

**TOWNSHIP OF PARSIPPANY-TROY HILLS
REGULAR TOWNSHIP COUNCIL MEETING OF DECEMBER 17, 2013**

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Act 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.

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 Michael J. dePierro
Council Member Jonathan Nelson

ALSO

PRESENT: Mayor James R. Barberio; Paula Cozzarelli, Assistant Business Administrator; John Inglesino, Esq., Township Attorney; and Yancy Wazirmas, Township Clerk; Joseph Kovalcik, Jr., CFO/Treasurer

FLAG SALUTE

UPCOMING MEETINGS:

1/7/14 @ 7:30 p.m. Re-Organization/Agenda Meeting
Public Invited – Public Participation

1/14/14 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

PRESENTATIONS

- Girl Scouts of Parsippany Troop No. 4383, Leaders Jennifer Lorencovitz and Jennifer Lepre, with the Morris County Smoke-Free Parks Coalition, Requesting that Parks and Playgrounds in the Township be Declared Smoke-Free. – **NEXT AGENDA**
- **2014 Employee Medical & Dental Benefits. Presentation by Ryan Graham, Fairview Insurance and Michael Atkinson, IDA.**
Began their presentation with some facts (handout): The loss ratio for 2013 is 61%, down from 65% in 2012. This year's renewal is expected to have a very low increase of approximately 1.7% which is well below the national trend which is typically 12%. All bids received were sent to the Comptroller's Office for approval. IDA's bid came in as most favorable from a cost standpoint.

Overview of the Medical: Claims are running favorably and they recommend that the Township maintain the on-site wellness coaching program which has contributed to the losses. They also recommend with maintaining continuing education on alternate plan design as Chapter 78 employee contributions increase.

Overview of the Dental: Delta Dental is projecting a \$2,764 decrease from last year. There were other plan offerings from other carriers but they recommend they stay with Delta Dental due to the large network disruption of the alternative bidders.

Council Questions:

Mr. Stanton asked if 12/18 meant that this is a five year contract. Mr. Graham explained that, for example, if a claim is received on December 31st, there is six month coverage called a "run-out" which would cover that claim in case the Township chooses a different company. In essence this is a one year contract.

Mr. Ferrara asked if the dental decrease is a total decrease or per person. Mr. Graham responded it is aggregated.

Mr. Carifi asked that if the expected renewal for the IDA contract is \$9,285,278 and then it can potentially go up to \$13,480,314 as a maximum. Mr. Graham responded that there is a reinsurance carrier that provides the aggregate reinsurance if they were to completely "blow-out" the program to protect the township. Mr. Carifi asked why the NJSHBP's max is \$10,110,344. Mr. Graham responded that this is a fixed price and the plan does not fit the Township's benefit needs.

Mr. Nelson asked that if they don't renew the contract tonight or before December 31st, how long would the Township be covered under the gap/run-out insurance. Mr. Atkinson responded that the coverage would need to be renewed because the new contract begins on January 1st. Mr. Carifi asked that if this isn't renewed today then would there be insurance coverage on January 1st. Mr. Atkinson responded in the affirmative.

Mr. Nelson asked if Administration is asking the Council to renew IDA's contract this evening. Mr. Kovalcik responded in the affirmative.

Mr. Nelson asked Mr. Inglesino that since this is a 2014 contract and the sitting Council is a lame duck Council, then do they have the authority to approve items that will be in the budget in 2014. Mr. Inglesino responded the Council has absolute authority to approve contracts and approve the resolutions that are before them this evening.

Mr. Stanton asked would there be any consequences if the resolutions were tabled until the next meeting for further review and if the employees would still have coverage. Mr. Graham responded that the employees would still have coverage. Mr. Kovalcik advised that coverage would lapse if they wait until the January 7th meeting to make a decision. What would happen is that the employees would be dropped out of the plan on 1/1 and then reinstated on 1/7 after the contract is renewed. Mr. Atkinson advised that the carrier would honor the contract if it was signed after January 1st as long as the premium is received by January 15th. After further discussion it was clarified that the only way to legally ensure the insurance is in place for the employees in accordance with the information provided this evening is to pass the resolution tonight. Mayor Barberio also added that if this does not pass tonight then the Township risks its excess coverage.

Mr. Nelson asked if they are familiar with the Township's pay-to-play ordinance and if they are in compliance with it. Mr. Graham and Mr. Atkinson responded in the affirmative.

- **Diversity on Boards & Commissions: results of a survey by Ms. Paula Cozzarelli**
Before beginning her presentation, Ms. Cozzarelli announced that the Township has received recertification as a Sustainability NJ Town for 2013. That means that Parsippany has been recognized for its efforts in terms of going green, saving money and taking steps to sustain the quality of life for our community. In doing so, the Township is now eligible for grant funding through Sustainable NJ grant funds. Part of being recertified was to do a diversity survey. The process was to take a sample of our boards and commissions and survey them to ensure or match where they fit in terms of the township's demographics. The purpose of it is to ensure our boards and commissions are representative of our population by race, age and gender. The results of the survey showed that certain demographics are underrepresented on our boards and commissions and she recommends that efforts be made to reach out to those sectors of the population via social media.

BID(S)

To be Taken:

- 12/19/2013 @ 11:00am One (1) New/Unused 2014 Hyundai Model HL740XTD Wheel Loader or Approved Equivalent for Parks and Forestry
- 1/3/2014 @ 11:00am The Processing of Fats, Oils and Grease ("FOG")

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

None

ORDINANCES - SECOND READING & PUBLIC HEARING

ORDINANCE 2013:31

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE ACQUISITION BY PURCHASE AND/OR ELEVATION OF PROPERTIES, INCLUDING ALL STRUCTURES, WORK, EQUIPMENT AND MATERIALS NECESSARY THEREFOR OR INCIDENTAL THERETO, IN THE TOWNSHIP OF PARSIPPANY-TROY HILLS THROUGH THE FEMA HAZARD MITIGATION GRANT PROGRAM AND COUNTY OPEN SPACE FLOOD MITIGATION PROGRAM AND APPROPRIATING \$9,626,941 THEREFOR

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

Section 1. The several improvements or purposes described in Section 2 of this ordinance are hereby authorized to be undertaken by the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"). For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$9,626,941 consisting of a FEMA Hazard Mitigation Grant (the "FEMA Grant") in the amount of \$7,220,206 expected to be

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received from the Federal Emergency Management Agency (“FEMA”) and \$2,406,735 expected to be received from the County of Morris (the “County”) from the County Open Space Flood Mitigation Program (the “County Funds”). Pursuant to N.J.S.A. 40A:2-12(c) no down payment is required as the purpose set forth in Section 2 hereof shall be fully funded from the FEMA Grant and the County Funds.

Section 2. (a) The improvement hereby authorized is the acquisition by purchase and/or elevation of certain properties, located in the Township, through the FEMA Hazard Mitigation Grant Program and the County Open Space Flood Mitigation Program, all as set forth in FEMA Grant No. HMGP-4021-NJ-0014 and Ordinance No. 2012:35 of the Township and attached hereto, respectively, as **Exhibits A and B**, including all structures, work, equipment and materials necessary therefore or incidental thereto. The purpose stated in this Section 2 is a project that could be funded by the issuance of bonds or notes if it were not being permanently funded by grants and/or capital funds on hand.

(b) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The several improvements or purposes described in Section 2 of this ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 40 years.
- (c) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the FEMA Grant and County Funds, or if the FEMA Grant or County Funds are not received or received in full, bonds or notes authorized by a new ordinance, in an aggregate amount not to exceed the amount of \$9,626,941.

Section 5. Any grant moneys received for the purposes described in Section 2 hereof (other than those identified in Section 6 hereof) shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 6. The appropriation of \$9,626,941 made in Section 1 hereof is herein appropriated for the improvements in Section 2 from the FEMA Grant in the amount of \$7,220,206 to be received from FEMA and the County Funds in the amount of \$2,406,735 to be received from the County.

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Section 7. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 8. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 9. In accordance with N.J.S.A. 40:49-9 this ordinance shall take effect 10 days after the first publication thereof after final adoption.

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

Motion to accept that Ordinance 2013:31 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Mr. Ferrara.

ROLL CALL:

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

PUBLIC HEARING 2013:31

Motion to open the public hearing for Ordinance 2013:31 by Mr. Carifi, seconded by Mr. Nelson.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:31 by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

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

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

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

ROLL CALL:

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

ORDINANCE 2013:32

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, ACCEPTING DEDICATION OF A PORTION OF BLOCK 448, LOT 23 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FUTURE ROADWAY PURPOSES FROM 78 FANNY ROAD, LLC

WHEREAS, pursuant to N.J.S.A. 40A:12-4 and 40A:12-5, the Township of Parsippany-Troy Hills (the “Township”) is authorized to acquire, by ordinance, real property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

WHEREAS, in accordance with the Preliminary and Final Site Plan approval granted by the Parsippany-Troy Hills Planning Board to 78 Fanny Road, LLC concerning Block 448, Lot 23 (the “Property”), 78 Fanny Road, LLC desires to dedicate certain property to the Township for future roadway/road widening purposes as described in that certain Deed of Dedication from 78 Fanny Road, LLC to the Township; and

WHEREAS, the Property to be conveyed is free and clear of any liens and encumbrances; and

WHEREAS, the Township desires to accept the dedication of the Property to the Township for future roadway/road widening purposes.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the dedication from 78 Fanny Road, LLC of a portion of Block 448, Lot 23 for use as a public roadway/road widening as described in that certain Deed of Dedication from 78 Fanny Road, LLC to the Township is hereby accepted; and

BE IT FURTHER ORDAINED, that the Mayor and Township Clerk are hereby authorized and directed to execute and deliver any document and, together with the Township’s consultants, to take any and all necessary steps as would be reasonable or necessary to effectuate said acceptance and to effectuate the purposes of this Ordinance; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be judged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon the passage and publication in accordance with the applicable law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on December 5, 2013.

Motion to accept that Ordinance 2013:32 be heard in its second and final reading by title only, by Mr. Ferrara seconded by Mr. Carifi.

ROLL CALL:

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

PUBLIC HEARING 2013:32

Motion to open the public hearing for Ordinance 2013:32 by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:32 by Mr. Nelson, seconded by Mr. dePierro.

ROLL CALL:

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

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

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

ROLL CALL:

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

ORDINANCE 2013:33

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING A LICENSE AGREEMENT WITH RAINBOW LAKES COMMUNITY CLUB, INC. FOR THE LICENSE OF PROPERTY KNOWN AS A PORTION OF BLOCK 106, LOTS 5 AND 13.01 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills (the “Township”) desires to license certain property known as a portion of Block 106, Lots 5 and 13.01 (the “Property”) to Rainbow Lakes Community Club, Inc., a non-profit corporation of the State of New Jersey (“Rainbow Lakes”), for the public purpose of supporting the recreational services provided by Rainbow Lakes to the children and young adults of the Township; and

WHEREAS, the Township has leased the Property to Rainbow Lakes since February 1, 1943 at a nominal rent, and the parties desire to continue such occupancy on the same or similar terms as the prior lease agreement between the Township and Rainbow Lakes, which expired on February 1, 2013; and

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WHEREAS, Rainbow Lakes operates on the Property a baseball field, parking area and an adjoining grassy area open to all children and young adults in the Township, which ranges between approximately 1,500 to 2,000 Township residents annually; and

WHEREAS, the Township is authorized to enter into a license agreement to extend Rainbow Lakes' occupancy and use of the Property for nominal rent pursuant to the Local Lands and Buildings Law, specifically N.J.S.A. 40A:12-14(c); and

WHEREAS, pursuant to N.J.S.A. 40A:12-14(c), the Township desires to enter into a license agreement with Rainbow Lakes for the license of the Property for, among other things, (a) the purpose of facilitating the recreational services provided by Rainbow Lakes to the children and young adults of the Township of Parsippany-Troy Hills; (b) nominal rent; and (c) a term of ten (10) years commencing on February 1, 2013, with Rainbow Lakes having the right to extend such term for an additional term of ten (10) years, all being subject to the Township's right to terminate the license at any time upon thirty (30) days' advanced notice, with or without cause.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that it hereby authorizes the license of the land known as a portion of Block 106, Lots 5 and 13.01 as shown on the official tax map of the Township of Parsippany-Troy Hills to Rainbow Lakes Community Club, Inc. for nominal rent and for a term of ten (10) years commencing on February 1, 2013, with Rainbow Lakes having the right to extend such term for an additional term of ten (10) years, all being subject to the Township's right to terminate the license at any time upon thirty (30) days' advanced notice, with or without cause; and

BE IT FURTHER ORDAINED, that the Property shall be licensed to Rainbow Lakes pursuant to a license agreement containing the above terms and other necessary and reasonable terms to be reviewed and approved by the Township attorney; and

BE IT FURTHER ORDAINED, that the Mayor and Township Clerk are hereby authorized to execute and deliver any document as would be necessary to effectuate said license; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be judged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon the passage and publication in accordance with the applicable law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on December 5, 2013.

Motion to accept that Ordinance 2013:33 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, Ferrara, Nelson and Stanton

PUBLIC HEARING 2013:33

Motion to open the public hearing for Ordinance 2013:33 by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:33 by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

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

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

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

ROLL CALL:

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

ORDINANCE 2013:34

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AUTHORIZING AN AMENDMENT TO THE LEASE AGREEMENT WITH THE TROY HILLS MEMORIAL POST NO. 10184, VETERANS OF FOREIGN WARS OF THE UNITED STATES CONCERNING PREMISES LOCATED AT 220 TROY ROAD (BLOCK 728, LOT 5) IN THE TOWNSHIP OF PARSIPPANY-TROY HILLS SO AS TO EXTEND THE TERM OF THE LEASE FOR AN ADDITIONAL FIVE (5) YEARS

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills (the “Township”) desires to extend the lease of certain property known as 220 Troy Road (Block 728, Lot 5) (the “Property”) to The Troy Hills Memorial Post No. 10184, Veterans of Foreign Wars of the United States (the “VFW”), for the public purpose of supporting the veterans services provided by the VFW to the Township and its residents; and

WHEREAS, the Township and the VFW entered that certain Lease Agreement, dated March 31, 2009 (the “Lease”), which Lease has a term of five (5) years, commencing on May 15, 2008 and ending on May 14, 2013; and

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WHEREAS, the VFW uses the Property only for meetings, social events, gatherings and other related activities; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14(c), the Township desires to enter into an amendment to the Lease so as to extend the term for an additional five (5) years, expiring on May 14, 2018 on the same the terms and conditions as the original Lease.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that it hereby authorizes the extension of the Lease of the land known as 220 Troy Road (Block 728, Lot 5 as shown on the official tax map of the Township of Parsippany-Troy Hills) to The Troy Hills Memorial Post No. 10184, Veterans of Foreign Wars of the United States for an additional five (5) years, expiring on May 14, 2018 on the same the terms and conditions as the original Lease; and

BE IT FURTHER ORDAINED, that the Property shall continue to be leased to the VFW pursuant to an amendment to the Lease containing the above terms and other necessary and reasonable terms to be reviewed and approved by the Township attorney; and

BE IT FURTHER ORDAINED, that the Mayor and Township Clerk are hereby authorized to execute and deliver any document as would be necessary to effectuate said amendment to the Lease; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be judged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any Ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon the passage and publication in accordance with the applicable law.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on December 5, 2013.

Motion to accept that Ordinance 2013:34 be heard in its second and final reading by title only, by Mr. Nelson, seconded by Mr. dePierro.

ROLL CALL:

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

PUBLIC HEARING 2013:34

Motion to open the public hearing for Ordinance 2013:34 by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:34 by Mr. Carifi, seconded by Mr. Ferrara.

ROLL CALL:

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

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

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

ROLL CALL:

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

ORDINANCE 2013:35

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290, PARKS, RECREATION AREAS AND PUBLIC LANDS, ARTICLE II, USE REGULATIONS; PERMIT REQUIREMENTS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

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

SECTION 1. Chapter 290, Parks, Recreation Areas and Public Lands, Article II, Use Regulations; Permit Requirements, Section 290-8, Permits of the Code of the Township of Parsippany-Troy Hills is hereby amended and supplemented by the following:

A. **§ 290-8. A. Permits for certain uses required, Number (2)** shall be deleted in its entirety and replaced with the following:

A. Permits for certain uses required.

(2) No such utilization of the parks and recreational facilities of the Township of Parsippany-Troy Hills shall be permitted without a permit, which must be in the user's possession at the parks and recreation facility at the time of use. Any person desiring such permit shall file a request with the Department stating the following:

B. **§ 290-8. A.(2)**, shall be amended and supplemented by the addition of a new item (j) and shall read as follows:

(j) An Insurance Waiver/Release and Insurance Requirements form shall be completed and a Certificate of Insurance in compliance with same shall be submitted for all parks and recreational facility uses.

C. **§ 290-8. Permits, D. Cancellation of reservations.** shall be deleted in its entirety and replaced as follows:

D. Cancellation of reservations.

(1) Picnic permit holders must provide two weeks' notice for cancellation. The permit holder who cancels a picnic permit with less than two weeks' notice is liable for the cost of the permit.

(2) Athletic field permit holders must provide four (4) business days' notice for cancellation. The permit holder who cancels an athletic field permit with less than four (4) business days' notice shall be liable for the cost of the permit.

D. **§ 290-8. Permits, E. Violation of permit.** shall be deleted in its entirety and replaced with the following:

E. Violation of permit. Strict compliance with permits is required. Any violation of any terms and/or conditions thereof shall constitute grounds for revocation of the permit by the Department. In case of the revocation of any permit, permit fees shall be retained by the Department. The permit forfeiture shall not in any manner relieve such person from liability for the violation of the items listed under Disclaimers on the permit or for civil damages. Any violation of the permit is grounds for denying any future permits.

E. **§ 290-8. Permits, F. (1) Recreational activities.** the description for Summer playground program transportation fee, per event (per person) and corresponding fee is hereby deleted in its entirety.

F. **§ 290-8. Permits, F. (2) Facility use., Note (a)** shall be deleted in its entirety and replaced as follows:

Note:

(a) Groups and teams will be assessed the non-resident facility use permit fee unless at least 80% of the group or team are residents of the Township, as evidenced by the submittal of a team roster along with proof of address. Acceptable means of proof of address shall be determined by the Superintendent of Recreation or their designee.

G. **§ 290-8. Permits, F. (2) Facility use., Note (b)** shall be amended and supplemented by the addition of a new organization, Parsippany Lacrosse Club, as exempt from the facility use permit fee.

H. **§ 290-8. Permits, G. Refunds of fees.** shall be deleted in its entirety and replaced with the following:

G. Refund of fees.

(1) No refunds of recreation fees paid for pursuant to Subsection F shall be given except in the following instances:

(a) A request was made two weeks prior to the start of the program.

(b) Illness or injury, documented by a physician, which prevents participation in the program.

(c) If the fields are closed by the Parks, Forestry and Recreation Department due to hazardous playing conditions.

(d) In the event weather conditions are severe enough to prevent safe use of picnic areas, as deemed by the Parks, Forestry and Recreation Department.

(2) Refund of permit fees shall be distributed as follows:

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(a) A letter of credit, which may be used toward payment of the fee for another program, will first be offered and shall be subject to a \$10 processing fee.

(b) In the event a letter of credit is declined, a full refund of the fee will be given subject to a \$10 processing fee.

SECTION 2. Chapter 290, Parks, Recreation Areas and Public Lands, Article II, Use Regulations; Permit Requirements, Section 290-10, Regulated Uses of the Code of the Township of Parsippany-Troy Hills is hereby amended and supplemented by the following:

A. **§ 290-10. E. Horses** is hereby amended and supplemented to include pony and shall read as follows:

E. Horses/Ponies. No person shall use, ride or drive a horse or pony upon park lands other than in designated areas.

B. **§ 290-10. F. Groups, meetings, exhibition, racing and similar activities** shall be deleted in its entirety and replaced with the following:

F. Groups, meetings, exhibition, racing and similar activities.

(1) No group of 15 or more persons shall use the park area without first obtaining a permit.

(2) Adult supervision of children's groups is required at all times.

(3) No person shall hold any public meeting or give any concert or entertainment of any kind or erect any structure, including, but not limited to stands, tents, platforms, or play structures; occupy any camp; utilize any loudspeaker, public address system or amplifier without a permit.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township of Parsippany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on December 6, 2013.

Motion to accept that Ordinance 2013:35 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Mr. Ferrara.

ROLL CALL:

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

PUBLIC HEARING 2013:35

Motion to open the public hearing for Ordinance 2013:35 by Mr. Nelson, seconded by Mr. dePierro.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:35 by Mr. Ferrara, seconded by Mr. Nelson.

ROLL CALL:

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

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

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

ROLL CALL:

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

ORDINANCE 2013:36

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING SECTION 4-66, MEETINGS; HEARINGS AND APPEALS, OF THE CODE OF TOWNSHIP OF PARSIPPANY-TROY HILLS

WHEREAS, pursuant to N.J.S.A. 40:69A-179, the Township Council of the Township of Parsippany-Troy Hills (the “Township”) is required to hold regular meetings, which shall be at least monthly; and

WHEREAS, the Township Council convenes monthly for regular meetings throughout the year for the purpose of conducting regular Township business.

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

SECTION 1. Section 4-66 of the Township Code, Meetings; hearings and appeals, is hereby amended as follows:

- A. Regular meetings. The Council shall meet annually for organization on any day during the first week of January. The Council shall have regular monthly meetings, which may include a conference portion for the consideration of preliminary business to be immediately followed by the regular portion, commencing at 7:30 p.m. The Council shall, at its annual organization meeting, fix the regular monthly meeting dates for the year by resolution in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended. Any regular meeting date so established may be changed during the course of the year by majority vote of the Council.

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Additional dates may be added or dates may be deleted or changed by a majority vote of the Council.

- B. Special meetings. The Mayor or Council President may call a special meeting whenever either deems it in the public interest, and the Council President shall call a special meeting upon the request, in writing, of a majority of the Council members. The request and call for such special meeting shall be filed with the Clerk at least 48 hours, excluding Saturdays, Sundays and legal holidays, before the time for which the special meeting is called, and the Clerk shall forthwith deliver copies thereof to each Council member at his residence or at such other place calculated to effect service as may be designated in advance.
- C. Emergency meetings. The Council President on his own initiative or at the request of the Mayor may call an emergency meeting of the Council. The request and call for such an emergency meeting shall state the time and purpose of the meeting, and no other business shall be considered. The call for an emergency meeting shall be filed with the Clerk, and the Clerk shall forthwith deliver copies thereof to each Council member at his residence or at such other place calculated to effect service as may be designated in advance.
- D. Agenda meetings. The Council shall hold an agenda meeting during the week immediately preceding each regular meeting for the purpose of fixing an agenda for the next regular meeting and for the consideration and discussion of municipal business. At each agenda meeting, the Council shall determine and designate which items of municipal business, if any, shall be included in the consent agenda for the next regular meeting. The Council shall, at its annual organization meeting, fix the agenda meeting dates for the year by resolution. Any agenda meeting date so established may be changed or added to during the course of the year by majority vote of the Council. If any agenda meeting falls upon a New Jersey legal holiday or on such other day the Council may deem unsuitable or inconvenient for the conduct of its business, the meeting date may be changed by the majority vote of the Council.
- E. (Reserved).
- F. Special public meetings. The Council may hold public meetings on matters of general interest to the public or any segment thereof at such time and places as a majority of the Council may deem appropriate.
- G. Hearings.
 - 1) The Council shall hold hearings and appeals as required by law at such times as a majority of the Council may deem appropriate subject to law. Seven copies of a transcript of the proceedings below, if available, shall be filed with the Township Clerk at least 10 days prior to the hearing date.
 - 2) Upon request by the Council, the parties to hearings and appeals will provide briefs or memoranda of law. Seven copies shall be filed with the Township Clerk, and additional

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copies will be served upon the opposing parties. All briefs and memoranda shall be filed and served no later than 10 days prior to the hearing date.

- 3) Exhibits which are not part of the record below, but which the parties wish to have considered, must also be filed 10 days prior to the hearing date.

H. (Repealed).

- I. Notices of meetings and hearings as enumerated in Subsections A through G of this section shall be given in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975.

SECTION 2. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect immediately upon its 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 December 6, 2013.

Motion to accept that Ordinance 2013:36 be heard in its second and final reading by title only, by Mr. Ferrara, seconded by Mr. dePierro.

ROLL CALL:

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

PUBLIC HEARING 2013:36

Motion to open the public hearing for Ordinance 2013:36 by Mr. Carifi, seconded by Mr. Nelson.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:36 by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

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

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

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

ROLL CALL:

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

ORDINANCE 2013:37

ORDINANCE AUTHORIZING THE BUSINESS ADMINISTRATOR OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO EXECUTE AND RENEW, AS NECESSARY, A LEASE WITH THE BUILDING MAINTENANCE SUPERINTENDENT OF CRAFTSMAN FARMS

WHEREAS, the Township of Parsippany-Troy Hills is the owner of Craftsman Farms, known on the Official Tax Map of the Township of Parsippany-Troy Hills as Block 25, Lot 31; and

WHEREAS, these premises require the attention of a caretaker; and

WHEREAS, the Township desires to execute a lease agreement with the building maintenance superintendent, also known as the Caretaker, who will reside in the premises known as Craftsman Farms, Calf Barn, 2352 Route 10 West, Morris Plains, NJ 07950; and

WHEREAS, the Township pursuant to N.J.S.A. 40A:12-15 has the authority to enter into this lease.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills to authorize the Business Administrator, on behalf of the Township as Landlord, to execute and renew the aforementioned lease as is necessary.

The above Ordinance was published in its entirety in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on December 6, 2013.

Motion to accept that Ordinance 2013:37 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, Ferrara, Nelson and Stanton

PUBLIC HEARING 2013:37

Motion to open the public hearing for Ordinance 2013:37 by Mr. Carifi, seconded by Mr. Nelson.

ROLL CALL:

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

- **No Comments.**

Motion to close the public hearing for Ordinance 2013:37 by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

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

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

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

ROLL CALL:

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

PUBLIC HEARING

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

ROLL CALL:

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

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

- David Rice, 1934 Waverly St., Philadelphia, PA: representing Cross properties, which is the firm that was interested in the redevelopment of the historic Greystone property. Mr. Rice spoke about their experience with redeveloping historic properties and their interest with this property for mainly residential uses. Mayor Barberio requested that Mr. Rice make an appointment to meet to discuss costs and historic tax credits from the Federal Government.
- Matt McGovern, PO Box 257, Mt. Tabor: spoke in favor of preserving the historic Greystone property, history of the state's role and support of the resolution on the agenda.
- John Huebner, 100 Florence Avenue 3B, Denville (president of Preserve Greystone): spoke in favor of preserving the historic Greystone property and the costs associated with the remediation and demolition of the property.
- Betty Wycka, 1 Bennett Court: thanked the Council for sharing information with the public on Sustainability NJ and the survey associated with it. She also thanked Councilman Nelson for his service.

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- Roy Messmer, 10 Drumlin Dr: asked/commented about the following: can medical insurance presentation be placed on a screen for the public; has the medical insurance gone up or down (up 1.7%); has Fairview given political contributions to PACs that have trickled down to local races; spoke about his disagreement with quotas and his belief that only qualified residents who would do a good job should be placed on boards and not based on demographics.

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

ROLL CALL:

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

CONSENT AGENDA

- **None (The December Agenda Meeting was cancelled due to inclement weather.)**

APPROVAL OF MINUTES (Non-Consent Agenda)

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

- Special Meeting (Budget Review) of 4/6/2013
- Closed Session Meeting of 5/7/2013
- Closed Session Meeting of 6/11/2013
- Closed Session Meeting of 7/9/2013
- Agenda Meeting of 5/7/2013
- Agenda Meeting of 6/11/2013
- Agenda Meeting of 7/9/2013
- Regular Meeting of 7/16/2013

ROLL CALL:

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

TOWNSHIP OFFICE REPORTS

Engineering Report of December 2013

Status of Road Resurfacing-Puddingstone Area

The Developer installed a water main and sanitary sewer line on a portion of Puddingstone Road. The Township accepted ownership of the sanitary main at their November 12, 2013 Council meeting. The installation of sanitary laterals will begin on Monday December 9, 2013. **(No Council Action Required at this Time)**

Revisions to Escrow Requirements in Connection with Residential Sidewalk/Driveway Repairs

The Lau's have expressed their unhappiness with the Township over the escrow fee and their belief that it is unnecessary and onerous on residents. Former Township Engineer Michael Pucilowski wanted to review the ordinance and draft changes to reduce the amount of escrow required for work performed between the property line and the edge of pavement in the Township right-of-way however this was not accomplished before his retirement.

We recently received a letter from Mr. & Mrs. Fraga also expressing their displeasure with the escrow requirement and with the burden on the property owner to request the return of escrow funds. Many people do not request their escrow back after one year. In an effort to help residents the Engineering and Finance offices have been compiling a list of right-of-way escrows that have not been returned.

I met with Michael Pucilowski and asked for his aid in reviewing the ordinances and making recommendations. Recommendations will be presented. **(No Change)**.

Canterbury Estates Vacation of Lots 26 and 77 in Block 98

The applicant of Canterbury Estates has requested the vacation of Lot 26 in Block 98. This lot was apparently created as an access route to Lot 77 which was reserved for a future water tower. I take no objection to the vacation of the entire Lot 26 from Foote Lane to Lot 77. Please refer to my May 5, 2009 memo on this subject. The metes and bounds descriptions have been reviewed and were sent back to the attorney for revisions. Once acceptable an Ordinance will need to be adopted by the Township Council to vacate this right-of-way. **(No Change)**

Resolution Approving Submission of Applications To The New Jersey Department of Environmental Protection for An Individual Freshwater Wetlands Permit and a Flood Hazard Area Permit In Connection With Edwards Road Improvements

This office has reviewed the Individual Freshwater Wetlands Permit Application and the Flood Hazard Area Environmental Reports both prepared by Maser Consulting, P.A. dated September 2013. **We have no objection to the Council approving the submission of these permits by a resolution.**

ORDINANCES - INTRODUCTION

- None

RESOLUTIONS

R2013-239 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING SUBMISSION OF APPLICATIONS TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN INDIVIDUAL FRESHWATER WETLANDS PERMIT AND A FLOOD HAZARD AREA PERMIT IN CONNECTION WITH EDWARDS ROAD

WHEREAS, on or about December 19, 2011, the Planning Board of the Township of Parsippany-Troy Hills (“Planning Board”) recommended to the Township Council that certain properties owned by Parsippany Partners, LLC, identified as Block 767, Lot 15 and Block 766, Lot 11, (“Property”) located on opposite sides of Edwards Road be designated as an area in need of redevelopment; and

WHEREAS, on or about February 14, 2012, the Township Council officially designated the subject Property as an area in need of redevelopment; and

WHEREAS, the portion of Edwards Road on which the subject Property fronts is located below the applicable flood hazard elevation line, and consequently floods with regularity during high water and storm events; and

WHEREAS, pursuant to proposed redevelopment plans for the subject Property, and in preparation for pursuing the redevelopment of its Property, Parsippany Partners is proposing to realign Edwards Road in a manner which reduces the severity of the existing curvature of the roadway and to increase the elevation of the road to bring it above the flood hazard elevation; and

WHEREAS, Parsippany Partners is further proposing additional flood storage improvements that will benefit its Property and the Township; and

WHEREAS, the Township Council agrees that there are substantial benefits to the public that will result from these roadway improvements and flood storage measures to be undertaken by Parsippany Partners at its sole cost and expense; and

WHEREAS, in order to proceed with the proposed Edwards Road improvements and flood storage measures, both an Individual Freshwater Permit and a Flood Hazard Area Permit (collectively referred to as the “Permits”) are required from the New Jersey Department of Environmental Protection (“NJDEP”); and

WHEREAS, the Individual Freshwater Wetlands Permit is needed because the Edwards Road improvements will require the fill of approximately .794 acres of freshwater wetlands on either side of Edwards Road and disturbance of approximately 1.07 acres of freshwater wetlands transition area; and

WHEREAS, the Flood Hazard Area Permit is required because approximately 2.35 acres of flood hazard area will be disturbed by the proposed project; and

WHEREAS, due to the fact that certain of the improvements are proposed within the Township right-of-way and on Township property, the Township must be named as the Applicant and Permittee of the two permit applications; and

WHEREAS, Parsippany Partners has prepared all requisite application forms for the Permits, which have been reviewed and deemed acceptable to the Township Engineer and Planner; and

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WHEREAS, as owner of approximately twenty-five (25) acres on both sides of Edwards Road, Parsippany Partners will be submitting the Township Permit applications to the NJDEP in tandem with its own permit applications to perform its flood storage and development work on its Property; and

WHEREAS, Parsippany Partners shall be responsible for any and all costs associated with obtaining the Permits.

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

1. The Township Council approves the submittal of applications for an Individual Freshwater Wetlands Permit and Flood Hazard Area Permit in connection with the proposed Edwards Road improvements and flood storage measures to be undertaken by Parsippany Partners, LLC.
2. The Mayor of the Township of Parsippany-Troy Hills is hereby authorized to execute the Permit applications on behalf of the Township, and any supporting submissions and documents consistent with the Permit applications as may be reasonably required by the NJDEP, subject to the review and approval of the Township Engineer and Planner.
3. Parsippany Partners, LLC shall be responsible for all costs associated with obtaining the Permits from the NJDEP.

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

ROLL CALL:

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

CLOSED SESSION

RESOLUTION

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

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

WHEREAS, the Township Council wishes to discuss: Attorney/Client Privilege, Contracts and Litigation Matters.

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

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

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

ROLL CALL:

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

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

ROLL CALL:

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

R2013-212 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A SETTLEMENT AGREEMENT WITH CBS OUTDOOR, LLC

WHEREAS, on or about January 9, 2004, CBS Outdoor, LLC (“CBS Outdoor”) submitted an application (the “Application”) to the Township of Parsippany-Troy Hills (the “Township”) Zoning Board seeking preliminary and final site plan approval and use and bulk variance relief to allow for construction of an outdoor advertising structure (“billboard”) on a portion of the Township’s property; and

WHEREAS, at the time of CBS Outdoor’s Application, Township Code §430-283(A) prohibited billboards in all districts of the Township; and

WHEREAS, after conducting public hearings, the Zoning Board denied CBS Outdoor’s Application; and

WHEREAS, on November 8, 2005, CBS Outdoor filed an action in lieu of prerogative writs against the Township and the Zoning Board entitled, CBS Outdoor, Inc. v. Zoning Board of Adjustment of the Township of Parsippany-Troy Hills, Superior Court Of New Jersey, Law Division, Morris County, Docket No. MRS-L-3246-05, appealing the denial of its Application while also challenging the constitutionality of the Township’s Ordinance prohibiting billboards in all districts of the Township; and

WHEREAS, the Court bifurcated the action to first address the prerogative writ aspects of the appeal of the Application denial, and to subsequently adjudicate the constitutional challenges thereafter; and

WHEREAS, by order dated July 13, 2006, the Court remanded the matter to the Zoning Board for reconsideration of the Application and the Court retained jurisdiction; and

WHEREAS, on September 12, 2006, the Township passed Ordinance 2006:19, which amended the Township Code to allow billboards in the Specialized Economic Development zone and in the Limited Industrial Wholesale districts; and

WHEREAS, after reconsideration of the Application, by Resolution dated November 8, 2006, the Zoning Board denied CBS Outdoor’s Application; and

WHEREAS, CBS Outdoor timely appealed the Zoning Board’s denial of its Application and amended its Complaint to challenge the constitutionality of Township Ordinance 2006:19; and

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WHEREAS, on March 27, 2007, the Court affirmed the Zoning Board's denial of the Application, but allowed CBS Outdoor to pursue its constitutional claims against the Township and the Zoning Board; and

WHEREAS, by Consent Order dated October 24, 2007, the Township and CBS Outdoor agreed to voluntarily dismiss the Complaint without prejudice to allow CBS Outdoor to locate a potential location within the Township to erect a billboard in conformance with Township Ordinance 2006:19; and

WHEREAS, on or about October 22, 2008, CBS Outdoor re-filed its Complaint, Docket No. MRS-L-3157-08, re-asserting its constitutional challenges to Township Ordinance 2006:19 after CBS Outdoor failed to find a location conforming to the provisions of said Ordinance (the "Billboard Litigation"); and

WHEREAS, the Township, the Zoning Board, and CBS Outdoor (the "Parties") have engaged in settlement discussions that would result in a settlement resolving the Billboard Litigation; and

WHEREAS, the Township and CBS Outdoor have reached an agreement that will resolve the Billboard Litigation; and

WHEREAS, the Morris County Municipal Joint Insurance Fund (the "MCMJIF") will pay up to \$80,000.00 to CBS Outdoor in consideration of the settlement.

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 are hereby adopted and incorporated herein as if repeated in full; and
2. That the Mayor be and hereby is directed and authorized to execute, and the Township Clerk be and hereby is authorized to witness, the Settlement Agreement in a form acceptable to the Township Attorney; and
3. That the Township Attorney be and hereby is authorized to take whatever actions that he deems are necessary to effectuate the terms of the Settlement Agreement.

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

*Prior to roll call, Mr. Inglesino explained the terms of the settlement and Mr. Ed Sneickus from Burgis Associates (Township Planner) made a presentation showing where the billboards will be located and explained the ordinances that will need to be adopted by the Township Council.

ROLL CALL:

YES – Council Members Carifi, dePierro, Ferrara, Nelson and Stanton
(Prior to voicing his vote, Mr. dePierro stated for the record that he has been opposed to billboards in Parsippany for the past 30 years, which he considered to be sight pollution, but because of the court case he is begrudgingly voting yes.)

R2013-232 A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE PLANNING BOARD OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO CONDUCT A PRELIMINARY INVESTIGATION OF CERTAIN PROPERTY WITHIN THE TOWNSHIP FOR POTENTIAL REDEVELOPMENT

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills considers it to be in the best interest of the Township to have the Township Planning Board conduct such an investigation regarding certain properties located in the Township, which properties are identified as Block 136, Lots 43.3, 44 and 76 as shown on the official Tax Map of the Township of Parsippany-Troy Hills (the “Property”); and

WHEREAS, the Township believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Township: and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Property as “in need of redevelopment” is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5.

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

1. The Planning Board of the Township of Parsippany-Troy Hills is hereby directed to conduct a preliminary investigation to determine whether the aforementioned Property, or any portions thereof, constitute a non-condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5;
2. The Planning Board of the Township of Parsippany Troy Hills is hereby directed to study the area known as Block 136, Lots 43.3, 44 and 76; to develop a map reflecting the boundaries of the proposed redevelopment area; to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:6; and to draft a report/Resolution to the Mayor and Council containing its findings; and
3. The results of such preliminary investigation shall be submitted to the Mayor and Council for review and approval in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq.

*Mr. Inglesino explained that the property is Morris Corporate 5 and 6. The property owner has requested this designation because there is an opportunity to bring in a major corporate business. There is no residential contemplated for this property.

Motion to amend the resolution to add Lot 76 and to remove reference to Edwards Road by Mr. Stanton, seconded by Mr. Carifi.

ROLL CALL:

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

Motion to approve the resolution as amended by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

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

R2013-233 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONFIRMING THE APPOINTMENT AND AWARDED A CONTRACT FOR PROFESSIONAL ARCHITECTURAL SERVICES TO CTS GROUP ARCHITECTURE/PLANNING PA

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire professional architectural 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, CTS Group Architecture/Planning PA has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract; and

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

WHEREAS, the Business Entity Disclosure Certification further provides that the firm has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

WHEREAS, CTS Group Architecture/Planning PA 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, within 10 days of approval of the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

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

NOW THEREFORE, BE IT RESOLVED as follows:

1. That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into a contract with CTS Group Architecture/Planning PA, 17 Commerce Street, Chatham, NJ 07928-2703 for professional architectural services upon the terms and conditions as stipulated in the contract on file in the Office of the Township Clerk; and

2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
3. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and
4. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

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

ROLL CALL:

YES – Council Members dePierro, Ferrara, and Stanton

NO – Council Members Carifi and Nelson

R2013-234 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING CONTRACT TO BEYER BROS. CORP. FOR THE PURCHASE OF ONE (1) NEW/UNUSED 4WD CREW CAB PICK UP TRUCK WITH TWO (2) LIGHT TOWERS FOR THE RESCUE AND RECOVERY SQUAD FOR A TOTAL BID PRICE OF \$78,600.00

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New/Unused 4WD Crew Cab Pick Up Truck with Two (2) Light Towers for the Rescue and Recovery Squad on November 21, 2013, and

WHEREAS, the Business Administrator, Director of Purchasing and Rescue and Recovery Squad have reviewed the bid received and recommend that the bid be awarded to the lowest responsible bidder, Beyer Bros. Corp., 109 Broad Avenue, Fairview, NJ 07022 for a Total Bid Price of \$78,600.00, 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 One (1) New/Unused 4WD Crew Cab Pick Up Truck with Two (2) Light Towers for the Rescue and Recovery Squad 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.

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

ROLL CALL:

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

R2013-235 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING CHANGE ORDER #1 FOR ROOF REPLACEMENT AT THE MUNICIPAL BUILDING

WHEREAS, a change order is necessary for the contract for Roof Replacement at the Municipal Building with Gen II Contracting Co., Inc., 395A Millstone Road, Clarksburg, NJ 08510, resulting in a net decrease in costs in the amount of \$2,288.00; and

WHEREAS, the Consulting Engineer has recommended the change as outlined in Change Order #1, due to removal of the cash allowance from the contract and the reconciliation of the projected estimated quantity needed with the actual quantity constructed for plywood decking on the project.

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 decrease of \$2,288.00 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.

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

ROLL CALL:

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

R2013-236 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE TOWNSHIP OF PARSIPPANY-TROY HILLS SCHEDULE OF TOWNSHIP COUNCIL MEETINGS FOR 2014

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following schedule of the Annual Organization Meeting, Agenda Meetings, and Regular Township Council Meetings be and the same is hereby approved for the year 2014:

- Annual Organization Meeting will be held on Tuesday, January 7, 2014 at 7:30 p.m.
- Agenda Meetings will commence at 7:30 p.m., except that the Agenda Meeting scheduled for January 7, 2014 will commence immediately following the Annual Organization Meeting.
- Regular Township Council Meetings will commence at 7:30 p.m.
- All meetings will be held on TUESDAY EVENINGS, unless otherwise noted.
- All meetings will be held in the Municipal Building, 1001 Parsippany Boulevard, Parsippany.
- FORMAL ACTION may or may not be taken at all scheduled meetings.

REGULAR TOWNSHIP COUNCIL MEETING DECEMBER 17, 2013

AGENDA MEETINGS

January	7
February	4
March	11
April	8
May	13
June	10
July	8
August	12
September	9
October	7
November	12
December	9

**REGULAR TOWNSHIP
COUNCIL MEETINGS**

January	14
February	11
March	18
April	22
May	20
June	17
July	15
August	19
September	23
October	21
November	25
December	16

Any individual who is a qualified disabled person under the American with Disabilities Act may request auxiliary aids such as a sign interpreter or a tape recorder to be used for a meeting. Auxiliary aids must be requested at least 72 hours prior to the meeting date. Please call 973-263-4357 to make a request for an auxiliary aid.

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

ROLL CALL:

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

R2013-237 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS ALLOCATING ADDITIONAL MONEY FROM THE MUNICIPAL AFFORDABLE HOUSING TRUST FUND TO SPECIAL HOMES OF NEW JERSEY, INC. AND REQUESTING COAH'S REVIEW AND APPROVAL OF A THIRD AMENDMENT TO THE MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

WHEREAS, the Mayor and Council of the Township of Parsippany-Troy Hills, Morris County (the "Township"), has approval to establish and administer an Affordable Housing Trust Fund (the "AHTF") that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, the NJ Department of Community Affairs (the "NJDCA") and the NJ Housing Mortgage Finance Agency (the "HMFA") have partnered with NJDHS to form NJDCA/NJDHS Special Needs Housing Partnership (the "Partnership") to provide housing development expertise and funding to create homes designed to the specifications of NJ Department of Human Services in order to offer community-based housing to an expanded number of individuals with developmental disabilities, and specifically single family (three or four bedroom) ranch style homes or two bedroom condos or apartments to create community housing arrangements ready for occupancy (the "Partnership Program"); and

REGULAR TOWNSHIP COUNCIL MEETING DECEMBER 17, 2013

WHEREAS, in Resolutions, dated December 6, 2011 and July 10, 2012, and pursuant to an Memorandum of Understanding between the Township and HMFA, dated January 1, 2012, and the Amendment thereto, dated July 30, 2012, the Township allocated and funded \$2,000,000.00 to HMFA for the purpose of providing loans to pre-qualified, experienced housing developers and appropriate service providers with the capacity and technical expertise to acquire and manage housing units within the Township that meet the various residential needs of individuals with developmental disabilities and that meet their need for supports and services under the Partnership Program; and

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

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

WHEREAS, the Township was approached by Special Homes of New Jersey, Inc. (“Special Homes”), in connection with the development of a four (4) bedroom group home providing low- and moderate-income housing units for developmentally disabled adults at the property located at 1259 Littleton Road in the Township (the “Property”) using up to \$250,000.00 of the amounts funded by the Township to HMFA under the Partnership Program; and

WHEREAS, Special Homes is a non-profit organization providing certified programs for developmentally disabled adults, helping them to pursue their goals and to become valued members of their communities; and

WHEREAS, Special Homes requested that the Township allocate up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program for use for the purchase and development/renovation of the Property under an arrangement where Special Homes will purchase and develop/renovate the Property utilizing such funds; and

WHEREAS, in a Resolution dated July 17, 2012, the Township allocated up to \$250,000.00 of the amounts the Township funded to HMFA under the Partnership Program, and up to \$75,000.00 from the Township’s AHTF for use by Special Homes for the Property, determining that same will provide an opportunity to create homes designed to the specifications of NJDHS and offer community-based housing to an expanded number of individuals with developmental disabilities within the Township; and

WHEREAS, upon further investigation Special Homes has determined that an additional \$34,000.00 is required to complete the acquisition and rehabilitation of the Property, and Special Homes has requested that the Township fund the additional \$34,000.00 required to complete the acquisition and rehabilitation of the Property from the Township’s AHTF monies as a donation; and

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

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

REGULAR TOWNSHIP COUNCIL MEETING DECEMBER 17, 2013

WHEREAS, the Township wishes to allocate an additional \$34,000.00 to Special Homes from its AHTF, in order to further provide the funding for the development of low- and moderate-income housing within its borders through monies collected by the Township for that specific purpose; and

WHEREAS, the Township prepared a spending plan, dated July 12, 2012 (the “2012 Spending Plan”), consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46 and submitted same to the NJDCA and COAH for review and approval on July 16, 2012; and

WHEREAS, the Township prepared an amendment to its 2012 Spending Plan consistent with N.J.A.C. 5:97-8.10, dated September 2013 (the “September 2013 Spending Plan”), so as to, among other things, change the properties identified and the allocation and amounts of certain funds therein, and submitted same to COAH for its review and approval; and

WHEREAS, the Township received comments on the September 2013 Spending Plan from COAH’s staff and submitted a second amended Spending Plan, dated November 2013, for COAH’s review and approval (the “November 2013 Spending Plan”) and is awaiting formal approval of same in accordance with the COAH regulations; and

WHEREAS, the Township desires to submit an amendment to its November 2013 Spending Plan incorporating the additional \$34,000.000 to be funded from the AHTF to Special Homes as set forth herein for COAH’s review and approval.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Parsippany-Troy Hills hereby allocate up to \$34,000.00 from the Township’s Affordable Housing Trust Fund for use by Special Homes for the purposes stated herein; and

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

BE IT FURTHER RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that the Council requests that COAH review and approve a third amendment, dated November 2013, to the Township of Parsippany-Troy Hills’ affordable housing spending plan.

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

ROLL CALL:

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

R2013-238 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND FOR 7-ELEVEN, INC.

WHEREAS, 7-Eleven, Inc. posted a performance guarantee bond, Liberty Mutual Insurance Company Bond No. 6676143 in the amount of \$268,080.00, with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project for 7-Eleven located at 31 North Beverwyck Road, Block 611, Lot 2; and

REGULAR TOWNSHIP COUNCIL MEETING DECEMBER 17, 2013

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated November 19, 2013 that said performance guarantee be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Liberty Mutual Insurance Company Bond No. 6676143 posted by 7-Eleven, Inc. be and the same is hereby released.

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

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

ROLL CALL:

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

R2013-240 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING 2013 BUDGET APPROPRIATION TRANSFERS II

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following transfers between appropriations be and the same are hereby authorized to be made in conformity with the State Statutes in such cases made and provided; and

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is hereby authorized to make the necessary entries on the books and 2013 budget in connection with said transfers:

<u>CURRENT FUND</u>		<u>FROM</u>	<u>TO</u>
Building Inspection - Construction			
Salaries & Wages		\$ 10,000.00	
Condominium Costs			
Other Expense		75,000.00	
Planning Board			
Other Expense			\$ 10,000.00
Public Works			
Other Expense			75,000.00

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

ROLL CALL:

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

R2013-241 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) – NO NET LOSS GRANT – PF13-017

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 county or 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 an item of appropriation for equal amount,

WHEREAS, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2013 municipal budget,

Joseph A. Kovalcik Jr., Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2013 as referenced below:

Revenue Title: <u>No Net Loss Grant – PF13-017</u>	Amount: <u>\$39,300.00</u>
Appropriation Title: <u>Net Loss Grant – PF13-017</u>	Amount: <u>\$39,300.00</u>
Local Match - Source: _____	Amount: \$ _____

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

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

ROLL CALL:

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

R2013-242 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) – 2013 BODY ARMOR 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 county or 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 an item of appropriation for equal amount,

WHEREAS, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2013 municipal budget,

Joseph A. Kovalcik Jr., Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2013 as referenced below:

Revenue Title: 2013 Body Armor Grant Amount: \$10,660.69
Appropriation Title: 2013 Body Armor Grant Amount: \$10,660.69
Local Match - Source: _____ Amount: \$ _____

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

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

ROLL CALL:

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

R2013-243 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) – HAO CHARITABLE FUND 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 county or 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 an item of appropriation for equal amount,

WHEREAS, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2013 municipal budget,

Joseph A. Kovalcik Jr., Chief Financial Officer

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2013 as referenced below:

Revenue Title: HAO Charitable Fund Grant Amount: \$1,500.00
Appropriation Title: HAO Charitable Fund Grant Amount: \$1,500.00
Local Match - Source: _____ Amount: \$ _____

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

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

ROLL CALL:

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

R2013-244 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) – JUVENILE ACCOUNT LEADERSHIP PROGRAM 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 county or 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 an item of appropriation for equal amount,

WHEREAS, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2013 municipal budget,

Joseph A. Kovalcik Jr., Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2013 as referenced below:

Revenue Title: Juvenile Account Leadership Program Grant Amount: \$5,000.00
Appropriation Title: Juvenile Account Leadership Program Grant Amount: \$5,000.00
Local Match - Source: _____ Amount: \$ _____

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

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

ROLL CALL:

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

R2013-245 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY RIDER FOR ACCUMULATED ABSENCES TO BE INCLUDED IN THE 2013 AND SUBSEQUENT BUDGETS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable estimates in advance; and

WHEREAS, N.J.A.C. 5:30-15 permits municipalities to receive amounts for costs incurred for Accumulated Absences; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council, Township of Parsippany – Troy Hills, County of Morris, State of New Jersey, that permission be and is hereby requested of the Director of the Division of Local Government Services to include the Dedication by Rider in the 2013 and subsequent budgets, “to pay expenditures for Accumulated Absences” and dedicated under the provisions of N.J.A.C. 5:30-15, and in accordance with N.J.S.A. 40A:4-39.

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded immediately to the Director of the Division of Local Government Services

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

ROLL CALL:

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

R2013-246 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY RIDER FOR SNOW REMOVAL TO BE INCLUDED IN THE 2013 AND SUBSEQUENT BUDGETS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable estimates in advance; and

WHEREAS, P.L. 2001, c.138 permits municipalities to lapse unexpended balances budgeted annually for snow removal or other purposes; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council, Township of Parsippany – Troy Hills, County of Morris, State of New Jersey, that permission be and is hereby requested of the Director of the Division of Local Government Services to include the Dedication by Rider in the 2013 and subsequent budgets,, “to pay expenditures for Snow Removal” and dedicated under the provisions of P.L. 2001, c.138, and in accordance with N.J.S.A. 40A:4-39.

BE IT FURTHER RESOLVED that two certified copies of this resolution be forwarded immediately to the Director of the Division of Local Government Services.

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

ROLL CALL:

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

R2013-247 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE CANCELLATION OF 2012 TAX OVERPAYMENTS

WHEREAS, certain tax overpayments per Block and Lot remain outstanding on the Parsippany-Troy Hills tax records; and

WHEREAS, the total overpayments amount to \$14,216.40 for 2012 as per the detailed list dated December 09, 2013 on file with the Township Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the Tax Collector is hereby authorized to cancel overpayments in the amount of \$14,216.40 from the tax records as per the detailed list filed with the Township Clerk.

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

ROLL CALL:

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

R2013-248 Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contract for Health Benefit Insurance Services to Insurance Design Administrators

Motion to approve the above Resolution by Mr. dePierro, NO second. Motion FAILS.

R2013-249 Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contract for Employee Dental Insurance Services to Delta Dental of New Jersey, Inc.

Motion to TABLE the above Resolution by Mr. Nelson, seconded by Mr. Carifi.

ROLL CALL:

YES – Council Members Carifi, Nelson and Stanton

NO – Council Members dePierro and Ferrara

R2013-250 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING THE CANCELLATION OF UNEXPENDED FUNDS FOR THE GOLF & RECREATIONAL UTILITY FUND

WHEREAS, there exists in the following Golf & Recreational Utility Fund budget appropriations certain unexpended funds which are no longer needed for their intended purpose:

<u>Account</u>	<u>Amount</u>
Salaries	\$ 18,000.00
Operating Expenses	\$ 77,000.00

WHEREAS, after review by Township officials, it is desirous to cancel these funds to the general surplus of the Township's Golf & Recreational Utility Fund,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Parsippany-Troy Hills that the aforementioned unexpended funds be cancelled.

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

ROLL CALL:

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

R2013-251 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS URGING THE PRESERVATION OF GREYSTONE'S HISTORIC KIRKBRIDE BUILDING

WHEREAS, on August 17, 1876, the State of New Jersey opened the New Jersey State Lunatic Asylum on approximately 671 acres of real property in what is now the Township of Parsippany-Troy Hills ("Greystone"); and

WHEREAS, the original main hospital building on the Greystone property, colloquially called the Kirkbride Building, is of important historical and architectural significance; and

WHEREAS, the State of New Jersey has declared that those portions of the Greystone property no longer utilized by the Department of Human Services are surplus; and

WHEREAS, the taxpayers of the State of New Jersey are responsible for the cost of remediating hazardous conditions and materials on the Greystone property; and

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WHEREAS, New Jersey State Senators Anthony Bucco and Joseph Pennacchio have introduced bill S-3112, which provides that portions of the Greystone property no longer utilized by the Department of Human Services, owned by the State of New Jersey, may only be sold to Morris County; and

WHEREAS, if S-3112 is enacted, Morris County would be limited to using the Greystone property for recreation, conservation, historic preservation, farmland preservation and associated public services; and

WHEREAS, preservation of the Kirkbride Building is not mentioned in bill S-3112; and

WHEREAS, the Township Council of Parsippany-Troy Hills desires that every effort be made to protect the Kirkbride Building from demolition; and

WHEREAS, in furtherance of its goal of preserving the historic Kirkbride Building, the Township Council of the Township of Parsippany-Troy Hills urges Senators Bucco and Pennacchio to withdraw bill S-3112.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Parsippany-Troy Hills calls upon New Jersey State Senators Bucco and Pennacchio to withdraw bill S-3112 or, in the alternative, include provisions in S-3112 that call for the historic designation and protection of the Kirkbride Building; and

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

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

ROLL CALL:

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

APPLICATION(S)

R2013-252 2014 RENEWAL OF LICENSES – AMUSEMENT GAMES, ENTERTAINMENT, TAXI/LIMO, TOURIST ACCOMMODATIONS, TRUCK TERMINAL II

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2014:

TAXI/LIMOUSINE OWNERS

NUMBER OF VEHICLES

Emad Doussa	1
M. Singh Limo Services	1
Limo 46, LLC	3
Allert Limousine Service, LLC	5

TOURIST ACCOMODATIONS

NUMBER OF ROOMS

Red Roof Inn	108
Parsippany Inn	50
Tomac Motor Lodge	35

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

ROLL CALL:

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

R2013-253: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING A NEW LIMOUSINE LICENSE FOR AMERICAN FAST LIMOUSINE & TAXI, 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 2014.

**American Fast Limousine & Taxi, LLC
1259 Route 46 East
Suite 258, 2nd Floor
Parsippany, NJ 07054**

(1 Vehicle)

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

ROLL CALL:

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

R2013-254: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING AND AUTHORIZING AN INACTIVE RETAIL LIQUOR LICENSE RENEWAL FOR THE LICENSING TERM, JULY 1, 2013 THROUGH JUNE 30, 2014 FOR LLEWELLYN TAVERN LLC

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey, pursuant to the authority vested in it by an Act of Legislature, has heretofore, by Ordinance provided for the sale of alcoholic beverages in the Township of Parsippany-Troy Hills; and

WHEREAS, the following named person has filed an application for Renewal of Plenary Retail Consumption License for the period from July 1, 2013 to June 30, 2014, Midnight; and

WHEREAS, a Special Ruling dated December 13, 2013, signed by Michael Halfacre, Director of the Division of Alcoholic Beverage Control, was received permitting the Governing Body to consider the renewal of the inactive license for the 2013-2014 license terms; and

WHEREAS, said Applicant has deposited with the Clerk the required fee of \$2400.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey, that the below-listed Plenary Retail Consumption License be hereby renewed for the 2013-2014 terms.

PLENARY RETAIL CONSUMPTION LICENSE:

<u>NUMBER</u>	<u>NAME</u>	<u>PLACE OF BUSINESS</u>
1429-33-015-005	Llewellyn Tavern	Inactive

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

ROLL CALL:

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

R2013-255: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE FOR WINE AMPHORAE WINES AND LIQUORS, LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1429-44-012-004 for premises located at 799 Route 46 East from Shreeji&Ruchi, Inc. to Wine Amphorae Wines and Liquors 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 January 14, 2014, the Person-to-Person Transfer of the aforesaid Plenary Retail Distribution License #1429-44-012-004 to Wine Amphorae Wines and Liquors, LLC #1429-44-012-005.

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

ROLL CALL:

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

Mr. dePierro thanked the outgoing members of the Council, Mr. Ferrara and Mr. Nelson for their service to the Township. He also wished everyone a Merry Christmas and Happy New Year.

Mr. Carifi also thanked Mr. Ferrara and Mr. Nelson for their service to the Township.

REGULAR TOWNSHIP COUNCIL MEETING DECEMBER 17, 2013

Mr. Ferrara thanked everyone for the opportunity and privilege for serving as a Councilman for the past three years. He also extended best wishes for a happy holiday season and happy new year to the citizens of Parsippany. He also thanked his colleagues on the Council.

Mr. Nelson stated that it has been a rewarding year-plus on the Council and he wished everyone a good holiday. He also stated that it will be enjoyable to watch the Council meetings from the audience next year.

Mr. Stanton wished everyone Happy Holidays.

ADJOURNMENT

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

ROLL CALL:

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

MEETING ADJOURNED: 9:36pm

Respectfully submitted,

Yancy Wazirmas, Township Clerk

Brian Stanton, Council President

Minutes approved: