

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

March 17, 2009

Council President Cesaro opened the Regular Meeting at 7:30 p.m. followed by a salute to the Flag. He advised that adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 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. A 2009 meeting schedule 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: J. Lim, Business Administrator, J. Verrone, Esq., Township Attorney, J. Silver, Township Clerk

The Council Members reviewed the meeting agenda. Ms. Lim requested that the resolution granting NJDOT a noise waiver in connection with maintenance work on the New Road Bridge over I-280 be deleted from the agenda as a noise waiver is not required at this time.

PRESENTATION - WATNONG BROOK – Mr. DiVitantonio stated that he resides at 870 Tabor Road along Watnong Brook. He reviewed the history of what transpired in the past, specifically noting the development that occurred in the area, which added water to the Brook. He indicated that the resulting flooding and drainage problems in the Township's Watnong Brook area were never addressed. He explained that dredging, deepening and widening the Brook will allow for greater water retention. He asked the Township Council to seek a solution to this problem and suggested that the Township attempt to secure funding from the Federal Stimulus Program.

Ms. Grossi recommended that the Environmental Advisory Committee as well as the Township Engineer review the matter. Mr. DiVitantonio noted that he had given Richard Brown's report on Watnong Brook to Mr. Pucilowski (former Township Engineer) several years ago. One of the three solutions in the report was to deepen the Brook by 2½ feet and widen the Brook to 12 feet. The report, per Mr. DiVitantonio, should still be on file in the Engineering Office. He asked for a copy of the report so that he can discuss this matter further.

In addition to seeking Federal assistance, Mr. DiVitantonio suggested that the Council approach the County, noting that Morris County is responsible for some of the problem as a result of the County's "swampland" project on the old Pigeon Hill Property, which restricted the flow under Route 10.

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NOTES:

03/21/09 @ 9:00 a.m. Special Meeting – 2009 Budget Review
(Saturday) Public Invited-Public Participation

03/25/09 @ 6:00 p.m. Special Meeting – 2009 Budget Review
(Wednesday) Public Invited-Public Participation

04/14/09 @ 7:30 p.m. Agenda Meeting
Public Invited – Public Participation

04/28/09 @ 7:30 p.m. Regular Meeting
Public Invited – Public Participation

BID(S) TO BE TAKEN:

3/26/09 @ 11:00 a.m. Paper Leaf Bags

ORDINANCE(S):

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

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
(MUNICIPAL COURT ADMINISTRATOR)**

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

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

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

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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 portion of the meeting.

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

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

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 (AMENDING FEES-ELECTRONIC RECORDS)

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

BE IT RESOLVED that “**AN ORDINANCE AMENDING ARTICLE XV, ADMINISTRATION GENERALLY, OF CHAPTER 4, ADMINISTRATION OF GOVERNMENT, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**” 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 portion of the meeting.

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

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

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

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

BE IT RESOLVED that “**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**” 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 portion of the meeting.

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

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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ORDINANCE (09:06)

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

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

BE IT RESOLVED that “**AN ORDINANCE AMENDING CHAPTER 315, RENTAL PROPERTY, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,**” 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 portion of the meeting.

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

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

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 (OCCUPANCY LIMITATIONS)

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

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

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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.

Joe Raich, 8 Wolf Place, questioned whether this ordinance refers to rental properties (apartments) or to one family homes. Ms. Grossi indicated that these restrictions are for both rental properties as well as private homes. Mr. Raich then questioned if the Council is limiting the area in which children can sleep to a specific amount of footage. Ms. Lim commented that this legislation has been in place for at least 2½ years; Ordinance No. 2009:07 amends the Code because the Township found that some landlords are removing closet doors and using the space to calculate square footage. Mr. Raich indicated that this ordinance doesn't take into consideration, for example, families with twins. Ms. Verrone explained that this legislation is based on the State Code with respect to occupancy limits; the law doesn't differentiate except on the basis of square footage. Under existing health laws, determinations were made by experts that a minimum amount of square footage is necessary for every human being to live decently. Mr. Raich expressed his opinion that this ordinance should be reviewed and corrected.

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

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

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

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**

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

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BE IT RESOLVED that “**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ADD A NEW CHAPTER 129, CHARITABLE CLOTHING BINS,**” 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 portion of the meeting.

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

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

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

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

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BE IT RESOLVED that “**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 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 portion of the meeting.

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

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

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

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

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BE IT RESOLVED That “**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 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 portion of the meeting.

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

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

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

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

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BE IT RESOLVED that “**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 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 portion of the meeting.

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

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

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

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

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BE IT RESOLVED that “**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 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 portion of the meeting.

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

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

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, noted that this is Sunshine Week, a national initiative to open a dialogue about the importance of open government and freedom of information. Regarding his crusade relative to “Pay to Play,” he pointed out, once again, that 65 towns in New Jersey have enacted the Citizens’ Campaign Model Ordinance, which is the most stringent regulation in the State. He indicated that this is not a redundant regulation, but it closes the loophole in the legislation relative to the “Fair and Open Process.” He explained that under the “Fair and Open Process,” governments are required to advertise for professional contractors such as lawyers, auditors and engineers. Applicants are required to supply proposals or qualifications, which are opened and announced publicly. However, there is no requirement to award the contract to the lowest bidder. In fact, per Mr. Wyka, there are no criteria at all and governments, according to the Star Ledger, choose whomever they want. The Model Ordinance basically “slams the door shut on this loophole.” He asked the Council to reconsider adopting the Model Ordinance.

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In connection with Sunshine Week, he asked if the budget could be posted on the Internet this year. The Council informed him it has already been posted.

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

CONSENT AGENDA:

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

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

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

MINUTES FOR APPROVAL:

- * Agenda Meeting of 2/10/09
 - * Regular Meeting of 2/24/09
-

BID AWARD(S):

- * **Reconstruction of Arlington Avenue (from Fairview Place to Park Road), Prospect Avenue (from Dead End to Cottage Place), and a Portion of Fairview Place**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Arlington Avenue (from Fairview Place to Park Road), Prospect Avenue (from dead end to Cottage Place), and a portion of Fairview Place on February 5, 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 \$377,203.91, 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 #'s 2006:08 adopted May 23, 2006 and
2007:18 adopted July 24, 2007, both entitled,
"Various Improvements."

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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Reconstruction of Arlington Avenue (from Fairview Place to Park Road), Prospect Avenue (from dead end to Cottage Place), and a portion of Fairview Place be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

* **One New 2009 Roll-Off Truck and Hoist, One New 2009 International Model 7500SBA 6x4 Chassis with Leach 25 Yard Packer Body and Two New 2009 International Model 7500SBA 6x4 Chassis with leach 29 Yard Packer Bodies**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for One New 2009 Roll-Off Truck and Hoist, One New 2009 International Model 7500SBA 6X4 Chassis with Leach 25 Yard Packer Body and Two New 2009 International Model 7500SBA 6X4 Chassis' with Leach 29 Yard Packer Bodies on February 19, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing and Director of Public Works have reviewed the bids received and recommend award to the lowest responsible bidder, Deluxe International Trucks, Inc., 600 S. River Street, Hackensack, NJ 07601 for Item # 1 (One (1) New 2009 Roll-Off Truck and Hoist including Material Transport System and Automated Waste Auto-Tarper) for a Final Bid Price of \$152,525.00, Item # 2 (One (1) New 2009 International Model 7500SBA 6X4 Chassis with Leach 25 Yard Packer Body) for a Final Bid Price of \$159,208.00 and Item # 3 (Two (2) New 2009 International Model 7500SBA 6X4 Chassis' with Leach 29 Yard Packer Bodies) for a Final Bid Price of \$321,766.00, 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 #'s 2006:08 adopted May 23, 2006, 2007:18 adopted July 24, 2007 and 2008:13 adopted May 13, 2008, all entitled, "Various Improvements."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bids for One New 2009 Roll-Off Truck and Hoist, One New 2009 International Model 7500SBA 6X4 Chassis with Leach 25 Yard Packer Body and Two New 2009 International Model 7500SBA 6X4 Chassis' with Leach 29 Yard Packer Bodies be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contracts.

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* **Supplying Various Materials for the Municipal Utilities and Public Works**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Supplying Various Materials for the Municipal Utilities and Public Works on February 26, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing, Water Superintendent, Assistant Sewer Superintendent and Township Engineer have reviewed the bids and recommend award to the lowest responsible bidders for the unit prices proposed as follows:

Water Works Supply Co., Inc., 660 State Highway 23, P.O. Box 306, Pompton Plains, NJ 07444 for Item #'s 1a, 1b, 1c, 1d, 1e, 1f, 1g, 1h, 1i, 1j, 2a, 2b, 2c, 2d, 3d, 9a, 10a, 10b, 10c, 10d & 10e. The Lee Co., P.O. Box 40, Denville, NJ 07834 for Item #'s 3a, 3b, 3c, 4a, 4b, 4c, 5a, 5b, 5c, 5d, 6a, 6b, 6c, 6d, 7a, 8a, 8b, 11a, 11b, 11c, 13a, 13b, 13c, 13d, 13e, 14a, 14b, 14c, 14d, 14e, 19a, 19b, 19c, 20a, 20b & 20c.

Atlantic States Cast Iron Pipe Co., 183 Sitgreaves St., Phillipsburg, NJ 08865 for Item #'s 12a, 12b, 12c, 12d, 12e & 12f.

JCI Jones Chemicals, Inc., 40 Railroad Avenue, Merrimack, NH 03054 for Item #'s 15, 16 & 17.

Delta Chemical Corporation, 2601 Cannery Avenue, Baltimore, MD 21226 for Item # 18.

East Trading West Investments L.L.C. D/B/A American Traffic & Street Sign, 200 South Jefferson Street, Orange, NJ 07050 for Item #21.

Roy H. Zartman Inc. T/A Carner Bros., P.O. Box 116, Roseland, NJ 07068 for Item #'s 22a, 22b, 22c & 22d.

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

“2009 Temporary Budget/Water, Sewer & Public Works O.E.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bids for Supplying Various Materials for the Municipal Utilities and Public Works be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are hereby authorized to execute the contracts.

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RESOLUTION(S):

* **Awarding Contract for Operation of Indoor Tennis Facility and Provision of Tennis Director/Professional and Related Services at Parsippany Community Center**

WHEREAS, the Township of Parsippany-Troy Hills received RFP's for Operation of Indoor Tennis Facility and Provision of Tennis Director/Professional and Related Services at Parsippany Community Center on February 11, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing and Director of Human Services have reviewed the RFP's and recommend that the RFP be awarded to Racquet Sports Specialties Inc., 1130 Knoll Road, Lake Hiawatha, NJ 07034, for a First Year Monthly Rent (August 1, 2009 to July 31, 2010) of \$12,000.00 and all additional rent as per the bid specifications.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the RFP for Operation of Indoor Tennis Facility and Provision of Tennis Director/Professional and Related Services at Parsippany Community Center be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the lease.

* **Endorsing the Interfaith Council for Homeless Families' Application to Morris County for CDBG Funds**

WHEREAS, the Interfaith Council for Homeless Families has submitted an application to Morris County for CDBG funds to pave a parking lot at a County facility they share with the Eric Johnson House and Hope House; and

WHEREAS, the location of the facility is located in the Township of Parsippany-Troy Hills (Greystone Park) and therefore requires Township consent.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that it hereby supports the application made by the Interfaith Council for Homeless Families to Morris County for CDBG funds in the amount of \$20,200.

* **Endorsing the Submission of the Recycling Tonnage Grant Application to NJDEP – Grant Year 2008**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates R. Greg Schneider to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

* **Accepting Deed of Dedication for Road Right – of – Way Purpose – Edwards Road, Block 767, Lot 36**

BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey, that the Township hereby accepts a certain Deed of Dedication, a copy of which is on file in the Office of the Township Clerk, dated December 9, 2008, between Corvelli Associates, Inc., a New Jersey Corporation, and the Township of Parsippany-Troy Hills whereby a Deed of Dedication for road right-of-way purposes (a 33 foot wide right of way along Edwards Road) was granted to the Township in accordance with the requirements for final site plan approval (Zoning Board of Adjustment Application No. 07:83, Block 767, Lot 36).

This Resolution shall take effect immediately.

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* **Release of Performance Guarantee – Barnes & Noble (Llewellyn Acquisitions, L.L.C.), Block 176, Lots 3 and 4**

WHEREAS, T.J. Stevens Contracting Corp., 505 8th Avenue, 10th Floor, New York, NY 10018 posted a performance guarantee, Gulf Insurance Company Bond No. B21849600 in the amount of \$473,377.00 and Barnes & Noble Booksellers posted a cash guarantee in the amount of \$49,886.00 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey to guarantee the installation of certain site improvements in connection with the construction of a Barnes & Noble Bookstore on property known as Block 176, Lots 3, 4, 7, 9 and 10 (currently assessed as Block 176, Lot 8 with additional Lots 3, 4, 7 and 10) as set forth in a memorandum from Michael Pucilowski, former Municipal Engineer, dated December 4, 2001 relative to Planning Board Application No. 01:533; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum dated February 18, 2009 that said Bond in the amount of \$473,377.00 and the cash guarantee in the amount of \$49,886.00, plus accrued interest, be released as all of the work required under the performance guarantees has been completed;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Gulf Insurance Company Bond No. B21849600 in the amount of \$473,377.00 posted by T.J. Contracting Corp. and the cash guarantee in the amount of \$49,886, plus accrued interest, posted by Barnes & Noble Booksellers be and the same are hereby released.

This resolution shall take effect immediately.

* **Tax Appeal Settlement – HPT IHG Property Trust, 61 Interpace Parkway, Block 136.01, Lot 2**

WHEREAS, HPT IHG PROPERTY TRUST occupies certain property described as 61 Interpace Parkway and known as Block 136.01 Lot 2; and

WHEREAS, HPT IHG PROPERTY TRUST 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, HPT IHG PROPERTY TRUST, 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

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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	\$ 2,473,000	\$ 2,473,000
IMPROVEMENTS	<u>\$ 11,669,400</u>	<u>\$ 9,669,400</u>
TOTAL	<u>\$ 14,142,400</u>	<u>\$ 12,142,400</u>

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 – New Dunn & Bradstreet, Inc., 3 Sylvan Way, Block 202, Lot 4.2**

WHEREAS, NEW DUNN & BRADSTREET, INC. occupies certain property described as 3 Sylvan Way and known as Block 202, Lot 4.2; and

WHEREAS, NEW DUNN & BRADSTREET, INC. 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

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WHEREAS, NEW DUNN & BRADSTREET, INC., 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	\$ 6,777,900	\$ 6,777,900
IMPROVEMENTS	\$ 12,710,800	\$ 11,710,800
TOTAL	\$ 19,488,700	\$ 18,488,700

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 – OTR-MCC, LLC, 300 Interpace & 1 Upper Pond Road, Block 136, Lot 43.4**

WHEREAS, OTR-MCC, LLC occupies certain property described as 300 Interpace & 1 Upper Pond Road and known as Block 136, Lot 43.4; and

WHEREAS, OTR-MCC, 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

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

WHEREAS, OTR-MCC, 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.
5. The taxpayer has agreed to withdraw its 2007 tax appeal.
6. Settlement of the 2008 tax appeal is hereby authorized as follows:

	<u>Original Assessment</u>	<u>Settlement Amount</u>
LAND	\$ 18,496,200	\$ 18,496,200
IMPROVEMENTS	<u>\$ 77,164,500</u>	<u>\$ 55,164,500</u>
TOTAL	\$ 95,660,700	\$ 73,660,700

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.

* **Amending the 2009 Temporary Budget**

WHEREAS, an emergent condition has arisen with respect to the need for CY 2009 appropriations under the temporary budget and no adequate provision has been made in the CY 2009 temporary appropriations for the aforesaid purposes and that N.J.S.A.:40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that, in accordance with the provision of N.J.S.A. 40A:4-20, the temporary budget is amended with the following additions:

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

CURRENT FUND

General Administration	Salaries and Wages	140,000.00
	Other Expenses	10,000.00
Township Council	Salaries and Wages	5,000.00
	Other Expenses	5,000.00
Municipal Clerk	Salaries and Wages	50,000.00
	Other Expenses	20,000.00
Treasury	Salaries and Wages	5,000.00
Tax Collection	Salaries and Wages	50,000.00
	Other Expenses	20,000.00
Tax Assessing	Salaries and Wages	45,000.00
Department of Law	Other Expenses	180,000.00
Engineering	Salaries and Wages	130,000.00
	Other Expenses	10,000.00
Department of Planning	Salaries and Wages	5,000.00
	Other Expenses	20,000.00
Board of Adjustment	Salaries and Wages	15,000.00
	Other Expenses	10,000.00
Housing & Zoning Code Enforcement	Salaries and Wages	140,000.00
Building & Inspections	Salaries and Wages	250,000.00
	Other Expenses	125,000.00
Workers Compensation		150,000.00
Employee Health & Group Insurance		1,595,000.00
Police Department	Salaries and Wages	3,000,000.00
	Other Expenses	308,045.00
Municipal Court	Salaries and Wages	100,000.00
	Other Expenses	6,000.00

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

Prosecutor	Other Expenses	15,000.00
Fire Prevention Bureau	Salaries and Wages	100,000.00
	Other Expenses	25,000.00
Office of Emergency Management	Salaries and Wages	10,000.00
	Other Expenses	10,000.00
First Aid Organizations		75,000.00
Department of Public Works	Salaries & Wages	150,000.00
	Other Expenses	150,000.00
Garbage & Trash Removal	Salaries & Wages	400,000.00
	Other Expenses	200,000.00
Buildings & Grounds	Salaries & Wages	65,000.00
	Other Expenses	60,000.00
Vehicle Maintenance	Other Expenses	160,000.00
Maintenance of Free Public Library		1,000,000.00
Public Health Services	Salaries & Wages	170,000.00
	Other Expenses	25,000.00
Senior Citizen Center	Salaries & Wages	26,000.00
	Other Expenses	60,000.00
Dog Regulation	Other Expenses	40,000.00
Contribution to Day Care Center	Other Expenses	40,000.00
Maintenance of Parks	Salaries & Wages	400,000.00
	Other Expenses	1,000.00
Recreation Services	Salaries & Wages	150,000.00
	Other Expenses	30,000.00
Electricity		100,000.00
Street Lighting		225,000.00
Telephone		75,000.00
Gas (Natural or Propane)		60,000.00
Gasoline		150,000.00
Solid Waste Disposal Costs		700,000.00
Capital Improvement Fund		225,000.00

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

Debt Service		
	Payment of Bond Principal	650,000.00
	Payment of Bond Interest	500,000.00
	Loan Repayments for Principal & Interest	185,000.00

Statutory Expenditures		
	Police and Fireman's Retirement System of NJ	2,431,785.00
	Public Employees Retirement System	742,170.00

TOTAL CURRENT FUND 15,800,000.00

WATER UTILITY

Operating	Salaries & Wages	415,000.00
	Other Expenses	720,600.00
Capital Improvement Fund		49,500.00
Statutory Expenditures		
	Public Employee's Retirement System	129,900.00

TOTAL WATER UTILITY 1,315,000.00

SEWER UTILITY

Operating	Salaries & Wages	800,000.00
	Other Expenses	2,007,088.00
Capital Improvement Fund		95,000.00
Statutory Expenditures		
	Public Employees' Retirement System	197,912.00

TOTAL SEWER UTILITY 3,100,000.00

KNOLL COUNTRY CLUB UTILITY

Operating	Salaries & Wages	472,000.00
	Other Expenses	405,309.00
Capital Improvement Fund		7,550.00
Statutory Expenditures		

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

Debt Service	Public Employees' Retirement System	105,141.00
	Payment of Bond Principal	100,000.00
TOTAL KNOLL COUNTRY CLUB UTILITY		1,090,000.00

* **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:

<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

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

ORDINANCE(S):

Introductions

ORDINANCE 2009:13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 150, FERTILIZERS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, TO CLARIFY THE CHAPTER'S REQUIREMENT THAT LICENSEES PERMIT THE TOWNSHIP TO SAMPLE THE FERTILIZER UTILIZED BY COMMERCIAL FERTILIZER APPLICATORS

(Attachment No. 1)

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

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of ParsIPPany-Troy Hills held on **March 17, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **April 28, 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 2009:14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 385, TOWING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, TO REMOVE THE MAXIMUM NUMBER OF PERMITTED TOWERS AND PROVIDE FOR SEPARATE ROTATIONAL DUTY LISTS FOR REGULAR AND HEAVY TOWING

(Attachment No. 2)

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

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 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 **March 17, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **April 28, 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 2009:15

**AN ORDINANCE AMENDING CHAPTER 225,
LAND USE, SUBDIVISIONS AND SITE
PLANS, ARTICLE III, PLANNING BOARD
AND ARTICLE IV, ZONING BOARD OF
ADJUSTMENT OF THE CODE OF THE
TOWNSHIP OF PARSIPPANY-TROY HILLS
TO INCREASE ESCROW FEES UNDER
THESE SECTIONS**

(Attachment No. 3)

The following resolution was offered by Ms. Grossi, 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 Parsippany-Troy Hills held on **March 17, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **April 28, 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.

NOW, THEREFORE BE IT RESOLVED that a copy of said Ordinance be referred to the Planning Board for its review.

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 MARCH 17, 2009

ORDINANCE 2009:16

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 405,
VEHICLES AND TRAFFIC, SECTION 405-29,
BUS STOPS OF THE CODE OF THE
TOWNSHIP OF PARSIPPANY-TROY HILLS
(JEFFERSON AND VAIL ROADS)**

(Attachment No. 4)

The following resolution was offered by Council President Cesaro, 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 **March 17, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **April 28, 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 2009:17

**AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 180,
FOOD ESTABLISHMENTS, RETAIL OF THE
CODE OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS**

(Attachment No. 5)

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

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 **March 17, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **April 28, 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 MARCH 17, 2009

APPLICATION(S):

License(s):

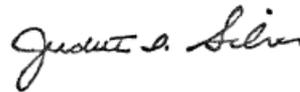
None

Ms. Grossi made a motion to adjourn the meeting, seconded by Mr. Barberio:

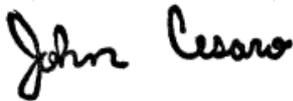
ROLL CALL: YES - Council Members Barberio, dePierro, Fox, Grossi, and Cesaro

The meeting adjourned at 8:19 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John Cesaro, Council President

Minutes approved: April 28, 2009

**TOWNSHIP OF PARSIPPANY TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2009:13**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 150,
FERTILIZERS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,
TO CLARIFY THE CHAPTER'S REQUIREMENT THAT LICENSEES PERMIT THE
TOWNSHIP TO SAMPLE THE FERTILIZER UTILIZED BY COMMERCIAL
FERTILIZER APPLICATORS**

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. Paragraph "A" of Section 150-3 of the Code of the Township of Parsippany-Troy Hills is hereby amended by deleting the text **{marked in bold and enclosed in brackets}** and inserting the text **underlined and marked in bold**, to read as follows:

§ 150-3. Conditions of license.

Commercial fertilizer applicator licenses shall be issued subject to the following conditions, which shall be specified on the license:

- A. **{Random sampling} Sampling Authorized**. Commercial fertilizer applicators shall permit the Township to sample any commercial fertilizer to be applied within the Township at any time after issuance of the license, **for the purpose of ensuring compliance with the requirements of this Chapter**.

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. 2009:14**

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 385, TOWING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, TO REMOVE THE MAXIMUM NUMBER OF PERMITTED TOWERS AND PROVIDE FOR SEPARATE ROTATIONAL DUTY LISTS FOR REGULAR AND HEAVY TOWING

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

SECTION 1. Chapter 385 of the Code of the Township of Parsippany-Troy Hills is hereby amended to remove the maximum number of permitted towers previously included in the Chapter, as follows:

- A. Section 385-1, Purpose and Intent, of the Code of the Township of Parsippany-Troy Hills is hereby amended by deleting the text **{marked in bold and enclosed in brackets}**, to read as follows:

§ 385-1. Purpose and intent.

The purpose and intent of this chapter is to provide criteria and standard operating procedures that are reasonable, nonexclusionary and nondiscriminatory in the selection and use of towing operators for police-initiated towing. **{However, the total number of towing operators will be limited to six operators, with an approved waiting list for applications over eight. The list will be maintained in the order the applications are received and accepted. Tow operators currently in the rotation will have the right of first refusal.}** Towing operators will, on a rotational basis, provide towing, repair and storage services for vehicles that are abandoned, disabled, illegally parked or stolen, involved in accidents and/or suspected or identified by the Township as being involved in criminal activities or motor vehicle offenses.

- B. Section 385-3, Administration, application and enforcement procedures, of the Code of the Township of Parsippany-Troy Hills is hereby amended by deleting subparagraph B(6) of this section, which subsection had previously read as follows:

REGULAR TOWNSHIP COUNCIL MEETING MARCH 17, 2009

Attachment No. 2
Page 2 of 2

(6) A maximum of six approved towing operators can be included on the towing rotational list.

SECTION 2. Section 385-7, Establishment of towing operator's rotational duty service list, of the Code of the Township of Parsippany-Troy Hills is hereby amended to authorize the creation of separate rotational duty service lists for light and heavy duty towing by deleting the text **{marked in bold and enclosed in brackets}** and inserting the text **underlined and marked in bold**, to read as follows:

§ 385-7. Establishment of towing operator's rotational duty service list.

A. The Chief of Police, or his designee, shall be responsible to establish **{a}** towing operators' rotational duty **{list} lists, which may include separate lists for light duty and heavy duty towing**, following approval of applications. He shall also be responsible for establishing towing sections within the Township **as necessary**, the locations of which shall be determined to provide the most rapid response by tow operators.

B. The Police Department shall call the towers on **{the} each** rotational duty list in sequential order, as set forth by the Chief, so that each towing operator will be given the opportunity to respond to individual calls as received by the Police Department.

C. The Police Department shall **{have the right} be authorized** to call the next towing operator on the rotational duty list should a towing operator fail to respond to a call within 20 minutes.

SECTION 3. 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 4. 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 5. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2009:15**

AN ORDINANCE AMENDING CHAPTER 225, LAND USE, SUBDIVISIONS AND SITE PLANS, ARTICLE III, PLANNING BOARD AND ARTICLE IV, ZONING BOARD OF ADJUSTMENT OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO INCREASE ESCROW FEES UNDER THESE SECTIONS

SECTION 1: Section 225-17, Fees, of Article III, Planning Board, of Chapter 225, Land Use Subdivisions and Site Plans, is hereby deleted in its entirety and replaced with the following:

§ 225-17. Fees.

Upon the filing of an application for development within the Township of Parsippany-Troy Hills, the following fees shall be paid to the Secretary of the Planning Board:

- A. (Reserved)
- B. Upon the filing of an application for a proposed minor subdivision: a fee of \$200. The **escrow fee** shall be \$1,250.
- C. Upon the filing of a sketch plat of a proposed major subdivision: a fee of \$250, plus \$50 for each proposed lot as shown on such sketch plat. The **escrow fee** shall be \$1,500.
- D. Upon the filing of an application for preliminary approval of a major subdivision: a fee of \$250, plus \$50 per lot shown on the plan. The **escrow fee** shall be \$5,000.
- E. Upon the filing of an application for final subdivision approval: a fee of \$250, plus \$25 per lot shown on the plan. The **escrow fee** shall be \$3,500.
- F. Minor site plans.

- (1) Upon the filing of an application for minor site plan approval:

Number of Parking Spaces	Fee
Fewer than 10	\$100
11 to 50	\$200
More than 50	\$300

- (2) The **escrow fee** shall be \$1,250.

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G. Upon the filing of an application for approval of a preliminary major site plan:

(1) Residential:

- (a) \$50 per dwelling unit 1 to 30.
- (b) \$30 per dwelling unit 31 to 100.
- (c) \$20 per dwelling unit 101 and above.
- (d) Minimum fee: \$300.
- (e) The **escrow fee** shall be \$5,000.

(2) Commercial, industrial, public, etc.:

- (a) \$50 for each 1,000 square feet of gross floor area with a minimum fee of \$300 and a maximum fee of \$4,000.
- (b) The **escrow fee** shall be \$5,000.

H. Upon an application for approval of a final major site plan review: 50% of the fees for preliminary site plan as established in Subsection G, except that the escrow fee for a final site plan shall be \$3,000.

I. (Reserved)

J. Upon the filing of an application which includes a request for approval, pursuant to the ancillary powers of the Planning Board: the fee applicable to the application of which such request forms a part shall be in addition to the applicable fees provided in § 225-27 of this chapter.

K. In all cases where applications for site plan approval for apartment houses or multifamily dwellings may be required under any ordinances of the Township, the applicant for such site plan approval shall pay a fee of \$10 per apartment unit.

L. Upon the filing of an application for conditional use approval in a residential zone, with the exception of customary home occupations and mixed use development: a fee of \$100.

M. Upon the filing of an application for conditional use approval for a customary home occupation: a fee of \$25.

N. Upon the filing of an application for mixed use development: a fee of \$500, plus \$15 per single-family residential lot, plus \$10 per attached dwelling unit, plus a sum equal to \$0.03 per square foot of building area for the first 10,000 square feet of nonresidential building area, plus a sum equal to \$0.01 per square foot of building area for the next 90,000 square feet of building

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area, plus a sum equal to \$0.005 per square foot of building area for all square footage of building area in excess of 100,000 square feet.

O. Upon the filing of an application for a conditional use:

- (1) Residential: \$250.
- (2) Nonresidential: \$500.
- (3) **Escrow fee:** \$1,000 (nonresidential only).

P. (Reserved)

Q. In cases where the applicant is seeking variance approval pursuant to the ancillary powers of the Planning Board, in conjunction with conditional use approval, only one fee will be required, which will be the highest fee for any one type of application.

R. To request a zone change: \$500. The **escrow fee** shall be \$1,500.

SECTION 2: Section 225-27, Fees, of Article IV, Zoning Board of Adjustment, of Chapter 225, Land Use Subdivisions and Site Plans, is hereby deleted in its entirety and replaced with the following:

§ 225-27. Fees.

Upon the filing of an appeal or an application for development, as the case may be, the following fees shall be paid to the Secretary of the Board of Adjustment:

A. Upon the filing of an application for development pursuant to §225-22B and C (1) of this chapter:

(1) Construction of not more than 400 square feet:

- (a) Residential: \$60.
- (b) Nonresidential: \$150.
- (c) **Escrow fee:** \$500.

(2) Construction of 400 or more square feet:

- (a) Residential: \$100.
- (b) Nonresidential: \$250.
- (c) **Escrow fee:** \$750.

B. (Reserved)

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C. Upon the filing of an application for development in a case involving an undersized residential lot: a fee of \$150.

D. Upon the filing of an application for development involving an undersized commercial lot: a fee of \$200.

E. Upon the filing of an appeal pursuant to §225-22A of this chapter:

(1) Residential: \$60.

(2) Nonresidential: \$100.

(3) **Escrow fee:** \$500.

F. Upon the filing of an application for a development pursuant to §225-22C (2) of this chapter:

(1) Residential: \$300.

(2) Nonresidential: \$300.

(3) **Escrow fee:** \$750.

G. (Reserved)

H. In cases where the applicant seeks multiple variances, only one fee will be required, which will be the highest fee for any one type of relief requested.

I. Upon the filing of an application for development involving subdivision or site plan approval, the applicant shall, in addition, pay the applicable fees contained in §225-17.

J. (Reserved)

K. For a building permit request which is in conflict with the Official Map:

(1) Residential: \$75.

(2) Nonresidential: \$150.

(3) **Escrow fee:** \$750.

L. Concept plan: \$250. The **escrow fee** shall be \$750.

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SECTION 3: If any 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.

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

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AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 405-29, BUS STOPS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

ORDINANCE NO. 09:16

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. §405-29 Bus Stops shall be amended and supplemented as follows:

A. Number 3 is hereby deleted in its entirety and replaced with the following:

3. Jefferson Road, northbound, on the easterly side at:

- a. Between Parsippany Road-East Halsey Road (mid-block) Beginning 505 feet of the northerly curbline of Parsippany Road and extending 135 feet north therefrom
- b. East Halsey – (far side) Beginning at the northerly curbline of East Halsey Road and extending 100 feet northerly therefrom
- c. Webro Road and Smith Road – (mid-block) Beginning 1,095 feet north of the prolongation of the northerly curbline of Webro Road and extending 135 feet therefrom (after ADP driveway)
- d. Between Webro Road-East Halsey Road (mid-block) Beginning 190 feet south of the prolongation of the southerly curbline of Webro Road and extending 135 feet southerly therefore (at Merck-Medco)

B. Number 17 is hereby deleted in its entirety and replaced with the following:

17. Vail Road, westbound, on the northerly side at:

- a. North Beverwyck Road-(far side) Beginning at the westerly curbline of North Beverwyck Road and extending 120 feet westerly therefrom
- b. Wynwood Road - (near side) Beginning at the easterly curbline of Wynwood Road and extending 105 feet easterly therefrom

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C. A new Number 18 shall be added and shall read as follows:

18. Vail Road, eastbound, on the southerly side at:

- a. Troy Hills Village Road – (near side) Beginning at the westerly curblineline of Troy Hills Village Road and extending 105 feet westerly therefrom (in front of Troy Hills Village Apartments)

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.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 180,
FOOD ESTABLISHMENTS, RETAIL OF THE CODE OF
THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

ORDINANCE NO. 09:17

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 Section A (4), §180-2 License; Fee, of Chapter 180, Food Establishments, Retail is hereby deleted and replaced with the following:

(4) Food vending machines: Initial Fee \$100 (\$20 for each additional machine in use for the same company)

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.