

**TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF OCTOBER 8, 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 October 2, 2013 where it has remained posted since that date. A legal notice appeared in the Daily Record on October 4, 2013 and was forwarded by fax to the Star Ledger, Parsippany Life and local radio stations on October 2, 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 Vice-President Vincent Ferrara
Council Member Paul Carifi, Jr.
Council Member Jonathan Nelson

ABSENT: Council Member Michael J. dePierro

ALSO

PRESENT: Mayor James R. Barberio; John Inglesino, Esq., Township Attorney; Jasmine Lim, Business Administrator; Paula Cozzarelli, Assistant Business Administrator; and Yancy Wazirmas, Township Clerk; Joseph Kovalcik Jr., Chief Financial Officer.

FLAG SALUTE

UPCOMING MEETINGS:

11/12/13 @ 7:30 p.m. Agenda Meeting (Town Hall)
Public Invited – Public Participation

11/26/13 @ 7:30 p.m. Regular Meeting (Town Hall)
Public Invited – Public Participation

PRESENTATION

- **CY 2013 Best Practices Inventory**: Results and Certification by Business Administrator Jasmine Lim and Chief Financial Officer Joseph Kovalcik, Jr.

The following items that were marked as “No” or “Prospective” were explained and discussed with the Township Council:

Item #4 (Prospective): Has the appropriate administrative official reviewed the State Comptroller’s June 25, 2013 Report with respect to local government legal fees, and does your municipality follow the best practices outlined in the checklist annexed as an Appendix to the report?

Item #7 (No): Does your municipality require its elected officials to attend on an annual basis at least one instructional course, approved for continuing education credit by DLGS, covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use administration, personnel, technology, etc.)? This item may also be satisfied through in-house education provided by a professional, vendor or staff member provided they have significant expertise in their profession and routinely prepare public presentations. **After some discussion, a resolution will be drafted to make this a requirement for next year.**

Item #14 (Prospective): Having a Finance Committee can provide an efficient means to represent the governing body by performing in depth research, plans and reviews in fiscal areas such as audit, budget and accounting workflow rules, as well as evaluating vendor, professional and labor contracts. Does your municipality have a Finance Committee made up of at least one governing body member, the chief administrative officer, CFO, head purchasing agent and other appropriate personnel, as may be needed, that meets at least monthly and discusses all significant financial issues?

Item #17 (Prospective): The Local Finance Board recently adopted new rules, outlined in Local Finance Notice 2013-17, expanding municipalities' ability to purchase goods and services with procurement cards. The most significant change is the elimination of the prior per-transaction monetary limitation on P-Cards (15% of local unit’s bid threshold) where a Qualified Purchasing Agent manages a local unit's P-Card program. Has your CFO, head purchasing official or other appropriate municipal official evaluated and discussed with your governing body (or an appropriate subcommittee thereof) how and whether a procurement card program could benefit the municipality or, if a procurement card program already exists, whether the program complies with the new regulations?

Item # 20 (No): In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?

Item #37 (No): Accurate records of employee time are critical not only for financial accountability but also effective management of your workforce. Is your municipality ensuring

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that 1) employees complete and file standardized forms, either electronically or by paper, to verify all employee time worked (e.g. time cards, electronic time keeping); 2) your personnel/human resources office maintains records accounting for all employee leave time earned and used; and 3) supervisors are reviewing and approving/denying employee time and attendance documentation before those records are submitted to management and, in the case of department heads, is such documentation reviewed and verified independently?

Item #38 (No): Has your municipality instituted a policy to not compensate employees for sick leave accumulated after a certain date?

Item #39 (No): Does your municipality limit the carry forward of accrued vacation time to no more than the amount earned in the previous year (meaning no employee hired after the effective date of the limitation policy can keep in any given year more vacation time that they earned in the prior year)?

Item #41 (No): Does your municipality provide annual employment practice liability training for elected officials, managers, administrators, department heads and supervisors?

Item #43 (No): The State Workers Compensation Law provides that, when an employee receives a work-related injury producing temporary disability, the employee is entitled to wage-continuation equal to 70% of the employee's weekly wages, subject to a maximum compensation as determined by the Commissioner of Labor. Does your municipality limit benefits for work-related injuries to the above statutory benefit? The answer to this question can be "prospective" if such a provision was imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.

Item #46 (Prospective): For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date? The answer to this question can be "prospective" if such provisions were imposed by an arbitrator in binding arbitration but the municipality is seeking to eliminate such a contractual obligation through collective bargaining.

Item #50 (No): A municipality's participation in FEMA's National Flood Insurance Program Community Rating System can lead to significant flood insurance premium reductions for its homeowners. An explanation of the program may be found on FEMA's website at <http://www.fema.gov/national-flood-insurance-program/national-flood-insurance-program-community-rating-system>, and more information on how the NJDEP's statewide CRS coordinator can assist with improving your rating can be found at <http://www.nj.gov/dep/floodcontrol/about.htm>. Does your municipality have a Community Rating System ranking of at least Class 9?

BID(S)

To be Taken:

None

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

10/24/2013 @ 11:00am Lease ± 32,500 square feet of Building and Grounds located at the Township's Wastewater Treatment Plant for the Processing of Fats, Oils and Grease ("FOG")

ORDINANCES - SECOND READING & PUBLIC HEARING

- None

PUBLIC HEARING

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

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

- Julia Peterson, Vice-Chairperson, Parsippany-Troy Hills Historic Preservation Advisory Committee: Read the report from the Committee recommending to the Township Council the acquisition of Forge Pond Dam and its associated property for historic preservation.
- Pat Petaccia, 182 Hawkins Ave: asked the following: when was the Council notified of the receipt of the subpoena from the Somerset County Prosecutor’s Office; what is the status of her complaint to the ACLU; who is the resolution for the reimbursement of legal fees for; and she asked that the picture of the Mayor on the Township website with the campaign sign behind him be removed.
- David Polin, 300 Parsippany Rd: referenced an article in the daily Record regarding the mayoral candidates and asked Mr. Nelson to comment about the multiple liens. Mr. Nelson responded that he will talk to him after the meeting regarding personal issues.
- David Jones, 81 Ridgewood Ave: pointed out a typo in Resolution #R2013-208.

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

ROLL CALL:

YES – Council Members Carifi, 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.

Mr. Ferrara requested that Resolution #R2013-208 be removed from the Consent Agenda for further clarification.

Mr. Inglesino explained that the resolution supports in part Assemblywoman DeCrocce’s Transparency Act. He noted that his firm follows every aspect of the Assemblywoman’s bill and is transparent with the public as they are permitted to be under the attorney-client privilege constraints that govern his profession. The bills also conform to the latest in OPRA requirements by being itemized by date, by each entry, the hours, the amount of time, and the name of the lawyer who worked on the file, all in great detail. This is also what the State Comptroller’s report

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had recommended that law firms representing public entities do. This has been their practice since he has been representing the Township and the itemized invoices are readily available for the public.

Mr. Nelson added that the resolution requests that a provision be added to the bill requiring that the Township Council be given un-redacted legal invoices. This has nothing to do with OPRA or redacted legal bills.

Mr. Inglesino responded that he has not received a request from the Council. What they have received late last week from Councilman Nelson via the Clerk's Office was a request that was not clear to him. They have also received in the last couple of weeks a similar request from Councilman Carifi. Neither Councilman has spoken to him about what they are looking for. His position on this is that the Council as a whole should discuss this issue in Closed Session because there is some legal advice that he would like to provide to the Council. He is not standing in the way of the Council as a whole from obtaining information but he does want to inform them that he does have a duty to safeguard on behalf of the Township attorney-client privileged information that could be, if it is in the hands of people who were adverse to the Township, detrimental to the Township's interest. This is a matter that should be discussed with the Council President and the Council as a whole. This issue was not addressed previously. Mr. Inglesino advised that he does not represent any Council Member individually but represents the Township. This means that he does not take direction from any individual Council Member but from the Council as a whole. When he has a concern that he believes jeopardizes legal interests of the Township then he is professionally obligated to raise those issues with his client.

Council President Stanton asked if the Resolution should still be removed from the Consent Agenda since what he just discussed has nothing to do with it. Mr. Inglesino responded that arguably they can go forward with whatever resolution they want to do. However he believes there is a question about whether the resolution conflicts with the Township's Charter as a municipality. He is addressing a substantive issue that has been raised. Council President Stanton recommended that this resolution be tabled for now and be voted on after Closed Session.

Mr. Nelson stated that the issue is the Council Members going to Administration and requesting the legal bills from them and that Mr. Inglesino has nothing to do with this. He further stated that state law permits the Township Council to review all legal bills prior to approval unless that right is relinquished to the CFO, which it was years ago. However, the Township Council never relinquished the right to see the legal bills in any matter what so ever.

Mr. Carifi clarified that he requested to see the legal bills two months ago, received a response from Administration that he would be receiving the bills, then he received an email that he would not be receiving the bills because he was entitled to them as a Councilman. He feels that as an elected official representative of the people of Parsippany, they deserve to know where their money is being spent. When he requested in writing that the Administration will not be giving him the legal bills then he was asked to provide an explanation to why he wanted to see the legal bills. He made it clear he understands that any matters related to his brother's litigation must be redacted, but he wants to see un-redacted, itemized legal bills which he feels that he entitled to. He still has not received anything in writing as of today.

Motion to Table Resolution R2014-208 until after Closed Session by Mr. Stanton seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

Motion to approve the Consent Agenda as amended by Mr. Stanton seconded by Mr. Ferrara.

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

Bid Award(s):

R2013-205* Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contract to Sanitation Equipment Corporation for the Purchase of One New Garbage Truck With Front End Loader for a Total Bid Price of \$221,990.00

R2013-206* Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contract to VMG Group for the Roof Replacement at the Child Day Care Center for a Total Base Bid Price of \$69,184.00

Resolutions:

R2013-207* Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming the Appointment and Awarding a Contract for Professional Engineering Services to Associated Technology, Inc.

R2013-209* Resolution of the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey Authorizing the Reimbursement of Legal Fees

R2013-205: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING CONTRACT TO SANITATION EQUIPMENT CORPORATION FOR THE PURCHASE OF ONE NEW GARBAGE TRUCK WITH FRONT END LOADER FOR A TOTAL BID PRICE OF \$221,990.00

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New 2014 Peterbilt Model 320 Tandem Axle Chassis Garbage Truck with a 40 Yard Front Loader Eject Refuse Collection Body or Approved Equivalent on September 11, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Director of Public Works have reviewed the bid received and recommend that the bid be awarded to the lowest responsible bidder, Sanitation Equipment Corporation, S-122 Route 17 North, Paramus, NJ 07652 for a Total Bid Price of \$221,990.00, and

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

Current Capital Ordinance # 2012:24 adopted June 19, 2012, entitled,
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 2014 Peterbilt Model 320 Tandem Axle Chassis Garbage Truck with a 40 Yard Front Loader Eject Refuse Collection Body 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.

R2013-206: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING CONTRACT TO VMG GROUP FOR THE ROOF REPLACEMENT AT THE CHILD DAY CARE CENTER FOR A TOTAL BASE BID PRICE OF \$69,184.00

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Roof Replacement at the Child Day Care Center on September 26, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Consulting Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, VMG Group, 288 Cox Street, Roselle, NJ 07203 for a Total Base Bid Price of \$69,184.00, 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 # 2013:14 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 Roof Replacement at the Child Day Care Center 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.

R2013-207: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONFIRMING THE APPOINTMENT AND AWARDING A CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES TO ASSOCIATED TECHNOLOGY, INC.

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

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

WHEREAS, Associated Technology, Inc. has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contracts; and

WHEREAS, Associated Technology, Inc. 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, Associated Technology, Inc. will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, 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

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

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into a contract for the 2013 year with Associated Technology, Inc., 24 Commerce Street, Newark, NJ 07102 for professional engineering services; and
2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and 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 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.

R2013-209: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AUTHORIZING THE REIMBURSEMENT OF LEGAL FEES

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) has an interest in protecting its Public Employees from false and/or fabricated allegations of criminal wrongdoing; and

WHEREAS, pursuant to Township Code § 15-1, a “Public Employee” is defined as “Any current or former elected or appointed official, officer or member of the boards, agencies and commissions of the Township, or employee, whether compensated or not, whether full-time or part-time, who is or was authorized by the Township to perform any acts or services; provided, however, that this term does not include an independent contractor;” and

WHEREAS, the Township’s insurance does not cover Township Public Employees’ defense of false and/or fabricated allegations of criminal wrongdoing; and

WHEREAS, insurance which would cover the legal defense of Township Public Employees against false and/or fabricated allegations of criminal wrongdoing does not exist; and

WHEREAS, the defense of false and/or fabricated allegations of criminal wrongdoing often incurs significant legal fees and expenses associated with providing said defense; and

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WHEREAS, the New Jersey Supreme Court has held in O'Donnell v. Board of Chosen Freeholders of Morris County, 31 N.J. 434, 441 (1960), that nothing in New Jersey's statutes expressly prohibits or limits a municipality from authorizing the payment of proper expenses incurred by its officials; and

WHEREAS, the New Jersey Supreme Court has also held that municipalities "have a moral obligation, and hence the discretionary authority, to pay expenses incurred in good faith by municipal employees acting in their official status, including the defense of legal actions challenging acts undertaken or performed by them in that status...[and] All that is necessary to justify the municipality's exercise of discretion to pay its employee's legal expenses is a showing that the employee was acting in good faith in the course of official duties in a matter in which the municipality had an interest." McCurrie v. Town of Kearny, 174 N.J. 523, 531 (2002); and

WHEREAS, upon exoneration of a Township Public Employee by a prosecuting authority, or that authority's decision to discontinue prosecution, the Township desires to reimburse both legal fees and expenses associated with the defense of Township Public Employees against the associated false and/or fabricated allegations of criminal wrongdoing; and

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 aforesaid recitals be and hereby are adopted and incorporated herein as if repeated in full; and
2. That upon exoneration of a Township Public Employee as defined in Township Code § 15-1, by a prosecuting authority, or that authority's decision to discontinue prosecution, the Township Council hereby authorizes the reimbursement of the Township Public Employee, for reasonable legal fees and expenses associated with the defense of false and/or fabricated allegations of criminal wrongdoing.

ORDINANCES - INTRODUCTION

- None

RESOLUTIONS – NON-CONSENT AGENDA

Resolution:

R2013-210: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE SIDE BAR LETTER OF AGREEMENT BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND AFSCME, COUNCIL 52, LOCAL 2867

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

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WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) has entered into negotiations with the American Federation of State, County, and Municipal Employees, Council 52, Local 2867 (“AFSCME”); and.

WHEREAS, the Township and AFSCME have agreed to continue under the existing terms and conditions of employment between the parties with certain modifications to provisions regarding Insurance, Health, and Welfare (the “Agreement”); and

WHEREAS, the Township and AFSCME have reduced the Agreement to writing in a Side Bar Letter of Agreement; and

WHEREAS, the Township and AFSCME desire to enter into the Side Bar Letter of Agreement as it is mutually beneficial to the parties.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby approve the Side Bar Letter of Agreement by and between the Township of Parsippany-Troy Hills and the American Federation of State, County, and Municipal Employees, Council 52, Local 2867.

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

CLOSED SESSION

RESOLUTION

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

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

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

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

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

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

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

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

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

RESOLUTIONS – NON-CONSENT AGENDA

Mr. Nelson read two amendments to the Resolution which were made because the Township Council does give the CFO the authority to pay the bills without Council approval.

Mr. Inglesino explained that legal invoices will be made available to the Council for review. There will be a representative from the Council as a liaison to review all vendor bills. Safeguards need to be put in place to ensure that Council Members are not put in a compromised position due to conflicts. Oversight is an appropriate for the Township Council but the manner in which it is implemented is important. There is agreement with the Administration, Legal Counsel and Township Council in how they will proceed in that regard.

R2013-208: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, SUPPORTING THE TRANSPARENCY IN GOVERNMENT LEGAL BILL ACT (2013-A4370)

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

WHEREAS, the Office of the State Comptroller has investigated and opined that local governments fail to control excessive and improper payments for legal services; and

WHEREAS, New Jersey State Comptroller Matthew Boxer revealed repeated failures to review legal bills and manage legal contracts in a way that looks out for taxpayers; and

WHEREAS, Assemblywoman Betty Lou DeCroce has introduced legislation, A4370, that would require a detailed invoice for the services rendered before payment is made; and

WHEREAS, the bill, called the “Transparency in Government Legal Bill Act,” requires that information, such as a description of each legal service rendered, an itemized list of the expenses involved for each service and how the amount of the charge was determined, must be detailed in an invoice; and

WHEREAS, taxpayers pay for all contracted legal services provided to municipalities and each bill should be scrutinized to make sure the charges are fair, accurate and can be substantiated; and

WHEREAS, the “Transparency in Government Legal Bill Act” requires that the elements that must be included in an invoice and ensures taxpayers are only paying for services that can be documented just as any client is entitled to before remitting payment; and

WHEREAS, it is also the sense of the Township Council that detailed attorney’s invoices should be made available to the Township Council or its appointed representative of the Township Council.

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NOW, THEREFORE BE IT RESOLVED, that the Township of Parsippany-Troy Hills calls upon the New Jersey Legislature and Governor to pass and enact the “Transparency in Government Legal Bill Act” (A4370), with bipartisan support, in a manner that encourages our local governments to pay for legal services in the most transparent, fair and accurate way; and

BE IT FURTHER RESOLVED, that the Township of Parsippany-Troy Hills calls upon the New Jersey Legislature and its elected representative, Betty Lou DeCroce, to amend the “Transparency in Government Legal Bill Act”, prior to passage, to require that detailed attorney’s invoices should be made available to the Township Council upon a request; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Governor of the State of New Jersey, Senator Joe Pennacchio, Assemblywoman Betty Lou DeCroce, Assemblyman Jay Webber, and the New Jersey State League of Municipalities.

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

Mr. Ferrara notified the Council that within the last two months, two members of the Environmental Advisory Committee have resigned and he is now recommending that Melissa Ottens Lewis be appointed to fill one of those vacancies.

Motion by Mr. Ferrara seconded by Mr. Nelson to appoint Melissa Ottens Lewis to the Environmental Advisory Committee to complete an unexpired term.

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

ADJOURNMENT

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

ROLL CALL:

YES – Council Members Carifi, Ferrara, Nelson and Stanton

MEETING ADJOURNED: 8:53pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: