

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

January 12, 2010

Council President Grossi opened the Regular Meeting at 7:34 p.m. followed by a salute to the Flag. She 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 8, 2009 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 17, 2009.

PRESENT: Council Members Cesaro, Fox, Stanton and Grossi

ABSENT: Council Member dePierro

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

The Council reviewed the evening's agenda and agreed to add the following resolutions for consideration:

- **Authorizing the Award of a Contract for Professional Services to Anthony M. Bucco, Esq. of the Firm of Johnson Murphy Hubner McKeon Wubbenhorst Bucco & Appelt, PC as Special Legal Counsel in any Matters in which the Township Attorney May Require Assistance**

- **Authorizing the Award of a Contract for Professional Services to Michael B. Lavery, Esq. of the Firm of Courter Kobert & Cohen, PC as Special Legal Counsel in a matter in which the Township Attorney has a Conflict (Tilcon NY, Inc. v. Morris County Cooperative Pricing Council)**

NOTES:

2/09/10 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

2/16/10 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

BID(S) TO BE TAKEN:

None

REQUEST(S) FOR QUOTATION(S)/PROPOSAL(S) QUALIFICATION(S):

None

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ORDINANCE(S):

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

None

PUBLIC HEARING:

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

Arthur Hendrickson, 64 Leamoor Drive, questioned the status of the Forge Pond Dam. Council President Grossi indicated her belief that there has been no change since the Council's last update from the former Township Attorney.

Jerry Manning, 3 Oakdale Road, Rainbow Lakes, suggested to the Council that the position of liaison to the Board of Education be created, noting that the "corruption" that has come out of the current board this past year is unconscionable. He expressed his view that someone needs to be watching the Board of Education; oversight is necessary to watch where our money is going. Additionally, Mr. Manning took this opportunity to vent on the out-going governor, commenting that it is no wonder that the whole country calls New Jersey the most corrupt state in the Union. He pointed out that, not only are taxpayers funding the 600 jobs he created, but also the appointments he made after he was voted out of office. He further pointed out that, unfortunately, the Township's outgoing Mayor also made appointments after the election.

Annelise Catanzaro, 67 Midvale Avenue, asked if members of the public are able to comment on the two items to be added to the agenda prior to the vote being taken. Council President Grossi advised that the resolutions to be added authorize contracts for professional services. Ms. Catanzaro felt that Mr. Manning's suggestion for a Council Liaison to the Board of Education is a good idea. She noted that several years ago there was a joint Board of Education/Council Committee that discussed areas for shared services. She suggested that this might be something that the new Administration may want to reinvigorate.

Mr. Stanton noted that the creation of the position of a Council Liaison to the Board of Education is in the works.

Alan Gordon, 11 Ash Lane, advised that he is a member of the Parsippany Board of Education, but does not represent the Board or speak on behalf of the Board this evening. He noted that at a recent Council Meeting, a member of the public had asked about whether the Board was complying with the Fertilizer Ordinance. At the Board's most recent meeting, the Board's Business Administrator reported that she has alerted all vendors about the provisions of the ordinance. Mayor Barberio indicated that he also spoke with Marlene Wendolowski (Board of Education Business Administrator) about the ordinance and provided her with a copy.

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

CONSENT AGENDA:

Mr. Cesaro 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 moved the approval of the Consent Agenda, seconded by Mr. Fox.

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

NOTE: Both Mr. Cesaro and Council President Grossi noted that they abstain from voting on the resolution authorizing a professional services agreement with John P. Inglesino, Esq. as Township Attorney for the year 2010. As a result of the vote (two affirmative votes and two abstentions), the resolution is to be reconsidered at the next Council Meeting.

BID AWARD(S):

* **Deck Structure to be Erected at Knoll West Country Club**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Deck Structure to be Erected at the Knoll West Country Club on December 3, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing, Director of Municipal Utilities and Golf Superintendent have reviewed the bids received and recommend that the bid be awarded to the lowest responsible bidder, TQM Group, LLC, 125 Goodrich Street, Iselin, NJ 08830 for a Total Bid Price of \$51,400.00, and

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

Knoll Capital Ordinance # 2007:21 adopted July 24, 2007 entitled,
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Deck Structure to be Erected at the Knoll West Country Club 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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*** Irrigation System for Jannarone Park**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for the Irrigation System for Jannarone Park on December 17, 2009, and

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, Garden Irrigation Co. Inc., 14 Route 9 North, Morganville, NJ 07751 for a Total Bid Price of \$38,425.00, and

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

“2009 Open Space Trust Fund/Recreation.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for the Irrigation System for Jannarone Park 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.

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*** Authorizing an Interlocal Services Agreement Between the Township and the County of Morris – Nutrition Center**

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 Senior, Disability and Veteran Services would like to lease this area of the Community Center to operate a nutrition center; and

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.

*** Authorizing a Contract with Green Sky Industries, Inc., for the Marketing of Recycled Material**

WHEREAS, it is the intention of the Township to reduce the cost for recycling by contracting for the pickup and disposal of recycled materials; and

WHEREAS, by contracting for these services, the Township will offset the cost of recycling by a substantial amount; and

WHEREAS, Green Sky Industries, Inc. has proposed to drop-off and pick up a container for the collection of electronic waste at no charge to the Township and to pay the Township for paper, cardboard and commingled containers delivered to facilities designated by Green Sky Industries, Inc.; and

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

WHEREAS, 40A:11-5(1)(s) accepts this contract from the public bidding process.

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey that the Mayor is hereby authorized to execute an agreement with Green Sky Industries, Inc., 42 Chestnut Street, Clifton, NJ 07011 in the form on file in the Office of the Township Clerk, upon the terms and conditions provided therein.

*** Awarding Contract for Insurance Services – Delta Dental of New Jersey, Inc.**

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire Dental insurance 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 procurement of insurance services, including Dental insurance, is an exception pursuant to the to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); 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's Health Insurance Broker issued a Request for Proposals to parties interested in providing dental insurance services to the Township; and

WHEREAS, the Township received proposals, as follows:

Self Insured

Horizon Dental	\$439,979.88
CIGNA Dental	\$503,967.72
SunLife Dental	\$507,903.48
Delta Dental	\$519,837.72
Guardian Dental	\$519,901.20

Fully Insured

Horizon Dental	\$469,565.04 (1 year rate)
Horizon Dental	\$488,341.44 (2 year rate)
Metlife Dental	\$525,227.76
CIGNA Dental	\$546,604.20
SunLife Dental	\$567,602.52
Delta Dental PPO Plus	\$575,301.00

WHEREAS, the Business Administrator and the Mayor have reviewed the proposals received and recommend that a one-year contract be awarded to Delta Dental of New Jersey, Inc., 1639 Route 10, Parsippany, NJ 07054; and

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WHEREAS, the Business Administrator and the Mayor further recommend that in an effort to reduce dental insurance payments, the Township offer to employees the Delta Dental PPO program with an annual calendar year maximum of \$1,200.00 as soon as this program can practically be implemented; and

WHEREAS, the term of this contract shall be from January 1, 2010 through December 31, 2010; and

WHEREAS, this firm has completed and submitted a Business Entity Disclosure Certification pursuant to P.L. 2004, c.19, which Certification provides that no contributions have been made that would bar the award of this contract, and further that no reportable contributions to municipal political or candidate committees of the elected officials of the Township will be made through the term of this contract; and

WHEREAS, this firm has further completed and submitted a c.271 Political Contribution Disclosure Form, which provided that no reportable political contributions (more than \$300 per election cycle) were made over the 12 months prior to submission to the committees of the government entities listed on the form; and

WHEREAS, this firm will complete and submit a Business Entity Disclosure Certification pursuant to the Public Contracting Reform Ordinance (#09:33) prior to the execution of the contract, which Certification provides that no contributions have been made that would bar the award of this contract; and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds will be available for this purpose in the following account(s):

2010 Temporary Budget: Current Fund – Insurance:

2010 Temporary Budget: Water, Sewer and Golf & Recreation Utility- Other Expenses

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 Delta Dental of New Jersey, Inc., 1639 Route 10, Parsippany, NJ 07054 for providing dental insurance coverage in accordance with the proposal received from Delta Dental of New Jersey, Inc.; and
2. That the Business Entity Disclosure Certification, Chapter 271 Campaign Contribution Disclosure Form, Public Contracting Reform Ordinance (#09:33) Business Entity Disclosure Certification, Stockholder Disclosure Certification, the Determination of Value, the Certificate of Availability of Funds and Standard Certification Declaration for an Extraordinary Unspecifiable Service be placed on file with this resolution; and

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3. This contract shall 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 an exception pursuant to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and
4. That a notice of this action be printed once in the official newspaper of the Township of Parsippany-Troy Hills.

*** 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 2010, 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.

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*** Authorizing a Professional Services Agreement with Alfred C. DeCotiis, Esq. of the Firm of DeCotiis, FitzPatrick & Cole, LLP to serve as Special Legal Counsel in Connection with any Matters in Which the Township Attorney May Require Assistance**

WHEREAS, the Township of Parsippany-Troy Hills has a need to retain Special Legal Counsel pursuant to §4-6 of the Township Administrative Code to serve as Special Legal Counsel in any matters in which the Township Attorney may require assistance; and

WHEREAS, the Township Attorney, with the approval of the Mayor, has appointed Alfred C. DeCotiis, Esq. of the firm of DeCotiis, FitzPatrick & Cole, LLP with offices at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Teaneck, New Jersey 07666; and

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

WHEREAS, Alfred C. DeCotiis, Esq. of the firm of DeCotiis, FitzPatrick & Cole, LLP has completed and submitted a Business Entity Disclosure Certification, which Certification provides that no contributions have been made that would bar the award of this contract pursuant to P.L. 2004, c.19 and, further, that that no reportable contributions to municipal political or candidate committees of the elected officials of the Township will be made through the term of the contract; and

WHEREAS, the funds are available for this purpose; and

WHEREAS, the term of this contract shall be from January 1, 2010 through December 31, 2010.

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

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 of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Alfred C. DeCotiis, Esq. of the firm of DeCotiis, FitzPatrick & Cole, LLP with offices at Glenpointe Centre West, 500 Frank W. Burr Boulevard, Teaneck, New Jersey 07666, as Special Legal Counsel in connection with any matters in which the Township Attorney may designate the firm to represent the Township of Parsippany - Troy Hills.
2. The Determination of Value shall be placed on file with this Resolution; and
4. This contract is exempt from competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession; and

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5. 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.
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APPLICATION(S):

License(s):

- * **Renewal of 2010 Entertainment License for Promus Hotel Services, Inc. (Formerly Licensed as Djont Leasing, LLC) t/a Embassy Suites Hotel**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following License be renewed for the year 2010:

ENTERTAINMENT

Promus Hotel Services, Inc. (formerly licensed as Djont Leasing, LLC)
t/a Embassy Suites Hotel

MINUTES FOR APPROVAL (NON-CONSENT):

Mr. Fox moved the approval of the minutes of the following meetings, seconded by Mr. Cesaro.

Agenda Meeting of 12/8/09

Regular Meeting of 12/15/09

ROLL CALL: YES – Council Members Cesaro, Fox and Grossi

ABSENT – Council Member dePierro

ABSTAIN – Council Member Stanton

ORDINANCE(S):

Introductions

ORDINANCE NO. 2010:01

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND PAR-TROY LITTLE LEAGUE WEST FOR USE OF THE MURRAY COURT/ELMWOOD ROAD FIELD

(Attachment No. 1)

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

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 12, 2010** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **February 16, 2010** 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.

RESOLUTION(S) (ADDITIONS TO AGENDA):

Mr. Cesaro made a motion to add the following resolutions to the agenda, seconded by Mr. Fox.

- **Authorizing the Award of a Contract for Professional Services to Anthony M. Bucco, Esq. of the Firm of Johnson Murphy Hubner McKeon Wubbenhorst Bucco & Appelt, PC as Special Legal Counsel in any Matters in which the Township Attorney May Require Assistance**
- **Authorizing the Award of a Contract for Professional Services to Michael B. Lavery, Esq. of the Firm of Courter Kobert & Cohen, PC as Special Legal Counsel in a matter in which the Township Attorney has a Conflict (Tilcon NY, Inc. v. Morris County Cooperative Pricing Council)**

ROLL CALL: YES – Council Members Cesaro, Fox, Stanton and Grossi

ABSENT – Council Member dePierro

Authorizing the Award of a Contract for Professional Services to Anthony M. Bucco, Esq. of the Firm of Johnson Murphy Hubner McKeon Wubbenhorst Bucco & Appelt, PC as Special Legal Counsel in any Matters in which the Township Attorney May Require Assistance

The following resolution was offered by Mr. Fox, seconded by Council President Grossi:

WHEREAS, the Township of Parsippany-Troy Hills has a need to retain Special Legal Counsel pursuant to §4-6 of the Township Administrative Code to serve as Special Legal Counsel in any matters in which the Township Attorney may require assistance; and

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WHEREAS, the Township Attorney, with the approval of the Mayor, has appointed Anthony M. Bucco, Esq. of the firm of Johnson Murphy Hubner McKeon Wubbenhorst Bucco & Appelt, PC whose office is located at 51 Route 23 South, Riverdale, New Jersey 07457; and

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

WHEREAS, Anthony M. Bucco, Esq. shall complete and submit a Business Entity Disclosure Certification at least ten (10) days prior to the execution of the contract for professional services, and which Certification provides that no contributions have been made that would bar the award of this contract pursuant to P.L. 2004, c.19 and, further, that that no reportable contributions to municipal political or candidate committees of the elected officials of the Township will be made through the term of the contract; and

WHEREAS, the funds are available for this purpose; and

WHEREAS, the term of this contract shall be from January 1, 2010 through December 31, 2010.

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

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 of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Anthony M. Bucco, Esq. of the firm of Johnson Murphy Hubner McKeon Wubbenhorst Bucco & Appelt, PC whose office is located at 51 Route 23 South, Riverdale, New Jersey 07457, as Special Legal Counsel in connection with any matters in which the Township Attorney may designate the firm to represent the Township of Parsippany-Troy Hills no sooner than ten days following the submission of a Business Entity Disclosure Certification.
2. The Determination of Value shall be placed on file with this Resolution; and
3. This contract is exempt from competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession; 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.

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

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Authorizing the Award of a Contract for Professional Services to Michael B. Lavery, Esq. of the Firm of Courter Kobert & Cohen, PC as Special Legal Counsel in a matter in which the Township Attorney has a Conflict (Tilcon NY, Inc. v. Morris County Cooperative Pricing Council)

The following resolution was offered by Mr. Cesaro, seconded by Council President Grossi:

WHEREAS, the Township of Parsippany-Troy Hills has a need to retain Special Legal Counsel pursuant to §4-6 of the Township Administrative Code to serve as Special Legal Counsel in a matter in which the Township Attorney has a conflict; and

WHEREAS, the Mayor hereby appoints Michael B. Lavery, Esq. of the firm of Courter Kobert & Cohen, PC whose office is located at 1001 Route 517, Hackettstown, New Jersey 07840 as special counsel in the matter of Tilcon NY, Inc. v. Morris County Cooperative Pricing Council (a New Jersey Superior Court matter docketed as MRS-L-569-09) in which the Township Attorney has a conflict; and

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

WHEREAS, Michael B. Lavery, Esq. shall complete and submit a Business Entity Disclosure Certification at least ten (10) days prior to the execution of the contract for professional services, and which Certification provides that no contributions have been made that would bar the award of this contract pursuant to P.L. 2004, c.19 and, further, that that no reportable contributions to municipal political or candidate committees of the elected officials of the Township will be made through the term of the contract; and

WHEREAS, the funds are available for this purpose; and

WHEREAS, the term of this contract shall be from January 1, 2010 through December 31, 2010.

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

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 Council hereby confirms the Mayor's appointment of and authorizes the 2010 Professional Services Agreement with Michael B. Lavery, Esq. of the firm of the firm of Courter Kobert & Cohen, PC whose office is located at 1001 Route 517, Hackettstown, New Jersey 07840, as Special Legal Counsel in connection with the above-referenced matter in which the Township Attorney has a conflict.

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2. 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 Michael B. Lavery, Esq. of the firm of the firm of Courter Kobert & Cohen, PC whose office is located at 1001 Route 517, Hackettstown, New Jersey 07840, as Special Legal Counsel in connection with the above-referenced matter in which the Township

Attorney has a conflict no sooner than ten (10) days following the submission of a Business Entity Disclosure Certification.

3. The Determination of Value shall be placed on file with this Resolution.

4. This contract is exempt from competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession; and

5. 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.

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

A motion was made by Council President Grossi, seconded by Mr. Fox, to adopt the attached resolution (Attachment No. 2) to convene in closed session to discuss contract negotiations and litigation.

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

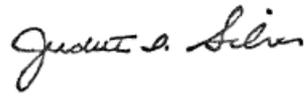
Upon reconvening in open session, Council President Grossi asked if there was any further discussion and hearing none, a motion was made by Mr. Fox, seconded by Council President Grossi, to adjourn the Regular Township Council Meeting of January 12, 2010.

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

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The meeting adjourned at 9:00 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



Ann F. Grossi, Council President

Minutes approved: February 16, 2010

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2010:01**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND PAR-TROY LITTLE LEAGUE WEST FOR USE OF THE MURRAY COURT/ELMWOOD ROAD FIELD

WHEREAS, Par-Troy Little League West, Inc, a non-profit corporation of the State of New Jersey, provides recreational facilities and opportunities to the youth of the Township of Parsippany-Troy Hills and its residents; and

WHEREAS, Par-Troy Little League West has requested a lease in connection with premises known as Lot 15 of Block 315 and a portion of Lot 1.09 of Block 202 as shown on the Official Tax Maps of the Township and more specifically known as Murray Court/Elmwood Road Field; and

WHEREAS, the number of persons who will benefit from the public purpose is approximately 800/per annum; and

WHEREAS, the term of the lease will be five (5) years with an option to renew for an additional five (5) year period.

WHEREAS, the officer or employee responsible for enforcement of the conditions of the Lease shall be the Superintendent of Parks and Forestry and the Director of Parks, Forestry and Recreation of the Township; and

WHEREAS, in accordance with N.J.S.A. 40A:12-14.1(c), Little League West shall annually (by no later than March 1) submit a report to the Superintendent of Parks and Forestry and the Director of Parks, Forestry and Recreation setting forth the use to which the leasehold was put during each year, the activities of Little League West undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax exempt status of Little League West pursuant to both State and federal law.

WHEREAS, the Township Council believes that such a lease is necessary and appropriate.

REGULAR TOWNSHIP COUNCIL MEETING JANUARY 12, 2010

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

Attachment No. 1

Page 2 of 2

Section 1. The Township Council does hereby authorize a lease agreement between the Township of Parsippany-Troy Hills and Par-Troy Little League West, a copy of which lease is on file with the Township Clerk and which leases to Par-Troy Little League West Lot 15 of Block 315 and a portion of Lot 1.09 of Block 202 as shown on the Official Tax Maps of the Township and more specifically known as Murray Court/Elmwood Road Field, for a renewable five (5) year term commencing April 1, 2010, at a nominal rental of \$1.00 per year, the use of said tract to be for the sole purpose of providing recreational activities.

Section 2. The Mayor and the Township Clerk are hereby authorized to execute the aforementioned lease.

Section 3. This ordinance shall take effect in accordance with law.

REGULAR TOWNSHIP COUNCIL MEETING JANUARY 12, 2010

Attachment No. 2
Page 1 of 1

**RE: Contract Negotiations (Incinerator Project) and Litigation (PSE&G
Susquehanna-Roseland 500-kv Transmission Line)**
DATE: January 12, 2010
TIME: 8:00 p.m.

MOTION BY: Council President Grossi

SECONDED BY: Mr. Fox

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:

Contract Negotiations and Litigation

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

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

Roll Call:	Cesaro	-	Yes
	dePierro	-	Absent
	Fox	-	Yes
	Stanton	-	Yes
	Grossi	-	Yes

MOTION TO ADJOURN CLOSED SESSION BY: Mr. Fox
SECONDED BY: Mr. Cesaro

REGULAR TOWNSHIP COUNCIL MEETING JANUARY 12, 2010

Roll Call:	Cesaro	-	Yes
	dePierro	-	Absent
	Fox	-	Yes
	Stanton	-	Yes
	Grossi	-	Yes

CLOSED SESSION ADJOURNED: 8:56 p.m.