

**TOWNSHIP OF PARSIPPANY-TROY HILLS
TOWNSHIP COUNCIL REGULAR MEETING**

January 11, 2011

Council President Fox opened the Regular Meeting at 7:31 p.m., followed by a salute to the Flag. He advised that 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 15, 2011 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger and was forwarded by fax to other local newspapers and local radio stations on December 16, 2011. He further noted that Council Meetings are videotaped and aired on Cablevision, Public Access channel 21, at 10:00 a.m. on Sundays.

PRESENT: Council Members dePierro, Ferrara, Stanton and Fox

ABSENT: Council Member Cesaro

ALSO PRESENT: Mayor Barberio, J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney; J. Silver, Township Clerk

The Council reviewed the agenda for the meeting and agreed to add a resolution confirming the appointment of Gabrielle Gallagher, Esq. as Township Public Defender and awarding a contract for professional services. Ms. Lim advised that the Administration is removing the ordinance entitled "Establishing Class II Special Police as School Resource Officers on a Consultant Basis" from the Agenda. Additionally, she indicated that the resolution directing that a notice be served upon the owners or occupants of certain properties abutting severely deteriorated retaining walls be tabled for additional review at the next agenda meeting.

UPCOMING MEETINGS:

2/8/11 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

2/15/11 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

BID(S) TO BE TAKEN:

None

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

ORDINANCE(S):

Second Reading(s) and Public Hearing(s):

None

PUBLIC HEARING

Council President Fox opened the meeting to the public to speak on any topic, noting a five-minute time limit per speaker.

Roy Messmer, 10 Drumlin Drive, indicated to Mayor Barberio that, regarding the Cranberry Lake Field, he would be more than happy to see the name change, but he asked that the name of Smith Field not be changed.

Seeing no one else come forward to speak, Council President Fox closed the public portion of the meeting.

CONSENT AGENDA:

Mr. dePierro noted that 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. He confirmed that the resolution in connection with the severely deteriorated retaining walls has been removed from both the Consent Agenda and Regular Agenda. He then moved the approval of the Consent Agenda, seconded by Council President Fox.

ROLL CALL:

YES – Council Members dePierro, Ferrara, Stanton and Fox

ABSENT – Council Member Cesaro

BID AWARD(S):

*** Sealed Proposals for Rental of Golf Carts**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Rental of Golf Carts on December 16, 2010, and

WHEREAS, the Business Administrator, Director of Purchasing, Director of Municipal Utilities and Golf Superintendent have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, E-Z-Go Division of Textron Inc., 1451 Marvin Griffin Road, Augusta, GA 30906 for Alternate Bid Item #1A for new gas powered golf carts with roofs for a contract period of four (4) years for the unit price per cart per season of \$708.65, and

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

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

“2011 Temporary Budget/Knoll O/E.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Rental of Golf Carts 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.

RESOLUTION(S):

* **Authorizing an Agreement with Saint Clare’s Community Care, a Member of Saint Clare’s Health Services, for the Provision of Certain Health Clinic Services**

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

WHEREAS, the Board of Health wishes to provide certain public health services to residents of the Township, and Saint Clare’s Community Care, a member of Saint Clare’s Health Services has offered to provide such services, particularly described and upon terms and conditions set forth in a certain Agreement on file with the Township Clerk, which terms and conditions are incorporated herein; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of these services will not exceed \$17,500.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it does hereby approve the above referenced Agreement by and between the Township of Parsippany-Troy Hills and Saint Clare’s Hospital, Inc. and authorizes the Mayor and the Township Clerk to execute that agreement.

* **Authorizing an Interlocal Services Agreement Between the Township and the County of Morris – Lease at the Community Center for Morris County Nutrition Project**

WHEREAS, the Township has available in its Community Center approximately 1,400 square feet commonly known as the Meeting and Coffee Hour Room, plus associated kitchen space and equipment, rest rooms, office space and storage closets; and

WHEREAS the Morris County Department of Human Services, Division on Aging, Disability and Veteran Services would like to lease this area of the Community Center to operate a nutrition center; and

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

WHEREAS, the Township feels that this is a benefit to the residents of the community;
and

WHEREAS, the Township is authorized pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.*, to enter into a contract with any other local unit for the provision of any service which that local unit is empowered to render within its own jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills hereby authorizes execution of an Interlocal Services Agreement with the County of Morris for a period of one year with an option to renew for an additional one year period, in the form on file in the Office of the Township Clerk, upon the terms and conditions provided therein.

*** Amending Agreement with Comprehensive Behavioral Healthcare, Inc. and Waiving Municipal Fees in Connection with the Rehabilitation of Properties Located on Ruth Davis Drive**

WHEREAS, a resolution for Community Behavioral Healthcare, Inc. (“CBH”) (subsequently corrected by resolution dated February 26, 2008 to reflect the name of Comprehensive Behavioral Healthcare, Inc.) to receive funding from the Housing Trust Fund of the Township of Parsippany-Troy Hills to operate community residences for the developmentally disabled, or group homes, with three (3) group homes housing five (5) residents in each home located at 24, 29 and 32 Ruth Davis Drive in the Greystone Park area of the Township was approved by Council at the November 27, 2007 meeting; and

WHEREAS, the Township approved the granting of funding to CBH in the total amount of \$591,000, subject to COAH approval and confirmation that the Township will receive thirty (30) COAH credits, and subject to an Agreement between the parties; and

WHEREAS, the Agreement was based on the assumption that bonus credits would be available; and

WHEREAS, the Township may not meet its minimum number of very low income “units,” which is a pre-requisite to eligibility for very low income bonus credits; and

WHEREAS, the Township traditionally waives all municipal fees for affordable housing projects funded by the Township.

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 agreement previously submitted to Council be amended to require only 15 COAH credits from this project and that the very low income criteria for residents remain; and

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

BE IT FURTHER RESOLVED, that all municipal fees in connection with this project be waived.

*** Designating an Employee to Serve as Public Agency Compliance Officer (P.A.C.O.) for Matters Concerning P.L. 1975 C.127 (NJAC 17:27) as Regulated by the State Affirmative Action Office**

WHEREAS, the Township of Parsippany-Troy Hills must designate an employee to serve as Public Agency Compliance Officer (P.A.C.O.) for matters concerning P.L. 1975, c. 127 (NJAC 17:27).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that Michael Hardie is designated to serve on behalf of the Township of Parsippany-Troy Hills as Public Agency Compliance Officer (P.A.C.O.) and will act as the official liaison for matters concerning P.L. 1975 c. 127 (NJAC 17:27).

*** Authorizing the Township Assessor to Take Certain Actions to Prosecute and Defend Tax Appeals**

WHEREAS, certain lots and parcels of property located in the Township of Parsippany-Troy Hills are not assessed at an amount reflecting their fair and full value; and

WHEREAS, the assessments of such properties must be revised to reflect their fair and full value;

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

1. The Township Assessor is hereby authorized to execute petitions of appeal by the Township of Parsippany-Troy Hills to the Morris County Board of Taxation in all cases where the assessment, as certified by the Morris County Board of Taxation for the year 2011, does not reflect the true value of the property assessed; and, he is further authorized to do and take any and all other action or actions that may be required to prosecute the same to final determination.
2. The Township Assessor is hereby authorized to direct the filing, by the municipal tax counsel, of appeals to the Tax Court, answers and counterclaims, and such other pleadings as he may deem necessary to ensure the assessment of property at full and fair value.
3. This resolution shall take effect immediately.

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

*** Declaring Property Identified as Block 393, Lot 1 as an Area in Need of Rehabilitation in Accordance with the Provisions of the New Jersey Local Redevelopment and Housing Law**

WHEREAS, the New Jersey Local Redevelopment and Housing Law (“Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq. authorizes the governing body of any municipality, by resolution, to declare properties within the municipality to be “in need of rehabilitation” pursuant to the criteria contained in N.J.S.A. 40A:12A-14; and

WHEREAS, based on its review of the criteria contained in the Redevelopment Law, the Township Council of the Township of Parsippany-Troy Hills believes that property located at 272 Parsippany Road, Block 393, Lot 1 as shown on the official Tax Map of the Township of Parsippany-Troy Hills (the “Property”) should be declared to be an “area in need of rehabilitation” in accordance with N.J.S.A. 40A:12A-14; and

WHEREAS, by resolution dated October 19, 2010, the Township Council referred a proposed resolution declaring the Property as an “area in need of rehabilitation” to the Planning Board of the Township of Parsippany-Troy Hills in accordance with the provisions of N.J.S.A. 40A:12A-14, directing the Planning Board to review the proposed resolution and to submit its recommendations to the Township Council; and

WHEREAS, the Planning Board reviewed the proposed resolution at its meeting held on December 6, 2010; and

WHEREAS, the Planning Board’s review of the matter included the review of a report titled “Area In Need of Rehabilitation Analysis”, prepared by Burgis Associates, the Planning Board’s Planning Consultant, dated December 3, 2010. In its report, Burgis Associates determined that the Property could be declared to be an “area in need of rehabilitation” pursuant to the provisions of N.J.S.A. 40A:12A-14; and

WHEREAS, based on its review of the proposed resolution and the analysis report prepared by its Planning Consultant, the Planning Board determined that the Property can be deemed “an area in need of rehabilitation,” as confirmed in a memorandum from the Planning Board to the Township Clerk dated December 7, 2010; and

WHEREAS, the Township Council has determined that a significant portion of the structures located on the subject Property are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, and that a program of rehabilitation, as defined in section 3 of P.L. 1992, c. 79 (C.40A:12A-3) may be expected to prevent further deterioration and promote the overall development of the community.

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

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

1. The subject Property, located at 272 Parsippany Road, Parsippany-Troy Hills, New Jersey, identified as Block 393, Lot 1 on the official Tax Map of the Township of Parsippany-Troy Hills, is hereby declared to be an “area in need of rehabilitation” in accordance with the provisions of N.J.S.A. 40A:12A-14.

APPLICATION(S):

License(s):

* **2011 Renewal of Licenses – Taxi/Limo**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2011:

<u>TAXI/LIMOUSINE OWNERS</u>	<u>NUMBER OF VEHICLES</u>
Nikolaos Athanassopoulos t/a UNlimo1.com Corp	2
Personal Transport Service	1

MINUTES FOR APPROVAL – NON-CONSENT:

Mr. dePierro moved the approval of the minutes of the following meeting, seconded by Mr. Stanton:

Agenda Meeting of 12/7/10 (Absent – Fox; *Present – Cesaro, dePierro and Stanton)

ROLL CALL:

YES – Council Members dePierro and Stanton

ABSTAIN – Council Members Ferrara and Fox

ABSENT – Council Member Cesaro

Mr. Stanton moved the approval of the minutes of the following meeting, seconded by Mr. dePierro:

Regular Meeting of 12/14/10 (*Present – Cesaro, dePierro, Fox and Stanton)

ROLL CALL:

YES – Council Members dePierro, Fox and Stanton

ABSTAIN – Council Member Ferrara

ABSENT – Council Member Cesaro

*Council Member Ferrara was appointed at the January 4, 2011 Organization Meeting to fill an unexpired term on the Township Council.

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

ORDINANCE(S):

Introductions

None

RESOLUTIONS – ADDITION TO AGENDA

Mr. dePierro made a motion to add the following resolution to the agenda, seconded by Mr. Stanton.

Confirming the Appointment of Gabrielle Gallagher, Esq. as Township Public Defender and Awarding a Contract for Professional Services

ROLL CALL: YES – Council Members dePierro, Ferrara, Stanton and Fox
ABSENT – Council Member Cesaro

The following resolution was offered by Mr. dePierro, seconded by Mr. Stanton:

Confirming the Appointment of Gabrielle Gallagher, Esq. as Township Public Defender and Awarding a Contract for Professional Services

WHEREAS, the Township of Parsippany-Troy Hills has a need to retain professional legal services pursuant to §4-48 of the Township Administrative Code to serve as Public Defender; and

WHEREAS, the Mayor has appointed Gabrielle Gallagher, Esq. of the firm Carrino Gallagher, LLC, with offices located at 548 Franklin Avenue, Nutley, NJ 07110; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of these services will not exceed \$17,500; and

WHEREAS, Gabrielle Gallagher, Esq. will submit a Business Entity Disclosure Certification providing she has not made any and will not make any contribution or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 2010:02 (Municipal Code Part 1, Chapter 12); and

WHEREAS, the term of this contract shall be from January 1, 2011 through December 31, 2011; and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for these services in the following account(s):

2011 Temporary Budget: Current Fund – Public Defender

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

REGULAR TOWNSHIP COUNCIL MEETING, JANUARY 11, 2011

1. The Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Gabrielle Gallagher, Esq. of the firm Carrino Gallagher, LLC, with offices located at 548 Franklin Avenue, Nutley, NJ to serve as Public Defender for the Township.
2. The Determination of Value shall be placed on file with this Resolution; and
3. That, this contract shall be awarded without competitive bid as a "Professional Service" in accordance with N.J.S.A. 40A:11-1, et seq. because said services are performed by persons authorized by law to practice a recognized profession.

ROLL CALL:

YES – Council Members dePierro, Ferrara, Stanton and Fox

ABSENT – Council Member Cesaro

A motion was made by Mr. dePierro, seconded by Council President Fox to close the meeting.

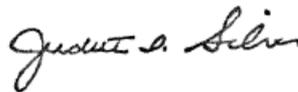
ROLL CALL:

YES – Council Members dePierro, Ferrara, Stanton and Fox

ABSENT – Council Member Cesaro

The meeting adjourned at 7:37 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John M. Fox Council President

Minutes approved: February 15, 2011