

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

January 13, 2009

Council President Cesaro 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 19, 2008 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 11, 2008. This notice was forwarded by fax to other local newspapers and local radio stations on December 4, 2008.

PRESENT: Council Members Barberio, dePierro, Fox, Grossi and Cesaro

OTHERS PRESENT: J. Lim, Business Administrator; J. Verrone, Esq., Township Attorney, J. Silver, Township Clerk

Council President Cesaro noted that the presentation relative to the construction of a new 500 kV line from Susquehanna, Pennsylvania to Roseland, New Jersey scheduled for this evening was cancelled by PSE&G.

NOTES:

02/10/09 @ 7:30 p.m. Agenda Meeting
Public Invited-Public Participation

02/24/09 @ 7:30 p.m. Regular Meeting
Public Invited Public Participation

BID(S) TO BE TAKEN:

1/15/09 @ 11:00 a.m. Reconstruction of Roosevelt Avenue – Phase I (from Lake Shore Drive to Hiawatha Boulevard)

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

1/22/09 @ 11:00 a.m. Qualifications – Legal Services Labor Counsel

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ORDINANCE(S):

Second Reading(s) and Public Hearing(s): None

PUBLIC HEARING:

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

Joe Raich, 8 Wolf Place, in reference to the appointment of Special Counsel, asked if the individual to be appointed is State Senator Anthony Bucco. Council President Cesaro advised that Anthony M. Bucco, Esq., is the Senator's son. He noted that this was the choice of Mayor Luther.

Paul Sullivan, Fieldcrest Road, questioned why the Council has scheduled fewer meetings than are supposed to be held. The Township Clerk explained that the 2009 meeting schedule provides for two meetings per month. Additionally, she noted that the number of scheduled meetings per year is at the Council's discretion. Relative to a different issue, Mr. Sullivan suggested that the Township Council adopt a resolution providing that all money matters requiring a Council vote be subject to a bid process.

Roman Hoshowsky, 919 Lake Shore Drive, expressed that, because honesty and integrity matter to him, he is outraged when individuals violate the public trust. It is imperative, per Mr. Hoshowsky, that Township employees conduct business in an open and honest manner. He commented that he understands that Ms. Plaxe (Housing Coordinator) and Ms. Collins (Director of the Department of Planning, Zoning and Construction Inspections) are now denying that they misled him. He noted that they advised him that someone complained about his vehicle and that is why he was cited by the Housing Division. This statement serves two purposes, (1) it excuses the Housing Division from citing other violators and (2) it absolves the employees from any accusation that they are being selective. Now, per Mr. Hoshowsky, they deny making the statement. He understands that, at this time, Ms. Collins is looking into the validity of the ordinance, which is something he asked be done before the summons was issued. He asked Ms. Lim to appoint someone to conduct a full investigation, to find out who is lying and why. If Township employees are lying, they should be reprimanded. He pointed out that the ordinance provides that "no inoperable or currently unregistered or uninspected motor vehicle shall be parked, stored or left on any residential, multifamily or shopping center property except inside a garage or enclosed building." He explained that his car is legal whether it is parked inside or outside his property. The State requires that a car be registered, inspected and insured when it is on the road. The State is silent when the car is on private property. It is his feeling that the municipality oversteps its jurisdiction when it requires an individual to register a car parked on private property.

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Roy Messmer, 10 Drumlin Drive, made the following comments:

- It seems that everything is at the eleventh hour – the solar panels, the health insurance, the general liability policies and the JIF presentation. He felt that part of the problem is the fact that the Council has fewer meetings. The best presentation, per Mr. Messmer, in the last three years, has been Craftsman Farms, a non-profit, totally volunteer organization.
- His budget recommendations will be forthcoming.
- He advised Ms. Verrone that, at a future meeting, he will discuss the 18% (apartment taxation issue).
- He reminded the Council that he witnessed, first hand, Ms. Plaxe’s behavior at 13 Drumlin Drive. He asked what was written up in her personnel file, what was said to her. He expressed his opinion that the people of Parsippany have to know how Ms. Plaxe was reprimanded. He commented that the Council Members and the Administration should be very embarrassed by Ms. Plaxe’s actions.

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

CONSENT AGENDA:

Mr. Barberio 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.

Mr. Barberio moved the approval of the Consent Agenda, seconded by Mr. dePierro:

ROLL CALL: YES - Council Members Barberio, dePierro, Fox, Grossi, and Cesaro

BID AWARD(S): None

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RESOLUTION(S):

*** Confirming the Appointment of Joseph J. Faccone of the Firm of Samuel Klein And Company as Township Auditor and Awarding the Contract for Professional Services**

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire professional auditing services as a 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 Township advertised for a Request for Qualifications from parties interested in providing Municipal Auditing Services to the Township; and

WHEREAS, the Business Administrator, Director of Purchasing and the Chief Financial Officer for the Township have reviewed the quotations received and recommend that the contract be awarded to Joseph J. Faccone of the firm Samuel Klein and Company with offices at 550 Broad Street, Newark, New Jersey 07102-4517, and

WHEREAS, the term of this contract shall be from the date of passage of this resolution until December 31, 2009.

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 an agreement with Joseph J. Faccone of the firm Samuel Klein and Company with offices at 550 Broad Street, Newark, New Jersey 07102-4517; and
- (2) This contract shall be awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. and as a "Professional Service" pursuant to N.J.S.A. 40A:11-5(1)(a).

*** Awarding Professional Services Contracts for Engineering and Appraisal Services On An As- Needed Basis**

WHEREAS, the Township of Parsippany-Troy Hills desires to create a pool of qualified professionals to perform engineering and real estate appraisal services for the Township as the need arises using a fair and open process pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

WHEREAS, the Township advertised for Requests for Qualifications (RFQ) for the following Services: General Engineering Services; Architectural Engineering Services for the

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Water Utility; Structural Engineering Services for the Water Utility; Environmental Engineering Services for the Sewer Treatment Plant; and General Real Estate Appraisal Services; and

WHEREAS, the Township received responses to the RFQ for General Engineering Services from Anderson & Denzler Associates, Inc.; Birdsall Engineering, Inc.; Boswell Engineering; CDM; CME Associates; CMX; Cairone & Kaupp, Inc.; Cerenzio & Panaro Consulting Engineers; Clough Harbour & Associates LLP; Crew Engineers, Inc.; D.R. Johnson and Associates, LLC; Dewberry-Goodkind, Inc.; Ferriero Engineering, Inc.; Gannett Fleming, Inc.; H2M Associates, Inc.; HAKES Engineers, Architects and Land Surveyors, P.C.; Hatch Mott MacDonald; Louis R. Slaby Engineering Associates, Inc.; Maser Consulting P.A.; Matarazzo Engineering; Najarian Associates; Omland Engineering Associates, Inc.; Paulus, Sokolowski and Sartor, LLC; Pennoni Associates Inc.; The RBA Group; Stormwater Compliance Solutions, LLC; Suburban Consulting Engineers, Inc.; and Van Cleef Engineering Associates; and

WHEREAS, a Review Team consisting of the Business Administrator, Director of Purchasing and Township Engineer has determined that all of the aforesaid Respondents have satisfied the qualifications criteria in the RFQ for General Engineering Services, and recommend the award of a contract to each on an as-needed basis; and

WHEREAS, the Township received responses to the RFQ for Architectural Engineering Services for the Water Utility from Alaimo Group; CDM; CMX; Cerenzio & Panaro Consulting Engineers; Clough Harbour & Associates LLP; Crew Engineers, Inc.; Dewberry-Goodkind, Inc.; Gannett Fleming, Inc.; H2M Associates, Inc.; Hatch Mott MacDonald; and Paulus, Sokolowski and Sartor, LLC; and

WHEREAS, a Review Team consisting of the Business Administrator, Director of Purchasing and Water Superintendent has determined that all of the aforesaid Respondents have satisfied the qualifications criteria in the RFQ for Architectural Engineering Services for the Water Utility, and recommend the award of a contract to each on an as-needed basis; and

WHEREAS, the Township received responses to the RFQ for Structural Engineering Services for the Water Utility from Alaimo Group; Birdsall Engineering, Inc.; CDM; CME Associates; CMX; Cerenzio & Panaro Consulting Engineers; Clough Harbour & Associates LLP; Crew Engineers, Inc.; Dewberry-Goodkind, Inc.; Gannett Fleming, Inc.; H2M Associates, Inc.; Hatch Mott MacDonald; Louis R. Slaby Engineering Associates, Inc.; Paulus, Sokolowski and Sartor, LLC; Suburban Consulting Engineers, Inc.; and T & M Associates; and

WHEREAS, a Review Team consisting of the Business Administrator, Director of Purchasing and Water Superintendent has determined that all of the aforesaid Respondents have satisfied the qualifications criteria in the RFQ for Structural Engineering Services for the Water Utility, and recommend the award of a contract to each on an as-needed basis; and

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WHEREAS, the Township received responses to the RFQ for Environmental Engineering Services for the Sewer Treatment Plant from Birdsall Engineering, Inc.; Boswell Engineering; CCMS; CDM; CME Associates; CMX; Cerenzio & Panaro Consulting Engineers; Chavond-Barry Engineering Corp; Clough Harbour & Associates LLP; Crew Engineers, Inc.; D.J. Egarian & Associates, Inc.; Dewberry-Goodkind, Inc.; Dvirka and Bartilucci; Engineering & Environmental Services, Inc.; Ferriero Engineering, Inc.; Gannett Fleming, Inc.; H2M Associates, Inc.; Hatch Mott MacDonald; HydroQual, Inc.; Lewis & Zimmerman Associates, Inc.; Metcalf & Eddy/AECOM; O'Brien & Gere Engineers, Inc.; Omni Environmental LLC; Paulus, Sokolowski and Sartor, LLC; Stormwater Compliance Solutions, LLC; Suburban Consulting Engineers, Inc.; T & M Associates; and Van Cleef Engineering Associates; and

WHEREAS, a Review Team consisting of the Business Administrator, Director of Purchasing and Assistant Sewer Superintendent has determined that twenty-seven of the twenty-eight aforesaid Respondents have satisfied the qualifications criteria in the RFQ for Environmental Engineering Services for the Sewer Plant, and recommend the award of a contract to those twenty-seven qualified on an as-needed basis; and

WHEREAS, the Township received responses to the RFQ for General Real Estate Appraisal Services from Certified Valuations, Inc.; Dickinson & McCormick, Inc.; Federal Appraisal & Consulting; and Izenberg Appraisal Associates; and

WHEREAS, a Review Team consisting of the Business Administrator, Director of Purchasing and Tax Assessor has determined that all of the aforesaid Respondents have satisfied the qualifications criteria in the RFQ for General Real Estate Appraisal Services, and recommend award of a contract to each on an as-needed basis; and

WHEREAS, certification of available funds shall be made by the Chief Financial Officer at the time the services, if any, are requested from the qualified professionals, pursuant to N.J.A.C. 5:30-5.5; and

WHEREAS, the term of these contracts awarded hereunder shall be one (1) year,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AS FOLLOWS:

1. That contracts be awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.1 et seq., and without competitive bidding as "Professional Services" in accordance with N.J.S.A. 40A:11-5(1)(a), based on the applicable rate schedules provided by the successful Respondents, as follows:

Alaimo Group for Architectural Engineering Services and Structural Engineering Services;

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Anderson & Denzler Associates, Inc. for General Engineering Services;

Birdsall Engineering, Inc., for General Engineering Services, Structural Engineering Services and Environmental Engineering Services;

Boswell Engineering for General Engineering Services and Environmental Engineering Services;

CCMS for Environmental Engineering Services;

CDM for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

CME Associates for General Engineering Services, Structural Engineering Services and Environmental Engineering Services;

CMX for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

Cairone & Kaupp, Inc. for General Engineering Services;

Cerenzio & Panaro Consulting Engineers for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

Certified Valuations, Inc. General Real Estate Appraisal Services;

Chavond-Barry Engineering Corp. for Environmental Engineering Services;

Clough Harbour & Associates LLP for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

Crew Engineers, Inc. for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

D.J. Egarian & Associates, Inc., for Environmental Engineering Services;

D.R. Johnson and Associates, LLC for General Engineering Services;

Dewberry-Goodkind, Inc. for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

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Dvirka and Bartilucci for Environmental Engineering Services;

Dickinson & McCormick, Inc. for General Real Estate Appraisal Services;

Engineering & Environmental Services, Inc. for Environmental Engineering Services;

Federal Appraisal & Consulting for General Real Estate Appraisal Services;

Ferriero Engineering, Inc. for General Engineering Services and Environmental Engineering Services;

Gannett Fleming, Inc. for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

H2M Associates, Inc. for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

HAKS Engineers, Architects and Land Surveyors, P.C. for General Engineering Services;

Hatch Mott MacDonald for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

HydroQual, Inc. for Environmental Engineering Services;

Izenberg Appraisal Associates for General Real Estate Appraisal Services;

Lewis & Zimmerman Associates, Inc. for Environmental Engineering Services;

Louis R. Slaby Engineering Associates, Inc. for General Engineering Services and Structural Engineering Services;

Maser Consulting P.A. for General Engineering Services;

Matarazzo Engineering for General Engineering Services;

Metcalf & Eddy/AECOM for Environmental Engineering Services;

Najarian Associates for General Engineering Services;

Omland Engineering Associates, Inc. for General Engineering Services;

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Omni Environmental LLC for Environmental Engineering Services;

Paulus, Sokolowski and Sartor, LLC for General Engineering Services, Architectural Engineering Services, Structural Engineering Services and Environmental Engineering Services;

Pennoni Associates Inc. for General Engineering Services;

The RBA Group for General Engineering Services;

Stormwater Compliance Solutions, LLC for General Engineering Services and Environmental Engineering Services;

Suburban Consulting Engineers, Inc. for General Engineering Services, Structural Engineering Services and Environmental Engineering Services;

T & M Associates for Structural Engineering Services and Environmental Engineering Services; and

Van Cleef Engineering Associates for General Engineering Services and Environmental Engineering Services.

2. That the Mayor is hereby authorized to enter into contracts with the aforesaid professionals.

* **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).

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*** Confirming the Appointment of Anthony M. Bucco, Esq. as Special Legal Counsel in Connection with Any Matters in Which the Township Attorney May Have a Conflict**

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 have a conflict; and

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

WHEREAS, the funds are available for this purpose; and

WHEREAS, the term of this contract shall be from January 1, 2009 through December 31, 2009; and

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, P.C, whose offices are 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 have a conflict. The Determination of Value shall be placed on file with this Resolution; and
2. 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
3. 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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*** Confirming the Appointment of Anthony M. Bucco, Esq. as Fire Prevention Bureau Attorney**

WHEREAS there exists a need for legal counsel services to be rendered to the Township of Parsippany-Troy Hills' Fire Prevention Bureau; and

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

WHEREAS, the funds are available for this purpose; and

WHEREAS, the term of this agreement shall be from January 1, 2009 through December 31, 2009; and

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 of the Township of Parsippany-Troy Hills hereby awards and authorizes the Mayor and Township Clerk to execute a professional services agreement with Anthony M. Bucco, Esq., of the firm Johnson, Murphy, Hubner, McKeon, Wubbenhorst, Bucco & Appelt, P.C., whose offices are located at 51 Route 23 South, Riverdale, New Jersey 07457 as Fire Prevention Bureau Attorney. The Determination of Value shall be placed on file with this Resolution; and
2. This agreement is being awarded without competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-1 et seq. of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession; and
3. 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.

*** Authorizing Three Year Agreement with Verizon for Landline Telephone Service**

WHEREAS, the Township of Parsippany (the "Township") requires land line telephone service in its municipal facilities to perform the necessary functions of government; and

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WHEREAS, Verizon Business Network Services, Inc. on behalf of Verizon New Jersey Inc. (“Verizon”) has offered to provide the services requested in accordance with the rates and tariffs mandated by the New Jersey Board of Public Utilities; and

WHEREAS, because Verizon is a public utility, subject to the jurisdiction of the New Jersey Board of Public Utilities, this agreement is an exception to the public bidding requirements of the Local Public Contracts Law; and

WHEREAS, Verizon provided the Township with two documents to execute; and

WHEREAS, one document is entitled “Service Agreement,” and is further identified as “Routing Code 5V,” and calls for a contract term of three (3) years; and

WHEREAS, the second document is entitled, “Application for Service,” and provides for enrollment during the term of the Service Agreement in Verizon’s Corporate Rewards plan; and

WHEREAS, the Township deems it necessary to enter into both agreements to obtain the telephone line service required to perform the functions of government.

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 Mayor is hereby authorized to execute, and the Clerk is authorized to witness, the Service Agreement and Application for Service in the forms on file with the office of the Township Clerk.

*** 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 2009, does not reflect the true value of the property assessed; and, he is

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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.

*** Granting an Extension of Developer's Agreement with Joseph Lembo and Dominick Barone – 1160 South Beverwyck Road**

WHEREAS, on January 27, 2005 a developer's agreement (the "Developer's Agreement") between the Township of Parsippany (the "Township") and Dominick Barone and Joseph Lembo (together "the Developer's") was executed providing for the construction of certain improvements required by the Planning Board as part of subdivision approvals memorialized in Planning Board Resolutions 01-016 and 01-016a for property identified as Block 757, Lot 54 on the tax map of the Township of Parsippany (the "Property"); and

WHEREAS, the Developer's Agreement was recorded on page 033 of Deed Book 06264 maintained by the Clerk of the County of Morris; and

WHEREAS, the resolution, dated January 25, 2005 authorizing the Developer's Agreement required completion of the improvements within 24 months of execution of the Developer's Agreement; and

WHEREAS, the date upon which completion was due passed without completion of the required improvements; and

WHEREAS, the Developer's have requested an extension of time within which to complete the required improvements until January 15, 2010; and

WHEREAS, the Township Engineer has recommended, and the Governing Body is willing to agree to, such an extension provided that the Developer's remove the dead trees on the property to the satisfaction of the Parks & Forestry Superintendent within thirty (30) days of the date of this Resolution, and provided that the Developer's provide the Township with written confirmation that all bonds, including performance bonds, will remain in effect during the term of any extension.

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

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1. The Mayor is hereby authorized to execute, and the Municipal Clerk is authorized to witness, an amendment to the Developer's Agreement providing for the date of completion of the required improvement to be extended up to and including January 15, 2010, in a form acceptable to the Township Attorney, subject to and following the occurrence of the following conditions:
 - a. Removal by the Developer's of the dead trees on the property to the satisfaction of the Parks & Forestry Superintendent within thirty (30) days of the date of this Resolution; and
 - b. Provision by the Developer's to the Township of written confirmation from the Developers' surety or sureties that all bonds, including performance bonds, shall remain valid and in effect during the period of this extension, and through completion of the project, all in accordance with the Township's Land Use Ordinances. If such confirmation cannot be obtained, then the Developers shall provide the Township with replacement bonds in the appropriate amounts in forms acceptable to the Township Attorney.

APPLICATION(S):

License(s):

*** Liquor License Renewal for the 7/1/08 – 6/30/09 Licensing Term**

WHEREAS, an application for renewal for licensing term July 1, 2008 through June 30, 2009, has been filed by the following Retail Liquor Licensee, and

WHEREAS, the application forms are complete in all respects and the applicants is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor License be renewed for the licensing term July 1, 2008 through June 30, 2009:

1429-36-57-01 Intercontinental Hotels Group Resources Inc, trading as Staybridge Suites Parsippany, for premises located at 61 Interpace Parkway, Parsippany, NJ

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* **Limo Owners Licenses (New)**

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 2009:

Metropolitan Express Limousine Services, LLC

24 Rockaway Place
Parsippany, NJ 07054
(1 vehicle)

Alan Glanse

62 Redstone Drive
Parsippany, NJ 07054
(1 vehicle)

ORDINANCE(S):

Introductions:

ORDINANCE (09:01)

**AN ORDINANCE OF THE TOWNSHIP
COUNCIL OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS IN THE
COUNTY OF MORRIS, NEW JERSEY, TO
ACQUIRE BY PURCHASE RIGHT OF WAY
OVER A PORTION OF A PROPERTY
KNOWN AS BLOCK 721, LOT 8 (VAIL
ROAD)**

(Attachment No. 1)

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

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 13, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **February 24, 2009** 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.

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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.

ROLL CALL: YES - Council Members Barberio, dePierro, Fox, Grossi, and Cesaro

ORDINANCE (09:02)

**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 THE TROY
HILLS MEMORIAL POST #10184, VETERANS OF
FOREIGN WARS**

(Attachment No. 2)

The following resolution was offered by Mr. Fox, seconded by Mr. Barberio:

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 13, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **February 24, 2009** 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.

ROLL CALL: YES - Council Members Barberio, dePierro, Fox, Grossi, and Cesaro

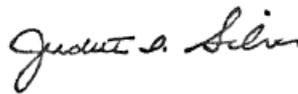
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Mr. Barberio made a motion to adjourn the meeting, seconded by Council President Cesaro:

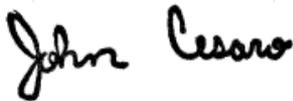
ROLL CALL: YES - Council Members Barberio, dePierro, Fox, Grossi, and Cesaro

The meeting adjourned at 7:51 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John Cesaro, Council President

Minutes approved: February 24, 2009

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Attachment 1
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**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2009:01**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS IN THE COUNTY OF MORRIS, NEW JERSEY, TO
ACQUIRE BY PURCHASE RIGHT OF WAY OVER A PORTION OF A PROPERTY
KNOWN AS BLOCK 721, LOT 8 (VAIL ROAD)**

WHEREAS, the Township of Parsippany-Troy Hills under took the Reconstruction of Vail Road Phase I; and

WHEREAS, it was later determined that a portion of the road way improvement encroached onto the property known as Block 721, Lot 8; and

WHEREAS, it was further determined that utilities also have encroached onto the property known as Block 721, Lot 8; and

WHEREAS, the Township of Parsippany-Troy Hills has determined that it would serve a public purpose to acquire the additional road right of way over the portion of the property known as Block 721, Lot 8 (as more particularly described on the metes and bounds descriptions on file in the Township Clerk's Office); and

WHEREAS, the Township has determined that the fair market value of the Right of Way is \$14,700 pursuant to an appraisal report dated October 30, 2008 prepared by Izenberg Appraisal, a recognized and qualified appraiser; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Parsippany-Troy Hills is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Parsippany-Troy Hills has the power to acquire any real property for a public purpose through negotiated agreement.

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

1. The acquisition by negotiation of the road right of way as defined herein above, be and is hereby authorized.

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2. The Township of Parsippany-Troy Hills shall pay for the acquisition of road right of way in the amount of \$14,700 for Block 721, Lot 8, such amount being the fair market value for the portion of the property as determined by the appraisal report prepared on behalf of the Township by Izenberg Appraisal, a recognized and qualified appraiser.
3. The Business Administrator is hereby authorized to take all actions necessary to acquire the road right of way through negotiation.

BE IT FURTHER ORDAINED, that the Mayor and Township Clerk are hereby authorized to execute and witness, respectfully, the deed granting the road right of way and any other documents necessary to effectuate the road right of way; and

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

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

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

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**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2009:02**

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 THE TROY HILLS MEMORIAL POST #10184, VETERANS OF FOREIGN WARS

WHEREAS, the Troy Hills Memorial Post #10184, Veterans of Foreign Wars, a non-profit corporation of the State of New Jersey, provides numerous services and benefits to the youth of the Township of Parsippany-Troy Hills and its residents who are members of the Veterans of Foreign Wars; and

WHEREAS, pursuant to statute of the State of New Jersey, leases of municipal lands may be made at a nominal consideration to the organization known as the Veterans of Foreign Wars, i.e., the VFW; and

WHEREAS, the Troy Hills Memorial Post #10184, Veterans of Foreign Wars, has requested a lease in connection with premises known as 220 Troy Road within the Township and more specifically known as Block 728, Lot 5 within the Township of Parsippany-Troy Hills; and

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

REGULAR TOWNSHIP COUNCIL MEETING JANUARY 13, 2009