

**TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF JULY 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 June 21, 2013 where it has remained posted since that date. A legal notice appeared in the Daily Record on June 26, 2013 and was forwarded by fax to the Star Ledger, Parsippany Life and local radio stations on June 21, 2013.

Note: 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

Before beginning agenda, Mr. Stanton notified the public that the Waterview ordinance was removed from the agenda pending further review.

Motion by Mr. Stanton seconded by Mr. Ferrara to move the August 6th and August 20th Meetings to Parsippany Hills High School.

ROLL CALL:

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

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UPCOMING MEETINGS:

8/6/13 @ 7:30 p.m. Agenda Meeting (PHHS)
Public Invited – Public Participation

8/20/13 @ 7:30 p.m. Regular Meeting (PHHS)
Public Invited – Public Participation

BID(S)

To be Taken:

7/24/2013 @ 11:00am Design and Purchase of Electrical Consumption Optimizing
Equipment for the Township of Parsippany-Troy Hills Wastewater
Treatment Plant

7/31/2013 @ 11:00am Repainting of the Lackawanna Elevated Water Storage Tank

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

None

ORDINANCES - SECOND READING & PUBLIC HEARING

ORDINANCE 2013:18

**AN ORDINANCE AMENDING ORDINANCE NO. 2012:09 ADOPTED FEBRUARY 14,
2012 IN ORDER TO PROVIDE A CHANGE AUTHORIZED BY SUCH ORDINANCE
DUE TO A TRANSPOSITION OF UTILITY TITLES**

WHEREAS, on February 14, 2012 the Township Council of the Township of Parsippany, in the County of Morris (the “Township”) adopted ordinance no. 2012:09 entitled, “REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF THE TOWNSHIP’S GENERAL OBLIGATION BONDS ORIGINALLY ISSUED IN 2005 CONSISTING OF GENERAL IMPROVEMENT BONDS, SEWER UTILITY BONDS AND WATER UTILITY BONDS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$18,630,000 GENERAL OBLIGATION REFUNDING BONDS CONSISTING OF NOT TO EXCEED \$17,550,000 GENERAL IMPROVEMENT REFUNDING BONDS, NOT TO EXCEED \$790,000 WATER UTILITY REFUNDING BONDS AND NOT TO EXCEED \$290,000 SEWER UTILITY REFUNDING BONDS FOR FINANCING THE COST THEREOF” (“Ordinance 2012:09”); and

WHEREAS, the utility titles were inadvertently transposed in Ordinance 2012:09 and therefore the Township desires to amend Ordinance 2012:09 to reflect the correct utility titles.

BE IT ORDAINED BY THE TOWNSHIP OF PARSIPPANY TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE FULL MEMBERSHIP THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:

SECTION 1. Ordinance 2012:09 shall be amended as follows:

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- (i) All references to \$790,000 Water Utility Refunding Bonds shall be changed to \$290,000 Water Utility Refunding Bonds; and
- (ii) All references to \$290,000 Sewer Utility Refunding Bonds shall be changed to \$790,000 Sewer Utility Refunding Bonds.

SECTION 2. All other matters contained in Ordinance 2012:09 shall remain the same.

SECTION 3. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.”

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on June 25, 2013.

Motion to accept that Ordinance 2013:18 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 2013:18

Motion to open the public hearing for Ordinance 2013:18 by Mr. Ferrara, seconded by Mr. Nelson.

ROLL CALL:

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

- **No Comments**

Motion to close the public hearing for Ordinance 2013:18 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. dePierro, seconded by Mr. Ferrara.

ROLL CALL:

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

ORDINANCE 2013:19

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING ORDINANCE 2012:29 ENTITLED AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE TOWNSHIP OF PARSIPPANY – TROY HILLS, NEW JERSEY TO CSC TKR, LLC d/b/a CABLEVISION OF MORRIS

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 15, entitled Liability Insurance is hereby deleted in its entirety and replaced as follows:

SECTION 15. LIABILITY INSURANCE

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient commercial general liability insurance naming the Township as an additional insured and insuring against loss by any such claim, suit, judgment, execution or demand in the minimum amounts of one million dollars (\$1,000,000) for bodily injury or death per occurrence stemming from or arising out of the Company's exercise of its rights hereunder. The Company shall also maintain an excess liability policy in the amount of five million dollars (\$5,000,000).

Cablevision shall indemnify, protect and save the Township harmless from and against losses and physical damages to property, including those properties owned or under the control of the Township, and bodily injury or death of persons, including payments made under any worker's compensation law, which may arise out of or be caused by the actions of the Company, its agents or employees in connection with the construction, location, installation, operation, erection, maintenance, repair, replacement, removal or use of the cable television system within the Township as contemplated by this franchise; provided, however, that the Company shall not be required to indemnify, protect and save harmless for any losses and physical damages and bodily injury or death of persons which may arise out of or be caused by the negligent acts or willful misconduct of the Township, its agents or employees.

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 other part thereof.

SECTION 3. 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 4. 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 June 27, 2013.

Motion to accept that Ordinance 2013:19 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 2013:19

Motion to open the public hearing for Ordinance 2013:19 by Mr. Carifi, seconded by Mr. dePierro.

ROLL CALL:

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

- **No Comments**

Motion to close the public hearing for Ordinance 2013:19 by Mr. Nelson, 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. Ferrara, seconded by Mr. dePierro.

ROLL CALL:

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

ORDINANCE 2013:20

ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR RETIREMENT PAYOUTS AND AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$1,181,397 THEREFOR

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than a 2/3 majority of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. For the purpose of paying contractually required severance liabilities resulting from the retirement of employees, there is hereby appropriated the sum of \$1,181,397 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(h).

SECTION 2. The authorization to finance the appropriation shall be provided for in the 2013 budget and in succeeding budgets by the inclusion of at least 1/5 of the amount authorized pursuant to N.J.S.A. 40A:4-55.

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SECTION 3. This ordinance shall take effect on the later of twenty (20) days after its final passage by the Council and approval by the Mayor as provided by N.J.S.A. 40:69A-181 and twenty (20) days after the first publication thereof after final adoption as provided by N.J.S.A. 40:49-27.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on June 27, 2013.

Motion to accept that Ordinance 2013:20 be heard in its second and final reading by title only, by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

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

PUBLIC HEARING 2013:20

Motion to open the public hearing for Ordinance 2013:20 by Mr. Ferrara, seconded by Mr. Carifi.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:20 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. Ferrara.

ROLL CALL:

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

ORDINANCE 2013:21

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169 FIRE PREVENTION, BY THE ADDITION OF A NEW SECTION 169-19.4 IDENTIFYING EMBLEMS AND LIGHT WEIGHT CONSTRUCTION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

Motion to approve Resolution No. R2013-152 below by Mr. Nelson, seconded by Mr. dePierro.

RESOLUTION R2013-152: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS RESCINDING ORDINANCE NO. 2013:21

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills Township (the “Township”) introduced Ordinance 2013:21 by title only at its regular meeting on June 18, 2013; and

WHEREAS, pursuant to N.J.S.A. 40:49-2, an ordinance may be introduced by title only if it is published at least once in a newspaper published and circulated in the Township or in the County, and it is made available to the public; and

WHEREAS, a final copy of Ordinance 2013:21 was not received in the Office of the Township Clerk in sufficient time to effect its publication pursuant to the requirements of N.J.S.A. 40:49-2; and

WHEREAS, having failed to be published in accordance with the requirements of N.J.S.A. 40:49-2, Ordinance 2013:21 may not be opened for second reading, public hearing, and adoption by the Township Council.

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

1. The aforesaid recitals be and hereby are adopted and incorporated herein as if repeated in full; and
2. Ordinance 2013:21 be and hereby is rescinded.

ROLL CALL:

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

ORDINANCE 2013:22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 430, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, ADDING A NEW ARTICLE XLIV ESTABLISHING A NEW PRD-3 PLANNED RESIDENTIAL DEVELOPMENT AND OPEN SPACE DISTRICT AND DESIGNATING CERTAIN ZONE BOUNDARIES IN THE TOWNSHIP

WHEREAS, it is the intent and purpose of the Municipal Land Use Law to encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare; and

WHEREAS, it is also the intent of the Municipal Land Use Law to promote the conservation of open space and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and

WHEREAS, there exists within the Forge Pond tract a primarily undeveloped and wooded area encompassing approximately 130 acres that contains significant historic features, environmental constraints, including the Troy Brook and Eastman’s Brook waterways, substantial wetlands and buffer areas, floodplains, unfavorable soil types, and documented habitat of threatened and endangered species; and

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WHEREAS, the waterways in this area drain directly into the Troy Meadows area wetlands, which are specifically recommended for protection and preservation in the Goals and Objectives section of the Township’s 2004 Master Plan Reexamination Report and Land Use Plan; and

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills has determined that it is in the best interest of the Township to re-zone a portion of Block 734, Lots 2, 63, 64 & 68 to a new PRD-3 Planned Residential Development and Open Space District for a compact, clustered development on unconstrained lands while providing for the preservation of environmentally sensitive lands, with the intent of protecting the environmental quality of Troy Meadows ecosystem, as well as to reduce potential impacts to the drainage area of Troy Brook and Eastman’s Brook, thereby furthering the goal of the Master Plan to protect the environmentally sensitive areas of Troy Meadows; and

WHEREAS, the Township’s Council has reviewed development options for the rezoning of Block 734, Lots 2, 63, 64 & 68; and

WHEREAS, the Township Council has determined that most of the properties noted are environmentally constrained; and

WHEREAS, given the environmentally sensitive nature of the properties , residential development on that portion of the properties able to accommodate such development should incorporate enhanced design elements, including enhanced site development, architectural, streetscape, lighting and landscaping standards; and

WHEREAS, in consideration of these factors, the Township Planning Board has recommended that a new PRD-3 Planned Residential Development and Open Space District be created to permit residential townhouse development where appropriate and preserve those areas deemed environmentally sensitive; and

WHEREAS, implementing such an approach will promote the goals and objectives of the Master Plan regarding the preservation of environmentally sensitive lands and protecting the environmental quality of Troy Meadows;

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

Section 1: Pursuant to Section 430-4 of the Revised General Ordinances, the new zone district boundaries shall be shown and noted on a revised General Zoning Map, to be placed on file in the office of the Township Engineer. The properties directly affected by the said change in zone district boundaries are the following lots, as designated on the official Township tax map, which shall be changed to a new PRD-3 Planned Residential District:

<u>BLOCK</u>	<u>LOTS</u>
734	2
734	63
734	64
734	68

Section 2: Chapter 430 is hereby amended and supplemented to add the following new Article XLIV titled PRD-3 Planned Residential Development and Open Space Preservation District as follows:

§ 430-326. Purpose.

The purpose of the PRD-3 District is to provide for an appropriate balance of land development and open space preservation. The Parsippany-Troy Hills Master Plan has long recognized Troy Meadows as a unique and important environmental resource. The lands that are within the PRD-3 district are part of the vast ecosystem of Troy Meadows, and the Master Plan recognizes that certain areas adjacent to this resource are suitable for development and certain portions are necessary for preservation. The intent of the PRD-3 District is to allow for compact, clustered development on unconstrained lands while providing for the preservation of environmentally sensitive lands, with the intent of protecting the environmental quality of Troy Meadows ecosystem.

§430-327 Permitted Principal Uses.

Subject to development regulations as set forth hereinafter, the following uses shall be permitted:

- A. Townhouse development. A "townhouse development," for purposes of this subsection, shall mean a townhouse residential cluster in which individual dwellings have a common or public open space as an appurtenance.
- B. Open Space and Public Recreation Uses.
- C. Public community center building, public museum, public park or playground or other like place of public assembly not conducted for gain or profit.

§ 430-328. Prohibited Uses.

- A. Any use not expressly described above is prohibited.

§ 430-329. Accessory Uses.

- A. Off-street parking.
- B. Fences and walls.

§ 430-330. Conditional Uses.

- A. None.

§ 430-331. Area, and Height Other Bulk Requirements.

The regulations setting forth the intensity and density of development within the PRD-3 District shall apply to the entirety of the zone and not individual lots created by subdivision.

- A. Definitions: For purposes of this section, the word "tract" shall be synonymous with the district.
- B. Minimum tract size: 120 acres.
- C. Minimum tract open space: no less than 80% of the total tract shall remain in its natural state. Included within this open space shall be a minimum of 3 contiguous acres of upland area not restricted by wetland or wetland transition area as regulated by New Jersey Department of Environmental Protection (NJDEP), regulations at the time of site plan approval. This 3 acre common area shall be unrestricted by all other private lot development of the tract and shall be deeded to the Township for purposes of recreation use. This 3 acre common area shall be considered as land in its natural state, for the purposes of this section, even if it is disturbed for recreational use.
- D. That reasonable extension of streets from such development shall connect to a street; such use shall have a minimum of two means of access to public streets or demonstrate that reasonable

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extension of streets to such use will provide a minimum of two means of site access from public streets. The Township Board can waive this requirement if the effect is not detrimental to the health, safety and welfare of the neighborhood.

- E. Maximum residential density: no more than 52 townhouse dwelling units shall be permitted on the tract.
- F. Minimum building setback from Smith Road: 40'. Decks at the rear of dwellings shall conform to the requirements of §430-331 S.
- G. Minimum buffer from Smith Road: 25'
- H. Minimum building setback from internal roadways: 30' from building to paved roadway
- I. Minimum width of townhouse unit: 20'
- J. Minimum floor area per townhouse unit: 1,000 square feet.
- K. Minimum number of units per building: 4
- L. Maximum number of units per building: 8
- M. Maximum height of buildings: 35', 3 stories
- N. Minimum number of off-street parking spaces: in accordance with RSIS
- O. Maximum width of a residential townhouse structure: 185 feet
- P. Every 50 feet, there shall be a minimum four foot break in the front façade plane of a residential townhouse structure.
- Q. Minimum distance between residential townhouse buildings, as measured from foundation wall to foundation wall, and not from chimneys, bay windows, roof overhangs, or other building appurtenances which may extend beyond the foundation wall:

<u>Townhouse Building Setback</u>	<u>Minimum</u>
Front to Front:	60 feet
Front to Side:	30 feet
Front to Rear:	60 feet
Side to Side:	20 feet
Side to Rear:	30 feet
Rear to Rear:	50 feet

- R. Minimum building setback to off-street parking: 15 feet
- S. Maximum size and location of deck: 12' deep from the rear of the townhouse structure by 20' wide and no higher than the second floor elevation of the townhouse structure it is serving.
- T. Streetscape. The development shall include a cohesive thematic streetscape design that includes such items as sidewalk pavement design, stylized street lighting and thematic street tree planting. The streetscape shall include the following elements:
 - 1) Sidewalks. Sidewalk areas shall be required along one side of internal streets and roads shall include creative use of stylized paving material or decoratively scored concrete;
 - 2) Street Lighting. The street lighting shall incorporate the use of stylized light fixtures that complement the proposed building architecture. The following standards shall apply:
 - a. The light fixtures shall incorporate sufficient photometric controls, which shield the source of lighting from adjacent buildings or properties;
 - b. The height of the street lighting fixtures shall be residential in scale and shall not exceed a 16-foot mounting height;
 - c. The lighting levels proposed shall conform to all applicable ordinance standards provided herein.
 - 3) Street trees. Street trees shall be provided for all streets and shall be in accordance with the landscaping standards below.
- U. Landscaping. Landscaping shall be provided and shall conform to the following:

- 1) Street trees. Street trees shall be provided for all streets and shall be in accordance with the following standards:
 - a. The shade tree planting layout shall complement the overall theme for the development as a whole;
 - b. Trees shall be placed in shade tree planting easement located in the first 15 feet in from the street Right of Way adjacent to the proposed units. It is the intention that street trees shall not be planted in between the curb and sidewalk instead they shall be in between the sidewalk and the adjacent residential unit;
 - c. Spacing between trees shall be determined based upon species and the desired theme. The spacing shall range between 30 to 50 feet on center. There shall be a minimum average of three shade trees provided for each 120 feet of street frontage;
 - d. Several species of street trees shall be incorporated into the design of the overall project to avoid problems associated with a monoculture;
 - e. The choice of tree species shall be based on form and on site conditions and shall be subject to the approval of the Planning Board;
 - f. Street trees shall be a minimum of 3 to 3 ½ inches in caliper.

- 2) Landscaping of Stormwater Basins. Landscaping of stormwater retention and detention basins, drainage ditches and swales shall be required. The proposed landscaping plan for these features shall be integrated into the overall landscape plan for the development and designed in such a manner as to create the appearance of naturalized features that can provide passive recreational opportunities while retaining the drainage and infiltration function required for the site. The following standards shall be used:
 - a. The landscaping and grading of the drainage area shall be designed creatively to blend into the surrounding landscape and imitate a natural depression with an irregular or sinuous edge;
 - b. The landscaping of stormwater basins shall provide perimeter plantings, including shade and evergreen trees to create and screen views and small trees and shrubs that provide a landscape strip screening drainage structures and creating visual interest;
 - c. The perimeter planting shall also provide buffer plantings where applicable;
 - d. Shrub and herbaceous landscaping shall be incorporated within the stormwater basins to enhance the infiltration qualities of the basins. This landscaping shall be indigenous to wet meadow areas or tolerant of periodically wet and dry conditions;
 - e. Planting shall not be located within 20 feet of a low flow channel to allow for maintenance;
 - f. The landscaping associated with the stormwater basins shall be designed to permit maintenance and emergency access to the basin and shall be subject to the approval of the Township Engineer;
 - g. Plantings shall not be planted upon any dikes associated with a detention basin unless approved by the Township Engineer;
 - h. Water fountains/features shall be included in the design of Retention Basins to properly maintain the water quality of the basin;
 - i. The basins shoreline shall be easily maintained and stable. Possible treatments can include rip- rap, stone walls, naturalizing plantings and bulkheads;
 - j. Plants with pervasive root systems shall not be located where they may cause damage to drainage pipes or other underground utilities;
 - k. The stormwater basins shall be seeded with a wet site tolerant seed mix specifically formulated to establish low maintenance meadow of grasses and wildflowers;

1. Where applicable, water quality basins and water quality facilities required by NJDEP shall be designed in accordance with NJDEP requirements and standards; the maintenance of all on-site water quality, detention and retention basins shall be the responsibility of the property owner or homeowners association created for the development. Wherein any of the above requirements under subsection 'a' through 'k' are in conflict with NJDEP stormwater management rules, said rules shall supersede the above requirements.
- 3) Landscaping shall be provided as an integrated element of the site plan and subdivision design. It shall be conceived as a total integrated plan for the entire site, integrating the various elements of the site design, preserving the particular identity of the site and creating an aesthetically appropriate site character as determined by the Board in accordance with the standards noted herein.
- 4) Landscaping shall include plant materials such as trees, shrubs, ground cover, perennials, annuals and other materials such as rocks, water, berms, walls, fences and paving materials.
- 5) Landscaping shall be provided in public areas, adjacent to buildings, in parking areas, and around the perimeter of sites.
- 6) Landscaping shall be provided to promote a desirable visual environment, to accentuate building design, define entranceways, screen parking and loading areas, mitigate adverse visual impacts and provide windbreaks for winter winds and provide summer cooling for buildings.
- 7) The impact of any proposed landscaping plan at various time intervals shall be considered.
- 8) Plants and other landscaping materials shall be selected in terms of aesthetic and functional considerations. The landscape design shall create visual diversity and contrast through variation in size, shape, texture and color. The selection of plants in terms of susceptibility to disease and insect damage, wind and ice damage, habitat (wet-site, drought, sun and shade tolerance), soil conditions, growth rate, longevity, root pattern, maintenance requirements, etc., shall be considered. Consideration shall be given to accenting site entrances and unique areas with special landscaping treatment. Flowerbed displays are encouraged.
- 9) Slope plantings. Landscaping areas of cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with ground covers appropriate for the purpose and soil conditions, water availability and environment.
- 10) Sight triangles. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight-foot branching height above grade.
- 11) In cases where natural features existing on site duplicate the planting requirements of this section, the landscape requirements may be waived by the Board.
- 12) The use of indigenous/native plant material is to be encouraged to establish sustainable landscapes that blend with the natural environment, reduce the use of pesticides and reduced irrigation.
- 13) All plant materials, planting practices and specifications shall be in accordance with the "American Standards for Nursery Stock" by the latest available American Association of Nurserymen Standards.
- 14) The design standards are minimum requirements. The Board may request additional development features exceeding these standards if conditions warrant.
- 15) Landscape Plan Content:
 - a. A landscape plan prepared by a Licensed Landscape Architect, licensed by the New Jersey State Board of Landscape Architects, or other qualified individual, shall be submitted with each application.

- b. Landscape submission requirements in accordance with Chapter 225.
 - i. Landscape water conservation irrigation measures. The plan should include the identification of the proposed landscape irrigation measures for the proposed landscaping. It shall include provisions for water conservation including, but not limited to, timers with rain or soil moisture sensors, drip irrigation for planting beds and areas of phased irrigation areas for initial plant establishment that can be zoned off following plant establishment
- 16) Frontage buffers along Smith Road.
- a. A frontage buffer area along Smith Road shall be provided. . The frontage buffer shall be shown on the landscape plan and where sufficient existing vegetation is deemed insufficient they shall be planted with a mix of deciduous and evergreen trees, shrubs, grasses and perennials, and incorporated with berms, boulders, mounds or combinations thereof so as to enhance the appearance of the site. The design of landscaping shall be of sufficient height to screen parked cars from motorists on adjacent rights-of-way. In addition to required street trees, frontage buffers shall require a minimum of 10 shrubs for every 30 feet of frontage. If a landscaped berm is provided, the berm shall be at least 2.5 feet higher than the finished elevation of the adjacent parking lot, and then the planting requirements may be reduced to five shrubs for every 35 feet of frontage. Frontage buffer plantings may be waived where existing natural growth is found to be sufficient for this purpose.
 - b. No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted in the frontage buffer, except as provided for herein.
 - c. Design of buffers. Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. Potential arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the maximum side slope shall be 2:1.
 - d. Existing vegetation within the buffer shall be preserved, as determined appropriate. It shall be supplemented with shade-tolerant naturalistic massed plantings where necessary to complete screening of adjoining land uses.
 - e. Plant materials shall be sufficiently large and planted in such a fashion that a screen at least 10 feet in height shall be produced. All plantings shall be installed according to accepted horticultural standards. Such strips shall be planted with evergreens and deciduous trees as follows, subject to the approval or modification of the Board.
 - f. The buffer shall be planted with masses and groupings of shade trees, ornamental trees, evergreen trees and shrubs. No less than 75 percent of the plantings shall be evergreen trees with a minimum installed height of 10 feet.
 - g. A fence or wall may be required within the buffer at the discretion of the Board. Said fence shall not exceed a six-foot height in the side or rear yard of the sub-lot and not exceed a four-foot height in the front yard.
 - h. Unless otherwise approved by the Board, evergreens shall be spaced five feet from the outside property line and eight to 10 feet apart in a row. A minimum of two parallel rows of staggered plants shall be required. More than one type of evergreen species shall be used. Where a fence is required, all plantings shall be placed along the outside perimeter of the fence but not closer than five feet from the outside property line.
 - i. All proposed deciduous trees in a buffer shall be of a two-and-one-half- to three-inch caliper, measured six inches from grade.

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- j. No buildings, structures, accessory structures, parking, driveways, loading areas or storage of materials shall be permitted within the buffer. Buffer areas shall be maintained and kept free of all debris and rubbish.
 - k. Buffer plantings may be waived by the Board where existing natural growth is found to be sufficient to provide a year-round screen of adjacent land uses.
- V. Walls and Fences. Fences and walls, including retaining walls, are subject to the requirements outlined under §430-11 and §225-61.
- W. Exterior-mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Roof-mounted equipment and projections should be painted the same color as the roof and, where possible, located to the rear of the building, away from the public view.
- X. Site protection requirements.
- 1) Topsoil preservation. In accordance with Morris County Soil Conservation District requirements.
 - 2) Protection of existing plantings. These standards shall be coordinated with the specific requirements of the Recreation and Forestry Department of the Township. No building material, construction equipment or temporary soil deposits shall be placed within the limit of clearing line noted above, for trees designated to be retained on the preliminary and/or final plat. Protective barriers or tree wells shall be shown on the drawing and installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers. Chain link fence may be required for tree protection if warranted by site conditions and relative rarity of the plant. Any clearing within the drip line or within six feet of the trunk of a remaining tree must be done by hand.

§ 430-333. Additional Standards.

All regulations and standards of this Chapter and Chapter 225 (Land Use, Subdivisions, and Site Plan) shall apply and remain in full force and effect, including but not limited to standards including, but not limited to, access; circulation; parking; loading; refuse; storm water management; utilities; landscaping; lighting; and site improvements; however, wherever there is a conflict, this Article shall apply.

§ 430-334. Application Procedures.

- A. Concept Plan. An applicant may apply to the Board for sketch site plan review prior to making a formal application to the Board. The specified supporting data and accompanying information shall be filed at the time of preliminary site plan application, all in accordance with the applicable sections of Chapter 225, Land Use, Subdivisions, and Site Plans.
- B. Preliminary and Final Plans. Preliminary and/or final application for development shall be made under and in accord with all regulations and procedures for a major subdivision and major site plan as set forth in Chapter 225, Land Use, Subdivisions and Site Plans.
- C. Phasing Plans. The development plan may be approved in whole or in phases, provided each phase is self-sufficient with regards to parking, access, utilities, buffering, and other site plan items.

Section 3. Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or

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unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

Section 4. Repealer. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on July 2, 2013.

Motion to accept that Ordinance 2013:22 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Mr. Nelson.

ROLL CALL:

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

Presentation-Township Planner, Ed Snieckus

Before beginning the presentation, Mr. Inglesino explained that this ordinance is being considered in furtherance of an implementation of a settlement agreement to settle litigation with the Township.

Mr. Snieckus explained that the ordinance is to establish a PRD-3 Zone Area for Block 734, Lots 2, 63, 64 and 68. The existing zone plan establishes that area as zone RCW and R2M in a small section. Mr. Snieckus presented an outline of the overall ordinance:

- PRD-3: Planned Residential Development and Open Space District. (The reason is that it has a provision in it for additional potential development. In addition to that, there is a significant area of wetlands, wetlands transition areas, and a three acre area of uplands that is going to be preserved as an environmentally sensitive area, and possibly developed for a future park.)
- Study area is a little over 130 acres.
- Preserve environmentally sensitive areas. (There are wetland features and transition areas that are a part of this tract.)
- Permits residential townhouse development with a maximum of 52 dwelling units.
- Gross density: 0.40 du/ac
- Net density: +/- 8 acres is the development size = 6.5 du/ac
- Active recreation upland area = 3 acres (Upland means an area that is not encompassed by buffers or wetland areas. It is anticipated that it could be a recreation area for the Township but it is a requirement of the ordinance that those three acres be maintained as open space as part of the development.)
- Remaining open space = 119 acres +/- (Area without townhouses and active recreation)
- The ordinance is consistent with the Township Master Plan (land Use Plan) which defines a Medium Density Category up to 7 du/ac

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- The Planning Board reviewed the ordinance in accordance with the statute on July 1, 2013 and found that it furthers Goals 2, 3 and 11 of the 2004 Re-examination of the Master Plan.
- Mr. Snieckus gave a criteria overview included in the amendment which includes minimum setbacks, minimum buffers, maximum height of buildings and enhances design elements.

PUBLIC HEARING 2013:22

Motion to open the public hearing for Ordinance 2013:22 by Mr. Ferrara, seconded by Mr. Nelson.

ROLL CALL:

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

- Roy Messmer, 10 Drumlin Dr: stated that with the permission of the owner, he and Mr. Nelson walked and explored the property. Believes that the ordinance for the re-zoning to permit the development is the right thing to do. Asked that those three acres not be touched.
Mr. dePierro responded and agreed that the wetland area is a beautiful area. He is recommending a boardwalk or something similar through the 130 acres for wildlife/science studies.
- Lokesh Seth, 77 Leah Way: asked if this is a phased development. Mr. Snieckus responded that there is no other phase outside of the development of the eight acres.

Motion to close the public hearing for Ordinance 2013:22 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. Nelson.

ROLL CALL:

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

Discussion (Police Salaries):

(Mr. Stanton left the auditorium to recuse himself from the discussion.)

Ms. Lim explained that this discussion is about the hiring of replacement police officers and explained the following: . The police department is down to 91 officers at this point. In the budget they had planned on the hiring of five replacement officers at the probationary level. They have already hired three new officers at the probationary level, although one of them comes to the Township with eight years of experience from another police department. The police chief and the administration are requesting that they be authorized to hire that police officer at Step 2 which is about \$51,000 in 2013. That leaves an additional two positions that were scheduled for hiring at the probationary level. As they mentioned at last week's Agenda Meeting, the Sheriff's Office will be letting go some of the Sheriff's Officers and they would like to be in a position to hire some of those police officers as lateral transfers. This gives them the ability to get police officers on the street immediately. They believe that 91 uniformed police officers is too low since they are expecting additional retirements. In addition, mistakenly, two police officers at higher steps were left in the budget as a carry-over from last year's budget. They are requesting they be allowed to use one of those slots for a police officer to be hired at a higher step. This is in part because of the agreement with the Board of Education to assign one additional School Resource Officer. If they assign a second SRO that will take one additional police officer off the streets. They are requesting that unintentional slot in the budget to hire a sixth new hire. Mr. dePierro asked what rank is Step 2. Ms. Lim responded that is a patrolman. Mr. dePierro asked if the only difference between a probationary and a Step 2 is that the probationary has to attend the academy for six months and an additional six month training in the police department, while a Step 1 or Step 2 can immediately be active on patrols. Ms. Lim responded in the affirmative. Mr. dePierro further asked how many are eligible to retire today. Ms. Lim responded that possibly at least 10 and as many as 15. Mr. Carifi expended on the discussion of the difference between hiring a probationary officer and an officer at Steps 1 or 2 and the costs that will be associated if with training at the academy.

Ms. Lim stated that they do not require a resolution but wished to bring this to the Council's attention for their approval since there were extensive discussions at the budget meetings on the hiring of officers.

A straw poll was conducted and all the Council Members were in favor of the administration's request.

(Mr. Stanton returned to his seat.)

PUBLIC HEARING

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

ROLL CALL:

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

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

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- Stephen Arnold, 4 Craven Rd, Mountain Lakes: asked about the proposed Waterview ordinance and the concept of an overlay versus writing it in a different way. Asked if they can keep the existing ordinance and modifying the conditional uses.
- Pat Petaccia, 182 Hawkins Ave: at the July 9th meeting she requested information regarding a rumor she heard about an incident at the Knoll Country Club on June 22nd. She feels that there was no transparency and she is asking the Council to conduct an investigation. She has concerns that a Township employee was involved in the incident and that the Council was not informed about the situation until weeks later.
- Roy Messmer, 10 Drumlin Dr: provided an update on his efforts for the boarding room tax. On July 11th, he met with Senator Penachio on this issue and had a productive meeting. With the help of the residents he has accumulated a list of possible 20 boarding homes in the Township. Mr. Messmer also asked that proclamations given to returning service members be presented at a Council Meeting. Requested that the Council President ask the Fire Commissioners from District 1 to attend the next Council Meeting and answer questions about the incident at their event on June 22nd.
Mr. dePierro expressed his concerns that there may not be a permitted use in residential zones for boarding homes. Mr. Inglesino responded that the Township's ordinances are silent on this issue and they are working to put a legal opinion together to present to the Council.

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

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

Bid Award(s):

R2013-153* Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contract to Municipal Maintenance Company for Pump Replacement at the Mount Tabor Pump Station for a Total Bid Price of \$53,900.00

R2013-154* Resolution of the Township Council of the Township of Parsippany-Troy Hills awarding contract to Power with Prestige, Inc. for Municipal Building Electrical Service Entrance Upgrade Project for a total bid price of \$71,440.00

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Resolutions:

- R2013-155*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Change Order #1 for Hector Road and Puddingstone Water Storage Tank Rehabilitation
- R2013-156*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract for Professional Design Services Related to Elevation of Residential Homes in a Flood Plain to Tokarski & Millemann Architects, LLC
- R2013-157*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of a Contract for Professional Services for Special Legal Counsel to Blake S. Davis, Esq. of the firm Waters, McPherson, McNeill, PC
- R2013-158*** Resolution of the Township of Parsippany-Troy Hills Township Council Authorizing the Award of a Financial Consulting Agreement with Epic Solutions, LLC
- R2013-159*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Extending the Major Soil Moving Permit Granted to K & K Developers / Fox Run, Block 98, Lots 22 & 23
- R2013-160*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Insertion of a Special Item of Revenue in the Current Fund Budget - Division of Highway Traffic Safety, Pedestrian Safety Program
- R2013-161*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Insertion of a Special Item of Revenue in the Current Fund Budget - Division of Motor Vehicles, Alcohol Education Rehab Enforcement Fund

APPLICATION(S)

- R2013-162*** Resolution of the Township Council of the Township of Parsippany-Troy Hills, Approving Fireworks Display for Mt. Tabor Children's Day Celebration

R2013-153: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING CONTRACT TO MUNICIPAL MAINTENANCE COMPANY FOR PUMP REPLACEMENT AT THE MOUNT TABOR PUMP STATION FOR A TOTAL BID PRICE OF \$53,900.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Pump Replacement at the Mount Tabor Pump Station on June 27, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Assistant Sewer Superintendent have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Municipal Maintenance Company, 1352 Taylors Lane, Cinnaminson, NJ 08077 for a Total Bid Price of \$53,900.00, and

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

Sewer Capital Ordinance # 2012-26 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 Pump Replacement at the Mount Tabor Pump Station 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.

R2013-154: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING CONTRACT TO POWER WITH PRESTIGE, INC. FOR MUNICIPAL BUILDING ELECTRICAL SERVICE ENTRANCE UPGRADE PROJECT FOR A TOTAL BID PRICE OF \$71,440.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Parsippany-Troy Hills Municipal Building Electrical Service Entrance Upgrade Project on June 27, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Consulting Township Engineer have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Power With Prestige Inc., 40 Swartswood Road, Newton, NJ 07860 for a Total Bid Price (Sum of Base Bid and Alternate 1) of \$71,440.00, and

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

Current Capital Ordinance #'s 2012:24 adopted June 19, 2012 and
2013:14 adopted June 18, 2013, both entitled,
"Various Improvements."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Parsippany-Troy Hills Municipal Building Electrical Service Entrance Upgrade Project 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.

R2013-155: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING CHANGE ORDER #1 FOR HECTOR ROAD AND PUDDINGSTONE WATER STORAGE TANK REHABILITATION

WHEREAS, a change order is necessary for the contract for Hector Road and Puddingstone Water Storage Tank Rehabilitation with Pro-Spec Painting Services, Inc., 1819 Cedar Avenue, Vineland, New Jersey 08360 resulting in a net increase in costs in the amount of \$18,400.00; and

WHEREAS, the Township Consulting Engineer has recommended the changes as outlined in Change Order #1 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 #1 resulting in a \$18,400.00 increase in the contract price.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute Change Order #1, in the form on file with the Township Clerk.

R2013-156: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT FOR PROFESSIONAL

DESIGN SERVICES RELATED TO ELEVATION OF RESIDENTIAL HOMES IN A FLOOD PLAIN TO TOKARSKI & MILLEMANN ARCHITECTS, LLC

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire professional design services related to elevation of residential homes in a flood plain 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, Tokarski & Millemann Architects, LLC has indicated that they will provide the services required for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract; and

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

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

“2012 Hazard Mitigation Grant.”

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 through December 31, 2013 with Tokarski & Millemann Architects, LLC, 228 Brick Boulevard, Brick, NJ 08723 for professional design services related to elevation of residential homes in a flood plain 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.

R2013-157: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES FOR SPECIAL LEGAL COUNSEL TO BLAKE S. DAVIS, ESQ. OF THE FIRM WATERS, MCPHERSON, MCNEILL, PC

WHEREAS, the Township of Parsippany-Troy Hills has a need to retain Special Legal Counsel pursuant to §4-6 of the Township Administrative Code to serve as Special Legal Counsel in any matters in which the Township Attorney may require assistance; and

WHEREAS, the Township Attorney, with the approval of the Mayor, has appointed Blake S. Davis, Esq. of the firm of Waters, McPherson, McNeill, PC whose office is located at 300 Lighting Way, Secaucus, New Jersey 07094; and

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

WHEREAS, Blake S. Davis, Esq. has completed and submitted a Business Entity Disclosure Certification, which Certification provides that he 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 Township Attorney 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, Blake S. Davis, Esq. 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, 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 further provides that Blake S. Davis, Esq. 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, the term of this contract shall be from January 1, 2013 through December 31, 2013.

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

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

1. The Township Council hereby confirms the Mayor's appointment of and authorizes the 2013 Professional Services Agreement with Blake S. Davis, Esq. of the firm Waters, McPherson, McNeill, PC whose office is located at 300 Lighting Way, Secaucus, New Jersey 07094, as Special Legal Counsel in connection with Tax Appeal matters; and
2. That the Business Entity Disclosure Certifications, 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 a professional service, pursuant to N.J.S.A. 40A:11-1 et seq.;

R2013-158: RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AUTHORIZING THE AWARD OF A FINANCIAL CONSULTING AGREEMENT WITH EPIC SOLUTIONS, LLC

WHEREAS, the Township of Parsippany-Troy Hills desires to retain the services of a financial consultant; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5, competitive bidding is not required for extraordinary unspecifiable services, including skilled financial consulting services requiring a high level of experience and expertise; and

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

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, EPIC Solutions, LLC, has submitted a proposal dated July 1, 2013 indicating it will provide financial consulting services in accordance with its proposal for an aggregate amount projected to exceed \$17,500; and

WHEREAS, EPIC Solutions, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that **EPIC Solutions, LLC** has not made any reportable contributions to a political or candidate committee of the Township of Parsippany-Troy Hills Township in the previous one year, and that the contract will prohibit **EPIC Solutions, LLC** from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Township of Parsippany-Troy Hills Township wishes to retain **EPIC Solutions, LLC**, as a financial consultant to provide day-to-day financial consulting services as directed by the municipality's Chief Financial Officer; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the Resolution authorizing the award of contracts for extraordinary unspecifiable services without competitive bids and the contract itself must be available for public inspection.

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

1. The aforesaid recitals be and hereby are adopted and incorporated herein as if repeated in full; and
2. The Township of Parsippany-Troy Hills Township_____ hereby authorizes execution by the Mayor and witness by the Municipal Clerk of a professional services agreement with **EPIC Solutions, LLC**, in a form acceptable to the Township Attorney.

R2013-159: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS EXTENDING THE MAJOR SOIL MOVING PERMIT GRANTED TO K & K DEVELOPERS / FOX RUN, BLOCK 98, LOTS 22 & 23

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WHEREAS, K & K Developers was granted a Major Soil Moving Permit by resolution of the Township Council adopted on August 18, 2009 to remove approximately 4,623 cubic yards of material in conjunction with a project for a ten-lot subdivision at Block 98, Lots 22 and 23; and

WHEREAS, the Planning Board at its General Business Meeting on June 18, 2012 recommended to the Township Council that the **K & K Developers** be granted a one year extension of its Major Soil Moving Permit to August 18, 2013; and

WHEREAS, the Planning Board at its Regular Meeting on July 1, 2013 recommended to the Township Council that **K & K Developers** be granted another one year extension of its Major Soil Moving Permit to August 18, 2014; and

WHEREAS, the request for an extension of the Major Soil Moving Permit has been reviewed by Justin Lizza, Municipal Engineer, and his recommendation to grant said extension has been memorialized in a memorandum dated July 2, 2013;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant an extension of the Major Soil Moving Permit issued to **K & K Developers** to remove approximately 4,623 cubic yards of material on Block 98, Lots 22 & 23, Fox Run, to August 18, 2014, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements specified in a memorandum from the Township Municipal Engineer, dated February 10, 2009, which recommendations and requirements were incorporated in the resolution adopted August 18, 2009 granting the Major Soil Moving Permit and with the resolution adopted August 16, 2011 granting an Extension of the Major Soil Moving Permit.
2. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

R2013-160: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE CURRENT FUND BUDGET - DIVISION OF HIGHWAY TRAFFIC SAFETY, PEDESTRIAN SAFETY PROGRAM

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2013 in the sum of \$10,000.00 which item is now available as revenue from:

State of New Jersey
Division of Highway Safety
Section 402-State & Community Highway Safety CFDA 20.600

BE IT FURTHER RESOLVED that a like sum of \$ 10,000.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey, Division of Highway Traffic Safety
Pedestrian Safety Program FY 2014

R2013-161: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE CURRENT FUND BUDGET - DIVISION OF MOTOR VEHICLES, ALCOHOL EDUCATION REHAB ENFORCEMENT FUND

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2013 in the sum of \$ 2,638.73 which item is now available as revenue from:

State of New Jersey, Division of Motor Vehicles
Alcohol Education Rehab Enforcement Fund

BE IT FURTHER RESOLVED that a like sum of \$ 2,638.73 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey, Division of Motor Vehicles
Alcohol Education Rehab Enforcement Fund

R2013-162: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, APPROVING FIREWORKS DISPLAY FOR MT. TABOR CHILDREN'S DAY CELEBRATION

WHEREAS, George Philhower for Tabernacle Productions, Inc. has submitted an application to conduct a fireworks display on August 3, 2013; and

WHEREAS, the application has been approved by the Chief of Police, the Fire Official and the Chief of Fire District No. 1;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey approves said application, a copy of which is on file in the Office of the Township Clerk, pending issuance of a Fire Safety Permit and any other required approvals.

ORDINANCES - INTRODUCTION

ORDINANCE 2013:23

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY TROY-HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A GOVERNMENT ENERGY AGGREGATION PROGRAM

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 **July 16, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **August 20, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at Parsippany Hills High School in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

ROLL CALL:

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

Before reading the title, Mr. Carifi asked how much money there is in the sewer surplus as of right now. Ms. Cozzarelli responded there is currently \$3,975,000 in the surplus fund. She explained that in January of 2013, the sewer surplus was \$10,300,000. The Mayor and the administration instituted a rate reduction which reduced that by \$1,200,000. The Mayor and the administration also instituted a surplus give-back of \$1.5 million. \$2 million of surplus was used as budgeted surplus in this year's operations. In addition, \$550,000 of sewer surplus was used in the current fund budget. With this ordinance, the down payment on the bond is \$1,075,000.

When you subtract all those numbers, the final total is \$3,975,000 in surplus.

Mr. Nelson asked that with the new meter which was installed at the sewer department, what is the anticipated surplus going forward. Ms. Cozzarelli responded that they are not in a position to project a surplus but can only give numbers to date.

Motion by Mr. Nelson to Table the Ordinance until next month pending further discussions.
No Second given. Motion Fails.

ORDINANCE 2013:24

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$4,400,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$3,325,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME

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 **July 16, 2013** and that said Ordinance be further considered for second reading and final

REGULAR TOWNSHIP COUNCIL MEETING JULY 16, 2013

passage at a Meeting to be held on **August 20, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building or such venue as authorized by the Township Council in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

ROLL CALL:

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

NAYS- Council Member Nelson

RESOLUTIONS – NON-CONSENT AGENDA

Applications:

R2013-163 RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AUTHORIZING A PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISES) SHOP RITE, LICENSE #1429-44-010-008, 808 ROUTE 46

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

WHEREAS, an application has been filed for a Place-to-Place Transfer (Expansion of Premise) of Plenary Retail Distribution License Number 1429-44-010-008, for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized;

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 of Parsippany-Troy Hills Council does hereby approve, effective July 16, 2013, the expansion of the aforesaid Plenary Retail Distribution licensed premises located at 808 Route 46, Parsippany, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

ABSTAIN – Council Member Ferrara

R2013-164 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING AND AUTHORIZING RETAIL LIQUOR LICENSE RENEWAL FOR THE LICENSING TERM, JULY 1, 2013 THROUGH JUNE 30, 2014

REGULAR TOWNSHIP COUNCIL MEETING JULY 16, 2013

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

WHEREAS, applications for renewal for licensing term, July 1, 2013 through June 30, 2014, have been filed by the following Retail Liquor Licensees, and

WHEREAS, the application forms are complete in all respects and the applicants are qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor Licenses be renewed for the licensing term, July 1, 2013 through June 30, 2014:

1429-36-056-002 Remington Parsippany Employers LLC, trading as Parsippany Hilton and Hampton Inn Parsippany, for premises located at 1 Hilton Court, Parsippany, NJ

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

ABSTAIN – Council Member Ferrara

Discussion:

Mr. Nelson stated, at the last meeting, there were two properties listed for discussion for purchase, one of which was 360 Troy Road. He asked if it will be introduced next month and also asked if they could explain the genesis of this and what this project is about.

Ms. Lim explained that the Township has been looking to purchase that property for over ten years and spanning three Mayors. It was scheduled to be sub-divided into two lots and the Open Space Committee and the NJ Land Conservancy have recommended that the Township purchase that property.

Mr. dePierro added that he was one of the “yes” votes to purchase that property ten years ago. A lot has changed in ten years, including the 480 homes in Lake Hiawatha that were flooded out that required a drastic tax reduction. Also, many of the commercial properties in Town have filed for tax appeals because their revenues are down because of vacancy. Where he supported this purchase ten years ago, he would not support it now under today’s conditions.

Ms. Lim proposed a discussion on this matter during next month’s Agenda Meeting.

Mr. Nelson also asked if there is a response to the resident from Mount Tabor who sent the Council an email with questions regarding the Mount Tabor Country Club.

Mayor Barberio responded that a meeting has been scheduled with the Township Attorney and the resident.

ADJOURNMENT

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

REGULAR TOWNSHIP COUNCIL MEETING JULY 16, 2013

ROLL CALL:

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

MEETING ADJOURNED: 8:40pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: 12/17/13