

**TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF APRIL 16, 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 (new day and time): Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 12:00 p.m. on Sundays and are also available for viewing at 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

MOMENT OF SILENCE: For the victims of the Boston Marathon Incident (Bombing).

UPCOMING MEETINGS:

5/7/13 @ 7:30 p.m. Agenda Meeting (PHS)
Public Invited – Public Participation

5/14/13 @ 7:30 p.m. Regular Meeting (PHS)
Public Invited – Public Participation

PRESENTATIONS

- Presentation of Certificates by Senator Joe Pennacchio from the New Jersey State Senate to the Mid-Atlantic Champs for playing in the Little League World Series.
- Presentation of a Special Recognition Award by Senator Joe Pennacchio to Council Member Michael J. dePierro for being selected Rotary Citizen of the Year
- Craftsman Farms made their Annual Presentation to the Township Council (in Powerpoint:
The presentation included the history of the partnership, renovations completed, how they are serving pre-school children, school children, high school students, colleges and universities, adults, families, and community, groundbreaking exhibition which received national media coverage, and annual attendance figures; Current fire protection project, which includes installing a new water main and three fire hydrants across the property, funded through the Township Open Space Funds and Morris County; Raising funds from other sources; Future projects.
The Craftsman Farms Foundation respectfully requested a total of \$555,000 from Open Space Funds for the following:
 - ❖ \$70,000 for the care and maintenance of the Log House
 - ❖ \$50,000 for basic improvements
 - ❖ \$435,000 as seed money to rehabilitate the White Cottage, move offices and library, and begin developing an exhibition and public program space in the current Administration Building. The Foundation committed itself to raising the remaining funds elsewhere.

BID(S)

To be Taken:

- | | |
|---------------------|--|
| 4/24/2013 @ 11:00am | Route 46 Water Main Replacement, Hill Road to Cherry Hill Road- Re-bid |
| 4/25/2013 @ 11:00am | Road Reconstruction Project for Mount Tabor – Sommerfield Avenue, Hedding Place, West Morris Avenue, Banghart Place, Embury Place, Asbury Place, Westley Place |
| 5/2/2013 @ 11:00am | St. Johns Avenue Reconstruction Project Section II |

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

None

MAYOR'S PRESENTATION(S):

None

ORDINANCES - SECOND READING & PUBLIC HEARING

None

PUBLIC HEARING

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

ROLL CALL:

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

- Roy Messmer, 10 Drummlin Dr: asked why he saw members of the Somerset County Prosecutor’s Office in Town Hall on April 10th and if it was related to the meeting which took place in the Mayor’s office in January; Asked if the Township Attorney should be removed until the issue is resolved; Applauded Mr. Nelson for his opinion letter on the Patch; stated that he is upset with the treatment of Pat Petaccia at the last meeting; asked the Mayor to request the Township Attorney’s resignation.
Mr. dePierro responded that the matter is under investigation and none can respond to questions.
- Julie Peterson, 25 Old Parsippany Rd: invited the Council to an event at the Livingston Benedict House. She also expressed her opinion that Pat Petaccia has a right to speak. Asked how many acres of Forge Pond will become public property. Mr. Inglesino responded that 3 acres will remain as public property.
- Mary Purzycki, 273 Marcello Rd: stated that she is upset about the Forge Pond development. Expressed her opinion that developers are taking over and custom making ordinances to go along with their plans. She asked where did the draft ordinance for the Waterview property come from. Mr. Inglesino responded that the Township Planner Mr. Ed Sneikus wrote the ordinance and then explained the process for zoning changes for locations.

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

ROLL CALL:

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

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

Minutes for Approval:

- * Special Meeting of 03/11/2013
- * Regular Meeting of 03/19/2013
- * Closed Session Meeting of 03/19/2013

Bid Award(s):

- R2013-081*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving and Authorizing Award of Contract for Rehabilitation Services for Wells 20 & 21 to Layne Christensen Company for Total Bid Price of \$56,926.00 as Well as the Hourly Rate of \$271.85
- R2013-082*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving and Authorizing Award of Contract to Yannuzzi & Sons Inc. for the FEMA Acquisition/Demolition –Phase I Re-Bid for Total Bid Price of \$87,800.00
- R2013-083*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Rejecting Bids for the FEMA House Elevation Project – Phase I Re-Bid
- R2013-084*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Rejecting Bids for FEMA House Elevation Project – Phase III Re-Bid
- R2013-085*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing and Approving Award of Contract to J.A. Alexander, Inc. for the Reconstruction of Reynolds Avenue-Phase I for Total Bid Price of \$398,731.72

Resolutions:

- R2013-086*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Grant Agreement (#PF13-017) Between the Township of Parsippany-Troy Hills and the NJDEP Division of Parks and Forestry for \$39,300.00
- R2013-087*** Resolution of the Township of Parsippany-Troy Hills Township Council Authorizing Certain Actions by the Online Purchasing Agent for the GEA Program
- R2013-088*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contract with Bollinger Insurance Solutions for Prescription Insurance Benefits
- R2013-089*** Resolution of the Township Council of the Township Of Parsippany-Troy Hills Confirming the Appointment and Awarding a Contract for Professional Engineering Services to Hatch Mott Macdonald
- R2013-090*** Resolution of the Township Council of Parsippany-Troy Hills Awarding a Contract with Unum Life Insurance Company of America for Employee Life Insurance Benefits
- R2013-091*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Supporting S-1896/A-1503 Sharing the Burden of Property Assessment Appeal Refunds

- R2013-092*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Parks, Farmland and Historic Sites in New Jersey
- R2013-093*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing an Escrow Agreement With the Rose House and New Bridge Services, Inc. for Funding From the Township Affordable Housing Trust Fund – Henry Street Property
- R2013-094*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Allocating Money From Municipal Affordable Housing Trust Fund to the Rose House and New Bridge Services, Inc.- 37 Moraine Road Project
- R2013-095*** Resolution: For Tonnage Grant Year 2012
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APPLICATION(S)

- R2013-096 *** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving Place-to-Place Transfer (Expansion of Premise) of Plenary Retail Consumption License –Holiday Inn
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R2013-081: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING AND AUTHORIZING AWARD OF CONTRACT FOR REHABILITATION SERVICES FOR WELLS 20 & 21 TO LAYNE CHRISTENSEN COMPANY FOR TOTAL BID PRICE OF \$56,926.00 AS WELL AS THE HOURLY RATE OF \$271.85

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Rehabilitation Services for Wells 20 & 21 on March 14, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing, Water Superintendent and Consulting Township Engineer have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Layne Christensen Company, 719 Mt. Holly Road, Beverly, NJ 08010 for a Total Bid Price of \$56,926.00, as well as the hourly rate of \$271.85, and

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

Water Capital Ordinance #'s 2011:08 adopted June 21, 2011 &
2012:25 adopted June 19, 2012, both entitled,
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Rehabilitation Services for Wells 20 & 21 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.

R2013-082: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING AND AUTHORIZING AWARD OF CONTRACT TO YANNUZZI & SONS INC. FOR THE FEMA ACQUISITION/DEMOLITION –PHASE I RE-BID FOR TOTAL BID PRICE OF \$87,800.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for 2012 FEMA Acquisition/Demolition-Phase I-Re-Bid on April 3, 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, Yannuzzi & Sons Inc., 152 Route 206 South, Hillsborough, NJ 08844 for a Total Bid Price of \$87,800.00, 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-Re-Bid 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.

R2013-083: 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 April 3, 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.

R2013-084: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REJECTING BIDS FOR FEMA HOUSE ELEVATION PROJECT – PHASE III RE-BID

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for FEMA House Elevation Project-Phase III-Re-Bid on April 3, 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-Re-Bid be rejected.

R2013-085: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AND APPROVING AWARD OF CONTRACT TO J.A. ALEXANDER, INC. FOR THE RECONSTRUCTION OF REYNOLDS AVENUE-PHASE I FOR TOTAL BID PRICE OF \$398,731.72

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Reynolds Avenue-Phase I on April 4, 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, J.A. Alexander, Inc., 130 John F. Kennedy Drive North, Bloomfield, NJ 07003 for a Total Bid Price of \$398,731.72, and

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

Current Capital Ordinance #'s 99:24 adopted June 22, 1999,
2004:23 adopted July 20, 2004 and 2012:24 adopted June 19, 2012, all entitled,
"Various Improvements."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Reconstruction of Reynolds Avenue-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.

R2013-086: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING GRANT AGREEMENT (#PF13-017) BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE NJDEP DIVISION OF PARKS AND FORESTRY FOR \$39,300.00

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 James Walsh or the successor to the office of Superintendent 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.

R2013-087: RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AUTHORIZING CERTAIN ACTIONS BY THE ONLINE PURCHASING AGENT FOR THE GEA PROGRAM

WHEREAS, pursuant to that certain “RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AUTHORIZING THE ENGAGEMENT OF AN ONLINE PURCHASING AGENT” adopted on February 12, 2013 (the “*Initial Authorizing Resolution*”), the Township of Parsippany-Troy Hills (the “*Township*”) authorized implementation of a Government Energy Aggregation Program (the “*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 and attain such savings 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, the New Jersey Department of Community Affairs, Division of Local Government Services lists Gabel Associates as an approved vendor for online bids and quotes, available online at <http://www.state.nj.us/dca/divisions/dlgs/programs/lpcl.html#9>;

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;

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; and

WHEREAS, the Township desires to attain the most advantageous price for, among other properties of the Township, the sewer utility properties, which may require that the Energy Services be undertaken for Township usage outside a GEA Program as an extraordinary unspecifiable service under N.J.S.A. 40A:11-5(1)(a)(ii) and by way of an auction under the Technology Pilot Act (the “*Additional Energy Services*”).

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 option to procure electricity in competitive markets for Township usage outside the scope of a GEA Program, 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 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. The Township finds that the engagement of Gabel Associates to provide certain Energy Services as detailed in the Energy Services Agreement, a form of which is attached hereto as **Exhibit B**, as an extraordinary unspecifiable service, will provide electricity savings for itself and residential and/or business customers within the Township’s territorial jurisdiction, and the Energy Services to be provided are unique and not readily encompassed within a bidding document. Therefore, each Authorized Officer is hereby severally authorized and directed to cause to be printed once, in the official newspaper, a brief notice of award, stating the nature, duration, service and amount of this Energy Services Agreement, and that this resolution and the Energy Services Agreement are on file and available for public inspection in the office of the clerk of the municipality.

Section 5. The procurement of Gabel Associates to perform the Energy Services pursuant to the Energy Services Agreement without public bidding complies with the requirements of Local Public Contracts Law as an “Extraordinary Unspecifiable Service” under N.J.S.A. 40A:11-5(1)(a) and the Technology Pilot Act, as well as with all applicable federal, state, and local pay to play laws, statutes, regulations, ordinances, and codes, including the Township’s Pay to Play Ordinance (c. Township Code § 12). As part of the Energy Services Agreement, Gabel Associates shall certify that it has not made any contributions in excess of those permitted by any such laws, statutes, regulations, ordinances, and codes including, but not limited to, Township Code § 12-2.

Section 6. 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 7. This resolution shall be effective immediately.

R2013-088: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING CONTRACT WITH BOLLINGER INSURANCE SOLUTIONS FOR PRESCRIPTION INSURANCE BENEFITS

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

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

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

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

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

Bollinger Rx (current carrier)	\$4,159,317
PCA Rx (Pooled Program)	\$4,159,202
Maxor Rx (Pre-Paid Prescription Drug)	\$4,098,246
Express Scripts (Self Insured with Reinsurance)	\$4,435,218 (max cost)
Benecard	\$4,364,424 (annual cost based on 12 months, but is actually a 20 month policy with 12 months of EGWP)

WHEREAS, Horizon BCBS, IDA and GSPOPS declined to quote; and

WHEREAS, Bollinger Insurance Solutions provided the lowest quote for a fully insured prescription plan and the Township's Health Insurance Brokers, Business Administrator and the Mayor have recommended that a one-year contract commencing on May 1, 2013 be awarded to Bollinger Insurance Solutions, 101 JFK Parkway Short Hills, NJ 07078 to provide prescription insurance coverage at an estimated yearly cost of \$4,159,317; and

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

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

WHEREAS, the Business Entity Disclosure Certification will further provide that the Bollinger has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 2010:02 (Municipal Code Part 1, Chapter 12); and

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

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

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

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

R2013-089: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONFIRMING THE APPOINTMENT AND AWARDED A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO HATCH MOTT MACDONALD

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 may exceed \$17,500; and

WHEREAS, Hatch Mott MacDonald 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, Hatch Mott MacDonald 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, Hatch Mott MacDonald 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 Hatch Mott MacDonald, 27 Bleeker Street, Millburn, NJ 07041-1008 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.

R2013-090: RESOLUTION OF THE TOWNSHIP COUNCIL OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT WITH UNUM LIFE INSURANCE COMPANY OF AMERICA FOR EMPLOYEE LIFE INSURANCE BENEFITS

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

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

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

WHEREAS, the Township's Health Insurance Broker requested quotes from eleven other carriers (The Standard, Hartford, Assurant, MetLife, Prudential, Cigna, Guardian, SunLife, Madison National Life and Aetna); however, Unum Life Insurance Company of America provided the most competitive rate; and

WHEREAS, the Township's Health Insurance Broker, Business Administrator and the Mayor have recommended that a two-year contract commencing on May 1, 2013 be awarded to Unum Life

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Insurance Company of America, 2211 Congress Street, Portland, Maine 04122, to provide employee life insurance coverage at an estimated yearly cost of \$65,436; and

WHEREAS, Unum Life Insurance Company of America will also provide employees the option to purchase additional life insurance for themselves and/or their dependents at an additional cost to the employee that will be paid via payroll deduction; and

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

WHEREAS, the 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; and

WHEREAS, funds for the second year of the contract are contingent upon the approval of funding for this purpose in the 2014 Budget.

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 a contract between the Township of Parsippany-Troy Hills and Unum Life Insurance Company of America, 211 Congress Street, Portland, Maine 04122, to provide life insurance coverage in accordance with the contract on file in 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; Certificate of Availability of Funds; and Certification of Extraordinary Unspecifiable Service be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
3. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as an exception pursuant to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and
4. That a notice of this action shall be printed once in the legal newspaper of the Township of Parsippany-Troy Hills.

R2013-091: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS SUPPORTING S-1896/A-1503 SHARING THE BURDEN OF PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when County Tax Board appeals are granted the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year to diminished , if not completely depleted; and

WHEREAS, a League of Municipalities' survey measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing both large and small municipalities in all 21 counties, that participated in the survey reported property value declines of more than \$87,900,000, which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because it has conducted a revaluation, however, only 5 of the 150 municipalities, which participated in our survey, indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners, throughout the Garden State; and

WHEREAS, the survey also indicated that in 2010 the various County Tax Boards have granted average property value reductions of close to \$5,000, per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, the reductions, which were granted by County Tax Boards in 2010, likely had a multiplier in subsequent years when neighbors learned of their neighbor's tax reduction; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the School district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the county and the school district 100% of their levies, the municipality bears the full cost of any re-imbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support Municipalities, County governments and School systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Senator Anthony R. Bucco, Assemblyman Carroll and Assemblyman Anthony M. Bucco have recently introduced S-1896/A-1503, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills as follows:

1. The Township Council hereby urges the swift passage and signing of S-1896/A-1503.
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 26th 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.

R2013-092: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS SUPPORTING SUSTAINABLE STATE FUNDING FOR PRESERVATION AND STEWARDSHIP OF OPEN SPACE, PARKS, FARMLAND AND HISTORIC SITES IN NEW JERSEY

WHEREAS, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

WHEREAS, the Green Acres program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years, and the state Agricultural Development Committee has preserved 200,000; and

WHEREAS, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 were fully allocated by the end of 2012; and

WHEREAS, municipalities across the Garden State have been direct beneficiaries of, and partners to, these critical state preservation programs; and

WHEREAS, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of all our communities and residents; and

WHEREAS, it is imperative that a sustainable state funding source be established in order to sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey hereby expresses support for the establishment of a sustainable state funding source for these purposes; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the New Jersey State League of Municipalities, Members of the Senate and Assembly of the 26th Legislative District, the members of the Senate Environment and Energy Committee, the Assembly Environment and Solid Waste Committee, the Commissioner of the Department of Environmental Protection, the New Jersey Secretary of Agriculture and the Governor of the State of New Jersey.

R2013-093: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING AN ESCROW AGREEMENT WITH THE ROSE HOUSE AND NEW BRIDGE SERVICES, INC. FOR FUNDING FROM THE TOWNSHIP AFFORDABLE HOUSING TRUST FUND – HENRY STREET PROPERTY

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, AHTF monies may be allocated for the development of low- and moderate-income residential housing units within the Township in accordance with the Department of Community Affairs and the Council on Affordable Housing regulations; and

WHEREAS, in Resolutions, dated July 10, 2012 and February 5, 2013, the Township allocated \$505,000.00 (the “AHTF Funds”) to Rose House (“Rose House”) and NewBridge Services, Inc. (“NewBridge” and together with Rose House, “Rose House/NewBridge”) for Rose House/New Bridge’s use to acquire property located at Henry Street (Lot 1, Block 146) Parsippany, New Jersey (the “Henry Street 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, which project was later revised to consist of the demolition of the existing building thereon and the construction of an entirely new structure with a single family residence containing a four-bed group home and seven (7) one-bedroom apartments all for special needs, disabled individuals of very low, low and/or moderate income; and

WHEREAS, the Township wishes to enter into an escrow agreement with Rose House/NewBridge and the Municipal Attorney’s office for the disbursement of the AHTF Funds to Rose House/NewBridge at the appropriate and reasonable times to complete the acquisition of the Henry Street Property, the demolition of the existing building thereon and the construction of an entirely new structure with a single family residence containing a four-bed group home and seven (7) one-bedroom apartments all for special needs, disabled individuals of very low, low and/or moderate income (the “Escrow Agreement”).

NOW THEREFORE BE IT RESOLVED that the Mayor and Clerk are hereby authorized to execute and witness the Escrow Agreement to be prepared by the Municipal Attorney’s office, with the conditions and requirements that have been set forth in this Resolution.

BE IT FURTHER RESOLVED, that the Municipal Attorney is hereby authorized to prepare an Escrow Agreement between the Township, Rose House/NewBridge and the Municipal Attorney’s office setting forth the terms and conditions by which said money shall be disbursed to Rose House and New Bridge.

R2013-094: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS ALLOCATING MONEY FROM MUNICIPAL AFFORDABLE HOUSING TRUST FUND TO THE ROSE HOUSE AND NEW BRIDGE SERVICES, INC.- 37 MORAINES ROAD PROJECT

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 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 NJ Department of Human Services 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, and pursuant to an Memorandum of Understanding between the Township and HMFA, dated January 1, 2012, and the Amendment thereto, dated July 30, 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 Rose House ("Rose House") and NewBridge Services, Inc. ("NewBridge" and together with Rose House, "Rose House/NewBridge"), in connection with the development of 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 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/New Bridge requested that the Township approve and release up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use 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, in a in Resolution dated February 5, 2013, the Township authorized the release of up to \$250,000.00 of the amounts the Township funded to HMFA for use by Rose House/New Bridge for the Property under the Partnership Program determining that same 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; and

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WHEREAS, upon further investigation Rose House/NewBridge has determined that an additional \$52,000.00 is required to complete the acquisition and rehabilitation of the Property; and

WHEREAS, the Township heretofore applied for substantive certification to the Council on Affordable Housing (“COAH”) for the Township’s second round plan to meet its obligation of providing its Fair Share of Housing for low- and moderate-income persons pursuant to the Fair Housing Act and the administrative regulation adopted pursuant thereto, and Township has applied for third round substantive certification from COAH; and

WHEREAS, the Township currently has AHTF monies available for the acquisition and development of real property available within the Township for development for housing purposes in partial satisfaction of the Township’s COAH obligation; and

WHEREAS, Rose House/NewBridge has requested that the Township fund the additional \$52,000.00 required to complete the acquisition and rehabilitation of the Property from the Township’s AHTF monies as a donation; and

WHEREAS, the Township is desirous of making such donation for purposes of partially satisfying the Township’s COAH obligations; and

WHEREAS, AHTF monies may be allocated for the development of low- and moderate-income residential housing units within the Township in accordance with the Department of Community Affairs and the Council on Affordable Housing regulations; and

WHEREAS, by allocating an additional \$52,000.00 to Rose House/NewBridge from its AHTF, the Township will provide the funding for the development of low- and moderate-income housing within its borders through monies collected by the Township for that specific purpose; and

WHEREAS, the Township wishes to enter into an Agreement (“Agreement”) with Rose House/NewBridge for the acquisition of property and development of up to four (4) bedroom group home located at 37 Moraine Road in the Township or another location within the Township which is acceptable to the Township, in its sole discretion, for occupancy by up to four (4) developmentally disabled adults for which the Township will qualify for up to four (4) low and moderate income housing credits in accordance with the NJDCA and COAH regulations.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Parsippany-Troy Hills hereby allocate up to \$52,000.00 from the Township’s Affordable Housing Trust Fund for use by Rose House and New Bridge for the purposes stated herein, subject to the execution of an Agreement; and

BE IT FURTHER RESOLVED, that the monies being allocated herein are from developer fees and other payments in lieu of construction and other fees that are within the Township’s AHTF; and

BE IT FURTHER RESOLVED, that the Municipal Attorney is hereby authorized to prepare an Agreement between the Township, Rose House/NewBridge setting forth the terms and conditions by which said money shall be distributed to and utilized by Rose House and New Bridge; and

IT IS FURTHER RESOLVED that the Mayor and Council of the Township hereby authorize the Mayor of the Township to execute the Agreement with Rose House/NewBridge on behalf of the Township.

R2013-095: RESOLUTION: FOR TONNAGE GRANT YEAR 2012

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates R. Greg Schneider to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

R2013-096: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISE) OF PLENARY RETAIL CONSUMPTION LICENSE – HOLIDAY INN

WHEREAS, an application has been filed for a Place-to-Place Transfer (Expansion of Premise) of Plenary Retail Consumption License Number 1429-36-051-003, sited at the Holiday Inn, 707 Route 46 East, Parsippany, New Jersey; and

WHEREAS, applicant proposes to expand the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized to include the pool area, in accordance with the sketch of the licensed premises submitted with the application; and

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

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills Council does hereby approve, effective April 16, 2013, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 707 Route 46 East, Parsippany, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

****For the Record, Mr. Ferrara stated that it was his intent to Abstain from Voting on Resolution No. R2013-096 and had not realized it was part of the Consent Agenda.**

APPROVAL OF MINUTES (Non-Consent Agenda)

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

- Agenda Meeting of 3/12/2013
- Closed Session Meeting of 03/25/2013
- Special Meeting-Budget Review of 3/25/2013

ROLL CALL:

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

ORDINANCES - INTRODUCTION

ORDINANCE 2013:09

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTERS 329 ENTITLED “SEWERS” AND 420 ENTITLED “WATER” OF THE CODE OF TOWNSHIP OF PARSIPPANY-TROY HILLS FOR THE PURPOSE OF ESTABLISHING FEES AND AVERAGE DAILY WATER AND SEWAGE FLOWS FOR THE YEAR 2013

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 **April 16, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **May 14, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Parsippany High School (309 Baldwin Road) 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

RESOLUTIONS – NON-CONSENT AGENDA

R2013-097: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING CHANGE ORDERS #3 AND #4 FOR SYLVAN WAY SOUTH INTERCEPTOR SEWER REPLACEMENT

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

WHEREAS, Change Orders #3 and #4 are necessary for the contract for Sylvan Way South Interceptor Sewer Replacement with Pact Construction, Inc., 554 Route 31, Ringoes, NJ 08551.

WHEREAS, Change Order #3 results in a net increase in costs in the amount of \$99,664.48.

WHEREAS, Change Order #4 results in a net decrease in costs in the amount of \$72,196.30.

WHEREAS, Consulting Engineer has recommended the changes as outlined in Change Orders #3 and #4, due to various modifications to the contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby approves Change Order #3 resulting in a net increase in costs in the amount of \$99,664.48 and hereby approves Change Order #4 resulting in a net decrease in costs in the amount of \$72,196.30.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute Change Orders #3 and #4, in the form on file with the Township Clerk.

ROLL CALL:

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

R2013-098: A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE GRANT AND EXECUTION OF A SEWER UTILITY EASEMENT – BLOCK 494 LOT 5, 1160 KNOLL ROAD

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

WHEREAS, Phillip and Colleen Orotelli (“Grantee”) are the owners of a residential property located at 1160 Knoll Road, Parsippany-Troy Hills, New Jersey (“Grantee’s Property”). The Grantee’s Property is identified as Block 494, Lot 5 on the Tax Map of the Township of Parsippany-Troy Hills; and

WHEREAS, the Grantee’s Property is presently served by a septic system, which septic system has failed; and

WHEREAS, the Grantee desires to connect the Grantee’s Property to the Township’s sewer system rather than replace its failing septic system; and

WHEREAS, there currently is no sewer service in Knoll Road in direct proximity to the Grantee’s Property; and

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WHEREAS, the Grantee's Property is located adjacent to the Township's Knoll Community Center, located at 1130 Knoll Road, which property is identified as Block 494, Lot 6.01 on the Tax Map of the Township of Parsippany-Troy Hills ("Township Property"); and

WHEREAS, the Township Property presently has sewer service, which is provided by way of an 8" sanitary sewer line which runs through the Community Center's paved driveway leading to an existing sanitary manhole in the Community Center parking lot; and

WHEREAS, the Grantee has engaged Carreaga Engineering to design a sewer connection plan, that involves installing a sanitary sewer force main over a portion of the Township Property, which would connect laterally to the existing 8" sewer service line on the Township Property; and

WHEREAS, a copy of the Carreaga Engineering Plan, entitled Plan of Easement, dated January 28, 2013 is annexed hereto; and

WHEREAS, in order to proceed with the proposed sewer connection, the Grantee must secure a non-exclusive sewer utility easement over portion of the Township Property; and

WHEREAS, the proposed sewer utility easement area as shown on the Plan of Easement consists of approximately 2000 square feet (approximately .045 acres) of the Township Property; and

WHEREAS, the Township's Sewer Utility and the Township's Engineering Consultant, have reviewed the Plan of Easement and have deemed the plan to be acceptable; and

WHEREAS, the Township Council is amenable to granting a non-exclusive sewer utility easement to the benefit of the Grantee, subject to certain terms and conditions set forth herein.

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 agrees to grant a non-exclusive sewer utility easement to the Grantee over a portion of its property identified as Block 494, Lot 6.01 on the tax map of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, as shown on the attached Plan of Easement annexed hereto, subject to the following conditions:

1. Applicant shall pay to the Township consideration in the amount of \$6,000 representing the value of the sewer utility easement as reflected in the Restricted Use Appraisal report prepared by Izenberg Appraisal, dated March 20, 2013; and
2. The Applicant shall be required to pay all applicable Township sewer connection fees, tapping fees and other applicable permit and inspection fees required to undertake the proposed sewer connection work. All such fees shall be paid prior to the issuance of a permit to commence sewer work; and
3. The Applicant shall be required to reimburse the Township for the cost of the Restricted Use Appraisal Report prepared by Izenberg Appraisal in the amount of \$1,500.00, which payment shall be made prior to the issuance of a permit to commence the sewer work; and
4. The Applicant shall be required to reimburse the Township for any and all legal fees and other professional fees incurred by the Township in the review of this matter and preparation of any and all legal and professional documents, including without limitation the resolution authorizing the grant and execution of a sewer utility easement and the sewer utility easement prior to the issuance of a permit to commence the sewer work.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the sewer utility easement upon confirmation from the Township Attorney that it is acceptable as to form.

ROLL CALL:

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

R2013-099: A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE TOWNSHIP OF HANOVER CONCERNING THE PERFORMANCE OF ANIMAL CONTROL SERVICES BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS ON BEHALF OF THE TOWNSHIP OF HANOVER

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

WHEREAS, there exists a need for the humane treatment and shelter of animals in the Township of Hanover; and

WHEREAS, the Township of Hanover does not maintain a public shelter for the caring and keeping of stray dogs, cats or other domestic pets; and

WHEREAS, N.J.S.A. 40:48-5.1 provides that any municipality which does not maintain a public pound for the keeping of stray dogs, cats or other domestic pets, may enter into a contract with a humane society not organized for pecuniary profit or other similar organization for the collection, keeping for redemption and disposal of all such stray animals found within the municipal boundaries; and

WHEREAS, N.J.S.A. 40:65-4. et seq. also provides that any municipality may enter into an agreement with any other municipality or municipalities to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Township of Parsippany-Troy Hills maintains and operates an Animal Control Program providing staffing, an animal shelter, related support equipment and materials to serve the residents of its Township; and

WHEREAS, pursuant to the Shared Services Regulations promulgated under N.J.S.A. 40:65-4 et seq., the Township of Parsippany-Troy Hills and the Township of Hanover have agreed that the citizens of their respective communities can be better served, at a reduced expenditure of tax dollars, by arranging for the performance of animal control services by the Township of Parsippany-Troy-Hills for the benefit of the residents of Hanover Township; and

WHEREAS, the Animal Control Shared Services Agreement shall be effective for a five (5) year term commencing March 1, 2013 through February 28, 2018 at a cost to the Township of Hanover not to exceed \$30,600.00 in the first year with an automatic increase of two percent (2%) in each subsequent year for the term of the Agreement ; and

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. In accordance with the Shared Services Regulations promulgated under N.J.S.A. 40A:65-4 et seq. and N.J.S.A. 40:48-5.1, the Township Council hereby approves a Shared Services

Agreement by and between the Township of Parsippany-Troy Hills and the Township of Hanover concerning the performance of animal control services by the Township of Parsippany-Troy Hills on behalf of the Township of Hanover; and

2. For the performance of animal control services by the Township of Parsippany-Troy Hills described in full in the Shared Services Agreement in form on file in the Office of the Township Clerk upon the terms and conditions therein. The Township of Hanover shall pay Parsippany the annual sum of \$30,600.00 in the first year with an automatic increase of two percent (2%) in each subsequent year for the term of the Agreement; and
3. The Agreement shall be for a five (5) year term commencing on March 1, 2013 and terminate on February 28, 2018.
4. The Mayor and Township Clerk are hereby authorized and directed to execute the Shared Services Agreement on behalf of the Township of Parsippany-Troy Hills.

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: Anticipated and Threatened 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. Nelson Seconded By Mr. Ferrara

ROLL CALL:

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

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

ROLL CALL:

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

ADJOURNMENT

Motion To Adjourn Meeting by Mr. Carifi Seconded By Mr. dePierro.

ROLL CALL:

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

MEETING ADJOURNED: 8:55pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: