

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

February 24, 2009

Council President Cesaro opened the Regular Meeting at 7:30 p.m. followed by a salute to the Flag led by Boy Scout Troop 173 of the Patriots Path Council. 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 2, 2008 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 9, 2008. This notice was forwarded by fax to other local newspapers and local radio stations on December 2, 2008.

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

OTHERS PRESENT: R. Strechay, Director, Dept. of Municipal Utilities (Representing the Business Administrator), R. Scerbo, Esq., (Representing the Office of the Township Attorney), J. Silver, Township Clerk

As part of the 100th Anniversary of Scouting, Steven Su and Michael McClurkin of Boy Scout Troop 173 delivered a "Report to the Community," highlighting Scouting trips, events and community service projects.

Council President Cesaro presented Certificates to Ron Laxmana and Paige Shomer for their "Outstanding Effort and Creativity in the Design of the Winning Municipal Alliance Committee Slogan and Logo Contest." Annelise Catanzaro, Chair, of the Parsippány Municipal Alliance Committee (MAC), briefly reviewed MAC's mission to prevent alcohol and drug abuse in the community.

NOTES:

03/10/09 @ 7:30 p.m. Agenda Meeting
Public Invited-Public Participation

03/17/09 @ 7:30 p.m. Regular Meeting
Public Invited Public Participation

BID(S) TO BE TAKEN:

2/26/09 @ 11:00 a.m. Supplying Various Materials for the Municipal Utilities and Public Works

3/11/09 @ 11:00 a.m. Transportation and Disposal of Sewage Sludge Cake

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

None

ORDINANCE(S):

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

Ordinance 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)**

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

BE IT RESOLVED that “**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)**” be read in title only on second reading and a hearing held thereon.

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

Council President Cesaro opened the meeting to the public on this ordinance only, noting a five-minute time limit per speaker.

Seeing no one come forward to speak, Council President Cesaro closed the public hearing on Ordinance No. 2009:01.

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

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

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

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

Ordinance 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**

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

BE IT RESOLVED that “**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARPIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING A LEASE AGREEMENT BETWEEN THE TOWNSHIP OF PARPIPPANY-TROY HILLS AND THE TROY HILLS MEMORIAL POST #10184, VETERANS OF FOREIGN WARS**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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

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

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

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PUBLIC HEARING:

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

Tom Wyka, 1 Bennett Court, indicated that two weeks ago he discussed with the Council a new initiative – a model ordinance developed by the Brennan Center for Justice at New York University School of Law and the Citizens’ Campaign. He stated that “pay to play” is an all too common practice whereby large campaign contributions are exchanged for lucrative government contracts. The Citizens’ Campaign notes that, unfortunately, the people who really pay are the taxpayers because when contract decisions are influenced by political contributions, merit and cost effectiveness are not as high a priority. Mr. Wyka commented that both Chris Christie and John Corzine have called this a “hidden tax.” He indicated that the New Jersey’s Taxpayers Association, formerly known as Citizens’ Brigade, included a ban on “pay to play” as part of its platform. Mr. Wyka addressed several of the Council’s concerns expressed at the prior Council Meeting. Additionally, he pointed out that Citizens’ Campaign asks that when anyone lobbies for this ordinance, they do so in a spirit of “no blame,” meaning that they are not accusing anyone of engaging in the practice. That is what he is doing this evening. It stands to reason, per Mr. Wyka, that you can’t be against the ban if you don’t engage in it or don’t plan to engage in it. He asked, again, that the Council consider this legislation in the interest of demonstrating that we are taking steps to insure the political integrity of our town.

Mr. Barberio indicated that we already have “pay to play” laws that he feels are quite strict.

Mr. Wyka advised that 60 municipalities have adopted this model ordinance. This is the kind of legislation that really should be passed at the State level, but failing that, there is nothing stopping local governments from doing so.

Mr. dePierro stated that he reviewed the information provided to him; it looked redundant to what we are currently doing including election law enforcement reporting and limitations on donations within a specific time period. He noted that we already have “pay to play” laws in New Jersey; we are all adhering to these laws. He indicated that he doesn’t see any reason to repeat what we already have in place.

Mr. Wyka informed the Council that the local ordinance is much more restrictive than what we have at the State level.

Roy Messmer, 10 Drumlin Drive, commented that:

- The Township has taken on more of Mt. Tabor’s services without reevaluating the properties. Property taxes in Mt. Tabor should go up. He doesn’t think this is right. He requested a response in writing. Mr. dePierro pointed out that Mt. Tabor roads are Township roads and have been Township roads for at least 20 or 25 years.

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- Regarding the house on the corner of Vail and Beverwyck, he received a response to his OPRA request and would like an opportunity to review the documents with members of the Council. He commented that from July 11, 2005 to January 31, 2009, the same violations were cited again and again.
- Regarding the Parsippany Library, he felt it was important for the taxpayers of Parsippany to know that we are not only funding the library through the mil rate on assessed property value, but, additionally, we are paying off the Library's bond. He felt it is important to discuss this further.
- The reporter for *Parsippany Life* wrote an article last week regarding the Montefusco hearing not being held last month. He questioned the reporter as to why Richard Pompelio, Esq. (Executive Director of the New Jersey Crime Victim's Law Center) didn't make a statement and was informed by the reporter that Mr. Pompelio didn't return her phone calls. Mr. Messmer felt that this wasn't right, emphasizing how much this matter has cost the Township, and asked Mr. Fox if he could reach out to Mr. Pompelio. Mr. Fox noted that Mr. Pompelio is seeking restitution for the Township pro bono; he normally returns phone inquiries from the media. Mr. Fox offered to contact Mr. Pompelio as to why phone calls to the reporter were not returned.

Pat Petaccia, 182 Hawkins Avenue, agreed with Mr. Wyka, noting if there is better "pay to play" legislation, we should adopt it.

Jerry Manning, 7 Oakdale Road, suggested two budgetary concerns need to be addressed. The first relates to the down turn of the economy and deals with the unnecessary "stimulus farce that is floating around from the Federal Government," which claims there is no "pork." Per Mr. Manning, "the whole thing is pork." There is nothing in the (Federal) Budget to stimulate the economy. He expressed his view that the Township, in its budget, should not support things like a "Quiet Zone" for half a million dollars or the videotaping of Council Meetings. If someone wants to know what goes on at a Council Meeting, they have two choices: (1) they can come to a meeting or (2) they can contact the Township Clerk and obtain a copy of the minutes. He pointed out, additionally, that, at last count, at least one-third of Parsippany's residents wouldn't be able to access the channel on which the videos will be shown because they don't have Cablevision, they have Verizon, which doesn't carry community access from Parsippany. Those people, per Mr. Manning, would be entitled to a reduction in their taxes.

Mr. Manning further commented that at the last meeting several people openly made indictments against Parsippany's elected officials; they made indictments without pointing fingers. This is not what these Council Meetings are all about. As far as the "pay to play" proposal made this evening, Mr. Manning felt no need for additional rules and regulations. He stated that he does

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not want his tax money supporting something he doesn't believe in; he spends his money on candidates who he believes in.

Sam Poff, President of Parsippany Blue Collar, Local 3028, advised that he is present this evening because the Union is experiencing a lot of problems lately, not only with the Blue Collar Contract, but with the Administration's manner of discipline and its lack of handling delicate, personal medical information. He explained what occurred relative to a Department Head threatening an employee with discipline measures, which he feels is an unfair labor practice that will end up costing the taxpayers money. This same Department Head, per Mr. Poff, violated HIPPA regulations by disclosing personal medical information; charges are being filed. Mr. Poff reiterated that two major laws have been broken in the past month and Local 3028 is fighting these issues. Additionally, Mr. Poff explained that the Township is now attacking the Union via attacks on himself and his Vice-President (Mr. Breslauer). He reviewed the matter affecting Mr. Breslauer and his family and questioned why Mr. Breslauer was required to complete an FMLA (Family and Medical Leave Act) form when he had sick time available. The Administration was asked to provide the statute or regulation requiring the completion of the FMLA form, but no explanation was provided.

Ms. Grossi indicated her understanding that, relative to the Blue Collar Contract, sick time is supposed to be used when an employee is sick, not to take care of a family member; that's when the FMLA kicks in because this allows an employee to use his (or her) sick time to attend to a family member's illness. She commented that she doesn't know why someone didn't provide this simple explanation, but this is her understanding of how the FMLA works in tangent with accumulated sick time.

Annelise Catanzaro, 86 Morris Avenue, disagreed with Mr. Manning regarding video access and "pay to play" legislation. She pointed out that even though some people don't have access to the cable network, the videos can be played on YouTube. From personal experience, she finds that a lot of times, with work and family obligations, she cannot attend meetings every week. In connection with "pay to play," Ms. Catanzaro expressed her view that the legislation is worth considering, noting it limits (political) contributions to \$300 from businesses that contract with Parsippany. Council Members explained that this is already part of the State Law. She indicated she will review this legislation further. She felt that any legislation that will try to fix "campaign financing" is important to consider.

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

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CONSENT AGENDA:

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

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

MINUTES FOR APPROVAL:

- * Organization Meeting of 1/6/09
 - * Agenda Meeting of 1/6/09
 - * Regular Meeting of 1/13/09
-

BID AWARD(S):

- * Reconstruction of Roosevelt Avenue – Phase I (from Lake Shore Drive to Hiawatha Boulevard)

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Roosevelt Avenue-Phase I (from Lake Shore Drive to Hiawatha Boulevard) on January 15, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Jenicar Builders Contractors Co., Inc., 573 Belgrove Drive, Kearny, NJ 07032 for a Total Bid Price of \$351,359.52, and

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

Current Capital Ordinance # 2007:18
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 Reconstruction of Roosevelt Avenue-Phase I (from Lake Shore Drive to Hiawatha Boulevard) be awarded as stated above in accordance with the

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terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

RESOLUTION(S):

*** Granting Exempt Firemen Certificates to Arden Birth, Robert J. Koegler and Thomas G. Strunck – Fire District 3**

WHEREAS, Arden Birth, Robert J. Koegler and Thomas G. Strunck, members of the Lake Parsippany Volunteer Fire Co. Fire District 3 have met certain requirements pursuant to N.J.S.A. 40A:14-56 which include having performed during a period of seven years, 60% of fire duty, in each year respectively.

NOW, THEREFORE, BE IT RESOLVED that **Arden Birth, Robert J. Koegler and Thomas G. Strunck** be granted Certificates of Exemption pursuant to the aforementioned statute.

*** Awarding Labor Counsel Legal Services – Knapp, Trimboli & Pruzinowski, LLC**

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire labor counsel legal 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 Labor Counsel Legal Services to the Township; and

WHEREAS, the Business Administrator and Director of Purchasing for the Township have reviewed the qualifications received and recommend that the contract be awarded to Knapp, Trimboli & Prusinowski, LLC, 210 Park Avenue, Suite 302, Florham Park, NJ 07932, 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 Knapp, Trimboli & Prusinowski, LLC, 210 Park Avenue, Suite 302, Florham Park, NJ 07932; and
- (2) This contract shall be awarded pursuant to a fair and open process in

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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).

*** Intent to Join a Coalition of Concerned Municipalities Impacted and Affected by PSE&G’s Proposed Susquehanna-Roseland 500 KV Transmission Project**

WHEREAS, Public Service Electric and Gas (PSE&G) has proposed construction of a new 500kv transmission line, known as the Susquehanna-Roseland Transmission Line Project, through Warren, Sussex, Morris and Essex Counties, impacting the municipalities of Andover Township, Boonton Township, Byram Township, East Hanover Township, Fredon Township, Hardwick Township, Hopatcong Borough, Jefferson Township, Kinnelon Borough, Montville Township, Newton Township, Parsippany-Troy Hills Township, Rockaway Township, Roseland Borough, Sparta Township and Stillwater Township; and

WHEREAS, this project has potential for major economic, environmental, health and safety impacts upon all residents of the affected municipalities; and

WHEREAS, contrary to its prior promises to these municipalities that it would make application via the usual and established municipal review process, PSE&G has now bypassed that municipal approval process by making application directly to the New Jersey State Board of Public Utilities (BPU), thereby removing home rule and local oversight over these potential impacts; and

WHEREAS, protecting the rights, health and well-being of residents with appropriate and responsible scrutiny of this project through the BPU application and hearing process by the affected municipalities will now involve significant expenses, budgetary considerations, and hardship to the taxpayers of these municipalities during difficult economic times.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that, realizing the economy of scale and the power of collaborative effort, does hereby state its intention to join in a “Coalition of Concerned Municipalities” and act with these other affected municipalities to safeguard the rights, health and well-being of its residents from the potential impacts of this project; and

BE IT FURTHER RESOLVED that the Township will appoint a representative (or representatives) of the municipality to act as liaison to this Coalition on its behalf, for the purposes of strategic discussions, teleconferences and/or other public meetings; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be sent to the Governing Bodies of: Andover Township, Boonton Township, Byram Township, East Hanover Township, Fredon Township, Hardwick Township, Hopatcong Borough, Jefferson Township, Kinnelon Borough, Montville Township, Newton Township, Rockaway Township, Roseland Borough, Sparta Township and Stillwater Township; as well as to PSE&G President Ralph

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LaRossa, U.S. Senator Frank Lautenberg, U.S. Senator Robert Menendez, U.S. Congressman Rodney Frelinghuysen, U.S. Congressman Scott Garrett, Governor Jon Corzine, State Senators and State Assembly Members from the 23rd, 24th, 25th, 26th and 27th Districts, the Boards of Chosen Freeholders of Morris, Essex, Sussex and Warren Counties, the New Jersey State Board of Public Utilities, New Jersey Department of Environmental Protection Commissioner Mark Mauriello, New Jersey Highlands Water Protection and Planning Council Chairman John Weingart and Executive Director Eileen Swan, and the Office of the New Jersey Public Advocate.

*** Appointing an Administrator for the Township's Third Party Payment Plan for Emergency Medical Services – Revenue Guard Medical Claims Management, LLC**

WHEREAS, pursuant to Ordinance 2005:24 the Township of Parsippany-Troy Hills established a third party payment plan for emergency medical services and determined to seek a contractor to administer the billing and collection of the ambulance fees authorized thereunder; and

WHEREAS, on December 16, 2008 the Township Council authorized an agreement with Pre-Hospital Management Systems, Inc. with offices located at 3412 Progress Drive, Second Floor, Bensalem, PA 19020 to provide the above services to the Township for the year 2009; and

WHEREAS, Pre-Hospital Management Systems, Inc. has failed to provide the agreed upon services; and

WHEREAS, the Director of Human Services has recommended that the award be made to Revenue Guard Medical Claims Management LLC, 540 Bordentown Avenue, South Amboy, New Jersey 08879, who submitted the next lowest responsible proposal to provide administration and collection of insurance claims for emergency medical services; and

WHEREAS, funds are available for this purpose; and

WHEREAS, it is in the best interest of the Township to engage Revenue Guard Medical Claims Management LLC as the administrator to manage the operation and administration of the Third Party payment plan for emergency medical services.

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:

1. The Township of Parsippany-Troy Hills hereby awards and authorizes the Mayor and Township Clerk to execute the agreement with Revenue Guard Medical Claims Management LLC, 540 Bordentown Avenue, South Amboy,

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New Jersey 08879 to manage the operation and administration of Third Party payment plan for emergency medical services; and

2. This contract shall be awarded pursuant to a non fair and open process in accordance with N.J.S.A. 19:44A-20.5 and without competitive bidding as “Extraordinary Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1)(a); and
3. A notice of this action shall be published in the official newspaper of the Township of Parsippany-Troy Hills.

*** Authorizing Settlement Agreement Between the Township and Douglas Miller, Joseph Delisi, Jr. and Statewide Insurance Fund in Connection with the Action Entitled Delisi Vs. Township of Parsippany-Troy Hills Et. Al.**

WHEREAS, certain claims have been asserted against the Township of Parsippany-Troy Hills and Douglas Miller (the “Township”) and the Statewide Insurance Fund (“Fund”) in the action entitled Delisi vs. Township of Parsippany-Troy Hills et al, Superior Court of New Jersey, County of Morris, Docket No. MRS-2216-06 (the “Complaint”) by Joseph DeLisi, Jr. as Guardian of the Person and Property of Joseph DeLisi, Sr., (“Plaintiff”) regarding alleged physical personal injuries to the Plaintiff, which occurred on August 18, 2005 at the intersection of North Beverwyck Road and Lakeshore Drive in Parsippany (“Site”); and

WHEREAS, the Fund, on behalf of the Township, engaged in settlement negotiations with the Plaintiff; and

WHEREAS, the Plaintiff in the Complaint agreed to settle with the Township for all past, present or future claims, demands, obligations, actions, causes of action, wrongful death claims, rights, damages, costs, losses of service, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory of recovery, which the Plaintiff now has, or which may hereafter accrue or otherwise be acquired related to the Site, pursuant to the Settlement Agreement and Release dated January 13, 2009, in exchange for a total payment of \$7,000,000 by the Fund on behalf of the Township, payment to be made as outlined in Section 2 of the Settlement Agreement and Release beginning from February 10, 2009; and

WHEREAS, in order to release payment in connection with this matter, the Fund has prepared a Settlement Agreement and Release, a copy of which is on file with the Township Clerk; and

WHEREAS, the Mayor and Township Council of the Township of Parsippany-Troy Hills have reviewed the terms of the Settlement Agreement and Release; and

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WHEREAS, the Township Council recognizes that the terms of the Settlement Agreement and Release are in the best interest of the Township of Parsippany-Troy Hills and desires to approve the terms of said agreement and release.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the Mayor and Township Clerk are authorized to execute the Settlement Agreement and Release with Joseph DeLisi, Jr. as Guardian of the Person and Property of Joseph DeLisi, Sr., the Township of Parsippany-Troy Hills and Douglas Miller and the Statewide Insurance Fund in the form on file in the Office of the Township Clerk, upon the terms and conditions provided therein, subject to review and approval of the Township Attorney.

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

*** Supporting Craftsman Farms Foundation's Filing of an Application to the Morris County Historic Preservation Trust Fund for Funding of Restoration Work on the North and South Cottages**

WHEREAS, the Craftsman Farms Foundation has previously applied for a grant in the amount of \$80,000 from the New Jersey Historic Trust Fund to complete Phase I Restoration of the North and South Cottages; and

WHEREAS, the New Jersey Historic Trust Fund requires that grant recipients seek matching funds in the amount of \$80,000 from other sources; and

WHEREAS, to further assist with funding for repairs and save the Township from incurring additional expenses with respect to same, the Foundation has prepared a grant application to the Morris County Historic Preservation Trust Fund for matching funds for additional restoration work on the North and South Cottages.

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

1. That the Township Council supports the application to the Morris County Historic Preservation Trust Fund for funding of restoration work on the North and South Cottages; and
2. That the Mayor and Township Clerk are hereby authorized to sign the Owner Assurances form of the grant application.

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*** Authorizing an Agreement with ACACIA Financial Group, Inc. for Financial Advisory Services**

WHEREAS, there exists a need for financial advisory services to be rendered to the Township of Parsippany-Troy Hills 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, this contract is not subject to public bidding as the Business Administrator has determined and certified in writing that the value of these services will not exceed the Township's bid threshold of \$29,000; and

WHEREAS, this contract is subject to "Pay-to-Play" restrictions of P.L. 2004, c. 19 as amended by P.L. 2005, c. 51, and the disclosure requirements of P.L. 2005, c. 271, as the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500; and

WHEREAS, ACACIA Financial Group, Inc. has complied with the requirements of these laws, and has submitted both the Business Entity Disclosure required by P.L. 2004, c. 19 as amended by P.L. 2005, c. 51 and the Political Contribution Disclosure form required by P.L. 2005, c. 271 within the time frames required by those laws; and

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

2009 Temporary Budget: Division of Treasury- Other Expenses
2009 Temporary Budget: Sewer Utility – Other Expenses

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-5(1) (a)) requires that the Resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bidding and the contracts themselves must be available for public inspection.

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 and authorizes the Mayor and Township Clerk to execute the following extraordinary, unspecifiable services contract for financial advisory services to ACACIA Financial Group, Inc., Four Greentree Center, Suite 206, 13000 Lincoln Drive West, Marlton, NJ 08053.
2. This contract is awarded without competitive bidding as "Extraordinary, Unspecifiable Services" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because said services require an extensive knowledge of municipal debt, including notes and bonds, rules and regulations from the state and a long history in

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markets, laws and rules and 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.);

3. A notice of this action shall be printed once in the official newspaper of the Township.
4. This resolution shall take effect immediately.

*** Awarding a Contract for Insurance Services (Administration of Claims Processing for Workers' Compensation) to D & H Alternative Risk Solutions**

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire insurance services as non-fair and open contracts pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

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

WHEREAS, the term of the contract with D&H Alternative Risk Solutions shall begin on January 1, 2009 and end on December 31, 2009; and

WHEREAS, D&H Alternative Risk Solutions has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract; and

WHEREAS, D&H Alternative Risk Solutions 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 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, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for this purpose in the following account(s):

2009 Temporary Budget: Current Fund – Insurance:

2009 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 D&H Alternative Risk Solutions, 83 Spring Street, Suite 104, Newton, New Jersey 07860 for the administration of claims processing for workers' compensation; and

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- (2) That the Business Disclosure Entity Certification for the foregoing and the Determination of Value be placed on file with this resolution; and
- (3) These contracts shall be awarded through a non-fair and open process and without competitive bids pursuant to N.J.S.A. 19:44A-20.5 and N.J.S.A. 40A:11-5(1)(m); and
- (4) That a notice of this action be printed once in the official newspaper of the Township of Parsippany-Troy Hills.

*** 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.

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 Application for a Loan from the N.J. Environmental Infrastructure Trust Program in Connection with the Redesign and Upgrade of 16MGD Wastewater Treatment Plant (Loan Number S340886-01)**

WHEREAS, the Township of Parsippany-Troy Hills intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Redesign and Upgrade of 16 MGD Wastewater Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills in the County of Morris in the State of New Jersey, that Jasmine Lim, Business Administrator, be authorized to act as the Authorized Representative to represent the Township of Parsippany-Troy Hills in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Township of Parsippany-Troy Hills, 1001 Parsippany Boulevard, Parsippany, NJ 07054, 973-263-4391.

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*** Authorizing an Application for a Loan from the N.J. Environmental Infrastructure Trust Program in Connection with the Replacement of the South Beverwyck Road #1 Pump Station**

WHEREAS, the Township of Parsippany-Troy Hills intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for the Replacement of the South Beverwyck Road #1 Pump Station.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills in the County of Morris in the State of New Jersey, that Jasmine Lim, Business Administrator, be authorized to act as the Authorized Representative to represent the Township of Parsippany-Troy Hills in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Township of Parsippany-Troy Hills, 1001 Parsippany Boulevard, Parsippany, NJ 07054, 973-263-4391.

*** Authorizing an Application for a Loan from the N.J. Environmental Infrastructure Trust Program in Connection with the Repainting of the I-287/Pomeroy Road Water Tank**

WHEREAS, the Township of Parsippany-Troy Hills intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for Repainting of the I-287/Pomeroy Road Water Tank.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills in the County of Morris in the State of New Jersey, that Jasmine Lim, Business Administrator, be authorized to act as the Authorized Representative to represent the Township of Parsippany-Troy Hills in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Township of Parsippany-Troy Hills, 1001 Parsippany Boulevard, Parsippany, NJ 07054, 973-263-4391.

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*** Authorizing an Application for a Loan from the N.J. Environmental Infrastructure Trust Program in Connection with the Installation of a 16-Inch Diameter Transmission Water Main**

WHEREAS, the Township of Parsippany-Troy Hills intends to file an application with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust for Installation of a 16-inch Diameter Transmission Water Main.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills in the County of Morris in the State of New Jersey, that Jasmine Lim, Business Administrator, be authorized to act as the Authorized Representative to represent the Township of Parsippany-Troy Hills in all matters relating to the project undertaken pursuant to the above referenced New Jersey Environmental Infrastructure Loan to be executed with the New Jersey Department of Environmental Protection and the New Jersey Environmental Infrastructure Trust. The Authorized Representative may be contacted at the Township of Parsippany-Troy Hills, 1001 Parsippany Boulevard, Parsippany, NJ 07054, 973-263-4391.

*** Green Acres Enabling Resolution - Authorizing an Application for Additional Funding**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”) provides grants to municipal governments for assistance in the acquisition of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Parsippany-Troy Hills desires to further the public interest by obtaining funding in the additional amount of \$2,550,000.00 amendment #1 and \$900,000.00 amendment #2 from the State which will amend the project to fund the following projects: Eligible lots and blocks listed in the Open Space and Recreation Plan for the Township of Parsippany-Troy Hills at a total cost of \$4,700,000.00;

NOW, THEREFORE, the Township Council of Parsippany-Troy Hills hereby resolves that Mayor Michael M. Luther or the successor to the office of Mayor be hereby authorized to:

- (a) make application for such a loan and/or grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

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WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

NOW THEREFORE BE IT FURTHER RESOLVED by the Township Council of the Township of Parsippany-Troy Hills as follows:

1. That the Mayor of the Township of Parsippany –Troy Hills is hereby authorized by the Township Council to execute an agreement and any amendment thereto with the State known as the Parsippany-Troy Hills Open Space Acquisition; and
2. That the applicant has its matching share of the project funds, if a match is required, in the amount of \$4,700,000.00; and.
3. That in the event the State's funds are less than the total project costs specified above, the applicant has the balance of funding necessary to complete the project; and
4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. That this resolution shall take effect immediately.

*** Regarding Purchases of Goods and Services Utilizing N.J. Cooperative Purchasing Program and Morris County Cooperative Pricing Council**

WHEREAS, the Township of Parsippany-Troy Hills purchases goods and services under the cooperative purchasing contracts utilizing New Jersey Cooperative Purchasing Program and Morris County Cooperative Pricing Council contracts, and

WHEREAS, the Local Public Contracts Law requires a resolution authorizing purchases that exceed an expenditure of \$17,500.00 per year for the aggregate cost of similar and like items.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, that it hereby awards contracts to the vendors listed on a schedule, a copy of which is on file in the office of the Township Clerk, and in accordance with the New Jersey Cooperative Purchasing Program and Morris County Cooperative Pricing Council contracts on file in the Purchasing Director's office.

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*** Release of Performance Guarantee/Acceptance of Maintenance Bond – Parsippany Campus Realty Associates, L.L.C., Mack-Cali Business Campus Traffic Signals, Block 202, Lots 1.13 and 1.14 (Formerly Lot 7.01)**

WHEREAS, Parsippany Campus Realty Associates, L.L.C. posted a performance guarantee, Travelers Casualty and Surety Company of America Performance Bond No. 104534569 in the amount of \$380,430 and cash escrow in the amount of \$42,270, to guarantee the completion of certain off-site improvements in connection with the construction of office space on property commonly known as Block 202, Lots 1.13 and 1.14 (formerly known as Lot 7.01) Final Subdivision Approval (Planning Board Applications #05:503 and #05:001); and

WHEREAS, Justin Lizza, Jr., Municipal Engineer, recommended, in an interoffice memorandum dated January 26, 2009, that the performance guarantee (Performance Bond No. 104534569 and cash escrow) be released as the traffic signals on Sylvan Way and Dryden Way and Campus Drive and Dryden Way have been installed and inspected, provided that a two-year maintenance bond in the amount of \$42,270 is posted with the Township; and

WHEREAS, a two-year Maintenance Bond No. 105202682 issued by Travelers Casualty and Surety Company of America, having offices at Hartford, Connecticut, in the amount of \$42,270 has been posted by Parsippany Campus Realty Associates, L.L.C. with offices at 343 Thornall Street, Edison, New Jersey, as required.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that Travelers Casualty and Surety Company of America Performance Bond No. 104534569 in the amount of \$380,430 and cash escrow in the amount of \$42,270 with accrued interest be and the same are hereby released.

*** Reduction of Performance Guarantee – Parsippany Campus Realty Associates, L.L.C., Mack- Cali/Wyndham Worldwide, Block 202, Lots 1.13 and 1.14**

WHEREAS, Parsippany Campus Realty Associates L.L.C., 343 Thornall Street, Edison, New Jersey, posted a total performance guarantee in the amount of \$6,883,203.60, consisting of JPMorgan Chase Bank, N.A. Letter of Credit No. TPTS-351126 in the sum of \$688,320.36 and Travelers Casualty & Surety Company of America Performance Surety Bond No. 104963884 in the sum of \$6,194,883.24, to guarantee the completion of certain improvements relative to Block 202, Lots 1.13 and 1.14 in the Township of Parsippany-Troy Hills, known as the Mack-Cali Business Campus (Planning Board Application # 07:004/07:507); and

WHEREAS, Parsippany Campus Realty Associates L.L.C. has completed a major portion of the required improvements; and

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WHEREAS, George Winter, Acting Municipal Engineer, recommended in an interoffice memorandum dated January 9, 2009, that the above mentioned performance guarantee be reduced; and

WHEREAS, Parsippany Campus Realty Associates L.L.C., is required to post an Amendment to JPMorgan Chase Bank, N.A. Letter of Credit No. TPTS-351126 decreasing the amount of the original Letter of Credit to \$204,191.40 and a Rider to be attached to and form part of the original Bond No. 104963884, dated July 26, 2007, issued by Travelers Casualty and Surety Company of America, decreasing the amount of the Bond to \$1,837,722.60; and

WHEREAS, “specimen documents” for the Amendment to the Letter of Credit and Rider to the Performance Bond have been reviewed by the Township's Legal Counsel and approved as to form and compliance with ordinance requirements and are consistent with the original Letter of Credit and Bond;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that the reduction in the performance guarantee posted by Parsippany Campus Realty Associates L.L.C. to assure completion of the remaining improvements to Block 202, Lots 1.13 and 1.14, known as the Mack-Cali Business Campus, be approved, provided that the fully executed amended documents are posted with the Township.

*** Authorizing the Termination of a Traffic Signal Agreement with the NJDOT for Fanny Road/Parsippany Blvd. (U.S. Route 202)**

WHEREAS, Parsippany Campus Realty Associates, L.L.C. posted a performance guarantee, Travelers Casualty and Surety Company of America Performance Bond No. 104534569 in the amount of \$380,430 and cash escrow in the amount of \$42,270, to guarantee the completion of certain off-site improvements in connection with the construction of office space on property commonly known as Block 202, Lots 1.13 and 1.14 (formerly known as Lot 7.01) Final Subdivision Approval (Planning Board Applications #05:503 and #05:001); and

WHEREAS, Justin Lizza, Jr., Municipal Engineer, recommended, in an interoffice memorandum dated January 26, 2009, that the performance guarantee (Performance Bond No. 104534569 and cash escrow) be released as the traffic signals on Sylvan Way and Dryden Way and Campus Drive and Dryden Way have been installed and inspected, provided that a two-year maintenance bond in the amount of \$42,270 is posted with the Township; and

WHEREAS, a two-year Maintenance Bond No. 105202682 issued by Travelers Casualty and Surety Company of America, having offices at Hartford, Connecticut, in the amount of \$42,270 has been posted by Parsippany Campus Realty Associates, L.L.C. with offices at 343 Thornall Street, Edison, New Jersey, as required.

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NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that Travelers Casualty and Surety Company of America Performance Bond No. 104534569 in the amount of \$380,430 and cash escrow in the amount of \$42,270 with accrued interest be and the same are hereby released.

*** Tax Appeal Settlement – HGF Parsippany Blvd., LLC, 1160 Parsippany Blvd., Block 410, Lot 22.01**

WHEREAS, HGF PARSIPPANY BLVD., LLC occupies certain property described as 1160 Parsippany Blvd. and known as Block 410, Lot 22.01; and

WHEREAS, HGF PARSIPPANY BLVD., LLC filed an appeal to the Tax Court of New Jersey for said premises for the year 2008; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township’s Expert Appraiser; and

WHEREAS, HGF PARSIPPANY BLVD., LLC, has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

WHEREAS, the Township Attorney, the Tax Assessor, and the Township’s Expert Appraiser have recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

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. Settlement of the 2008 tax appeal is hereby authorized as follows:

| | <u>Original Assessment</u> | <u>Settlement Amount</u> |
|---------------------|-----------------------------------|---------------------------------|
| LAND | \$ 2,240,000 | \$ 2,240,000 |
| IMPROVEMENTS | \$ 3,626,000 | \$ 2,626,000 |
| TOTAL | \$ 5,866,000 | \$ 4,866,000 |

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NOW, THEREFORE, BE IT RESOLVED all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

*** Tax Appeal Settlement – Teachers Insurance Assoc., 400 Interpace Pkwy., Block 136, Lot 43.5**

WHEREAS, TEACHERS INSURANCE ASSOC. occupies certain property described as 400 Interpace Parkway and known as Block 136, Lot 43.5; and

WHEREAS, TEACHERS INSURANCE ASSOC. filed appeals to the Tax Court of New Jersey for said premises for the years 2007 through 2008; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

WHEREAS, TEACHERS INSURANCE ASSOC., has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

WHEREAS, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

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. Settlement of the 2007 tax appeal is hereby authorized as follows:

| | <u>Original Assessment</u> | <u>Settlement Amount</u> |
|--------------|----------------------------|--------------------------|
| LAND | \$ 16,355,400 | \$ 16,355,400 |
| IMPROVEMENTS | <u>\$ 54,519,700</u> | <u>\$ 48,519,700</u> |
| TOTAL | \$ 70,875,100 | \$ 64,875,100 |

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2. The taxpayer has agreed to withdraw its 2008 tax appeal.

NOW, THEREFORE, BE IT RESOLVED all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

* **Tax Appeal Settlement – Benenson Par, LLC, 169 Lackawanna Avenue, Block 136, Lot 33**

WHEREAS, BENENSON PAR, LLC occupies certain property described as 169 Lackawanna Avenue and known as Block 136, Lot 33; and

WHEREAS, BENENSON PAR, LLC filed appeals to the Tax Court of New Jersey for said premises for the years 2003 through 2008; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

WHEREAS, BENENSON PAR, LLC, has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

WHEREAS, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

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 taxpayer has agreed to withdraw its 2003 tax appeal.
2. The taxpayer has agreed to withdraw its 2004 tax appeal.
3. The taxpayer has agreed to withdraw its 2005 tax appeal.
4. The taxpayer has agreed to withdraw its 2006 tax appeal.

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5. Settlement of the 2007 tax appeal is hereby authorized as follows:

| | <u>Original Assessment</u> | <u>Settlement Amount</u> |
|---------------------|-----------------------------------|---------------------------------|
| LAND | \$ 12,378,000 | \$ 12,378,000 |
| IMPROVEMENTS | \$ 41,702,500 | \$ 38,702,500 |
| TOTAL | \$ 54,080,500 | \$ 51,080,500 |

6. The taxpayer has agreed to affirm its 2008 assessment

NOW, THEREFORE, BE IT RESOLVED all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

*** Tax Appeal Settlement – OLP-Falk US Property, 45 Waterview Blvd., Block 421.4, Lot 1**

WHEREAS, OLP PAR.-FALK US PROP. occupies certain property described as 45 Waterview Blvd. and known as Block 421.4, Lot 1; and

WHEREAS, OLP PAR.-FALK US PROP. filed appeals to the Tax Court of New Jersey for said premises for the years 2003 through 2008; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

WHEREAS, OLP PAR.-FALK US PROP., has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

WHEREAS, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

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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 and State of New Jersey, as follows:

1. The taxpayer has agreed to withdraw its 2003 tax appeal.
2. The taxpayer has agreed to withdraw its 2004 tax appeal.
3. The taxpayer has agreed to withdraw its 2005 tax appeal.
4. The taxpayer has agreed to withdraw its 2006 tax appeal.
5. Settlement of the 2007 tax appeal is hereby authorized as follows:

| | <u>Original Assessment</u> | <u>Settlement Amount</u> |
|--------------|-----------------------------------|---------------------------------|
| LAND | \$ 7,920,000 | \$ 7,920,000 |
| IMPROVEMENTS | <u>\$ 13,567,600</u> | <u>\$ 9,567,600</u> |
| TOTAL | <u>\$ 21,487,600</u> | <u>\$ 17,487,600</u> |

6. The taxpayer has agreed to withdraw its 2008 tax appeal

NOW, THEREFORE, BE IT RESOLVED all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

*** Tax Appeal Settlement – Parsippany Lodging Assoc., 299 Smith Road, Block 735.02, Lot 1**

WHEREAS, PARSIPPANY LODGING ASSOC. occupies certain property described as 299 Smith Road and known as Block 735.02, Lot 1; and

WHEREAS, PARSIPPANY LODGING ASSOC. filed appeals to the Tax Court of New Jersey for said premises for the years 2006 through 2008; and

WHEREAS, the parties have engaged in settlement negotiations; and

WHEREAS, as a result of those settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Assessor, and the Township's Expert Appraiser; and

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WHEREAS, PARSIPPANY LODGING ASSOC., has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the New Jersey Tax Court Judgment, and

WHEREAS, the Township Attorney, the Tax Assessor, and the Township's Expert Appraiser have recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

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 taxpayer has agreed to withdraw its 2006 tax appeal.
2. The taxpayer has agreed to withdraw its 2007 tax appeal.
3. Settlement of the 2008 tax appeal is hereby authorized as follows:

| | <u>Original Assessment</u> | <u>Settlement Amount</u> |
|--------------|----------------------------|--------------------------|
| LAND | \$ 2,940,000 | \$ 2,940,000 |
| IMPROVEMENTS | <u>\$ 11,131,000</u> | <u>\$ 9,631,000</u> |
| TOTAL | \$ 14,071,000 | \$ 12,571,000 |

NOW, THEREFORE, BE IT RESOLVED all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and the Township Attorney is hereby authorized and directed to affect said settlement.

* **Transfer of Appropriation Reserves – Current Fund**

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that transfers be made between the 2008 budget appropriations reserves as follows:

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| <u>CURRENT FUND</u> | <u>FROM</u> | <u>TO</u> |
|---|--------------|--------------|
| Gasoline | \$ 50,000.00 | |
| Solid Waste Disposal Costs | \$ 40,000.00 | |
| Department of Public Safety Police Salaries & Wages | \$ 30,000.00 | |
| Electric | | \$ 50,000.00 |
| Division of Streets and Road Maintenance: Other Expenses | | \$ 40,000.00 |
| Department of Insurance: Employee Health & Group Insurance | | \$ 30,000.00 |
| Total | \$120,000.00 | \$120,000.00 |

*** Application to the Local Finance Board Pursuant to N.J.S.A. 40A:2-51**

WHEREAS, the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township") desires to make application to the Local Finance Board for its review and/or approval of proposed ordinances authorizing the issuance of refunding bonds to refund certain outstanding bonds of the Township;

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township.

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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, New Jersey, as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's bond counsel, financial advisor and auditor, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to file copies of the proposed ordinances with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its approval as provided by the applicable New Jersey Statute.

*** Calling for the Immediate Adoption of A-3570, Which Abolishes the Council on Affordable Housing for its Failure to Comply with Legislative Directives**

WHEREAS, the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey, has consistently, over a twenty year period, embraced its responsibility to provide affordable housing; and

WHEREAS in 2007 the Township of Parsippany-Troy Hills exceeded its COAH obligation by approximately 100 affordable units; and

WHEREAS, as a result of the new COAH formula, Parsippany-Troy Hills' surplus of affordable units has now become a deficit of more than 1,770 units; and

WHEREAS, as a result of Parsippany-Troy Hills' inclusion in the Highlands, COAH has issued a Scarce Resources Order, placing a moratorium on future development; and

WHEREAS, as a result of the Scarce Resources Order, coupled with COAH's demands for towns to prepare and obtain approval for new affordable housing plans, the economic development of Parsippany-Troy Hills is placed on hold at a time of deepening economic recession; and

WHEREAS, COAH exhibits the zealous arrogance of an agency without boundaries or controls, indifferent to the well-being of the State and its crippled economy; and

WHEREAS, Assembly Bill A-3570 proposes the abolition of COAH which, in turn, will force the legislative and executive branches to come together to adopt corrective legislation addressing the needs of affordable housing employing a more reasonable approach.

REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 24, 2009

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills in Morris County, New Jersey, that the State Assembly and Senate are called upon to immediately adopt A-3570.

BE IT FURTHER RESOLVED that a copy of this resolution shall be distributed to Governor Jon S. Corzine, Members of the 26th Legislative District, and all Morris County Municipalities.

*** Opposing Proposed Legislation That Would Require Deferral of Half a Billion Dollars In Pension Payments**

WHEREAS, the Assembly Budget Committee has voted to advance a bill that would require counties, towns and school districts defer \$584 million from their payments due to the pension system in 2009, by paying 50% of their pension obligation which in the case of the Township of Parsippany-Troy Hills is in excess of \$1.6 million; and

WHEREAS, the plan would allow counties, towns and school districts to pay 60% of their pension obligation in 2010, 80% in 2011 and 100% in 2012 which would result in a short term deferral of \$1.35 billion; and

WHEREAS, pension payments would then be higher through 2041 because the larger unfunded liability's total added cost is projected to approach \$500 million; and

WHEREAS, the added costs would increase the burden on counties, towns and school districts in the long run including requiring those local governments that chose to pay their obligation fully to put those funds into a separate account and become part of the other unfunded liabilities in the pension system and incur interest at the rate of 8.25%;

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

(1) That the Township is on record as opposing the aforesaid proposed legislation unless there is a provision to permit local entities the flexibility to make their entire pension contribution without incurring future interest penalties.

(2) That a copy of this resolution be sent to the Honorable Jon Corzine, Governor of the State of New Jersey; Richard J. Codey, President of the New Jersey State Senate; Joseph J. Roberts, Jr., Speaker of the New Jersey State Assembly; the Members of the 26th Legislative District; the New Jersey League of Municipalities; the Morris County Board of Chosen Freeholders; and all Morris County Municipalities urging them to adopt similar resolutions of opposition to this legislation.

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APPLICATION(S):

License(s):

None

ORDINANCE(S):

Introductions:

ORDINANCE (09:03)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 57, PERSONNEL POLICIES, ARTICLE IV, DEFINED CONTRIBUTION RETIREMENT PROGRAM OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
(Attachment No.1)

The following resolution was offered by Ms. Grossi, 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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

ORDINANCE (09:04)

AN ORDINANCE AMENDING ARTICLE XV, ADMINISTRATION GENERALLY, OF CHAPTER 4, ADMINISTRATION OF GOVERNMENT, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
(Attachment No. 2)

The following resolution was offered by Council President Cesaro, 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 **February 24, 2009** and that said Ordinance be further considered for second reading and

REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 24, 2009

final passage at a Meeting to be held on **March 17, 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

ORDINANCE (09:05)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290, PARKS, RECREATION AREAS AND PUBLIC LANDS, ARTICLE II, USE REGULATIONS; PERMIT REQUIREMENTS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
(Attachment No. 3)

The following resolution was offered by Mr. Barberio, seconded by Council President 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 Parsippány-Troy Hills held on **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

ORDINANCE (09:06)

AN ORDINANCE AMENDING CHAPTER 315, RENTAL PROPERTY, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
(Attachment No. 4)

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

REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 24, 2009

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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

ORDINANCE (09:07)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 213, HOUSING AND PROPERTY MAINTENANCE OF PART II, GENERAL LEGISLATION, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

(Attachment No. 5)

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

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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

ORDINANCE (09:08)

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ADD A NEW CHAPTER 129, CHARITABLE CLOTHING BINS

(Attachment No. 6)

REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 24, 2009

The following resolution was offered by Ms. Grossi, 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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

ORDINANCE (09:09)

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR GENERAL IMPROVEMENT BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

(Attachment No. 7)

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

The Township Clerk advised, in connection with the four Refunding Bond Ordinances being considered for introduction, that the Supplement Debt Statement was prepared by the Chief Financial Officer as of this date and filed in the Office of the Township Clerk.

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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 2009** at 7:30 p.m., prevailing time, or as soon

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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

ORDINANCE (09:10)

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR WATER UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

(Attachment No. 8)

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

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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 24, 2009

ORDINANCE (09:11)

**REFUNDING BOND ORDINANCE OF THE
TOWNSHIP OF PARSIPPANY-TROY HILLS,
IN THE COUNTY OF MORRIS, NEW
JERSEY, PROVIDING FOR THE
REFUNDING OF A PRIOR SEWER UTILITY
BOND ISSUE OF THE TOWNSHIP AND
APPROPRIATING AN AMOUNT NOT
EXCEEDING \$3,300,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF NOT TO
EXCEED \$3,300,000 GENERAL OBLIGATION
REFUNDING BONDS OF THE TOWNSHIP
OF PARSIPPANY-TROY HILLS FOR
FINANCING THE COST THEREOF**

(Attachment No. 9)

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

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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

REGULAR TOWNSHIP COUNCIL MEETING FEBRUARY 24, 2009

ORDINANCE (09:12)

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR GOLF COURSE UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

(Attachment No. 10)

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

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 **February 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **March 17, 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

RESOLUTION – NON CONSENT:

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

Awarding the Contract for Risk Management Consultant/Liability Insurance Broker of Record Services – Brown and Brown Metro, Inc.

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire risk management consultant/liability insurance broker of record 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

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WHEREAS, the Township advertised for a Request for Qualifications from parties interested in providing Risk Management Consultant/Liability Broker of Record Services to the Township; and

WHEREAS, the Business Administrator and Director of Purchasing for the Township have reviewed the qualifications received and recommend that the contract be awarded to Brown and Brown Metro, Inc., 26 Columbia Turnpike, Florham Park, NJ 07932, and

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

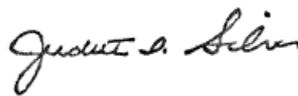
NOW, THEREFORE, BE IT RESOLVED as follows:

- (1) That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into an agreement with Brown and Brown Metro, Inc., 26 Columbia Turnpike, Florham Park, NJ 07932; 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).

ROLL CALL: YES - Council Members Barberio, dePierro, Grossi, and Cesaro
NO - Council Member Fox

The meeting adjourned at 8:37 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John Cesaro, Council President

Minutes approved: March 17, 2009

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:03

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 57, PERSONNEL
POLICIES, ARTICLE IV, DEFINED CONTRIBUTION RETIREMENT PROGRAM
OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

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

SECTION 1. That Chapter 57, Personnel Policies, Article IV, Defined Contribution Retirement Program, Section 2 of the Code of the Township of Parsippany-Troy Hills, is hereby amended and supplemented by the addition of the following:

k. Municipal Court Administrator

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:04

**AN ORDINANCE AMENDING ARTICLE XV, ADMINISTRATION GENERALLY, OF
CHAPTER 4, ADMINISTRATION OF GOVERNMENT,
OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

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

SECTION 1. The following changes shall be made to Article XV, Administration Generally, of Chapter 4, Administration of Government:

A. Section 4-58F, Electronic Records, numbers (2), (3) and (4) are hereby deleted in their entirety and replaced as follows:

(2) Copies of police department videotapes or audiocassette tapes: \$5

(3) Audio copies of police communications on disk or CD: \$5.

(4) Copies of police mobile video recorder tapes: \$5.

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of Parsippany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY TROY HILLS
MORRIS COUNTY, NEW JERSEY**

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

ORDINANCE NO. 2009:05

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

Section 1. The following changes shall be made to Article II, Use Regulations; Permit Requirements, of Chapter 290, Parks, Recreation Areas and Public Lands:

- A. §290-8, Permits, Section F, Fees for Permits, (1) Recreational Activities, is hereby amended by changing the Tot Time (summer) fee to \$125 and the Playground half-day fee to \$100.
- B. §290-8, Permits, Section F, Fees for permits, (2) Facility Use, is hereby amended by the addition of the following:

| <u>Type of Permit</u> | <u>Fee</u> |
|--|-------------------|
| Skate Park at Volunteers Park (per year) | |
| Resident | \$20 |
| Non-Resident | \$40 |

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of Parsippany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:06

AN ORDINANCE AMENDING CHAPTER 315, RENTAL PROPERTY, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

BE IT ORDAINED by the Township Council of the Township of Parsippany-Troy Hills, in Morris County, State of New Jersey, that the Code of the Township of Parsippany-Troy Hills be amended as follows:

SECTION 1. Section 315-14, Inspection fees, is hereby deleted in its entirety and replaced with a new Section 315-14, Inspection Fees, to read as follows:

Section 315-14. Inspection Fees.

- A. The fees for the above-referenced biennial inspections of residential rental properties having three or more units shall be \$30 per unit.
- B. If an apartment has had a Housing Certificate inspection pursuant to Chapter 214 of this Code within 30 days prior to the start date of the biennial inspection, there will be no charge to the Landlord for that unit. The unit will, however, be inspected.

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of Parsippany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:07

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 213, HOUSING
AND PROPERTY MAINTENANCE OF PART II,
GENERAL LEGISLATION, OF THE CODE OF THE
TOWNSHIP OF PARSIPPANY-TROY HILLS**

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

SECTION 1. Paragraph C, Area for sleeping purposes, of Section 213-42, Occupancy limitations, of the Code of the Township of ParsIPPany-Troy Hills is hereby deleted and replaced with the following new Paragraph C, to read as follows:

C. Area for sleeping purposes.

1. Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of floor area for each occupant thereof.
2. The conversion of closet space in any bedroom by the removal of closet doors as a means of increasing square footage is prohibited.

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of ParsIPPany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**TOWNSHIP OF PARSIPPANY TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:08

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE
TOWNSHIP OF PARSIPPANY-TROY HILLS TO ADD A NEW CHAPTER 129,
CHARITABLE CLOTHING BINS**

WHEREAS, pursuant to P.L. 2007, c.209 (the “Charitable Clothing Bin Law”), the placement of charitable clothing bins is to be regulated by municipal agencies in accordance with criteria established in such Law; and

WHEREAS, the Township of Parsippany-Troy Hills desires to establish a process for issuing permits for the placement of Charitable Clothing Bins, in accordance with the Charitable Clothing Bin Law,

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

SECTION 1. That the Code of the Township of Parsippany-Troy Hills is hereby amended and supplemented to add a new Chapter 129, Charitable Clothing Bins, as follows:

CHAPTER 129, CHARITABLE CLOTHING BINS

§ 129-1. Definitions.

For the purposes of this Chapter only, the terms “solicitation” or “solicit” shall mean the request, directly or indirectly, for money, credit, property, financial assistance, or other thing of any kind or value. Solicitation shall include, but not be limited to, the use or employment of canisters, cards, receptacles or similar devices for the collection of money or other thing of value. A solicitation shall take place whether or not the person making the solicitation receives any contribution.

§ 129-2. Requirements for placement, use of clothing bins for solicitation purposes.

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Notwithstanding any other provision of law to the contrary, no person shall place, use, or employ a charitable clothing bin within the Township of Parsippany-Troy Hills for solicitation purposes, without obtaining a permit from the Zoning Officer. Permits shall be valid for one (1) year, except for initial permits issued after January 1, and may be annually renewed thereafter. All permits shall expire on December 31 of each year. The provisions of this Chapter shall apply to all charitable clothing bins in place as of the effective date of this Chapter, and to all charitable clothing bins placed subsequent to the effective date of this Chapter.

§ 129-3. Permit Fee.

The annual permit fee shall be \$25 per bin and will be used to offset the costs involved in enforcing this Chapter. The fee will not be pro-rated for initial permits issued after January 1.

§ 129-4. Application Requirements.

The application for obtaining a permit shall include:

- a. The location where the bin will be situated, as precisely as possible, drawn on a copy of the property survey, showing the bin's relationship to property features, including but not limited to roads, building, parking spaces, and grassy areas;
- b. The manner in which the person anticipates any clothing or other donations collected via the bin will be used, sold, or dispersed, and the method by which the proceeds of collected donations will be allocated or spent;
- c. The name, telephone number and address of the bona fide office where a representative of the person or entity, respectively, which may share or profit from any clothing or other donations collected via the bin, can be reached at a telephone information line during normal business hours. NOTE: an answering machine or service unrelated to the person or entity does not constitute a bona fide office; and
- d. Written consent from the property owner to place the bin on his/her property.

§ 129-5. Renewal Application Requirements.

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In addition to the above application requirements, renewal applications must include:

- a. A statement on the manner in which the person or entity has used, sold, or dispersed any clothing or other donations collected via the bin, the method by which the proceeds of collected donations have been allocated or spent, and any changes the person or entity anticipates to make in these processes during the period covered by the renewal;
- b. The name, address and telephone number of the bona fide office required in § 129-4(c), of any entity which shared or profited from any clothing or other donations collected via the bin, and of any entities which may do so during the period covered by the renewal; and
- c. If the location of the bin is to be moved, the new location where the bin is to be situated, as precisely as possible, and written consent from the property owner of the new location, consenting to placement of the bin on his/her property.

§ 129-6. Placement of Bins.

The Township shall not grant an application for a permit to place, use, or employ a charitable clothing bin if it determines that the placement of the bin could constitute a safety hazard. Such hazards shall include, but not be limited to, the placement of a charitable clothing bin within 100 yards of any place which stores large amounts of, or sells, fuel or other flammable liquids or gases; or the placement of a bin where it interferes with vehicular or pedestrian circulation. The person placing, using or employing a charitable clothing bin shall maintain the bin and the area surrounding the bin such that there shall be no accumulation of clothing or other donations outside the bin.

§ 129-7. Display of Permit.

The following information shall be clearly and conspicuously displayed on the exterior of the charitable clothing bin:

- a. The permit number and its date of expiration;
- b. The name and address of the registered person or entity who owns the bin, and of any other person or entity who may share or profit from any clothing or other donations collected via the bin;

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- c. The telephone number of the owner's bona fide office, and, if applicable, the telephone number of the bona fide office of any other entity which may share or profit from any clothing or other donations collected via the bin. For the purposes of this subsection, an answering machine or service unrelated to the person does not constitute a bona fide office;
- d. In cases when any entity other than the person or entity who owns the bin may share or profit from any clothing or other donations collected via the bin, a notice, written in a clear and easily understandable manner, indicating that clothing or other donations collected via the bin, their proceeds, or both, may be shared, or given entirely to, an entity other than the person/entity who owns the bin, and identifying all such entities which may share or profit from such donations; and
- e. A statement, consistent with the information provided to the Township in the most recent permit or renewal application, indicating the manner in which the owner anticipates any clothing or other donations collected via the bin will be used, sold, or dispersed, and the method by which the proceeds of collected donations will be allocated or spent.

§ 129-8. Receipt, investigation of complaints relative to charitable clothing bin.

- a. The Zoning Officer or the Zoning Officer's designee shall receive and investigate, within thirty (30) days, any complaints from the public about the bin. Whenever it appears to the Zoning Officer or the Zoning Officer's designee that a person has engaged in, or is engaging in any act or practice in violation of this Chapter, the person/entity who placed the bin shall be issued a Violation Notice, stating that if the violation is not rectified or a hearing with the Township Council is not requested within forty five (45) days, the bin will be seized or removed at the expense of the person/entity who placed the bin, and any clothing or other donations collected via the bin will be sold at public auction or otherwise disposed of. In addition to any other means used to notify the person/entity who placed the bin, such Violation Notice shall be affixed to the exterior of the bin itself.
- a. In the event that the person who placed the bin does not rectify the violation or request a hearing within forty five (45) days of the posting of the Violation Notice, the Township may seize the bin, remove it, or have it removed, at the expense of the person/entity who placed the bin, and sell

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- b. at public auction or otherwise dispose of any clothing or other donations collected via the bin. Any proceeds from the sale of the donations collected via the bin shall be transmitted to the chief financial officer of the Township.

§ 129-9. Additional penalties, remedies.

In addition to any other penalties or remedies authorized by the Township Code or the laws of this State, any person/entity who violates any provision of this Chapter or the provisions of P.L.2007, c.209 (N.J.S.A. § 40:48-2.60, et seq.), which results in seizure of the charitable clothing bin, shall be:

- a. Subject to a penalty of up to \$20,000 for each violation. The Township may bring this action in the Municipal Court or the Superior Court of New Jersey as a summary proceeding under the Penalty Enforcement Law of 1999, P.L.1999, c.274 (N.J.S.A. § 2A:58-10 et seq.), and any penalty monies collected shall be paid to the chief financial officer of the Township; and
- b. Deemed ineligible to place, use, or employ a charitable clothing bin for solicitation purposes pursuant to this Chapter and P.L.2007, c.209 (N.J.S.A. § 40:48-2.60). A person/entity disqualified from placing, using, or employing a charitable clothing bin by violating the provisions of P.L.2007, c.209 (N.J.S.A. § 40:48-2.60 et seq.) may apply to the Township Council to have that person's eligibility restored. The Township Council may restore the eligibility of a person/entity who:
 - (1) Acts within the public interest; and
 - (2) Demonstrates that he/she/it made a good faith effort to comply with the provisions of this Chapter and P.L.2007, c.209 (N.J.S.A. § 40:48-2.60 et seq.), and all other applicable laws and regulations, or had no fraudulent intentions.
- c. Subject to the general penalty provisions contained in Section 1-17 of the Township Code.

§ 129-10. Site Plan Approval Required.

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In addition to the requirements of this Chapter, no charitable clothing bin shall be placed on commercial property without prior application to the Township Planning Board and the grant by the Planning Board of site plan approval.

SECTION 2. Severability Clause.

If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared severable.

SECTION 3. Repealer.

All other ordinances in conflict or inconsistent with this ordinance are hereby repealed, to the extent of such conflict or inconsistency. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Ordinances of the Township are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. Effective Date.

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:09

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR GENERAL IMPROVEMENT BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

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

Section 1. The Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township") is hereby authorized to refund all or a part of the Township's General Improvement Bonds, dated December 1, 1997, maturing on December 1 in the years 2009 through and including 2011; and to provide for the payment of costs of issuance.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the principal amount not to exceed \$3,000,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the Township with respect to its outstanding obligations.

Section 5. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the

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Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:10

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR WATER UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

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

Section 1. The Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township") is hereby authorized to refund all or a part of the Township's Water Utility Bonds, dated December 1, 1997, maturing on December 1 in the years 2009 through and including 2017; and to provide for the payment of costs of issuance.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the principal amount not to exceed \$2,000,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the Township with respect to its outstanding obligations.

Section 5. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

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Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:11

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR SEWER UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$3,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$3,300,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

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

Section 1. The Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township") is hereby authorized to refund all or a part of the Township's Sewer Utility Bonds, dated December 1, 1997, maturing on December 1 in the years 2009 through and including 2017; and to provide for the payment of costs of issuance.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the principal amount not to exceed \$3,300,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$60,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the Township with respect to its outstanding obligations.

Section 5. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the

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taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY**

ORDINANCE NO. 2009:12

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR GOLF COURSE UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

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

Section 1. The Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township") is hereby authorized to refund all or a part of the Township's Golf Course Utility Bonds, dated December 1, 1997, maturing on December 1 in the years 2009 through and including 2011; and to provide for the payment of costs of issuance.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the principal amount not to exceed \$300,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The purpose of the refunding is to provide for savings in the debt service payable by the Township with respect to its outstanding obligations.

Section 5. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real

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property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.