

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
REGULAR TOWNSHIP COUNCIL MEETING OF JANUARY 14, 2014**

**Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 18, 2013 where it has remained posted since that date. A legal notice appeared in both the Daily Record on December 20, 2013 and the Star Ledger on December 23, 2013 and was forwarded by fax to other local newspapers and local radio stations on December 18, 2013.**

**Note:** Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 12:00 p.m. on Sundays and are also available for viewing at [www.parsippany.net](http://www.parsippany.net).

**PRESENT:** Council President Paul Carifi, Jr.  
Council Vice-President Robert Peluso  
Council Member Michael J. dePierro  
Council Member Brian Stanton  
Council Member Louis Valori

**ALSO**

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

**FLAG SALUTE**

**UPCOMING MEETINGS:**

2/4/14 @ 7:30 p.m. Agenda Meeting

2/11/14 @ 7:30 p.m. Regular Meeting

**PRESENTATION**

- 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. The Township Council expressed they would have further discussions and place an ordinance on a future agenda.

**APPOINTMENT(S)**

**Traffic Advisory Committee**

A motion was made by Mr. Carifi, seconded by Mr. Valori, to appoint **Nancy Snyder** as a member of the **Traffic Advisory Committee** for a three year term, ending 12/31/16.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

**BID(S)**

**To be Taken:**

1/22/2014 @ 11:00am            The Processing of Fats, Oils and Grease (“FOG”) – Rescheduled  
from 1/3/2014

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

None

**ORDINANCES - SECOND READING & PUBLIC HEARING**

- None

**PUBLIC HEARING**

Motion to open the public hearing by Mr. Stanton Seconded by Mr. Valori.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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

- Mary Purzycki, 273 Marcella Road: asked for a status update for the Forge Pond Dam. Mr. Inglesino explained that the Township is still in the due diligence phase and they will be asking for an extension. Consultants will perform the due diligence and report back to the Council. Ms. Purzycki complimented the Roads Department for their work during the snow storms and asked that the budget for storm removal, road repairs and street cleaning be increased. Mr. dePierro wished to go on the record that he supports the Township taking control of the dam.
- Nick Homyak, Lake Hiawatha: asked about the status Township’s Highlands conformance. Mr. dePierro explained that the Township would give up control of development and hand it over to the Highlands Commission if they accept full Highlands Conformance and have not pursued it for that reason. Mr. Inglesino added that the Highlands Conformance was not completed because they were initially told that if the Township signs up then their affordable housing needs would be met. This has proven to be untrue in the courts.
- Pat Petaccia, 182 Hawkins Ave: Ms. Petaccia requested responses to her questions from the last meeting regarding whether Mr. Inglesino has a conflict with representing the Township in the RDR litigation case and who requested the presence of a police officer at the Township Council meetings. She also provided a handout to the Council with a list of questions regarding the refunding of legal bills to Councilman Stanton and Mayor Barberio. Mr. Inglesino provided the following responses: The question of reimbursing legal fees was researched back in September in response to a request. In terms of Town

Council Members and the Mayor, it is within the discretion of the Governing Body as to whether or not they desire to reimburse for legal fees incurred for matters that result of acts in their duties. The Township has insurance for such purposes with respect to civil matters. If a member of the Governing Body is sued civilly by somebody, and they were acting within the scope of their duties, then the Township's insurance provider would provide a defense to that lawsuit. When Governing Body members are accused of criminal activity, as was the case here, there is an exclusion of coverage by the JIF for the elected official. So if somebody were to accuse, as was done in this instance, an elected official of committing a crime, and that accusation resulted in a need to hire counsel, there is no public defense of that municipal official. As a side note, the Governing Body has the ability from the outset as to whether or not they want to provide a defense. This case was closed and there was no finding of criminal activity found or pursued by the Prosecutor's Office. Per the language in their letter dated May 9, 2013, they stated it wasn't viable and they closed the case. Once the case is concluded and there is no finding of viability, the Town Council has within its discretion the ability to say that someone was wrongly accused on the Governing Body and they believe as a matter of policy that that elected official should be made whole for the expenses they incurred because they were wrongfully accused of a crime while they were performing a township duty or acting in some capacity on behalf of the Township. The Township Council has the discretion to reimburse fees to the elected official but is not obligated to do so. Mr. Inglesino cited O'Donnell v. Board of Chosen Freeholders of Morris County, 31 N.J. 434 (1960). The State Legislature has codified the circumstances which would require governments to indemnify the legal costs of their employees, but there is no such state statute with respect to members of the Township Council or the Mayor. However, the common law is clear that notwithstanding the absence of obligatory or mandatory reimbursement the Governing Body reserves the right when it is within its discretion to make its elected officials whole to reimburse them, as was done here, for costs incurred when they are wrongfully accused. The Council waited until after the finding was made. Based upon the May 9<sup>th</sup> letter, the Town Council in its discretion decided to reimburse the Mayor and the Council President at that time, for costs that they incurred. His legal opinion then and now is that it is entirely appropriate for the Council to take such action. The vote of the Council to authorize the reimbursement by resolution was necessary. Mr. dePierro added that this issue of reimbursement was discussed in Closed Session, without the Mayor and Councilman Stanton present, and the Council was in unanimous agreement to move forward. He reiterated that they waited until the Prosecutor's Office closed its case.

Mr. Valori stated, for the record, that he did not wrongfully accuse anyone.

Mr. Peluso also wanted to mention that neither he nor Mr. Valori were in office at the time this occurred.

Ms. Lim and Mr. Kovalcik explained the check types. "N" means it was not part of the regular run.

Motion to close the public hearing by Mr. Stanton Seconded by Mr. Valori.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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**CONSENT AGENDA**

**BE IT RESOLVED**, all items listed with an asterisk (\*) are considered to be routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Motion to approve the Consent Agenda by Mr. Stanton seconded by Mr. dePierro.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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**Bids**

**R2014-012\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract to Hoffman International, Inc. for one (1) New/Unused 2014 Hyundai Model HL740XTD Wheel Loader or Approved Equivalent for Parks and Forestry for a Total Bid Price of \$121,354.75

**Resolutions**

**R2014-013\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Non-Fair and Open Contract to Sunbright Services Building Maintenance, LLC for Janitorial Services for Police Headquarters for an Annual Cost of \$34,835.00

**R2014-014\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Consenting to the Proposed Water Quality Management (WQM) Plan Amendment Entitled: Chatham Township, Morris County, Municipal Chapter Proposed Amendment to the Upper Delaware, Upper Raritan and Northeast Water Quality Management Plan (WQMP)

**R2014-015\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing 2013 Budget Appropriation Transfers

**Application(s)**

**R2014-016\*** Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving 2014 License Renewals, III – Amusement Games, Entertainment, Taxi/Limo, Tourist Accommodations, Truck Terminal

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**R2014-012: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A CONTRACT TO HOFFMAN INTERNATIONAL, INC. FOR ONE (1) NEW/UNUSED 2014 HYUNDAI MODEL HL740XTD WHEEL LOADER OR APPROVED EQUIVALENT FOR PARKS AND FORESTRY FOR A TOTAL BID PRICE OF \$121,354.75**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for One (1) New/Unused 2014 Hyundai Model HL740XTD Wheel Loader or Approved Equivalent for Parks and Forestry on December 19, 2013; and

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**WHEREAS**, the Business Administrator, Director of Purchasing and Superintendent of Parks and Forestry have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, Hoffman International, Inc., 300 South Randolphville Road, Piscataway, NJ 08855 for a Total Bid Price of \$121,354.75; 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 2014 Hyundai Model HL740XTD Wheel Loader or Approved Equivalent for Parks and Forestry be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

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**R2014-013: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDING A NON-FAIR AND OPEN CONTRACT TO SUNBRIGHT SERVICES BUILDING MAINTENANCE, LLC FOR JANITORIAL SERVICES FOR POLICE HEADQUARTERS FOR AN ANNUAL COST OF \$34,835.00**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire, pursuant to a non-fair and open process in accordance with the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.), janitorial services for police headquarters; and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500 but will not exceed the public bidding threshold of \$36,000 utilizing a purchasing agent qualified pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and specifically, N.J.S.A. 40A:11-9; and,

**WHEREAS**, the term of this contract shall be from January 1, 2014 to December 31, 2015, unless sooner terminated in accordance with the provisions thereof; and

**WHEREAS**, Sunbright Services Building Maintenance, LLC has indicated that it will provide the services required as specified for the Township of Parsippany-Troy Hills at the rates and terms specified in its proposal and the contract; and

**WHEREAS**, this contract was awarded without competitive bidding as the value of the contract was under the public bidding threshold, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding and the contract itself must be available for public inspection; and

**WHEREAS**, the cost of the services to be provided by Sunbright Services Building Maintenance, LLC is estimated to be \$34,835.00 on an annual basis, which amount is above the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, Sunbright Services Building Maintenance, LLC is required to complete and submit prior to the award of a contract a Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the Township in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

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**WHEREAS,** the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate and the certification have been submitted by Sunbright Services Building Maintenance, LLC and shall be placed and maintained on file at the office of the Township Clerk; and

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

**WHEREAS,** the award of this contract is necessary for the efficient operation of the Township of Parsippany-Troy Hills;

**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 Sunbright Services Building Maintenance, LLC, P.O. Box 5273, Parsippany, NJ 07054 for janitorial services for police headquarters; and
- (2) That, pursuant to N.J.S.A. 40A:11-1 et seq., this contract shall be awarded without public bidding pursuant to an exception from public bidding as the value of the contract is not reasonably anticipated to exceed on an annual basis the public bidding threshold, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;

**BE IT FURTHER RESOLVED** that the Chief Financial Officer certifies that funds are available for this contract.

**BE IT FURTHER RESOLVED** that the original proposal and contract are available for public inspection in the Purchasing Director's office.

**BE IT FURTHER RESOLVED** that the Township Clerk shall advertise the award of the contract in a newspaper as required by law.

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**R2014-014: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONSENTING TO THE PROPOSED WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT ENTITLED: CHATHAM TOWNSHIP, MORRIS COUNTY, MUNICIPAL CHAPTER PROPOSED AMENDMENT TO THE UPPER DELAWARE, UPPER RARITAN AND NORTHEAST WATER QUALITY MANAGEMENT PLAN (WQMP)**

**WHEREAS,** the Township of Parsippany-Troy Hills desires to provide for the orderly development of wastewater facilities within Morris County, New Jersey; and

**WHEREAS,** the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, be in conformance with an approved WQM plan; and

**WHEREAS,** the NJDEP has established the WQM plan amendment procedure as the method of incorporating changes to the delineation of future wastewater services areas into a WQM plan; and

**WHEREAS,** a proposed WQM plan amendment noticed in the New Jersey Register on December 2, 2013 for the Upper Delaware, Upper Raritan and Northeast WQM plan has been prepared by the New Jersey Department of Environmental Protection and the County of Morris;

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**NOW, THEREFORE, BE IT RESOLVED** on this 14<sup>th</sup> day of January, 2014, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey as follows:

1. The Township of Parsippany-Troy Hills hereby consents to the amendment publicly noticed on December 2, 2013, prepared by the New Jersey Department of Environmental Protection, for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP in accordance with N.J.A.C. 7:15-3.4.
3. Copies of the resolution shall also be sent to the Morris County Department of Planning & Development, Attn: Christine Marion, PO Box 900, Morristown, NJ 07963-0900 and/or faxed to 973-326-0925.

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**R2014-015: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AUTHORIZING 2013 BUDGET APPROPRIATION TRANSFERS**

**WHEREAS**, N.J.S.40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances which are expected to be insufficient during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that transfers be made between the 2014 budget appropriations reserves as follows:

<b><u>CURRENT FUND</u></b>		<b><u>FROM</u></b>		<b><u>TO</u></b>
Gasoline				
Other Expense		\$149,200.00		
Administration				
Salary and Wages				\$2,000.00
Township Council				
Salary and Wages				3,200.00
Municipal Clerk				
Salary and Wages				1,000.00
Finance - Treasurer				
Other Expense				2,000.00
Finance – Tax Collector				
Salary and Wages				2,000.00
Legal				
Other Expense				55,000.00
Heating – Natural Gas				

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Other Expense			5,000.00
Telephone			
Other Expense			10,000.00
Municipal Court			
Other Expense			2,000.00
Planning Board			
Other Expense			7,000.00
Fire Prevention			
Salary and Wages			3,000.00
Public Works			
Other Expense			50,000.00
Ambulance Services			
Salary and Wages			7,000.00
<b><u>Water Operating:</u></b>			
Other Expense		\$25,000.00	
Salary and Wages			\$25,000.00

**R2014-016: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING 2014 LICENSE RENEWALS, III – AMUSEMENT GAMES, ENTERTAINMENT, TAXI/LIMO, TOURIST ACCOMMODATIONS, TRUCK TERMINAL**

**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**

Airedale International Limo Service	1
Kamran Khan	1
One Star Limousine, LLC	1
Sunnyline, LLC	3
Limo 4 U, LLC	1
Metro Transportation Group, Inc.	3

**AMUSEMENT/GAMES**

**NUMBER OF GAMES**

The Inn Crowd	2
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**TOURIST ACCOMODATIONS**

**NUMBER OF ROOMS**

1. Fairfield Inn & Suites	108
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**ORDINANCES - INTRODUCTION**

**ORDINANCE 2014:01**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, ACCEPTING AN EASEMENT ON A PORTION OF BLOCK 770, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR STORM WATER MANAGEMENT PURPOSES**

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of ParsIPPany-Troy Hills held on **January 14, 2014** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **February 11, 2014** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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**ORDINANCE 2014:02**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT CHAPTER 290 ENTITLED PARKS, RECREATION AREAS AND PUBLIC LANDS, ARTICLE I OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of ParsIPPany-Troy Hills held on **January 14, 2014** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **February 11, 2014** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

Motion to approve the above Resolution by Mr. Peluso, seconded by Mr. Stanton.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

**Mr. Carifi wished to take this opportunity to respond to a statement made by the Mayor at the January 7<sup>th</sup> meeting in reference to himself and Mr. Valori in reference to the Township Attorney** (read from a statement):

At the January 7<sup>th</sup> Agenda Meeting, the Township Council was ready to vote on the resolution pertaining to the re-appointment of Mr. Inglesino as Town Attorney. Unknown to the Council, the Mayor requested an opinion from the Conflicts Attorney Michael Lavery of the Courter, Kobert & Cohen law firm regarding Mr. Inglesino's conflict with himself and Mr. Valori. In the January 7<sup>th</sup> letter, dated the same day as the Council Meeting, the opinion letter states as a municipal conflicts attorney, Mr. Lavery found that pursuant to N.J.S.A. 40A:9-22.1.1, under the local government ethics law, Township Attorney John Inglesino has a conflict with both Mr. Valori and himself. Mr. Carifi stated his belief that at this point, Mr. Stanton would also have a conflict with the Town Attorney for the same reason that Mr. Valori would. This now means that the majority of the Township Council would have a conflict. Mr. Lavery also stated that Mr. Valori has a conflict with Mr. Inglesino. It is logical, since Mr. Inglesino, Councilmen Valori and Stanton, as well as the Mayor were part of the same incident that the subject of the facts as set forth in the conflicts opinion, then Mr. Inglesino has the same conflict with them as well. As elected officials, they are bound by the Local Government Ethics Law, as are municipal officers. As a municipal officer, the Municipal Attorney, Mr. Inglesino, is also subject to N.J.S.A. 40A:9-22.1.1, the Local Government Ethics Law. But in addition, he is also governed by the rules of professional conduct as an attorney, specifically RPC 1.7, which requires that when an attorney has a personal interest in a conflict with his or her client, which would be the Town Council, that they must step aside for the conflict and remove themselves from representing the client. Here, Municipal Conflicts Attorney Lavery has found that Mr. Inglesino has a conflict with himself (Mr. Carifi) and Mr. Valori. He stated that there continues to be an embroiled personal disputes with the attorney that unquestionably impair. That Inglesino, Carifi and Valori objectively and independent judgment the forgoing statement is clearly a reasonable conclusion as most individuals involved in such heated disputes would have great difficulty putting aside the charged accusations and their self-motivation in carrying out Township business. As a result, effectively, Mr. Inglesino must resign as a Municipal Attorney. This ethics issue was not something the Council created or requested. It was the opinion that the Mayor requested and was drafted by a Municipal Conflicts Attorney. As elected municipal officials, by the residents of Parsippany, we have taken oaths and have constitutional duties. As such, they cannot waive this conflict that the Municipal Attorney John Inglesino has and neither can they allow the public trust to be eroded or diminished by this now apparent conflict of Mr. Inglesino. He (Mr. Carifi), as an elected official, as they all do, have a duty to demand that Mr. Inglesino resign immediately based upon his conflict as found by the Conflicts Attorney and in accordance with both the Local Government Ethics Law and RPC 1.7. Mr. Carifi called on his fellow Council Members and the Mayor to call for the resignation of Mr. Inglesino. If Mr. Inglesino refuses to resign, then he asked for a motion to direct the Clerk to file tomorrow a written complaint to both the NJ Department of Community Affairs, Division of Local Government Services and the District Ethics Commission against Mr. Inglesino and his law firm for his knowing and reckless disregard for this conflict and attempt to continue representation of the Governing Body and Parsippany-Troy Hills.

Mr. Inglesino responded that in the first instance, Mr. Carifi misquoted and mischaracterized Mr. Lavery's opinion letter. Mr. Lavery's opinion did not state that he (Mr. Inglesino) has a conflict with the Governing Body. Mr. Lavery's opinion letter stated that Mr. Carifi has a conflict as it relates to him because of public comments that Mr. Carifi made concerning the lawsuit that has been brought against his brother. Mr. Inglesino stated that is not a conflict that he as with the Governing Body but rather that is a conflict of interest that Mr. Carifi has towards him. With respect to Mr. Valori, Mr. Valori is the one that has a conflict with him because of the "slandorous" statements that he made relative to the meeting that Ms. Petaccia had discussed. There is no assertion by Mr. Lavery that Mr. Stanton has any conflict in voting for him and he does not see any state of facts that would give rise to that. Mr. Inglesino that the he has no conflict with his client, who is the Governing Body, the Township of Parsippany-Troy hills. He further explained that he is not the lawyer for any individual Council Member, and that he is the lawyer for the municipality. He advised Mr. Carifi to think twice before he starts to ask for such motions, which

he believes further evidence Mr. Carifi's conflict, and bad faith and anger towards him for doing his job and representing the municipality as it relates to the lawsuit concerning his brother. After further debate amongst the Mayor and Council and questions addressed to the Township Attorney, Mr. Inglesino advised that they seek an opinion from Conflicts Counsel so they do not run the risk of committing an act of official misconduct.

**RESOLUTIONS (NON-CONSENT AGENDA)**

**Appointments:**

**R2014-011: Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming to the Appointment of John P. Inglesino, Esq. as Township Attorney**

Motion to **TABLE** the above Resolution by Mr. Stanton. No second was given. **MOTION FAILS.**

Motion to direct the Clerk to file a written complaint to both the NJ Department of Community Affairs, Division of Local Government Services and the District's Ethics Committee in reference to Mr. Inglesino so the Council can receive an opinion on if there in fact exists a conflict on both sides and therefore he would need to resign as the Town Attorney by Mr. Carifi.

Mr. Inglesino explained that to receive an opinion, the procedure is not to file a complaint. A complaint is filed to file charges on the basis of conduct. If an opinion is what is sought, he advised they seek an opinion from the Conflict Counsel.

Mr. Carifi then made a motion to request that the Clerk get an opinion from the Conflicts Attorney in reference to if there exists a conflict both ways. After Mr. dePierro requested clarification on the motion, Mr. Carifi re-worded the motion as follows: Motion to have the Conflicts Attorney give us (the Council) their opinion as to whether there exists a conflict going both ways and if Mr. Inglesino has a conflict with the majority of the Town Council. Mr. Inglesino further clarified the motion with Mr. Carifi that the other part of the motion is whether or not he (Mr. Inglesino) is eligible to be the Township Attorney on the basis of the answer to the conflicts questions that were posed.

Before a motion was made Mr. Peluso stated that he was not happy with all the discussions of conflict today and gave his views on what should be perceived as conflicts and questioned how there can be reconciliation. Moving forward, he would like to see an independent determination that is transparent and not affiliated or appointed by any of the parties mentioned (Mayor, Councilmembers and Attorney). He feels that there should be a motion to choose an independent counsel to make that determination.

Mr. Inglesino explained that under this form of government, the Council does not have the authority to appoint a professional, including an attorney. Only the Mayor has the power to appoint. The Council ratifies the Mayor's appointment and if they do not, then that person becomes a hold-over. Mr. Peluso asked if an arbitrator can be brought it and Mr. Inglesino responded no.

Motion to direct the Clerk to get an opinion from the conflicts attorney, based on the information that was stated, if there exists a conflict both ways with Mr. Inglesino with "us" and "us" with Mr. Inglesino was made by Mr. Valori and was seconded by Mr. Carifi.

**ROLL CALL:**

**YES** – Councilmembers Peluso, Valori and Carifi

**NO** – Councilmembers dePierro and Stanton

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Motion to **TABLE** the Resolution No. R2014-011 by Mr. Stanton, seconded by Mr. Peluso.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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**R2014-017: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONFIRMING TO THE APPOINTMENT OF ANTHONY J. FRESE AS CHIEF MUNICIPAL JUDGE**

**WHEREAS**, Mayor James R. Barberio desires to reappoint Anthony J. Frese as Chief Municipal Court Judge for a term beginning January 1, 2014 and expiring December 31, 2016;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that Anthony J. Frese is hereby confirmed as Chief Municipal Court Judge for the above referenced term.

Motion to approve the above Resolution by Mr. Valori, seconded by Mr. Stanton.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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**R2014-018 Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming to the Appointment of Gerald P. Scala as Municipal Court Judge**

Motion to approve the above Resolution by Mr. dePierro. No Second was given.

**MOTION FAILS.**

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**R2014-019: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AWARDDING A CONTRACT TO NISIVOCCIA, LLP FOR PROFESSIONAL SERVICES AS TOWNSHIP AUDITOR**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire professional auditing services as a non-fair and open contract pursuant to the 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**, the Township wishes to provide professional auditing services at an estimated cost of \$113,800.00; and

**WHEREAS**, Nisivoccia, LLP has submitted a Business Entity Disclosure Certification, which Certification provides that they have not made any reportable contributions to candidate committees, joint 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 Nisivoccia, LLP 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

**REGULAR TOWNSHIP COUNCIL MEETING JANUARY 14, 2014**

**WHEREAS**, Nisivoccia, LLP has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.6, not later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

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

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

2014 Annual Budget: Current Water, Sewer and Golf Other Expenses, Pursuant to Adequate Funds Being Appropriated in the Annual Budgets.

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

1. That the Township of Parsippany-Troy Hills hereby awards, and the Mayor and the Township Clerk are hereby authorized to execute a contract between the Township of Parsippany-Troy Hills and Raymond G. Sarinelli of the firm Nisivoccia, LLP, 200 Valley Road, Mt. Arlington, New Jersey 07856, to provide professional auditing services for the year 2014 in accordance with the contract on file in the office of the Township Clerk, no sooner than ten (10) days following the submission of a Political Contribution Disclosure Form and Stockholder Disclosure Certification.
2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; 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" in accordance with N.J.S.A. 40a:11-1, et seq.

Motion to approve the above Resolution, contingent upon the attorney review and approval of the pay-to-play documents, by Mr. Peluso, seconded by Mr. Valori.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

Mr. dePierro and Mr. Peluso requested that the previous Auditing Firm be notified of this action.

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**Applications:**

**R2014-020: RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS APPROVING A NEW LIMOUSINE LICENSE FOR ROYAL AMERICAN TAXI & LIMO, 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.

**Royal American Taxi & Limo, LLC  
1259 Rt. 46 East, 2<sup>nd</sup> Floor  
Parsippany, NJ 07054**

**(1 Vehicle)**

Motion to approve the above Resolution by Mr. Stanton, seconded by Mr. Valori.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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**R2014-021 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AMENDING RESOLUTION R2013-255 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 1429-44-012-005 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; and

**WHEREAS**, on December 17, 2013, the Township Council of the Township of Parsippany-Troy Hills passed Resolution R2013-255 approving, effective January 14, 2014, the Person-to-Person Transfer of the aforesaid Plenary Retail Distribution License #1429-44-012-005 to Wine Amphorae Wines and Liquors, LLC #1429-44-012-006; and

**WHEREAS**, the applicant has requested that the effective date of the aforementioned Person-to-Person Transfer be carried to February 11, 2014.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that Resolution R2013-255 be and hereby is amended such that the effective date of the Person-to-Person Transfer of the aforesaid Plenary Retail Distribution License #1429-44-012-004 to Wine Amphorae Wines and Liquors, LLC #1429-44-012-006 is carried to February 11, 2014.

Motion to approve the above Resolution by Mr. Valori, seconded by Mr. Stanton.

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

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**CLOSED SESSION**

**RESOLUTION**

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

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

**WHEREAS**, the Township Council wishes to discuss: Attorney/Client Privilege, Contract Negotiations and Ongoing Litigation.

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

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

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

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

**Motion To Reconvene Into Open Session by Mr. Stanton Seconded By Mr. Peluso.**

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

**ADJOURNMENT**

**Motion To Adjourn Meeting by Mr. dePierro Seconded By Mr. Stanton.**

**ROLL CALL:**

**YES** – Councilmembers dePierro, Peluso, Stanton, Valori and Carifi

**MEETING ADJOURNED: 9:29pm**

Respectfully submitted,

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Yancy Wazirmas, Township Clerk

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Paul Carifi, Jr., Council President

Minutes approved: 11/25/2014