

REGULAR TOWNSHIP COUNCIL MEETING AUGUST 20, 2013

**TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF AUGUST 20, 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 July 22, 2013 where it has remained posted since that date. A legal notice appeared in the Daily Record on July 22, 2013 and was forwarded by fax to the Star Ledger, Parsippany Life and local radio stations on July 29, 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.

PRESENT: Council President Brian Stanton
Council Member Paul Carifi, Jr.
Council Member Michael J. dePierro
Council Member Jonathan Nelson

ABSENT: Council Vice-President Vincent Ferrara

ALSO

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

FLAG SALUTE

UPCOMING MEETINGS:

9/10/13 @ 7:30 p.m. Agenda Meeting (PHHS)
Public Invited – Public Participation

9/17/13 @ 7:30 p.m. Regular Meeting (PHHS)
Public Invited – Public Participation

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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: Attorney/Client Privilege, Personnel and Litigation.

AND, WHEREAS, minutes will be kept, and once the matter involving the confidentiality of the above no longer requires confidentiality, the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the public be excluded from this meeting.

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

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

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

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

BID(S)

To be Taken:

8/29/2013 @ 11:00am Standby Natural Gas Engine 250kW Generator, Two (2) Automatic Transfer Switches and Two (2) Remote Annunciator Panels for Fire District 3

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

None

ORDINANCES - SECOND READING & PUBLIC HEARING

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

WHEREAS, the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq. governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers purchase energy together under the auspices of a government aggregator; and

WHEREAS, the New Jersey Board of Public Utilities (“BPU”) has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

WHEREAS, pursuant to the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq., the Township of Parsippany-Troy Hills (the “Township”) seeks to establish a Government Energy Aggregation Program (the “Program”) for the provision of electricity within the Township, for the purpose of obtaining power supply cost savings for residential and business participants in the Township; and

WHEREAS, the Township intends to serve as the Lead Agency conducting a Government Energy Aggregation Program in the Township and, in that capacity and consistent with applicable rules, to solicit proposals and enter into a contract for the provision of electric generation services on behalf of residential customers and business participants within the boundaries of the Township, to the extent that such a contract will produce power supply cost savings to participating customers relative to applicable utility power supply tariffs; and

WHEREAS, the Township will from time to time during the Effective Period as defined below solicit proposals from electric power suppliers for electric generation services through the Program in which the Township will act as Lead Agency of the Parsippany Troy-Hills Community Energy Aggregation (“PTHCEA”); and

WHEREAS, the Township will from time to time during the Effective Period as defined below issue one or more Request for Proposals for electric generation services and energy aggregation services on behalf of the PTHCEA pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), the Government Energy Aggregation Act (N.J.S.A. 48:3-93.1, et seq.), and the Electric Discount and Energy Competition Act (N.J.S.A. 48:3-49, et seq.); and

WHEREAS, the Township will only award contracts for said electric generation service and energy aggregation services to electric power suppliers that are deemed qualified and that submit price bids lower than the prevailing price for utility-provided basic generation service; and

WHEREAS, pursuant to applicable BPU rules, the Township is required to enter into an Electric Distribution Company Aggregation Agreement with Jersey Central Power and Light Company (“JCP&L”); and

WHEREAS, the Government Energy Aggregation Act (N.J.S.A. 48:3-93.1 et seq.) requires the Program to be established by ordinance.

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

SECTION 1. The Township hereby establishes a Government Energy Aggregation Program, in accordance with the provisions of the Government Energy Aggregation Act, N.J.S.A. 48:3-93.1 et seq.

SECTION 2 The Township will act as Lead Agency of the PTHCEA and, in that capacity, and consistent with applicable rules, will solicit proposals for electric generation service and energy aggregation services on behalf of Township residents on an opt-out basis and participating businesses on an opt-in basis, and enter into a contract for such services provided that the lowest qualified bid price is below the prevailing price for utility-provided basic generation service.

SECTION 3. As Lead Agency, the Township will execute a master performance agreement that obligates the participants in the PTHCEA to purchase electricity at terms and conditions stated therein with a third party supplier who has been awarded the contract by the Lead Agency on behalf of participating members of the PTHCEA, and provided that such contract shall be at prices reasonably forecast and estimated by the Township to provide savings to participants relative to the price charged for basic generation service by JCP&L.

SECTION 4. The authorization provided to the lead agent shall be valid for a period not to exceed two (2) years following the execution of a Electric Distribution Company Aggregation Agreement (the "Effective Period"), at which time the PTHCEA will be subject to renewal at the discretion of the Township.

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

SECTION 6. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

SECTION 7. All Ordinances or parts of Ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as provided by law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on July 22, 2013.

Motion to accept that Ordinance 2013:23 be heard in its second and final reading by title only, by Mr. dePierro. No second was given. MOTION FAILED.

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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

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on July 22, 2013.

Motion to accept that Ordinance 2013:24 be heard in its second and final reading by title only, by Mr. Carifi, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

PUBLIC HEARING 2013:24

Motion to open the public hearing for Ordinance 2013:24 by Mr. Nelson, seconded by Mr. Carifi

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

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

- Richard Rosenthal, 3 Cambridge Rd: complained about reserve amounts held that are used to balance the budget. He asked where the five million dollar figure for reserves came from and requested that the reserve returned to the ratepayers. Mayor Barberio responded that the Superintendent of the Sewer Utility Phil Bober is the one who recommended the \$5 million reserve figure as a contingency in case of catastrophic failure of equipment during an emergency. The Mayor reminded Mr. Rosenthal that \$1.5 million was returned to the ratepayers as a rebate in the first quarter of 2013 and they also reduced the rates for sewer fees.

Motion to close the public hearing for Ordinance 2013:24 by Mr. Carifi, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

Motion to Carry the Public Hearing until September 17, 2013 by Mr. Stanton, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, and Stanton
NO – Council Member Nelson

PUBLIC HEARING

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

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

Mr. Inglesino explained zoning ordinance procedure.

***Council President Stanton noted the Public Hearing will be 90 minutes total allowing a three-minute time limit per speaker.**

- Mary Purzycki, 273 Marcella Road: asked what Resolution 2013-172 on the Consent Agenda is about. She also asked if the energy program will be brought back. Mr. Inglesino responded that this resolution is related to the Energy Aggregation Program and will be pulled from the agenda.
- Forrest Pawling, 4 Glenbrook Drive: asked how much the energy consultant will be paid by the Township (nothing); asked how much interest rates have gone up in relation to the sewer bond ordinance since it has been tabled several times; expressed concerns with the Waterview re-zoning project in relation to water quality.
- Pat Farnan, 25 Lakeside Drive: asked if there are any plans to place the dredging of Manor Lake on the agenda. Mayor Barberio responded the Township is waiting to receive permit approval from the DEP. Mr. Nelson asked what was the recommendation for the lake from the Rutgers University study which was conducted.
- Nick Homyak, 26 Oneida Dr: expressed concerns for how the Brown Space Inventory is playing into the equation of another development as related to the Waterview re-zoning project.
- Stephanie Eckert, 320 East Halsey Road: asked if the all the jobs that will be brought in as a result of re-zoning the Waterview property will be guaranteed for Parsippany residents.
- Fay Widdowsome, 1 Winding Way: relating to Waterview rezoning, asked about the process of passing an ordinance, expressed concerns about water pollution; asked if the land can be put to better use since the jobs to be brought in will be minimum wage jobs. Mr. Inglesino explained the process of adopting a zoning ordinance and further explained that the Township does not own this property for consideration to be re-zoned.
- Arne Berg, 383 East Halsey Road: stated his belief that the owner of a property should be permitted to do what he wants with the property; asked if Mountain Lakes residents will be permitted to speak about a Parsippany matter (yes); spoke in support of the re-zoning of the Waterview property for the job opportunities, ratables and Whole Foods that would be brought in.

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- Angelo Nicita, 620 Lake Shore Drive: spoke in favor of the Waterview re-zoning project for the jobs and ratables that will be brought in.
- Mark Miller, 115 Preston Road: expressed concerns about big box developments and issues with traffic, water run-off, and animal habitat relating to the re-zoning of the Waterview property.
- Angela Piegari, 10 Winding Way: expressed concerns about the re-zoning of the Waterview property and feels that the jobs this will bring in will not be union jobs and will be minimum wage jobs.
- Robert Bremerkamp, 50 Leamoor Dr: asked if the land (Waterview property) was originally a gift to the Township from the Dodge Foundation for the purposes of a Town Hall and if it's true that the land was then sold to the developer (no).
- Robert Grieb, 12 Sagamore Road: spoke in support of the re-zoning of the Waterview property for the ratables and jobs that will be created for the township.
- Cathy Dooney, 314 Midland Ave, Pompton Lakes: works across the road from the proposed Waterview development and claims to represent the 400 employees who have concerns about increased traffic.
- Ron Owens, 154 Intervale Road: expressed concerns for increased crime that may result from the re-zoning and development of the Waterview property and ample police presence.
- Lauren Armenti, 92 Hillside Terrace: spoke in favor of the re-zoning of the Waterview property and the proposed development. She also spoke of her experience of having a shipping center "in her backyard" and how it did not have a negative impact on her quality of life.
- Bob Crawford, 35 Hidden Glen Dr: asked what specific information the Mayor has received regarding jobs to be created from the re-zoning of the Waterview property and development and has the Council been given this same information. Mayor Barberio responded that there is a possible 300-400 jobs to be created.
- Nancy du Terte, 41 Lake Drive, Mountain Lakes: expressed her concerns for the economic impact of the re-zoning of the Waterview property.
- Bob Sudol, 75 Forest Drive: expressed concerns about pollution, noise and traffic that will impact him and his neighbors with the re-zoning of the Waterview property. He also had specific concerns about the brook overflowing if the buffer zone area is shortened. Mr. Inglesino responded that the during site plan review by the Planning Board, an applicant must adhere to DEP regulations and prove that there will not be additional flooding from run-off.
- Robin Litwinsky, 65 Forest Drive: spoke in opposition of the re-zoning of the Waterview property and her belief that there are enough grocery stores in the Township.

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- Curtis Hardenberg, 85 Redgate Rd: expressed concerns with the process involved for the re-zoning of the Waterview property and concerns that they will not be able to present expert testimony in front of the Planning Board. Mr. Inglesino explained the process again.
- Jessica Tomalo, 80 Todd Rd: spoke in opposition of the re-zoning of the Waterview property. She expressed concerns about the temporary work involved.
- Margaret Gossett, Mountain Lakes: expressed concerns with flooding issues relating to the re-zoning of the Waterview property. She also asked why Open Space Funds are earmarked for the golf course.
- Stephen Arnold, 4 Craven Rd, Mountain Lakes: expressed concerns with the re-zoning of the Waterview property ordinance and the use of an overlay. He explained what an overlay is and expressed his belief that a conditional use provision should be used instead.
- Lorrie Concillieri, 242 Pitman Rd: asked how the public can obtain copies of the expert testimony which will be presented.
- John Beehler, 51 Intervale Rd: asked about the following in relation to the re-zoning of the Waterview property: financial study; traffic study; studies of the impact of big box stores; crime rates; effect of current zoning; and jobs.
- Dave Kaplan, 263 Intervale Rd: spoke in opposition of the re-zoning of the Waterview property and expressed concerns with flooding.
- Sal Simonetti, 20 Clark Lane, Whitehouse Station: spoke in support of the re-zoning of the Waterview ordinance and the jobs and ratables the proposed development would bring.
- Ina Rose, 47 Howell Rd: asked for clarification on the process of zoning ordinances and when the fiscal impact and traffic studies related to the re-zoning of Waterview property be completed and available to the public.
Council President Stanton requested that the studies be ready 2 weeks before the public hearing and that they be placed on the Township website for public.
- (Unknown): thanked the Council for their work and for taking their time to get the facts out. He reminded everyone that 50 years ago most of the township was farmland and they could only live here because of progress. He also spoke in support of the jobs that will be created though the re-zoning and development of the Waterview property.
- Mike Paulsinelli, 50 Parsippany Rd: (Business agent for the IBEW Local 102 Union) spoke in support of the re-zoning and development of the Waterview property and the major impact the project will have on the trades.

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

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

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CONSENT AGENDA

Motion to Remove Resolution R2013-172 (*A Resolution of the Township Council of the Township of Parsippany Troy-Hills, County of Morris, State of New Jersey, Authorizing the Execution of an Electric Distribution Aggregation Agreement*) from the Consent Agenda by Mr. Stanton seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

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 as amended by Mr. Stanton seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

Minutes for Approval:

- * Agenda Meeting of 02/5/2013
- * Closed Session Meeting of 02/5/2013
- * Closed Session Meeting of 02/12/2013

Bid Award(s):

- R2013-166*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of Contract to Eagle Equipment Corporation for One (1) New 20-Yard Trash Compactor for the Knoll West for Total Bid Price of \$22,250.00
- R2013-167*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of Contract to U.S. Tank Painting, Inc. for the Repainting of the Lackawanna Elevated Water Storage Tank for Total Base Bid Amount of \$1,269,000.00 and for Total Alternate No. 1 Bid Price of \$18,000.00
- R2013-168*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of Contract to Deluxe International Trucks Inc. for One (1) New 2014 International 7400 SFA 4x2 Dump Truck or Approved Equivalent for the Water Department for Total Bid Price of \$133,682.00
- R2013-169*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of Contract to Arnold's Roads, Inc. for the Reconstruction of Curbs and Sidewalks at Various Locations-2013 for a Total Bid Price of \$171,500.00

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R2013-170* Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Award of Contract to Robert H. Hoover & Sons Inc. for Three New 2014 Western Star 4700 Set Back Axle Garbage Trucks with 29 Cubic Yard Heavy Duty High Compaction Rear Loading Leach Packer Bodies for Total Bid Price of \$569,394.00

Resolutions:

R2013-171* Resolution of the Township of Parsippany-Troy Hills Township Council Authorizing the Submittal of a Grant Application to the New Jersey Department of Community Affairs for Recreation Opportunities for Individuals with Disabilities

R2013-173* A Resolution Authorizing a Shared Services Agreement by and Between the Township of Parsippany-Troy Hills and the Parsippany-Troy Hills Township Board of Education for a Second School Resource Officer

R2013-174* Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Change Order #1 for the Upgrade of the 16 MGD Wastewater Treatment Plant

R2013-175* Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of Bus Stop Along Route 46 – Intersection of Baldwin Road

R2013-176* Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Addition of Bus Stop along Route 46 – Intersection of Lackawanna Avenue

R2013-177* 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 – NJDOT Highway Safety Fund: Safe Corridors Highway Safety Grant

APPLICATION(S)

R2013-178* Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving A New Limousine License For Sami Limo Service, LLC

R2013-179* Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Person-To-Person and Place-To-Place Transfer of Plenary Retail Consumption License for Parsippany BWV, LLC

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R2013-166: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE AWARD OF CONTRACT TO EAGLE EQUIPMENT CORPORATION FOR ONE (1) NEW 20-YARD TRASH COMPACTOR FOR THE KNOLL WEST FOR TOTAL BID PRICE OF \$22,250.00

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New 20-Yard Trash Compactor for the Knoll West on July 11, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Golf Operations Manager have reviewed the bid received and recommend award to the lowest responsible bidder, Eagle Equipment Corporation, P.O. Box 99, Uwchland, PA 19480 for a Total Bid Price of \$22,250.00, and

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

Knoll Capital Ordinance #: 2008:16 adopted May 13, 2008 entitled:
"Various Improvements."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 20-Yard Trash Compactor for the Knoll West 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.

R2013-167: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE AWARD OF CONTRACT TO U.S. TANK PAINTING, INC. FOR THE REPAINTING OF THE LACKAWANNA ELEVATED WATER STORAGE TANK FOR TOTAL BASE BID AMOUNT OF \$1,269,000.00 AND FOR TOTAL ALTERNATE NO. 1 BID PRICE OF \$18,000.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Repainting of the Lackawanna Elevated Water Storage Tank on July 31, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing, Water Superintendent and Consulting Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, U.S. Tank Painting, Inc., 900 Rike Drive, Millstone Township, NJ 08535 for a Total Base Bid Price of \$1,269,000.00 and a Total Alternate No. 1 Bid Price of \$18,000.00, and

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

Water Capital Ordinance # 2013:11 adopted June 18, 2013 entitled,
"Various Improvements."

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

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R2013-168: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE AWARD OF CONTRACT TO DELUXE INTERNATIONAL TRUCKS INC. FOR ONE (1) NEW 2014 INTERNATIONAL 7400 SFA 4X2 DUMP TRUCK OR APPROVED EQUIVALENT FOR THE WATER DEPARTMENT FOR TOTAL BID PRICE OF \$133,682.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for One (1) New 2014 International 7400 SFA 4 X 2 Dump Truck or Approved Equivalent for the Water Department on August 7, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Water Superintendent have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Deluxe International Trucks Inc., 600 South River Street, Hackensack, NJ 07601 for a Total Bid Price (Item #'s 1 & 2A) of \$133,682.00, and

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

2013 Water Budget O/E and
Water Capital Ordinance # 2012:25 adopted June 19, 2012 entitled,
"Various Improvements."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 2014 International 7400 SFA 4 X 2 Dump Truck or Approved Equivalent for the Water Department 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.

R2013-169: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE AWARD OF CONTRACT TO ARNOLD'S ROADS, INC. FOR THE RECONSTRUCTION OF CURBS AND SIDEWALKS AT VARIOUS LOCATIONS-2013 FOR A TOTAL BID PRICE OF \$171,500.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Curbs and Sidewalks at Various Locations-2013 on August 7, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Arnold's Roads, Inc., 8 Dante Road, Monroe Township, NJ 08831 for a Total Bid Price of \$171,500.00, and

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

Current Capital Ordinance # 2011:07 adopted June 21, 2011, entitled,
"Various Improvements."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Reconstruction of Curbs and Sidewalks at Various Locations-2013 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.

R2013-170: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE AWARD OF CONTRACT TO ROBERT H. HOOVER & SONS INC. FOR THREE NEW 2014 WESTERN STAR 4700 SET BACK AXLE GARBAGE TRUCKS WITH 29 CUBIC YARD HEAVY DUTY HIGH COMPACTION REAR LOADING LEACH PACKER BODIES FOR TOTAL BID PRICE OF \$569,394.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Three (3) New 2014 Western Star 4700 Set Back Axle Garbage Trucks with 29 Cubic Yard Heavy Duty High Compaction Rear Loading Leach Packer Bodies on August 15, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Director of Public Works have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Robert H. Hoover & Sons Inc., 149 Gold Mine Road, Flanders, NJ 07836 for a Unit Price of \$189,798.00 and a Final Bid Price for three (3) Garbage Trucks of \$569,394.00, 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 2010:13 adopted July 20, 2010 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 Three (3) New 2014 Western Star 4700 Set Back Axle Garbage Trucks with 29 Cubic Yard Heavy Duty High Compaction Rear Loading Leach Packer Bodies or Approved Equivalent 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.

R2013-171: RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR RECREATION OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES

WHEREAS, the Township of Parsippany-Troy Hills desires to apply for an obtain a grant from the New Jersey Department of Community Affairs for approximately \$20,000 to carry out a project to include people with disabilities into our recreation programs; and

WHEREAS, the planned programs include tennis, golf and general all around physical activity that will allow both disabled and able bodied persons to participate together.

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

1. The Township does hereby authorize the application for the Recreation Opportunities for Individuals with Disabilities grant; and
2. The Township recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the

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expenditure of funds pursuant to the terms of the agreement between the Township of Parsippany-Troy Hills and the New Jersey Department of Community Affairs.

3. The Mayor, Business Administrator and Township Clerk are hereby authorized to execute the application, and that they or their successors in said titles are authorized to sign the grant agreement, and any other documents necessary in connection therewith on behalf of the Township of Parsippany-Troy Hills.

R2013-173: A RESOLUTION AUTHORIZING A SHARED SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE PARSIPPANY-TROY HILLS TOWNSHIP BOARD OF EDUCATION FOR A SECOND SCHOOL RESOURCE OFFICER

WHEREAS, the Parsippany-Troy Hills Board of Education has requested that the Township provide the services of two (2) School Resource Officers; and

WHEREAS, the Township of Parsippany-Troy Hills agrees that two (2) School Resource Officers is optimal; and

WHEREAS, N.J.S.A. 40:65-4. et seq. provides that local units may enter into an agreement 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, 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 Parsippany-Troy Hills Board of Education have agreed that the residents of the Township can be better served by two (2) School Resource Officers; and

WHEREAS, the School Resource Officer Shared Services Agreement shall be effective for a five (5) year term commencing on September 1, 2013 at a cost to the Parsippany-Troy Hills Board of Education not to exceed one-half of the pensionable salary of one of the School Resource Officers; and

WHEREAS, the estimated annual charge will be \$60,000 (1/2 of pensionable salary); and

WHEREAS, the Shared Services Agreement shall be automatically renewed for a five (5) year term at the same cost to the Parsippany-Troy Hills Board of Education unless one or both parties terminate the Agreement no later than six (6) months prior to the end of the first term of the Agreement.

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., the Township Council hereby approves and authorizes the Mayor and Township Clerk to execute a Shared Services Agreement by and between the Township of Parsippany-Troy Hills and the Parsippany-Troy Hills Board of Education for an additional School Resource Officer provided by the Township of Parsippany-Troy Hills; and
2. The Parsippany-Troy Hills Board of Education shall pay in four (4) quarterly payments as invoiced by the Township and not to exceed the one-half of the pensionable salary of one of the School Resource Officers; and

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3. The Agreement shall be for a five (5) year term commencing on August 1, 2013. The Agreement shall automatically renew for a second five (5) year term at the same terms and conditions, unless one or both parties terminate the Agreement in writing, no later than six (6) months prior to the end of the first term of the Agreement; and
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 in form, which shall be on file in the Office of the Township Clerk.

R2013-174: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING CHANGE ORDER #1 FOR THE UPGRADE OF THE 16 MGD WASTEWATER TREATMENT PLANT

WHEREAS, a change order is necessary to the contract for the Parsippany-Troy Hills Redesign and Upgrade of the 16 MGD Wastewater Treatment Plant with Spectraserv, 75 Jacobus Avenue, S. Kearny, NJ 07032, resulting in a net increase in costs in the amount of \$724,367.24; and

WHEREAS, the Township Consulting Engineer has recommended the changes as outlined in Change Order #1, which are reflected in the attached document, due to various modifications to the Treatment process including providing new effluent flow meters, upgrading the plant water system with the installation of and providing scum collection in the aeration tanks.

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 \$724,367.24 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.

R2013-175: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE ADDITION OF BUS STOPS ALONG ROUTE 46 – INTERSECTION OF BALDWIN ROAD

WHEREAS, New Jersey Transit has received a request to relocated a bus stop on Route 46 in the vicinity of Baldwin Road; and

WHEREAS, New Jersey Transit has investigated this request and recommended the new bus stop location; and

WHEREAS, the Township of Parsippany-Troy Hills has requested the bus stop be made official; and

WHEREAS, the New Jersey Department of Transportation requires a resolution approving the installation of bus stops from the Township; and

WHEREAS, the Township Engineer has reviewed the request and recommends the relocation of the bus stop on Route 46.

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

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1. That the Mayor and Township Council approve the deletion and addition of the following bus stops and that the new location is designated as a bus stop location pursuant to N.J.S.A. 39-4-8(e):

Deleted:

Along Route 46, westbound, on the northerly side thereof at:

- a. Baldwin Road – far side
Beginning at the westerly curb line of Baldwin Road and extending 200 feet westerly therefrom.

Added:

Along Route 46, westbound, on the northerly side thereof at:

- a. Baldwin Road- Near Side
Beginning at the easterly curb line of Baldwin Road and extending 105 feet easterly therefrom.
2. That the Township will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.
3. That this resolution shall take effect immediately.

R2013-176: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE ADDITION OF BUS STOPS ALONG ROUTE 46 – INTERSECTION OF LACKAWANNA AVENUE

WHEREAS, New Jersey Transit has received a request to relocated a bus stop on Route 46 in the vicinity of Lackawanna Avenue; and

WHEREAS, New Jersey Transit has investigated this request and recommended the new bus stop location; and

WHEREAS, the Township of Parsippany-Troy Hills has requested the bus stop be made official; and

WHEREAS, the New Jersey Department of Transportation requires a resolution approving the installation of bus stops from the Township; and

WHEREAS, the Township Engineer has reviewed the request and recommends the relocation of the bus stop on Route 46.

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

1. That the Mayor and Township Council approve the deletion and addition of the following bus stops and that the new location is designated as a bus stop location pursuant to N.J.S.A. 39-4-8(e):

Deleted:

Along Route 46, eastbound, on the southerly side thereof at:

- b. Lackawanna Avenue – Far Side

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Beginning at the easterly curb line of Lackawanna Avenue and extending 100 feet easterly therefrom.

Added:

Along Route 46, eastbound, on the southerly side thereof at:

- b. Lackawanna Avenue- Near Side
Beginning at the westerly curb line of Lackawanna Avenue and extending 105 feet westerly therefrom.
2. That the Township will enforce the needed traffic regulations governing the aforementioned bus stop location and provide the necessary police security to ensure the safety of the traveling public.
3. That this resolution shall take effect immediately.

R2013-177: 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 – NJDOT HIGHWAY SAFETY FUND: SAFE CORRIDORS HIGHWAY SAFETY GRANT

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, The Township of Parsippany-Troy Hills Police Department has applied for the “Safe Corridors” Highway Safety Grant from the New Jersey Department of Transportation’s Highway Safety Fund; and;

WHEREAS, The State has awarded this grant to the Township of Parsippany-Troy Hills in the amount of \$910.01 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 \$ 910.01 which item is now available as revenue from:

State of New Jersey, Department of Transportation,
Highway Safety Fund
“Safe Corridors Highway Safety Grant”

BE IT FURTHER RESOLVED that a like sum of \$ 910.01 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey, Department of Transportation,
Highway Safety Fund
“Safe Corridors Highway Safety Grant”

R2013-178: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING A NEW LIMOUSINE LICENSE FOR SAMI LIMO SERVICE, LLC

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following new Limousine Owner's Licenses be issued for the year 2013.

**Sami Limo Service, LLC
239 New Road
Unit C-205/1
Parsippany, NJ 07054**

(1 Vehicle)

R2013-179: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE FOR PARSIPPANY BWW, LLC

WHEREAS, an application has been filed for a Person-to-Person and Place-to-Place Transfer of the Inactive Plenary Retail Consumption License Number 1429-33-031-008 from Nelson, Ira B. and Nelson, Helaine S to Parsippany BWW, LLC.

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Township of Parsippany-Troy Hills Council does hereby approve, effective August 20, 2013, the Person-to-Person and Place-to-Place Transfer of the aforesaid Plenary Retail Consumption License #1429-33-031-008 to Parsippany BWW, LLC #1429-33-031-009 with premises located at 1540 Rt. 46 West.

ORDINANCES - INTRODUCTION

ORDINANCE 2013:25

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 315, LOT 12 PURSUANT TO THE LOCAL LAND AND BUILDINGS LAW

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 **August 20, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Parsippany Hills High School (20 Rita Drive) 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. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

ORDINANCE 2013:26

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 169 FIRE PREVENTION, BY THE ADDITION OF A NEW SECTION 169-19.2 IDENTIFYING EMBLEMS AND LIGHT WEIGHT CONSTRUCTION AND ESTABLISHING A NEW FEE IN 169-18, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 20, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Parsippany Hills High School (20 Rita Drive) 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. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

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ORDINANCE 2013:27

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING THE TOWNSHIP OF PARSIPPANY-TROY HILLS CODE CHAPTER 372 TAXICABS AND LIMOUSINES

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 **August 20, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Parsippany Hills High School (20 Rita Drive) 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, Nelson and Stanton

ORDINANCE 2013:28

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 430, ZONING, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, ADDING A NEW ARTICLE XLIX, ESTABLISHING A RCR-PLANNED RETAIL/COMMERCIAL/RESIDENTIAL OVERLAY DISTRICT AND DESIGNATING CERTAIN ZONE BOUNDARIES IN THE TOWNSHIP

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 **August 20, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Parsippany Hills High School (20 Rita Drive) 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. Nelson, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members dePierro, Nelson and Stanton

NO – Council Member Carifi

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Before voicing their vote, Council Members gave the following explanations for their vote:

- Mr. Carifi: To the union members present, he expressed that he has a lot of friends in unions and he has expressed all along that the Township needs to fill the empty retail and office space that we have and that if we need to refurbish and/or reconstruct buildings that we currently have, that would in turn bring work for union workers. To the general public he has state and continues to believe that the impact on the quality of life to the residents of Parsippany, traffic issue, economic issues on other local businesses that this is going to have far outweigh the positives for this project.
- Mr. Nelson: Stated that an introduction is not adoption. They are not giving the final vote on the ordinance this evening. Many ordinances are introduced but then don't pass.
- Mr. Stanton: Stated that he wants to see the studies and the impacts on everything before making a final decision. This introduction is part of the process and not the final approval for the ordinance.

ORDINANCE 2013:29

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING THE TOWNSHIP OF PARSIPPANY-TROY HILLS CODE SECTIONS 4-34 FEES GOVERNING SERVICES RENDERED BY OFF-DUTY POLICE OFFICERS, AND 405-7 TRAFFIC CONTROLS FOR STREET AND HIGHWAY CONSTRUCTION AND MAINTENANCE OPERATIONS FOR MUNICIPAL ROADS

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 **August 20, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Parsippany Hills High School (20 Rita Drive) 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. Carifi.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

ORDINANCE 2013:30

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 430, ZONING, OF THE CODE OF TOWNSHIP OF PARSIPPANY-TROY HILLS ESTABLISHING PROHIBITED USES IN RESIDENTIAL DISTRICTS AND ESTABLISHING VIOLATIONS AND PENALTIES

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 **August 20, 2013** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 2013** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Parsippany Hills High School (20 Rita Drive) 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, Nelson and Stanton

RESOLUTIONS – NON-CONSENT AGENDA

R2013-180 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS PLACING A LIEN ON A PARTICULAR PROPERTY FOR FAILURE TO ABATE DANGEROUS CONDITIONS ON PROPERTY – BLOCK 514, LOT 7 (3 ONEIDA AVENUE)

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

WHEREAS, Hameed and Frozan Sarwari (collectively, the “Sarwaris”) are the last known owners of record of the property located at 3 Oneida Avenue, Lake Hiawatha, New Jersey 07034 (the “Property”), and identified as Block 514, Lot 7 on the tax map of the Township of Parsippany-Troy Hills (the “Township”); and

WHEREAS, as a result of a complaint originally received on June 7, 2010 and again in May 2013, an inspection of the Property confirmed an overgrown lawn of approximately 2 ½ feet; and

WHEREAS, a Notice of Violation was sent on June 20, 2013, which was returned unopened on June 23, 2013; and

WHEREAS, attempts were made to obtain mail forwarding information from the mortgage holder, Green Tree Home Loan Servicing and Mortgage Service, with no success; and

WHEREAS, the Township Tax Collector has no mail forwarding information on file; and

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WHEREAS, a hearing was held on August 12, 2013 at 10:30 AM in the Council Chambers of Town Hall to discuss the owner's failure to abate the violations, at which time neither Hameed Sarwari nor Frozan Sarwari appeared; and

WHEREAS, due to the lack of response and the condition of the Property, the Director of Planning, Zoning, Housing, Fire Prevention, and Construction has determined that the Property has been abandoned; and

WHEREAS, in accordance with Chapter 213, Housing and Property Maintenance, §44, Municipal Intervention, of the Township Code, the Township Housing Department will remedy the situation by having the lawn mowed by an outside contractor at a cost not to exceed Four Hundred Fifty Dollars (\$450.00); and

WHEREAS, the Township Code further allows that the expenditure of municipal funds to put the Property in proper condition may be charged against the Property as a lien and shall be added to and become and form a part of the taxes next to be assessed and levied upon the Property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that should the mortgage holder fail to abate the above-listed housing violations, the Township Council does hereby authorize the appropriate officials to effect appropriate measures including, but not limited to, the hiring of contractors in an amount not to exceed Four Hundred Fifty Dollars (\$450.00), to return the premises known as 3 Oneida Avenue, lake Hiawatha, New Jersey 07034, commonly known as Block 517, Lot 7, to a safe and healthful condition in accordance with Chapter 213 of the Township Code, and to place a lien on the Property for the purpose of collecting unpaid charges due to the Township for the abatement of Housing violations.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

R2013-181: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN

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

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2013 Statewide Crackdown*; and

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WHEREAS, the project will involve increased impaired driving enforcement from August 16 through September 2, 2013; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey that the Township declares its support for the *Drive Sober or Get Pulled Over 2013 Statewide Crackdown* from August 16 through September 2, 2013 and pledges to increase awareness of the dangers of drinking and driving.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

R2013-182: 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 – DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN

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

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 \$ 4,400.00 which item is now available as revenue from:

State of New Jersey

Section 410-Alcohol Traffic Safety & Drunk Driving Prevention

Incentive Grants-CFDA 20.601

BE IT FURTHER RESOLVED that a like sum of \$ 4,400.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey

Drive Sober or Get Pulled Over 2013

Statewide Crackdown

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

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Motion to add Resolutions R2013-183 and R2013-184 to the agenda by Mr. Carifi, seconded by Mr. dePierro.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

R2013-183: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONSENTING TO THE APPOINTMENT OF JOSEPH A. KOVALCIK, JR. AS THE DIRECTOR OF FINANCE, TREASURER AND COMPTROLLER, AND APPOINTING JOSEPH A. KOVALCIK, JR. AS THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

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

BE IT RESOLVED by the Township Council of the Township of Parsippany- Troy Hills, in the County of Morris, and State of New Jersey, that it does hereby advise and consent to Mayor James R. Barberio's appointment of Joseph A. Kovalcik, Jr. as Director of Finance, Treasurer and Comptroller of the Township of Parsippany-Troy Hills for a term as provided by law, beginning September 16, 2013 and until the appointment and qualification of a successor; and

BE IT FURTHER RESOLVED that Joseph A. Kovalcik, Jr. be and hereby is appointed as Chief Financial Officer of the Township of Parsippany-Troy Hills for a term as provided by law, beginning September 16, 2013 and until the appointment and qualification of a successor.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

R2013-184: RESOLUTION OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A SETTLEMENT AGREEMENT AND RELEASE WITH MICHAEL JASIECKI

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

WHEREAS, Michael Jasiocki (“Mr. Jasiocki”) commenced an action against the Township of Parsippany-Troy Hills (the “Township”) known as Michael Jasiocki and Karen Jasiocki v. Township of Parsippany-Troy Hills, et al. bearing Docket No. 03-cv-3865 (PGS) (the “Claims”); and

WHEREAS, while not admitting liability or fault, the Township has engaged in settlement negotiations with Mr. Jasiocki; and

WHEREAS, in light of the Claims and other issues raised by Mr. Jasiocki, the Township desires to enter into a settlement agreement with Mr. Jasiocki to avoid the cost and inconvenience of litigation; and

WHEREAS, the Township and Mr. Jasiocki have reached an amicable resolution to the Claims, which has been memorialized in a Confidential Settlement Agreement and Release; and

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WHEREAS, the Morris County Municipal Joint Insurance Fund (the “MCMJIF”) will pay \$10,000.00 to Mr. JasiECKi in consideration of the settlement.

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

1. The Township Council hereby authorizes the Confidential Settlement Agreement and General Release by and between the Township and Mr. JasiECKi; and
2. The Township Council hereby authorizes the Mayor to execute and the Township Clerk to witness the Confidential Settlement Agreement and General Release in a form acceptable to the Township Attorney.

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

ADJOURNMENT

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

ROLL CALL:

YES – Council Members Carifi, dePierro, Nelson and Stanton

MEETING ADJOURNED: 9:51pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: 3/18/2014