owners within 200 feet of the property; sent to the Clerks of Mountain Lakes and the Morris County Planning Board.
- Copies of the Introduced Ordinance will be available in the office of the Township Clerk and will be posted on the website.
- During the public hearing, Mr. Simon (attorney representing a citizen group) will be given priority to speak but with the same 3 minute limitation given to all members of the public. Property owners within the 200 feet will also be given priority to speak before the rest of the public.

In response to an inquiry posed to him prior to the meeting, Mr. Inglesino advised that Mr. Carifi's stance in campaign literature against the project does not pose a conflict to vote on the ordinance.

Mr. Inglesino addressed the letter received from Mr. Bisgaier, attorney for RD Realty and their confirmation of an execution of a lease with Whole Foods as a lessee in the commercial portion of the proposed development.

Mr. Inglesino explained both Planning and Zoning Board procedures and that the health, safety and welfare of the public is the criteria by which decisions must be made. He further explained that a multifamily project, as presented as an alternate plan by the developer, may have a special inherently beneficial use. His office will be taking a close look at the arguments presented and what is the alternative development if the rezone doesn't get adopted.

**PUBLIC HEARING**

Motion to open the public hearing by Mr. dePierro Seconded by Mr. Carifi for a time limit not to exceed 3 hours total.

**ROLL CALL:**

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

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

- Roy Messmer, 10 Drumlin Dr: addressed questions to the Mayor regarding a meeting which took place in January regarding the creation of a new position within the police department. Mayor Barberio that he has issued a statement to the press regarding this issue.
- Pat Petaccia, 180 Hawkins Ave: also addressed questions to the Mayor regarding a meeting which took place in January regarding the creation of a new position within the police department. Mayor Barberio that he has issued a statement to the press regarding this issue. She asked if the candidates were willing to participate in a debate for the Primary Election. Addressed the letter from RD Realty's attorney and called it "insulting". Stated her belief that residents' concerns aren't being addressed.
- Mary Purzycki, 273 Marcella Rd: addressed the letter from the developer's attorney. She stated the following: the developer purchased the property knowing the current zone; the township has met the Affordable Housing requirements; asked the Council not to destroy

the Master Plan developed 30 years ago; this project will have a regional impact on traffic.

Mr. Inglesino responded that she is correct in that the Township has met its Round 2 obligations for Mt. Laurel (COAH). The developer stated that fact is not relevant.

- David Kaplan, 263 Intervale Rd: President of “Citizens for Health, Safety and Welfare”. Addressed the letter from the developer’s attorney as a bully and care tactic. He is requesting that the Council read his group’s “Letter to the Editor” into the record. Mr. Inglesino responded that he will share this letter with Mr. Simon and will share his comments with the public.
- Sigmund Balaban, 10 Grecian St: stated his belief that “this” is sketchy and asked if any member of the Council or their family have been offered any consideration from the developer. The Mayor and Council members responded in turn that they don’t know the developer.
- Alexander T., 41 Lake Dr: stated that he is disappointed with government and complained about the Planning Board not allowing the public to speak. Asked if at the public hearing Mr. Simon’s experts and other experts will be allowed to speak. Mr. Inglesino explained that the Council is a legislative body and does not take testimony from expert witnesses until the site plan is submitted.
- Nick Homyak, 26 Oneida: asked why the township isn’t in compliance with the Highlands Protection Act? Mr. Inglesino explained that the Council made a legislative decision in the past not to be under the rule of the Highlands Commission. Mr. Sneikus further clarified that the township remains in open discussions with the Highlands Council and have not opted into the Master Plan. (why not? from the audience) The Plan would affect the entire town and not just the property requested to be re-zoned and there are currently no preservation areas. Opting in would require the town to be a receiving area for units.
- Kenneth E. Yarema, 41 Winding Way: stated that the letter from the developer is a blatant threat. Asked if the developer opts for Plan B, then would the property have to be re-zoned as residential? Mr. Inglesino explained that the developer would have to apply to the Zoning Board for a use variance. There would be no zone change required.
- Allison Danchak, 41 Forest Dr: stated that this issue is being fast-tracked and the letter sent from the developer is threatening and asked if the Council must approve the ordinance. She also stated that she has not heard how this proposed development would benefit quality of life and financial benefits. She also asked who would edit the ordinance if changes are requested by the Council. Mr. Inglesino responded that the Council does not have to approve the ordinance but he would have to look at what would happen next in that case. Mr. Sneikus will address the fiscal impact at the public hearing. If material changes are made to the ordinance then it would have to be re-introduced. Immaterial changes can be made and then proceed.

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- Ed Chu, 53 Forest Dr: asked what is the criteria to determine if the ordinance has merits. Mr. Inglesino responded that there is no standard to apply to decision making. As a legislative body, the Council has the discretion to support or oppose on based on their own views.
- Mimi Letts, 6 Glencove Rd: addressed comments about the Highland Council as a former member. She stated there is nothing in the legislation that requires any town to be a receiving area. To be a receiving area, a municipality must be part of the TDR program. She asked the Council to opt-in and have Parsippany be a member of the Highlands. Mr. Inglesino advised that the Highlands Council keeps changing the rules.
- John Beehler, 51 Intervale Rd: advised that he sent copies of a petition opposing the development to the Council. Stated he feels that the project is “done deal behind closed doors.” Asked the Council to reconsider the project. Mr. Inglesino stated his objections to his statement of “done deal behind closed doors” and advised that comments without proof should not be made in this manner.
- Margaret G., 24 Glen, Mountain Lakes: Member of the Environmental Commission of Mountain Lakes. Asked why Parsippany’s Environmental Committee hasn’t “chimed in”. She stated her belief that the project is on a fast-track, concerned about a water supply deficit and asked for protection for the hilly buffer. Mr. Inglesino responded that the Environmental Committee gives a recommendation after they review the site plan and currently, no site plan has been submitted to the Planning Board. In addition, preliminary review indicated there would not be a water deficit to the residents of Parsippany.
- Jackie Bay, 430 Morris Ave, Mountain Lakes: asked for 200 foot buffer to protect her property from noise, air and light pollution. She also pointed out an article about Wal-Mart pulling out of Hawthorne due to litigation brought by the residents.
- Stephen Arnold, 4 Craven Rd, Mountain Lakes: lives 300 feet from the Waterview lot. Asked if the “welfare” of the residents includes property values. Stated his concerns about the ridge/hill located on the property and the time available to make material changes in the ordinance related to the hill. He also asked if the Planning Board brings in the Environmental Commission when reviewing the Master Plan.
- Nancy Brighton, 24 Maplewood Dr: Chairperson of the Historic Preservation Committee. Asked if the buffer zone adjacent to the Doremus Center and Cemetery can be increased to protect the property. She also asked that surveys for archaeological resources be conducted.
- John Garrison, 78 Intervale Rd, Mountain Lakes: Asked if Mr. Inglesino or the Township Council will have the opportunity to review the lease agreements for the property. He also asked the Council to consider the long term effects of the water quality, etc. Mr. Inglesino explained that there is no requirement for them to review leases for the private sector.

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- James Hyson, 2 Littlewood Ct, Mountain Lakes: Asked if the concerns from the Planning Board were included in the ordinance and asked them to work with the developer to reach a compromise on the size of the buffers. Asked if the buffer zone would be the same if the developer goes to the Zoning Board for a variance. Mr. Inglesino responded that there would be different standards.
- Ann Jetton, 30 Forest Dr: addressed the letter received from the developer's attorney and described it as threatening. She asked if any developer can present a similar letter. Mr. Inglesino explained that there is potential for anything. He further explained that an analysis will be made to confirm the validity of the assertion and weigh the strength of the developer's argument.  
Ms. Jetton then continued that currently this is the only POD zone in the Township and it was done that way for a purpose. If the Council chooses to rezone the property then they will also be changing the original purpose.
- Bernie Earls, 233 Intervale Rd: asked why the developer wants an overlay and not a zone change.  
Mr. Sneikus explained that the developer requested the change in order to not remove the POD.
- Curtis Hardenburg, 85 Red Gate Rd: asked, if the Open Space Act states that the Township must purchase water because there isn't enough, how can we state that there is enough water.  
Mr. dePierro responded that over the years, two studies have been done for water usage. The DEP requires that the Township set limits on water consumption and to have an alternate water source.
- Ron Owens, 154 Intervale Rd: asked who determines the 200 foot list for the notice. Mr. Inglesino responded that the Tax Assessor's office will compile the list. Mr. Owens then asked why their attorney (Mr. Simon) would only be permitted three minutes to speak during the public hearing. Mr. Inglesino responded that all members of the public must be treated equally.
- Sree Menon, 6 Pine Tree Pl: asked if the Township can do a referendum to purchase the property to stop the development. Mr. Inglesino explained that there is a contract in place with the current owner and developer with the intent to purchase. He further explained negotiating versus eminent domain and cited case laws to further explain both.  
Mr. Menon asked how someone who doesn't speak English can come to the meeting and express their concerns. Mr. Inglesino responded that they would be allowed to bring an interpreter with them.
- Councilman Nelson asked how much money is currently in the Open Space Trust Fund and how much of that is set aside for the purchase of property; how much will the property be sold for.  
Ms. Lim responded that there is approximately five million dollars in the fund. 50% is for open space, 40% is for park improvements and 10% is for historic preservation.  
Mr. Inglesino responded that the amount of purchase is a private contractual number.

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- Ron Davis, 41 Forest Dr: addressed his question to Mr. Ferrara: has any environmental study been done on the property? Mr. Ferrara responded that one hasn't been done yet. Mr. Davis continued by stating his opinion that another school will have to be built because of the development.
- Angela Piegari, 10 Winding Way: asked why Mr. Sneikus is writing the ordinance for the developer.  
Mr. Inglesino explained that Mr. Sneikus is employed by the Township and wrote the ordinance for the Township. The developer made a proposal, the Planning Board made the recommendation and Mr. Sneikus wrote the ordinance based on the planning Board recommendations, not the developer's request. He further stated his belief that ordinance was written well to protect the township from spot-zoning issues.
- Gus Cerri, 3 Pine Tree Pl: asked if there is Green Acres money to supplement the Open Space Trust Account. Mayor Barberio responded there might be.  
Mr. Cerri further asked: if the developer can change their application or are they committed to their contract with Whole Foods; will water restrictions be removed when the project begins; can he give the attorney for the citizens group (Mr. Simon) his 3 minutes to speak during the public hearing. (No)
- Michael Espejo, 80 Brooklawn Dr: commented that the current Waterview property is zoned the way it is for a reason and that the full scope of the project has not been clear yet. The people present this evening are against the project and no one has come out in support of it. Asked the Council to keep the residents' opinions in mind.
- Jessica Tomalo, 80 Todd Rd: Stated that she came to the meeting for information but all she heard were vague answers. She criticized the Council's way of speaking and sitting.
- Kim Hurley, 20 Maple Way: asked if the overlay zone is separate from approving the ordinance. Mr. Inglesino explained that the overlay is approved by ordinance. Ms. Hurley asked if the zone is not approved residential or mixed, would the developer be able to build housing as they stated in the letter. Mr. Inglesino explained the process for applying through the Zoning Board.
- Jim Moody, 17 Robin Hood Dr, Mountain Lakes: Councilman and Zoning Board Member. Expressed concerns about the buffer zones and berm located on the Waterview property.
- Roberta Chopko, 93 Intervale Rd: asked the Mayor if there was additional funding for the Library in this year's budget. The Mayor responded that there wasn't any additional funding.
- Richard Young, 179 Intervale Rd: expressed concerns that the overlay zone would be applied to the entire zone and not just the lot, all developments and water usage. He asked who put input into the ordinance.  
Mr. Sneikus responded that he was the only one who worked on the ordinance with input from the Township Attorney.

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

**ROLL CALL:**

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

**Discussion:**

Mr. dePierro: asked Mr. Sneikus if the ordinance is approved and it goes back to the Planning Board, does the Planning Board have the authority to require an increase in the buffer specifically along the berm. Mr. Sneikus advised that can be done on the site plan level but they can also amend prior to introduction. Mr. dePierro asked the Council to not vote on the ordinance tonight to review the footage for the buffers.

**ORDINANCES - INTRODUCTION**

**ORDINANCE 2013:08**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO AMEND CHAPTER 430 OF THE TOWNSHIP CODE ENTITLED “ZONING” TO CREATE AN RCR PLANNED RETAIL/COMMERCIAL/RESIDENTIAL OVERLAY DISTRICT FOR PROPERTY IDENTIFIED AS BLOCK 421, LOT 29 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS WHICH PROPERTY IS LOCATED WITHIN THE TOWNSHIP’S POD PLANNED OFFICE DEVELOPMENT ZONE AND TO AMEND THE TOWNSHIP ZONING MAP TO REFLECT THE CREATION OF THE RCR PLANNED RETAIL/COMMERCIAL/RESIDENTIAL OVERLAY DISTRICT**

Motion to **TABLE** the above Ordinance by Mr. dePierro, seconded by Mr. Stanton.

**ROLL CALL:**

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

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**Discussion (Cont.):**

Mr. dePierro: Stated that he was not happy with the letter from the developer. He pointed out that this is the third application before the Planning Board for the Waterview Property. The first application proposed a Town Center with a buffer of 350 feet and was rejected because the residents of Intervale opposed it. The second application proposed was for age restricted housing with a 400 foot buffer and was rejected by the planning Board because the residents of Intervale again opposed it. This is the third application and the proposals are not getting better and are going downhill. He expressed concerns to the residents while the application was with the Planning Board that something like what was proposed in the letter may be coming before he was even aware of the possibility the developer would make such a proposal. The current trends in the courts has been to rule in favor of low-income housing.

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Mr. Stanton: requested that the Township Attorney look into case law related to the developer's letter and bring a legal opinion back to the Township Council. Mr. Stanton advised the residents that this is not on a "fast-track" and they are listening to the residents comments and concerns.

Mr. Ferrara: asked that there be a provision in the ordinance which would compel the owners to require lessees have a refrigerated garbage storage location indoors; clarification about Article 37.

Mr. Carifi: stated that he understands the residents' concerns about the proposed development and that he is not intimidated by the letter from the developer. Asked that the Governing Body protect the town from what is proposed in the letter.

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**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 approve the Consent Agenda by Mr. Stanton seconded by Mr. dePierro.

**ROLL CALL:**

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

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**Bid Award(s):**

- R2013-064\*** Resolution of the Township Council of the Township of Parsippany Troy-Hills Authorizing and Awarding Contract to Storr Tractor Company for Purchase of One (1) New Infield Groomer Toro Pro 5040 or Equivalent for Parks and Forestry for Total Price of \$27,942.32
- R2013-065\*** Resolution of the Township Council of the Township of Parsippany Troy-Hills Authorizing and Awarding Contract to Gen II Contracting Co., Inc. for Roof Replacement at the Municipal Building for Total Price of \$74,988.00
- R2013-066\*** Resolution of the Township Council of the Township of Parsippany Troy-Hills Authorizing and Awarding Contract to Brent Material Company, Capital Supply Construction Products, Inc., Roy H. Zartman Inc. T/A Carner Bros., George S. Coyne Chemical Co., Inc., HD Supply Waterworks, LTD, JCI Jones Chemicals, Inc., Univar USA Inc., Water Works Supply Co., Inc., for Supplying Various Materials for the Municipal Utilities and Public Works
- R2013-067\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing and Awarding Contract to 1 Sound Choice LLC for FEMA House

**REGULAR TOWNSHIP COUNCIL MEETING MARCH 19, 2013**

Elevation Project – Phase II For Total Amount of \$357,205.82 as Well as the Unit Costs for Potential Additional Work as Submitted

**Resolutions:**

- R2013-068\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills authorizing Grant Application to the Morris County Flood Mitigation Program
- R2013-069\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Settlement of Litigation (Evan Walsh v. Township of Parsippany-Troy Hills, et al.)
- R2013-070\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills rejecting bids for the FEMA House Elevation Project – Phase I Re-Bid
- R2013-071\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills rejecting bids for the FEMA House Elevation Project – Phase III
- R2013-072\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills rejecting bids for the Route 46 Water Main Replacement, Hill Road to Cherry Hill Road Project
- R2013-073\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Opposing Assembly Bill 1196 and Senate Bill 1778 as They Pertain to Workers' Compensation for Public Safety Workers
- R2013-074\*** Resolution of the Township of Parsippany-Troy Hills Awarding Professional Service Contracts for Various Engineering and General Real Estate Appraisal Services on as As-Needed Basis
- R2013-075\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing and Approving a First Amendment to Water Service Agreement Which Provides Water Service to Certain Properties in the Township of Hanover
- R2013-076\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Consenting to the Proposed Water Quality Management (WQM) Plan Amendment
- R2013-077\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Amending the 2013 Temporary Budget

**APPLICATION(S)**

- R2013-078\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Person-to-Person Transfer of Plenary Retail Consumption License for Nelson, Ira B. and Nelson, Helaine S.
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**R2013-064: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY TROY-HILLS AUTHORIZING AND AWARDED CONTRACT TO STORR TRACTOR COMPANY FOR PURCHASE OF ONE (1) NEW INFIELD GROOMER TORO PRO 5040 OR EQUIVALENT FOR PARKS AND FORESTRY FOR TOTAL PRICE OF \$27,942.32**

**WHEREAS**, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New Infield Groomer Toro Pro 5040 or Equivalent for Parks and Forestry on February 7, 2013, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Superintendent of Parks and Forestry have reviewed the bid received and recommend that the bid be awarded to the lowest responsible bidder, Storr Tractor Company, 3191 Highway 22, Branchburg, NJ 08876 for a Total Bid Price of \$27,942.32, 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 Infield Groomer Toro Pro 5040 or Equivalent 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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**R2013-065: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY TROY-HILLS AUTHORIZING AND AWARDED CONTRACT TO GEN II CONTRACTING CO., INC. FOR ROOF REPLACEMENT AT THE MUNICIPAL BUILDING FOR TOTAL PRICE OF \$74,988.00**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Roof Replacement at the Municipal Building on February 7, 2013, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Consulting Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Gen II Contracting Co., Inc., 395A Millstone Road, Clarksburg, NJ 08510 for a Total Base Bid Price of \$74,988.00, 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 Roof Replacement at the Municipal Building 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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**R2013-066: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY TROY-HILLS AUTHORIZING AND AWARDING CONTRACT TO BRENT MATERIAL COMPANY, CAPITAL SUPPLY CONSTRUCTION PRODUCTS, INC., ROY H. ZARTMAN INC. T/A CARNER BROS., GEORGE S. COYNE CHEMICAL CO., INC., HD SUPPLY WATERWORKS, LTD, JCI JONES CHEMICALS, INC., UNIVAR USA INC., WATER WORKS SUPPLY CO., INC., FOR SUPPLYING VARIOUS MATERIALS FOR THE MUNICIPAL UTILITIES AND PUBLIC WORKS**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Supplying Various Materials for the Municipal Utilities and Public Works on February 14, 2013, and

**WHEREAS**, the Business Administrator, Director of Purchasing, Water Superintendent, Assistant Sewer Superintendent and Township Engineer have reviewed the bids received and recommend award to the lowest responsible bidders for the unit prices proposed as follows:

Brent Material Company, 741 Northfield Avenue, Suite 203, West Orange, NJ 07052 for Item #'s 1BA, 1BB, 1BC, 1BD, 1BE, 1BF, 1BG, 1BH, 1BI, 1BJ, 4A, 4B, 4C, 10E, 12A, 12B, 12C, 12D, 12E, 12F, 20A, 20B, 20C, 21B & 21C.

Capitol Supply Construction Products Inc., 55 Hornbeck Road, Denville, NJ 07834 for Item #'s 3A, 3B, 3C, 3D, 3F, 5A, 5B, 5C, 5D, 6A, 6B, 6C, 6D, 7A, 7B, 9A, 10A & 10B.

Roy H. Zartman Inc. T/A Carner Bros., P.O. Box 116, #10 Steel Court, Roseland, NJ 07068 for Item #'s 16A, 16B, 16C, 16D & 16E.

George S. Coyne Chemical Co., Inc., 3015 State Road, Croydon, PA 19021-6997 for Item # 19.

HD Supply Waterworks, LTD, 61 Gross Avenue, Edison, NJ 08837 for Item #'s 8A, 8B, 11A, 11B, 11C, 11D, 13A, 13B, 13C, 13D, 13F, 13G, 13H & 21A.

JCI Jones Chemicals, Inc., 103 River Street, Warwick, NY 10990 for Item # 15.

Univar USA Inc., 532 E. Emaus St., Middletown, PA 17057 for Item #'s 17 & 18.

Water Works Supply Co., Inc., 660 State Highway 23, P.O. Box 306, Pompton Plains, NJ 07444 for Item #'s 1AA, 1AB, 1AC, 1AD, 1AE, 1AF, 1AG, 1AH, 1AI, 1AJ, 2A, 2B, 2C, 2D, 3E, 10C, 10D, 13E, 14AA, 14AB, 14AC, 14AD, 14AE, 14BA, 14BB, 14BC, 14BD & 14BE.

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

“2013 Temporary Budget/Knoll, Water, Sewer & Public Works O.E.”.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bids for Supplying Various Materials for the Municipal Utilities and Public Works 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 hereby authorized to execute the contracts.

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**R2013-067: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AND AWARDING CONTRACT TO 1 SOUND CHOICE LLC FOR FEMA HOUSE ELEVATION PROJECT – PHASE II FOR TOTAL AMOUNT OF \$357,205.82AS WELL AS THE UNIT COSTS FOR POTENTIAL ADDITIONAL WORK AS SUBMITTED**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for FEMA House Elevation Project-Phase II on March 6, 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, 1 Sound Choice, LLC, 913 Route 23 South, Suite 9, Pompton Plains, NJ 07444 for a Grand Total Bid Price for Section A (All Houses) of \$357,205.82.00 as well as the Unit Costs for Potential Additional Work as submitted, 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 FEMA House Elevation Project-Phase II 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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**R2013-068: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN SUPPORT OF A 2013 APPLICATION FOR THE MORRIS COUNTY FLOOD MITIGATION PROGRAM**

**WHEREAS**, the Township of Parsippany-Troy Hills (“Township”) desires to acquire properties for the purpose of flood mitigation; and

**WHEREAS**, the acquisitions consist of a total of three (3) properties located in the Lake Hiawatha section of the Township and are listed in order of priority as follows:

Project Area: Lake Hiawatha

| Priority Number | Address          | Block/Lot        |
|-----------------|------------------|------------------|
| 1               | 32 Sioux Avenue  | Block 528/Lot 16 |
| 2               | 33 Sagamore Road | Block 621/Lot 49 |
| 3               | 55 River Drive   | Block 528/Lot 9  |

**WHEREAS**, there are no alternate properties being considered for this application; and

**WHEREAS**, the Township desires to apply for a grant through the Morris County Flood Mitigation Program to fund the acquisition of the above-listed properties; and

**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:

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1. The Township Council supports and authorizes the submittal of the 2013 grant application to the Morris County Flood Mitigation Program for the acquisition of the properties in the Lake Hiawatha Project Area; and
2. The Mayor and/or Business Administrator are hereby authorized to execute the Morris County Flood Mitigation Program Application ; and
3. The appropriate officials are authorized to take whatever other steps necessary to complete the grant application and meet other grant requirements, including the acceptance and receipt of grant funds

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**R2013-069: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE SETTLEMENT OF LITIGATION (EVAN WALSH V. TOWNSHIP OF PARSIPPANY-TROY HILLS)**

**WHEREAS**, the Township of Parsippany-Troy Hills has been sued as a defendant in the Evan Walsh v. Township of Parsippany-Troy Hills, et al. matter venued in the Superior Court of New Jersey, Law Division, Morris County, Docket No. MRS-L-001971-2011 (hereinafter “Walsh Litigation”); and

**WHEREAS**, the Plaintiffs, Evan Walsh, Michele Walsh, mother to Evan Walsh and Brian Walsh, father to Evan Walsh sued the Township of Parsippany, Township of Parsippany employee Joseph R. Bongiovanni and the manufacturer of a township owned garbage truck, Labrie Environmental Group, Inc., Labrie Equipment Ltd., Labrie Plus, Navistar Inc. and the distributor Sanitation Equipment Corp. in the litigation; and

**WHEREAS**, LeClairRyan defended the Township of Parsippany and Joseph R. Bongiovanni in the above litigation and asserted the defense of the worker’s compensation bar and a denial of plaintiffs’ Laidlow claims; and

**WHEREAS**, a settlement conference was held in the Superior Court of New Jersey on February 19, 2013 before Judge Ramsey and a settlement of the litigation was reached between the parties pending approval of the Township Council; and

**WHEREAS**, Plaintiff, Evan Walsh, currently has a pending worker’s compensation matter in the Worker’s Compensation Court of the State of New Jersey and the Township of Parsippany presently has spent approximately \$259,000.00 of which \$171,000.00 is collectible as an enforceable lien on any recovery in the Walsh Litigation; and

**WHEREAS**, plaintiffs’ have agreed to a full release of all claims against the Township of Parsippany-Troy Hills and Joseph R. Bongiovanni in the Walsh Litigation in the Superior Court in exchange for a compromise of the \$171,000.00 net lien to \$125,000.00, without a waiver of any statutory offset to future expense and awards up to the amount of the settlement; and

**WHEREAS**, the manufacturer Labrie/Leach has offered plaintiffs \$300,000.00 to settle and the distributor Sanitation Equipment Corp. has offered \$5,000.00 to settle the claims for a gross settlement of \$305,000.00; and

**WHEREAS**, Judge Ramsey exhausted all attempts to increase the amount of the plaintiffs’ settlement higher than a gross amount of \$305,000.00; and

**REGULAR TOWNSHIP COUNCIL MEETING MARCH 19, 2013**

**WHEREAS**, there was significant risk that if settlement was not reached and the plaintiffs were forced to litigate their products' liability case against the manufacturer and distributor, that they would have received no award or recovery to pay the lien; and

**WHEREAS**, if plaintiffs did not receive any monies or award from the Walsh litigation, the Township of Parsippany would collect nothing on the worker's compensation lien; and

**WHEREAS**, legal counsel and D&H Solutions recommend the Township of Parsippany compromise the worker's compensation lien to \$125,000.00 to permit the Walsh litigation to settle and the Township to collect the lien; and

**WHEREAS**, the plaintiffs have agreed to preserve the Township of Parsippany's right of a statutory off-set up to the \$305,000.00 amount of the settlement for future medical and indemnity costs expected to be incurred pursuant to the Worker's Compensation Laws in the pending Walsh worker's compensation matter; and

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

1. That the Township of Parsippany-Troy Hills hereby consents to the compromise of the Township's worker's compensation lien for past payments and will accept as full and final payment of that lien the amount of One Hundred Twenty Five Thousand (\$125,000.00) Dollars provided that the Township does not waive its statutory rights to off-sets and liens on further payments made in the Walsh worker's compensation matter.

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**R2013-070: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REJECTING BIDS FOR THE FEMA HOUSE ELEVATION PROJECT – PHASE I RE-BID**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for FEMA House Elevation Project-Phase I Re-Bid on March 5, 2013, and

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

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

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**R2013-071: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REJECTING BIDS FOR THE FEMA HOUSE ELEVATION PROJECT – PHASE III**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for FEMA House Elevation Project-Phase III on March 6, 2013, and

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

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

**R2013-072: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REJECTING BIDS FOR THE ROUTE 46 WATER MAIN REPLACEMENT, HILL ROAD TO CHERRY HILL ROAD PROJECT**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Route 46 Water Main Replacement, Hill Road to Cherry Hill Road on March 7, 2013, and

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

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bids for Route 46 Water Main Replacement, Hill Road to Cherry Hill Road be rejected.

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**R2013-073: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS OPPOSING ASSEMBLY BILL 1196 AND SENATE BILL 1778 AS THEY PERTAIN TO WORKERS' COMPENSATION FOR PUBLIC SAFETY WORKERS**

**WHEREAS**, the Township of Parsippany-Troy Hills fully supports that public safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses; and

**WHEREAS**, New Jersey's current Workers' Compensation law is already one of the broadest in the country; and

**WHEREAS**, A-1196/S-1778, as currently drafted, will make it almost impossible to contest claims from injuries and illnesses caused off-the-job; and

**WHEREAS**, this legislation places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack or hyper tension did not occur on the job; and

**WHEREAS**, the actuary for the Municipal Excess Liability Joint Insurance Fund (MEL) has estimated that A-1196/S-1778 could easily double municipal Workers' Compensation expense of \$400 million per year; and

**WHEREAS**, the MEL and the League of Municipalities have offered to sit down with the supporters of this legislation to develop less expensive ways of improving the compensation to first responder; and

**WHEREAS**, while the governing body recognizes and applauds the bravery and service of our public safety employees and volunteer first responders, it is vital that the State of New Jersey balances the need to compensate those with work related injuries and illnesses and the significant financial burdens placed on municipalities and taxpayers.

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

1. The Township Council hereby urges the legislature to reject A-1196/S-1778 and urges the supporters of this legislation to work with the MEL and the League of Municipalities to develop less expensive ways to improve compensation to first responders.

2. The Township Council authorizes the Township Clerk to provide a certified copy of this Resolution to Governor Christie, Senate President Sweeney, Assembly Speaker Oliver, Members of the Senate and Assembly of the 26<sup>th</sup> Legislative District, the Executive Director of the New Jersey State League of Municipalities, the Morris County League of Municipalities and all Morris County Municipalities.
3. This Resolution shall take effect immediately.

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**R2013-074: RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING PROFESSIONAL SERVICE CONTRACTS FOR VARIOUS ENGINEERING AND GENERAL REAL ESTATE APPRAISAL SERVICES ON AS AS-NEEDED BASIS**

**WHEREAS**, the Township of Parsippany-Troy Hills desires to create a pool of qualified professionals to perform various engineering and general real estate appraisal services for the Township as the need arises using a non-fair and open process 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, Municipal Tax Assessor, Municipal Engineer, Business Administrator and Mayor have recommended one year contracts commencing on January 1, 2013 be awarded to Alaimo Group; Adams, Rehmann and Heggan Associates, Inc.; CDM; Cairone & Kaupp, Inc.; Chavond-Barry Engineering Corp.; Crew Engineers, Inc.; Dewberry Engineers, Inc.; Engineering and Environmental Services, Inc.; Gannett Fleming, Inc.; H2M Architects & Engineers.; Keller & Kirkpatrick, Inc.; Leggette, Brashears & Grahams, Inc.; Omland Engineering Associates, Inc.; The RBA Group; Slaby Engineering Associates, Inc.; Suburban Consulting Engineers, Inc.; and Van Cleef Engineering Associates; Izenberg Appraisal Associates and Certified Valuations, Inc. for various engineering and real estate appraisal services; and

**WHEREAS**, the Professionals have 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**, certification of available funds shall be made by the Chief Financial Officer at the time the services, if any, are requested from the qualified professionals, pursuant to N.J.A.C. 5:30-5.5; and

**WHEREAS**, the Professionals have 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

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

**WHEREAS**, the term of these contracts awarded hereunder shall be one (1) year.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AS FOLLOWS:**

**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 the following contracts for various engineering services and real estate appraisal services upon the terms and conditions as stipulated in the contract on file in the Office of the Township Clerk:

**Various Engineering Services:**

**Alaimo Group**, 200 High Street, Mount Holly, NJ 08060;

**Adams, Rehmann and Heggan Associates, Inc.**, 850 S. White Horse Pike, Hammonton, NJ 08037;

**CDM**, 110 Fieldcrest Avenue, 6<sup>th</sup> Floor, Edison, NJ 08837;

**Cairone & Kaupp, Inc.** 1118 E. Columbia Avenue, Philadelphia, PA 19125;

**Chavond-Barry Engineering Corp.**, 400 County Route 518, Blawenburg, NJ 08504;

**Crew Engineers, Inc.**, 1250 Route 23 North, Butler, NJ 07405;

**Dewberry Engineers, Inc.**, 600 Parsippany Road, Parsippany, NJ 07054;

**Engineering & Environmental Services, Inc.**, 101 Gibraltar Drive, Morris Plains, NJ 07950;

**Gannett Fleming, Inc.**, One Cragwood Road, Suite 205, South Plainfield, NJ 07080;

**H2M Architects & Engineers**, 119 Cherry Hill Road, Suite 200, Parsippany, NJ 07054;

**Keller & Kirtpatrick, Inc.**, 301 Gibraltar Drive, Morris Plains, NJ 0750;

**Leggette, Brashears & Grahams, Inc.**, 600 East Crescent Avenue, Suite 200, Upper Saddle River, NJ 07458;

**Omland Engineering Associates, Inc.**, 54 Horsehill Road, Cedar Knolls, NJ 07927;

**The RBA Group**, 7 Campus Drive, Suite 300, Parsippany, NJ 07054;

**Slaby Engineering Associates, Inc.**, 51 Gibraltar Drive, Suite 2C, Morris Plains, NJ 07950

**Suburban Consulting Engineers, Inc.**, 100 Valley Road, Suite 202, Mt. Arlington, NJ 07856

**Van Cleef Engineering Associates**, 299 Cherry Hill Road, Suite 102, Parsippany, NJ 07054

**Real Estate Appraisal Services:**

**Izenberg Appraisal Associates**, 205 Main Street, Chatham, NJ 07928

**Certified Valuations, Inc.**, 447 Route 10, Suite 8, Randolph NJ 07869

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 each of the Contracts and authorizing resolution; and
3. That these contracts be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-5(1)(a).; 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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**R2013-075: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AND APPROVING A FIRST AMENDMENT TO WATER SERVICE AGREEMENT WHICH PROVIDES WATER SERVICE TO CERTAIN PROPERTIES IN THE TOWNSHIP OF HANOVER**

**WHEREAS**, on August 8, 1989, the Township entered into a certain water service agreement entitled “Water Service Agreement By and Between the Township of Parsippany-Troy Hills and PruBeta 3” (“Water Service Agreement”); and

**WHEREAS**, PreBeta 3, a Joint Venture (“PruBeta”) was the original developer of the Prudential Business Campus located in both the Township and the Township of Hanover (“Hanover”); and

**WHEREAS**, the purpose of the Water Service Agreement was to allow connection to water service to the portions of the Prudential Business Campus which are located on Sylvan Way, Ridgedale Avenue and Route 10 West in Hanover, (f/k/a Block 3201, Lots 1 & 4, Block 3401, Lots 1 & 2 and Block 3301, Lots 1 & 4) , and now known as Block 3201, Lots 1 & 2, Block 3301, Lot 1, and Block 3401, Lots 1 & 2, as shown on the official tax map of the Township of Hanover, County of Morris, State of New Jersey (collectively the “Hanover Properties”), due to the fact that neither Hanover nor the Southeast Morris County Municipal Utility Authority (“SMCMUA”) were able to provide water service to the Hanover Properties ; and

**WHEREAS**, the Hanover Properties consist of approximately 133 acres of land, and were zoned to permit the development of approximately 2.2 million SF of office space; and

**WHEREAS**, to date, the only development on the Hanover portion of the original Prudential Business Campus is the Hyatt House hotel which is located on Block 3301, Lot 3 (formerly part of Block 3201, Lot 4); and

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**WHEREAS**, on or about March 27, 1998, PruBeta sold its right, title and interest in the Hanover Properties to Parsippany Campus Realty Associates L.L.C. (“PCRA”); and

**WHEREAS**, PCRA subsequently conveyed its right title and interest in the portion of the Hanover Properties identified as Block 3201, Lots 1 & 2 to Hanover 3201 Realty L.L.C., and Block 3401, Lots 1 & 2 to Parsippany Hanover Realty II, L.L.C.(Hanover 3201 Realty and Parsippany Hanover Realty II are hereinafter collectively referred to as the “Developers”); and

**WHEREAS**, at the request of the Developers, the Township of Hanover recently rezoned the Hanover Properties to allow retail development, including an approximately 170,000 SF shopping center on Block 3201, Lots 1 & 2, consisting of a 140,000 SF supermarket and 30,000 SF of outparcel retail space; and

**WHEREAS**, the total quantity of water required for the development of the Hanover Properties is significantly less than the water quantity that would have been required for the development of 2.2 million SF of office space which was contemplated at the time that the original Water Service Agreement was executed; and

**WHEREAS**, neither Hanover nor SMCMUA are capable of providing water service for the intended development of the Hanover Properties at this time; and

**WHEREAS**, pursuant to paragraph 11 of the Water Service Agreement, the Developers have requested an extension of the Water Service Agreement for another term of twenty-five (25) years; and

**WHEREAS**, the Township’s Water Utility Superintendent has confirmed that there is sufficient capacity in the Township’s water supply system to continue serving the existing development (Hyatt House) and to serve the intended future development of the Hanover Properties; and

**WHEREAS**, the Township will benefit from the extension of the Water Service Agreement through the collection of connection fees and water usage fees in accordance with the applicable provisions of the Township Code

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that the Township Council hereby authorizes and approves the terms and conditions of the First Amendment to Water Service Agreement; and

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to execute and witness the First Amendment to Water Service Agreement upon confirmation from the Municipal Attorney that it is in final, acceptable form.

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**R2013-076: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT**

**WHEREAS**, the Township of Parsippany-Troy Hills desires to provide for the orderly development of wastewater facilities within the Township of Parsippany-Troy Hills; and

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**WHEREAS**, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

**WHEREAS**, the NJDEP has established the WQM plan amendment procedure as the method of incorporating unplanned facilities into a WQM plan; and

**WHEREAS**, a proposed WQM plan amendment noticed in the New Jersey Register on January 7, 2013, for Essex County Wastewater Management Plan, Northeast Water Quality Management Plan (WQMP) has been prepared by the County of Essex as Wastewater Management Planning Agency;

**NOW, THEREFORE, BE IT RESOLVED** on this 19<sup>th</sup> day of March, 2013, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey as follows:

1. The Township of Parsippany-Troy Hills hereby consents to the amendment publicly noticed on January 7, 2013, prepared by the County of Essex as Wastewater Management Planning Agency for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.

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**R2013-077: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AMENDING THE 2013 TEMPORARY BUDGET**

**WHEREAS**, an emergent condition has arisen with respect to the need for CY 2013 appropriations under the temporary budget and no adequate provision has been made in the CY 2013 temporary appropriations for the aforesaid purposes and that N.J.S.A.:40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned,

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that, in accordance with the provision of N.J.S.A. 40A:4-20, the temporary budget is amended with the following additions:

**CURRENT FUND**

|                        |                    |            |
|------------------------|--------------------|------------|
| General Administration | Salaries and Wages | 165,000.00 |
|                        | Other Expenses     | 25,000.00  |
| Municipal Clerk        | Other Expenses     | 10,000.00  |
| Township Council       | Salaries and Wages | 10,000.00  |
|                        | Other Expenses     | 1,000.00   |
| Treasury               | Salaries and Wages | 25,000.00  |
|                        | Other Expenses     | 6,000.00   |
| Tax Collection         | Salaries and Wages | 30,000.00  |
|                        | Other Expenses     | 5,000.00   |

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|                                   |                    |              |
|-----------------------------------|--------------------|--------------|
| Tax Assessing                     | Salaries and Wages | 35,000.00    |
|                                   | Other Expenses     | 20,000.00    |
| Department of Law                 | Other Expenses     | 110,000.00   |
| Engineering                       | Salaries and Wages | 80,000.00    |
|                                   | Other Expenses     | 10,000.00    |
| Department of Planning            | Salaries and Wages | 5,000.00     |
|                                   | Other Expenses     | 5,000.00     |
| Board of Adjustment               | Salaries and Wages | 10,000.00    |
|                                   | Other Expenses     | 5,000.00     |
| Housing & Zoning Code Enforcement | Salaries and Wages | 110,000.00   |
|                                   | Other Expenses     | 10,000.00    |
| Building & Inspections            | Salaries and Wages | 175,000.00   |
|                                   | Other Expenses     | 20,000.00    |
| Workers Compensation              | Other Expenses     | 150,000.00   |
| Employee Health & Group Insurance | Other Expenses     | 1,576,681.03 |
| Police Department                 | Salaries and Wages | 2,000,000.00 |
|                                   | Other Expenses     | 100,000.00   |
| Municipal Court                   | Salaries and Wages | 70,000.00    |
|                                   | Other Expenses     | 3,000.00     |
| Prosecutor                        | Other Expenses     | 10,000.00    |
| Fire Prevention Bureau            | Salaries and Wages | 75,000.00    |
|                                   | Other Expenses     | 15,000.00    |
| Office of Emergency Management    | Salaries and Wages | 5,000.00     |
| First Aid Organizations           | Other Expenses     | 72,000.00    |
| Department of Public Works        | Salaries & Wages   | 50,000.00    |
|                                   | Other Expenses     | 230,000.00   |
| Garbage & Trash Removal           | Salaries & Wages   | 250,000.00   |
| Buildings & Grounds               | Salaries & Wages   | 50,000.00    |
|                                   | Other Expenses     | 100,000.00   |
| Vehicle Maintenance               | Other Expenses     | 150,000.00   |

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|                                    |                                      |                      |
|------------------------------------|--------------------------------------|----------------------|
| Maintenance of Free Public Library | Other Expenses                       | 5,000,000.00         |
| Public Health Services             | Salaries & Wages                     | 210,000.00           |
|                                    | Other Expenses                       | 100,000.00           |
| Senior Citizen Center              | Salaries & Wages                     | 5,000.00             |
| Dog Regulation                     | Other Expenses                       | 20,000.00            |
| Contribution to Day Care Center    | Other Expenses                       | 5,000.00             |
| Maintenance of Parks               | Salaries & Wages                     | 250,000.00           |
|                                    | Other Expenses                       | 20,000.00            |
| Recreation Services                | Salaries & Wages                     | 150,000.00           |
|                                    | Other Expenses                       | 30,000.00            |
| Electricity                        |                                      | 50,000.00            |
| Street Lighting                    |                                      | 50,000.00            |
| Telephone                          |                                      | 30,000.00            |
| Gasoline                           |                                      | 255,000.00           |
| Solid Waste Disposal Costs         |                                      | 324,000.00           |
| Municipal Alliance Grant           |                                      | 28,901.00            |
| Juvenile Accountability Grant      |                                      | 5,000.00             |
| Body Armor Grant                   |                                      | 8,380.92             |
| Recycling Grant                    |                                      | 71,495.05            |
| Pedestrian Grant                   |                                      | 15,000.00            |
| Click It or Ticket 2013            |                                      | 4,000.00             |
| Statutory Expenditures:            |                                      |                      |
|                                    | Social Security System               | 300,000.00           |
|                                    | Contribution to:                     |                      |
|                                    | Police & Firemen's Retirement System | 2,690,873.00         |
|                                    | Public Employees Retirement System   | 1,145,669.00         |
|                                    | DCRP Pension                         | 2,000.00             |
| Debt Service                       | Payment of Bond Principal            | 2,541,000.00         |
|                                    | Interest on Bonds                    | 529,000.00           |
|                                    |                                      | <b>19,619,000.00</b> |

**TOTAL CURRENT FUND**

**REGULAR TOWNSHIP COUNCIL MEETING MARCH 19, 2013**

**WATER UTILITY**

|                         |                                    |                     |
|-------------------------|------------------------------------|---------------------|
| Operating               | Salaries & Wages                   | 390,000.00          |
|                         | Other Expenses                     | 770,930.00          |
| Debt Service            | Payment of Bond Principal          | 131,000.00          |
|                         | Interest on Bonds                  | 23,000.00           |
| Statutory Expenditures: |                                    |                     |
|                         | Public Employees Retirement System | 185,070.00          |
| <b>TOTAL</b>            |                                    | <b>1,500,000.00</b> |

**SEWER UTILITY**

|                         |                                    |                     |
|-------------------------|------------------------------------|---------------------|
| Operating               | Salaries & Wages                   | 600,000.00          |
|                         | Other Expenses                     | 694,989.00          |
| Debt Service            | Payment of Bond Principal          | 148,000.00          |
|                         | Interest on Bonds                  | 25,000.00           |
| Statutory Expenditures: |                                    |                     |
|                         | Social Security                    | 50,000.00           |
|                         | Public Employees Retirement System | 282,011.00          |
| <b>TOTAL</b>            |                                    | <b>1,800,000.00</b> |

**KNOLL COUNTRY CLUB UTILITY**

|                         |                                    |                     |
|-------------------------|------------------------------------|---------------------|
| Operating               |                                    |                     |
|                         | Salaries & Wages                   | 400,000.00          |
|                         | Other Expenses                     | 329,182.00          |
| Debt Service            | Payment of Bond Principal          | 150,000.00          |
|                         | Interest on Bonds                  | 21,000.00           |
| Statutory Expenditures: |                                    |                     |
|                         | Public Employees Retirement System | 149,818.00          |
| <b>TOTAL</b>            |                                    | <b>1,050,000.00</b> |

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**R2013-078: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE FOR NELSON, IRA B. AND NELSON, HELAINE S.**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1429-33-031-007 from Brinker New Jersey Inc. to Nelson, Ira B. and Nelson, Helaine S.

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

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

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

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Parsippany-Troy Hills Council does hereby approve, effective March 19, 2013, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption #1429-33-031-007 to Nelson, Ira B. and Nelson, Helaine S. #1429-33-031-008.

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

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

- Regular Meeting of 2/12/2013

**ROLL CALL:**

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

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Motion to add Resolution #R2013-79 to the Agenda by Mr. dePierro seconded by Mr. Ferrara.

**ROLL CALL:**

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

**R2013-079: RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS RESCINDING THE CONTRACT AWARD FOR 2012 FEMA ACQUISITION/DEMOLITION-PHASE I, REJECTING ALL BIDS, AND RE-BIDDING THE CONTRACT**

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

**WHEREAS**, the Township of Parsippany-Troy Hills (the “Township”) received bid proposals for 2012 FEMA Acquisition/Demolition-Phase I (the “Project”) on January 31, 2013; and

**WHEREAS**, the Township received nine (9) sealed bid proposals on January 31, 2013 at 11:00 a.m. from Grinnell Enterprises, Inc. (“Grinnell”), having an address of 482 Houses Corner Road, Sparta, New Jersey 07871; Midwest Construction Inc. (“Midwest”), having an address of 23 Dead River Road, Warren, New Jersey 07059; CAP Services, Inc. (“CAP”), having an address of 81 Heckel Street, Belleville, New Jersey 07109; Yannuzzi & Sons Inc., having an address of 152 Route 206 South, Hillsborough, New Jersey 08844; Caravella Contractors, Inc., having an address of 40 Deforest Avenue, East Hanover, New Jersey 07936; Cinelly Group Corp., having an address of 134-136 Peshine Avenue, Newark, New Jersey 07108; JR Contracting & Environmental Consulting, Inc., 1141 Route 23, Wayne, New Jersey 07470; Two Brothers Contracting, Inc., having an address of 250 Rutherford Boulevard, Clifton, New Jersey 07014; and Pyramid Contracting Corp., having an address of 163 Sargeant Avenue, Clifton, New Jersey 07013; and

**WHEREAS**, the Township received bid prices for the Project as set forth below:

| <b>Bidder</b>                                   | <b>Total Bid Price</b> |
|---|------------------------|
| Grinnell Enterprises, Inc.                      | \$74,000.00            |
| Midwest Construction, Inc.                      | \$106,200.00           |
| CAP Services, Inc.                              | \$109,550.00           |
| Yannuzzi & Sons Inc.                            | \$110,860.00           |
| Caravella Contractors, Inc.                     | \$144,500.00           |
| Cinelly Group Corp.                             | \$148,300.00           |
| JR Contracting & Environmental Consulting, Inc. | \$158,000.00           |
| Two Brothers Contracting, Inc.                  | \$181,300.00           |
| Pyramid Contracting Corp.                       | \$455,697.00           |

**WHEREAS**, the Township determined that it is in the best interest of the public to award a contract for the Project to the lowest responsible bidder in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, Grinnell, the apparent lowest bidder, was awarded the contract by the Township on February 12, 2013, by Resolution No. R2013-035; and

**WHEREAS**, the scope of work under the Bid Specifications for the Project included the disconnection and capping of the water and sewer service to each of the nine (9) properties to be demolished, and the Bid Specifications further directed each contractor to contact the Township Water and Sewer Departments for the procedures regarding such disconnection and capping; and

**WHEREAS**, CAP, the apparent third-lowest bidder, challenged the award of the Project to Grinnell by way of its February 21, 2013 letter to the Township, alleging that neither Grinnell nor Midwest, the apparent second-lowest bidder, were responsible bidders under the Local Public Contracts

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Law because neither named a licensed plumber to perform the water disconnection and capping work, as required by N.J.S.A. 40A:11-16; and

**WHEREAS**, CAP further indicated that it had contacted the Township Water Department during the pre-bid phase, as directed by the Bid Specifications, and further alleged that the Township Water Department informed CAP that a licensed plumber was required to perform the water disconnection and capping portion of the work; and

**WHEREAS**, Grinnell submitted a letter to the Township dated February 21, 2013, conceding that it did not name a licensed plumber in its bid submission and leaving it up to the Township's discretion as to whether such failure rendered Grinnell's bid unresponsive and warranting rejection; and

**WHEREAS**, it has been determined by the Township that due to the language contained in the Bid Specifications prospective bidders may have misinterpreted and/or received conflicting information regarding the requirements for the disconnection and capping of the water and sewer lines for the Project; and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-13.2, a contracting unit may reject all bids where the purposes or provisions of the Local Public Contracts Law are being violated or where the contracting unit wants to substantially revise the specifications for goods or services; and

**WHEREAS**, in order to ensure a level playing field for all bidders, the Township intends to revise the Bid Specifications to clarify the proposed scope of work regarding the water and sewer line disconnection and capping; and

**NOW THEREFORE, BE IT RESOLVED** on this 19th day of March, 2013, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey as follows:

(1) The Township hereby rescinds the award of the contract for the Project to Grinnell pursuant to Township Resolution No. R2013-035, titled "**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AWARD OF CONTRACT TO GRINNELL FOR 2012 FEMA ACQUISITION/DEMOLITION – PHASE I FOR A TOTAL BID PRICE OF \$74,000.00.**"

(2) The Township hereby rejects all bids received for the Project.

(3) The Township Purchasing Department is hereby authorized to initiate the re-bidding of the Project.

(4) A copy of this Resolution shall be sent to all persons that submitted a bid for the Project.

(5) This Resolution shall take effect immediately.

**ROLL CALL:**

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

**ADJOURNMENT**

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

**ROLL CALL:**

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

**MEETING ADJOURNED: 11:43pm**

Respectfully submitted,

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Yancy Wazirmas, Township Clerk

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Brian Stanton, Council President

Minutes approved: 4/16/2013