

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

**April 13, 2010**

**Council President Grossi opened the Regular Meeting at 7:32 p.m. followed by a salute to the Flag. She advised that adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 8, 2009 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger and was forwarded by fax to other local newspapers and local radio stations on December 17, 2009.**

**PRESENT:** Council Members Cesaro, dePierro, Fox, Stanton and Grossi

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

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

**Ordinance Introduction:**

**An Ordinance of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey Amending the Zoning Ordinance of the Township of Parsippany-Troy Hills in Order to Re-Zone Certain Properties to the RCW Recreation, Conservation, and Wildlife Zone District (2010:10)**

**Resolutions:**

**Authorizing a Contract with Blake S. Davis, Esq. to Serve as Special Legal Counsel in Any Matters in Which the Township Attorney May Require Assistance**

**Authorizing a Contract with Matthew J. O'Donnell, Esq. to Serve as Special Legal Counsel in Any Matters in Which the Township Attorney May Require Assistance**

**A Resolution to Affirm the Township's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that Come Into Contact with Municipal Employees, Officials and Volunteers**

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**NOTES:**

5/11/10 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
5/18/10 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

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**BID(S) TO BE TAKEN:**

4/16/10 @ 10:00 a.m. South Beverwyck No. 1 Pump Station Replacement

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

4/22/10 @ 11:00 a.m. Fireworks Display Services for July 4, 2010

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**ORDINANCE(S):**

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

**ORDINANCE NO. 2010:06**

**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  
Puddingstone Recreation  
Organization for Recreational  
Use**

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

**BE IT RESOLVED** that an ordinance entitled “**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 PUDDINGSTONE RECREATION ORGANIZATION FOR RECREATIONAL USE,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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

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**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 Cesaro, dePierro, Fox, Stanton and Grossi

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**ORDINANCE NO. 2010:07**

**An Ordinance Vacating the Tulip Lane Right of Way**

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

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE VACATING THE TULIP LANE RIGHT OF WAY,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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

**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 Cesaro, dePierro, Fox, Stanton and Grossi

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**ORDINANCE NO. 2010:08**

**An Ordinance Amending Section 65-1, of the Code, The Municipal Government Transparency Committee**

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

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE AMENDING SECTION 65-1, OF THE CODE, THE MUNICIPAL GOVERNMENT TRANSPARENCY COMMITTEE,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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

**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 Cesaro, dePierro, Fox, Stanton and Grossi

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**PUBLIC HEARING:**

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

**Roy Messmer, 10 Drumlin Drive**, noted that he requested, as he has done in past years, the 1099s for attorneys representing the Township. He advised that Mr. Knapp's legal fees have increased tremendously from last year, probably as a result of the Blue Collar Contract. DeCotiis' fees were \$50,000 to \$60,000 less than what was accrued in legal bills in previous years.

Additionally, Mr. Messmer expressed his concern about Board of Education candidates' political signs, noting he advised the Township Clerk of Mr. Mancuso's signs being posted on public property in violation of the Township Code. He suggested that candidates running for the school or municipal offices be provided with copies of the ordinance.

**Annelise Catanzaro, 67 Midvale Avenue**, questioned when the Council's Budget Review Sessions will be scheduled. Council President Grossi advised that the schedule will be established later this evening. Ms. Catanzaro also asked, regarding appointments to the Transparency Committee and the Economic Development Advisory Committee, how the interviews are progressing so that the meetings can commence. Mr. Cesaro advised, in connection with the Transparency Committee, that the receipt of additional resumes is anticipated. Ms. Catanzaro reminded the Council that this was a high priority issue in October of last year. Mr. Cesaro indicated to Ms. Catanzaro that the (election) campaign is over; this is still a high priority issue. He reiterated that the Council is still receiving resumes.

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

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**CONSENT AGENDA:**

Council President Grossi 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. She moved the approval of the Consent Agenda, seconded by Mr. Cesaro.

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

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**MINUTES FOR APPROVAL:**

- \* Regular Meeting of 3/16/10
  - \* Closed Session of 3/16/10 (Approval Only, Disclosure Upon Authorization of Township Attorney)
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**BID AWARD(S):**

\* **Various Sidewalks Improvement Project**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Various Sidewalks Improvement Project-Base Bid “A” (Littleton Road between Dartford Road and Halsey Road) – Base Bid “B” (Parsippany Boulevard at Tivoli Garden Apartments) on March 18, 2010, 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 Base Bid “A” and Base Bid “B” Price of \$97,884.50, and

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

2009 Community Development Block Grant Recovery Funds and  
Current Capital Ordinance # 2006:08 adopted May 23, 2006 entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Various Sidewalks Improvement Project-Base Bid “A” (Littleton Road between Dartford Road and Halsey Road) – Base Bid “B” (Parsippany Boulevard at Tivoli Garden Apartments) be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

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**RESOLUTION(S):**

**\* Approving Length of Service Award Program Certification Lists for 2009**

**WHEREAS**, the Township Council of Parsippany-Troy Hills adopted a Resolution approving the creation of a Length of Service Award Program (LOSAP) at its meeting of May 14, 2002, covering the members of the volunteer first aid squads and rescue and recovery unit members; and

**WHEREAS**, the Parsippany Rescue & Recovery Unit, Inc., the Rockaway Neck First Aid Squad and the Parsippany Volunteer Ambulance Squad have submitted certified lists of active volunteer first aid squad and rescue and recovery unit members who qualify for LOSAP contributions for the year 2009.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council has reviewed and approved the lists of volunteer first aid squad and rescue and recovery unit members who qualify for LOSAP contributions for the year 2009; and

**BE IT FURTHER RESOLVED**, that the certified lists and this resolution shall be posted for thirty (30) days at the squad buildings of the two ambulance squads and the rescue & recovery unit and in the office of the Township Clerk in accordance with N.J.S.A. 40A:14-192.

**\* Renewing Contract with Benecard to Provide Prescription Coverage Commencing May 1, 2010**

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

**WHEREAS**, the procurement of insurance services, including prescription coverage, is an exception pursuant to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and

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

**WHEREAS**, the Township's Health Insurance Brokers issued a Request for Proposals to parties interested in providing prescription coverage to the Township; and

**WHEREAS**, the Township received proposals for a fully insured prescription plan, as follows:

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BeneCard Rx	\$2,526,372
GS POPS	\$2,527,291
Maxor Rx	\$2,607,214
Bollinger Rx	\$2,650.315

**WHEREAS**, the Business Administrator and the Mayor have reviewed the proposals received and recommend that a one-year contract be awarded to Benecard Services, Inc., 3131 Princeton Pike, Lawrenceville, NJ 08648;and

**WHEREAS**, the term of this contract shall be from May 1, 2010 through April 30, 2011; and

**WHEREAS**, Benecard Services, Inc. shall complete and submit a Business Entity Disclosure Certification at least ten (10) days prior to the execution of the contract for professional services, and which Certification provides that no contributions have been made that would bar the award of this contract pursuant to P.L. 2004, c.19;

**WHEREAS**, Benecard Services, Inc. will complete and submit a c.271 Political Contribution Disclosure Form, which provides that no reportable political contributions (more than \$300 per election cycle) were made over the 12 months prior to submission to the committees of the government entities listed on the form prior to execution of the contract; and

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

2010 Temporary Budget: Current Fund – Insurance:  
2010 Temporary Budget: Water, Sewer and Golf & Recreation Utility- Other Expenses

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into a contract with Benecard Services, Inc., 3131 Princeton Pike, Lawrenceville, NJ 08648 for providing Prescription coverage in accordance with the proposal received from Benecard Services, Inc.; and
2. That the Business Entity Disclosure Certification, Chapter 271 Campaign Contribution Disclosure Form, Public Contracting Reform Ordinance (#09:33) Business Entity Disclosure Certification, Stockholder Disclosure Certification, the Determination of Value, the Certificate of Availability of Funds and Standard Certification Declaration for an Extraordinary Unspecifiable Service be placed on file with this resolution; and
3. This contract shall be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as an exception pursuant to N.J.S.A. 40A:11-5(1)(m), the procurement of which shall comply with N.J.S.A. 40A:11-5(1)(a)(ii); and
4. That a notice of this action be printed once in the official newspaper of the Township of Parsippany-Troy Hills.

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**\* Adopting the CDBG Citizen Participation Plan**

**WHEREAS**, the Township of Parsippany-Troy Hills is a recipient of federal funds awarded through the U.S. Department of Housing and Urban Development; and

**WHEREAS**, in order to receive these funds the Township must prepare and adopt a Citizen Participation Plan which sets forth the policies and procedures for public participation during the planning process for use of funds.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Parsippany-Troy Hills formally adopt the Citizen Participation Plan as prepared by the Purchasing Office.

**\* Authorizing Submittal of the Application for Community Development Funding (Consolidated Action Plan)**

**WHEREAS**, the Township of Parsippany-Troy Hills is eligible to receive Federal funds available through the Department of Housing and Urban Development; and

**WHEREAS**, in order to receive funding for fiscal years 2010 through 2014 a Consolidated Plan was developed in compliance with 24 CFR Parts 91, 92, 570, 574, 576 and 968; and

**WHEREAS**, the U.S. Department of Housing and Urban Development requires certain certifications to be submitted along with and as part of the Consolidated Plan Submission; and

**WHEREAS**, pursuant to government regulations the Township of Parsippany-Troy Hills has prepared the required submission to apply for Community Development Block Grant funds for fiscal year 2010.

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

1. The Mayor of the Township of Parsippany-Troy Hills is hereby authorized to submit the application for Community Development Funding, including all understandings and assurances contained therein, to utilize to the fullest extent of funding allowed and determined by the Department of Housing and Urban Development, under the Housing and Community Development Act of 1974, as amended, and to act as the authorized representative of the Township of Parsippany-Troy Hills and to provide such additional information as may be required.
2. The Mayor and other appropriate and responsible officials are hereby authorized and directed to execute on behalf of the Township such certification or certifications as may be required under the Rules and Regulations of the U.S. Department of Housing and Urban Development.

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**\* Canceling Outstanding Checks Totaling \$166.00 in the Municipal Court General Account to Fund Balance in the Current**

**WHEREAS**, the Municipal Court General Account has several outstanding checks totaling \$166.00; and

**WHEREAS**, the Township's Court Administrator recommends that these checks be reviewed for re-issuance or cancellation;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following checks be cancelled to Fund Balance in the Current Fund;

<b>Check #</b>	<b>Amount</b>	<b>Date</b>	<b>Payee</b>
3818	4.00	2/13/2009	Gilvan Rodriguez-Lima
3824	1.00	3/3/2009	Shivale D. Trivedz
3831	100.00	3/3/2009	Foodtown
3832	25.00	3/3/2009	Philip A. David
3864	5.00	4/6/2009	Mayank C. Patel
3911	1.00	7/2/2009	Leonel A. Villalobos
3918	1.00	7/2/2009	Karol Manchola
3930	1.00	8/3/2009	Jose Constain
3933	5.00	8/3/2009	Christopher Rothen
3936	5.00	8/3/2009	Darren G. McLaughlin
3969	3.00	10/6/2009	Melanie L. Klein
3970	5.00	10/6/2009	Nai Ren Zhao
3976	5.00	10/6/2009	Ivelesse C. Raso
3985	5.00	10/8/2009	Dmitri Bacokon

**\* Canceling Outstanding Checks Totaling \$799.00 in the Municipal Court Bail Account to Fund Balance in the Current Fund**

**WHEREAS**, the Municipal Court Bail Account has several outstanding checks totaling \$799.00; and

**WHEREAS**, the Township's Court Administrator recommends that these checks be reviewed for re-issuance or cancellation;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following checks be cancelled to Fund Balance in the Current Fund;

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<b>Check #</b>	<b>Amount</b>	<b>Date</b>	<b>Payee</b>
15793	5.00	2/11/2009	Mauricio Mejia
16085	5.00	4/29/2009	Thom McGann
16122	34.00	5/12/2009	Ivan Tymiv
16146	225.00	5/19/2009	Donald Larsen
16169	10.00	5/26/2009	Anthony Romano
16273	500.00	6/18/2009	Glenn Pappas
16323	20.00	7/2/2009	Maria J. Fermin

**\* Authorizing the Settlement of a Tax Appeal for Acquiport of Parsippany, LLC, 389-399 Interpace Parkway, Block 136, Lot 36.05**

**WHEREAS**, ACQUIPORT PARSIPPANY, LLC occupies certain property described as 389-399 Interpace Parkway and known as Block 136, Lot 36.05; and

**WHEREAS**, ACQUIPORT PARSIPPANY, LLC filed appeals to the Tax Court of New Jersey for said premises for the years 2007 through 2009; 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**, ACQUIPORT PARSIPPANY, 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 2007 through 2009 tax appeals are hereby authorized as follows:

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	<u>Original Assessment</u>	<u>Settlement Amount</u>
<b>Year: 2007</b>		
LAND	\$ 17,146,400	WITHDRAWN
IMPROVEMENTS	<u>\$ 36,380,500</u>	
TOTAL	\$ 53,526,900	
<b>Year: 2008</b>		
LAND	\$ 17,146,400	WITHDRAWN
IMPROVEMENTS	<u>\$ 36,380,500</u>	
TOTAL	\$ 53,526,900	
<b>Year: 2009</b>		
LAND	\$ 17,146,400	\$ 17,146,400
IMPROVEMENTS	<u>\$ 36,380,500</u>	<u>\$ 28,880,500</u>
TOTAL	\$ 53,526,900	\$ 46,026,900

**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.

\* **Authorizing the Settlement of a Tax Appeal for I-85 Hospitality Group, LLC, 707 Route 46, Block 722, Lot 11**

**WHEREAS, I-85 HOSPITALITY GROUP, LLC** occupies certain property described as 707 Route 46 and known as Block 722, Lot 11; and

**WHEREAS, I-85 HOSPITALITY GROUP, LLC** filed appeals to the Tax Court of New Jersey for said premises for the years 2007 through 2009; 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, I-85 HOSPITALITY GROUP, 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

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**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 through 2009 tax appeals are hereby authorized as follows:

	<b><u>Original Assessment</u></b>	<b><u>Settlement Amount</u></b>
<b>Year: 2007</b>		
LAND	\$ 4,026,000	WITHDRAWN
IMPROVEMENTS	<u>\$ 10,557,100</u>	
TOTAL	\$ 14,583,100	
<b>Year: 2008</b>		
LAND	\$ 4,026,000	WITHDRAWN
IMPROVEMENTS	<u>\$ 10,557,100</u>	
TOTAL	\$ 14,583,100	
<b>Year: 2009</b>		
LAND	\$ 4,026,000	\$ 4,026,000
IMPROVEMENTS	<u>\$ 10,557,100</u>	<u>\$ 8,057,100</u>
TOTAL	\$ 14,583,100	\$ 12,083,100

**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.

**\* Authorizing the Settlement of a Tax Appeal for HSBC Technology & Services, Inc., 399 Jefferson Road, Block 736, Lot 14**

**WHEREAS**, HSBC TECHNOLOGY & SERVICES, INC. occupies certain property described as 399 Jefferson Road and known as Block 736, Lot 14; and

**WHEREAS**, HSBC TECHNOLOGY & SERVICES, INC. filed appeals to the Tax Court of New Jersey for said premises for the year 2009; and

**WHEREAS**, the parties have engaged in settlement negotiations; and

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**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**, HSBC TECHNOLOGY & SERVICES, 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 2009 tax appeal is hereby authorized as follows:

	<b><u>Original Assessment</u></b>	<b><u>Settlement Amount</u></b>
<b>Year: 2009</b>		
<b>LAND</b>	<b>\$ 13,177,200</b>	<b>\$ 8,177,200</b>
<b>IMPROVEMENTS</b>	<b>\$ <u>9,662,200</u></b>	<b>\$ <u>6,662,200</u></b>
<b>TOTAL</b>	<b>\$ 22,839,400</b>	<b>\$ 14,839,400</b>

**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.

**\* Providing for the Issuance of Refunding Bonds for the Refunding of a Portion of the Township's General Improvement Bonds, Water Utility Bonds and Sewer Utility Bonds, Dated October 1, 2002; and Providing for the Forms, Maturities and Other Details of Said Bonds; Authorizing a Preliminary Official Statement and an Official Statement; Providing for the Sale of the Refunding Bonds; and Approving and Authorizing the Execution and Delivery by the Township of a Continuing Disclosure Certificate, a Bond Purchase Agreement and an Escrow Deposit Agreement**

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**WHEREAS**, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”) of the State of New Jersey authorizes the issuance by the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the “Township”), of bonds for the purpose of refunding outstanding bonds of the Township; and

**WHEREAS**, in accordance with the Local Bond Law, the Township Council did, on November 24, 2009, finally adopt (i) Ordinance No. 2009:39 (the “General Improvement Refunding Ordinance”) authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$13,270,000 for the purpose of refunding certain of the Township’s outstanding General Improvement Bonds, dated October 1, 2002 (the “2002 General Improvement Bonds”); (ii) Ordinance No. 2009:40 (the “Water Utility Refunding Ordinance”) authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$1,705,000 for the purpose of refunding certain of the Township’s outstanding Water Utility Bonds, dated October 1, 2002 (the “2002 Water Utility Bonds”); and (iii) Ordinance No. 2009:41 (the “Sewer Utility Refunding Ordinance”) authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$1,540,000 for the purpose of refunding certain of the Township’s outstanding Sewer Utility Bonds, dated October 1, 2002 (the “2002 Sewer Utility Bonds”) (the “General Improvement Refunding Ordinance”, the “Water Utility Refunding Ordinance” and the “Sewer Utility Refunding Ordinance” are collectively referred to as the “Refunding Ordinances”); which refunding ordinances authorizes the issuance by the Township of refunding bonds in the amount of not to exceed \$16,515,000 for the purpose of refunding certain of the Township’s outstanding 2002 General Improvement Bonds, 2002 Water Utility Bonds and 2002 Sewer Utility Bonds (collectively, the “Outstanding Bonds”), to provide debt service savings for the Township; and

**WHEREAS**, pursuant to the Local Bond Law, the Township has sought and obtained approvals on November 12, 2009 from the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (the “Local Finance Board”) to the adoption by the Township Council of the Refunding Ordinances and the issuance of obligations thereunder; and

**WHEREAS**, in accordance with the Local Bond Law, the Township desires to (i) authorize and approve the sale and issuance of refunding bonds (the “Bonds” or the “Refunding Bonds”) in the aggregate principal amount not to exceed \$16,515,000, to be issued in three (3) separate series designated as (i) “General Improvement Refunding Bonds, Series 2010” to be issued for the purpose of refunding the outstanding 2002 General Improvement Bonds maturing on October 1 in the years 2011 through and including 2017 (the “Refunded 2002 General Improvement Bonds”); (ii) “Water Utility Refunding Bonds, Series 2010” to be issued for the purpose of refunding the outstanding 2002 Water Utility Bonds maturing on October 1 in the years 2011 through and including 2017 (the “Refunded 2002 Water Utility Bonds”); and (iii) “Sewer Utility Refunding Bonds, Series 2010” to be issued for the purpose of refunding the outstanding 2002 Sewer Utility Bonds maturing on October 1 in the years 2011 through and including 2017 (the “Refunded 2002 Sewer Utility Bonds”) (the “Refunded 2002 General Improvement Bonds”, the “Refunded 2002 Water Utility Bonds” and the “Refunded 2002 Sewer Utility Bonds are collectively referred to as the “Refunded Bonds”); and (ii) to provide for the forms and sale of the Refunding Bonds; and

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**WHEREAS**, in connection with the sale and issuance of the Refunding Bonds, the Township also desires to approve and authorize (i) the distribution of a preliminary official statement (the "Preliminary Official Statement") and the execution and distribution of an official statement (the "Official Statement") and (ii) the forms and the entering into of the hereinafter defined Continuing Disclosure Certificate, Bond Purchase Agreement and Escrow Deposit Agreement; and

**WHEREAS**, to be able to take advantage of favorable market conditions, the Township has determined to authorize a bond purchase agreement (the "Bond Purchase Agreement") with Roosevelt & Cross, Incorporated, as underwriter (the "Underwriter") for the Refunding Bonds, to which the Underwriter will agree to purchase the Refunding Bonds upon satisfaction of the conditions precedent to issuance set forth therein and with such terms for the Refunding Bonds as set forth therein.

**NOW THEREFORE, BE IT RESOLVED 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:**

**WHEREAS**, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law") of the State of New Jersey authorizes the issuance by the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"), of bonds for the purpose of refunding outstanding bonds of the Township; and

**WHEREAS**, in accordance with the Local Bond Law, the Township Council did, on November 24, 2009, finally adopt (i) Ordinance No. 2009:39 (the "General Improvement Refunding Ordinance") authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$13,270,000 for the purpose of refunding certain of the Township's outstanding General Improvement Bonds, dated October 1, 2002 (the "2002 General Improvement Bonds"); (ii) Ordinance No. 2009:40 (the "Water Utility Refunding Ordinance") authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$1,705,000 for the purpose of refunding certain of the Township's outstanding Water Utility Bonds, dated October 1, 2002 (the "2002 Water Utility Bonds"); and (iii) Ordinance No. 2009:41 (the "Sewer Utility Refunding Ordinance") authorizing the issuance by the Township of refunding bonds in the amount of not to exceed \$1,540,000 for the purpose of refunding certain of the Township's outstanding Sewer Utility Bonds, dated October 1, 2002 (the "2002 Sewer Utility Bonds") (the "General Improvement Refunding Ordinance", the "Water Utility Refunding Ordinance" and the "Sewer Utility Refunding Ordinance" are collectively referred to as the "Refunding Ordinances"); which refunding ordinances authorizes the issuance by the Township of refunding bonds in the amount of not to exceed \$16,515,000 for the purpose of refunding certain of the Township's outstanding 2002 General Improvement Bonds, 2002 Water Utility Bonds and 2002 Sewer Utility Bonds (collectively, the "Outstanding Bonds"), to provide debt service savings for the Township; and

**WHEREAS**, pursuant to the Local Bond Law, the Township has sought and obtained approvals on November 12, 2009 from the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (the "Local Finance Board") to the adoption by the Township Council of the Refunding Ordinances and the issuance of obligations thereunder; and

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

**WHEREAS**, in accordance with the Local Bond Law, the Township desires to (i) authorize and approve the sale and issuance of refunding bonds (the “Bonds” or the “Refunding Bonds”) in the aggregate principal amount not to exceed \$16,515,000, to be issued in three (3) separate series designated as (i) “General Improvement Refunding Bonds, Series 2010” to be issued for the purpose of refunding the outstanding 2002 General Improvement Bonds maturing on October 1 in the years 2011 through and including 2017 (the “Refunded 2002 General Improvement Bonds”); (ii) “Water Utility Refunding Bonds, Series 2010” to be issued for the purpose of refunding the outstanding 2002 Water Utility Bonds maturing on October 1 in the years 2011 through and including 2017 (the “Refunded 2002 Water Utility Bonds”); and (iii) “Sewer Utility Refunding Bonds, Series 2010” to be issued for the purpose of refunding the outstanding 2002 Sewer Utility Bonds maturing on October 1 in the years 2011 through and including 2017 (the “Refunded 2002 Sewer Utility Bonds”) (the “Refunded 2002 General Improvement Bonds”, the “Refunded 2002 Water Utility Bonds” and the “Refunded 2002 Sewer Utility Bonds are collectively referred to as the “Refunded Bonds”); and (ii) to provide for the forms and sale of the Refunding Bonds; and

**WHEREAS**, in connection with the sale and issuance of the Refunding Bonds, the Township also desires to approve and authorize (i) the distribution of a preliminary official statement (the “Preliminary Official Statement”) and the execution and distribution of an official statement (the “Official Statement”) and (ii) the forms and the entering into of the hereinafter defined Continuing Disclosure Certificate, Bond Purchase Agreement and Escrow Deposit Agreement; and

**WHEREAS**, to be able to take advantage of favorable market conditions, the Township has determined to authorize a bond purchase agreement (the “Bond Purchase Agreement”) with Roosevelt & Cross, Incorporated, as underwriter (the “Underwriter”) for the Refunding Bonds, to which the Underwriter will agree to purchase the Refunding Bonds upon satisfaction of the conditions precedent to issuance set forth therein and with such terms for the Refunding Bonds as set forth therein.

**NOW THEREFORE, BE IT RESOLVED 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 hereby authorizes the issuance and sale of the Refunding Bonds of the Township in the aggregate principal amount not to exceed \$16,515,000.

*Section 2.* The Refunding Bonds shall be issued as three (3) separate series designated as “General Improvement Refunding Bonds, Series 2010”, “Water Utility Refunding Bonds, Series 2010”, and “Sewer Utility Refunding Bonds, Series 2010”. The Refunding Bonds of each series shall be dated their date of delivery, shall be numbered from 1 upward in the denomination of \$5,000 and integral multiples of \$1,000 in excess thereof, and shall be issued as fully registered bonds. The Refunding Bonds shall mature on October 1 in each of the years and in the principal amounts and shall bear interest at the rate or rates as shall be determined by the Chief Financial Officer of the Township within the limitations hereinafter provided. Interest on the Bonds shall be payable on October 1 and April 1 of each year, commencing on October 1, 2010.

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

The Council hereby delegates to the Chief Financial Officer of the Township the power and authority to sell and award the Refunding Bonds in accordance with this Resolution and the prior approval of the Local Finance Board in accordance with the following parameters: the Refunding Bonds shall be issued in a maximum aggregate principal amount not to exceed \$16,515,000 and shall mature substantially as set forth in the application submitted to and approved by the Local Finance Board; the Refunding Bonds shall bear interest at the rate or rates not to exceed 5.00% per annum and the net interest cost on the Refunding Bonds shall not exceed 3.10%; the present value savings to be achieved by the Township in connection with the issuance of the Refunding Bonds to refund the Refunded Bonds shall not be less than 3% of the principal amount of the Refunded Bonds, with such savings to be achieved, as for as practicable, as set forth in the Local Finance Board Application. The Chief Financial Officer of the Township is hereby directed to report in writing to the Mayor and Township Council at their first meeting after the sale of the Refunding Bonds as to the principal amount, interest rate or rates and maturities of the Refunding Bonds sold, the price obtained and the present value savings in connection with the refunding.

The Refunding Bonds shall be substantially in the form as provided in this Resolution, with such omissions, insertions and variations as are properly required.

*Section 3.* The Refunding Bonds will be initially issued in book-entry form only in the form of one certificate for the aggregate principal amount of the Refunding Bonds of each series maturing in each year and, when issued, will be registered in the name of and held by Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC"), which is hereby appointed to act as securities depository for the Refunding Bonds. As long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made by the Township, or a bank or trust company (if any) selected by the Chief Financial Officer to act as paying agent and bond registrar for the Bonds pursuant to Section 11 hereof (the "Paying Agent"), directly to DTC or its nominee, Cede & Co., which will credit payments of principal of and interest on the Bonds to the participants of DTC as listed on the records of DTC as of each next preceding September 15 and March 15 (each, a "Record Date" and together, the "Record Dates" for the payment of interest on the Refunding Bonds), which participants will in turn credit such payments to the beneficial owners of the Refunding Bonds. The registration books of the Township shall be kept by the Chief Financial Officer (or, if appointed pursuant to Section 11 hereof, by the Paying Agent at its corporate trust office).

The Refunding Bonds shall be payable as to both principal and interest in lawful money of the United States of America. The Refunding Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk. If a Paying Agent is appointed pursuant to Section 11 hereof, the foregoing attestation may be made by facsimile signature of the Township Clerk provided that the Refunding Bonds shall be authenticated by the manual signature of the Paying Agent. The following matters are hereby determined with respect to the Bonds:

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

**Date of Refunding Bonds:**

**Date of Delivery**

Interest Payment Dates:

Each October 1 and April 1 until maturity, commencing on October 1, 2010, with payment being made to DTC or its authorized nominee, by the Township or the Paying Agent

Bond Registrar/Paying Agent:

Township of Parsippany-Troy Hills, unless a Paying Agent is appointed pursuant to Section 11 hereof

Securities Depository:

The Depository Trust Company, New York, New York

Authorized Denominations:

\$5,000 and integral multiples of \$1,000 in excess thereof

*Section 4.* The Refunding Bonds are not subject to optional redemption prior to maturity. There is hereby delegated to the Chief Financial Officer the authority, at the request of the Underwriter and after consulting with the Township's financial advisor, to provide that one or more maturities of the Refunding Bonds may be issued as term bonds subject to mandatory sinking fund redemption, at a redemption price equal to 100% of the principal amount thereof, on December 1 in specified years prior to the stated maturity date. If any of the Refunding Bonds are issued as term bonds, the term bonds shall be subject to mandatory sinking fund redemption in the years specified by the Chief Financial Officer upon notice as hereinafter provided.

When any Refunding Bonds are to be redeemed, the Chief Financial Officer (or, if appointed pursuant to Section 11 hereof, the Paying Agent) shall give notice of the redemption of the Refunding Bonds by mailing such notice by first class mail in a sealed envelope postage prepaid to the registered owners of the portion of any Refunding Bonds which are to be redeemed, at their respective addresses as they last appear on the registration books of the Township, at least thirty (30) but not more than sixty (60) days before the date fixed for redemption. Notice of redemption having been given as aforesaid, the portion of the Refunding Bonds which are to be redeemed shall, on the date fixed for redemption, become due and payable at the redemption price specified above plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such portion of the Refunding Bonds shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the Township shall default in the payment of the redemption price and accrued interest), such Refunding Bonds shall no longer be considered as outstanding.

During any period in which The Depository Trust Company (or any successor thereto) shall act as securities depository for the Refunding Bonds, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Refunding Bonds. Any failure of such depository to advise any of its participants or any failure of any participant to

notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

*Section 5.* The Chief Financial Officer is hereby authorized to enter into a letter of representations or other agreement with DTC setting forth the respective obligations of DTC, the Township and the Paying Agent (if any) with respect to the payment and transfer of the Bonds. The Township agrees to comply with all obligations set forth in such agreement.

*Section 6.* The Refunding Bonds shall be executed by the Mayor and the Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon, and attested by the manual signature of the Township Clerk.

*Section 7.* The distribution and, if necessary, the re-distribution, by the Township of a Preliminary Official Statement pertaining to the Refunding Bonds is hereby authorized and the use of an Official Statement in substantially the form of the Preliminary Official Statement presented to this meeting is hereby approved with such changes as counsel may advise, and the use of the information contained therein concerning the Township in connection with the sale of the Refunding Bonds is hereby approved and authorized and the Chief Financial Officer of the Township is hereby authorized and directed to execute and deliver to the purchaser of the Refunding Bonds the final Official Statement with such changes as counsel may advise and the officer executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Chief Financial Officer is hereby authorized to deem final the Preliminary Official Statement for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

*Section 8.* NW Financial Group, LLC, is hereby designated as the Township's financial advisor in connection with the Refunding Bonds. Roosevelt & Cross, Incorporated is hereby designated as the Township's investment banker in connection with the Refunding Bonds.

*Section 9.* The escrow agent for the Refunded Bonds (the "Escrow Agent") shall be The Bank of New York Mellon. The Escrow Agent shall signify its acceptance of the duties imposed upon it by this Resolution by a written certificate delivered to the Township prior to the delivery of the Refunding Bonds. The Chief Financial Officer is authorized to accept the schedule of fees provided by the Escrow Agent.

*Section 10.* The Refunding Bonds shall be in substantially the forms attached hereto as Exhibit A, with such changes as may be appropriate.

*Section 11.* The Chief Financial Officer is hereby authorized to select and to enter into an agreement with a Paying Agent to ensure that the Township can meet its obligations undertaken herein to the holders of the Refunding Bonds. The Chief Financial Officer may, however, elect not to select a Paying Agent for the Refunding Bonds, and may elect to select a Paying Agent at any time prior or subsequent to the issuance of the Refunding Bonds. However, the Chief Financial Officer shall select a Paying Agent upon any determination to cause the Refunding Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 12 or Section 13 hereof.

*Section 12.* In the event that DTC shall determine to discontinue providing its services as securities depository with respect to the Refunding Bonds, the Township and the Paying Agent (if any) may enter into an agreement with a substitute securities depository, if available.

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

Alternatively, the Township and the Paying Agent may cause the Refunding Bonds to thereafter be registered in the names of, and delivered to, each beneficial owner of the Refunding Bonds and thereafter the principal of the Refunding Bonds will be payable in lawful money of

the United States of America at the office of the Paying Agent, and interest on the Refunding Bonds will be payable by check mailed to the respective addresses of the registered owners thereof as shown on the registration books of the Township as of the close of business on the first day of the calendar month for the applicable interest payment date.

*Section 13.* The Township may terminate the services of DTC as securities depository with respect to the Refunding Bonds if the Township determines that (i) DTC is unable to discharge its responsibilities with respect to the Refunding Bonds, or (ii) continued use of the book-entry system is not in the best interests of the beneficial owners of the Refunding Bonds. In such event, the Township and the Paying Agent (if any) shall either contract with a substitute securities depository or cause the Bonds to be registered in the names of the beneficial owners thereof, as provided in Section 12 hereof.

*Section 14.* A Continuing Disclosure Certificate in substantially the form attached hereto as Exhibit B (the “Continuing Disclosure Certificate”) is hereby approved, and the Chief Financial Officer is hereby authorized and directed to execute and deliver the Continuing Disclosure Certificate on behalf of the Township in substantially such form, with such insertions and changes therein as the Chief Financial Officer may approve, such approval to be evidenced by her execution thereof.

*Section 15.* The proceeds of the Refunding Bonds shall be applied for the purpose of refunding the Refunded Bonds and paying the costs of issuing the Refunding Bonds

*Section 16.* In order to maintain the exclusion from gross income for federal income tax purposes of interest on the Refunding Bonds, and for no other purpose, the Township covenants to comply with each applicable requirement of the Internal Revenue Code of 1986, as amended (the “Code”), applicable to the Refunding Bonds, and the Township covenants not to take any action or fail to take any action which would cause the interest on the Refunding Bonds to lose the exclusion from gross income for federal income taxation purposes under Section 103 of the Code.

The Township covenants and agrees with the holders of the Refunding Bonds that the Township shall not take any action or omit to take any action which would cause the Refunding Bonds to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141(a) or 148, respectively, of the Code, or any successor provision.

*Section 17.* The Township covenants that it will take no action which would cause the Refunding Bonds to be federally guaranteed (within the meaning of Section 149(b) of the Code).

*Section 18.* The Escrow Deposit Agreement pertaining to the Refunded Bonds shall be substantially in the form attached to this Resolution as Exhibit C (the “Escrow Deposit Agreement”) and made a part hereof and the Mayor or the Chief Financial Officer of the

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

Township are hereby authorized to execute same with such changes, revisions or alterations therefor as may be approved by the officer executing the Escrow Deposit Agreement, such approval to be conclusively evidenced by the execution thereof.

*Section 19.* The Bond Purchase Agreement by and between the Township and the Underwriter with respect to the Refunding Bonds shall be substantially in the form attached to this Resolution as Exhibit D (the "Bond Purchase Agreement") and made a part hereof, and the Mayor or the Chief Financial Officer of the Township are each hereby authorized to execute the same with such changes, revisions or alterations therefor as may be approved by the officer executing the Bond Purchase Agreement after consultation with the Township's counsel and/or bond counsel, such approval to be conclusively evidenced by the execution thereof. The Underwriter's discount in connection with the Refunding Bonds shall not exceed \$2.90 per \$1,000 of Refunding Bonds.

*Section 20.* The Mayor, the Chief Financial Officer, the Business Administrator and the Clerk of the Township are hereby designated, authorized and directed to perform or determine any other matters or details relating to the Refunding Bonds, to do or perform or cause to be done or performed any and all acts as such officers or Bond Counsel may deem necessary or appropriate in order to effect the proper issuance, execution and delivery of the Refunding Bonds, and to execute, among other things, one or more subscriptions for the purchase of United States Treasury Obligations, State and Local Government Series or such other securities and/or investment agreements in accordance with the Escrow Deposit Agreement, a tax certificate certifying that, among other things, the Township, to the extent it is empowered and allowed under applicable law, covenants that it will do and perform all acts and things necessary or desirable for the purpose of monitoring compliance to assure that interest paid on the Refunding Bonds is excludable from gross income under the Internal Revenue Code of 1986, as amended, and any and all instruments, opinions, affidavits, certificates, resolutions, documents or other papers as may be deemed necessary.

*Section 21.* This resolution shall take effect upon the Refunding Ordinances taking effect in accordance with the terms thereof and the Local Bond Law.

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**APPLICATION(S):**

License(s):

- \* **Renewal of 2010 Limousine for VIP All State Service, Inc., 181 New Road, Suite 201 (1 Vehicle)**

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following Limousine Owner's License be renewed for the year 2010 pending verification of registration with the New Jersey Motor Vehicle Commission:

**VIP ALL STATE SERVICE, INC.**  
181 New Road, Suite 201  
(1 vehicle)

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

**MINUTES FOR APPROVAL – NON CONSENT:**

Council President Grossi moved the approval of the minutes of the following meeting, seconded by Mr. Cesaro:

Agenda Meeting of 3/9/10 (Absent – Mr. dePierro)

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

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**ORDINANCE(S):**

**Introductions**

**ORDINANCE NO. 2010:09**

**An Ordinance of The Township Council of The Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, to Amend and Supplement Various Sections of The Code of The Township of Parsippany-Troy Hills Dealing with “Fees” (2010:09)**  
(Attachment No. 1)

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

**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 **April 13, 2010** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **May 18, 2010** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**BE IT FURTHER RESOLVED** that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

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

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**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

The Council scheduled the following special meetings for the purpose of reviewing and discussing the Mayor's 2010 Budget:

- **Monday, April 19, 2010 commencing at 6:30 p.m.**
- **Thursday, April 22, 2010 commencing at 6:30 p.m.**
- **Saturday, April 24, 2010 commencing at 9:00 a.m.**

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A motion was made by Mr. dePierro, seconded by Mr. Fox, to add the introduction of Ordinance No. 2010:10 and three resolutions, as noted earlier, to the agenda.

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

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**Authorizing a Contract with Blake S. Davis, Esq. to Serve as Special Legal Counsel in Any Matters in Which the Township Attorney May Require Assistance**

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

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

**WHEREAS**, the Township Attorney, with the approval of the Mayor, has appointed Blake S. Davis, Esq. of the firm of Waters, McPherson, McNeill, PC whose office is located at 300 Lighting Way, Secaucus, New Jersey 07094; and

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

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

**WHEREAS**, the funds are available for this purpose; and

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

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

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

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

1. The Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Blake S. Davis, Esq. of the firm of Waters, McPherson, McNeill, PC whose office is located at 300 Lighting Way, Secaucus, New Jersey 07094, as Special Legal Counsel in connection with any matters in which the Township Attorney may designate the firm to represent the Township of Parsippany - Troy Hills no sooner than ten days following the submission of a Business Entity Disclosure Certification.
2. The Determination of Value shall be placed on file with this Resolution; and
3. This contract is exempt from competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession; and
4. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

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

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**Authorizing a Contract with Matthew J. O'Donnell, Esq. to Serve as Special Legal Counsel in Any Matters in Which the Township Attorney May Require Assistance**

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

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

**WHEREAS**, the Township Attorney, with the approval of the Mayor, has appointed Matthew J. O'Donnell, Esq. of the firm of O'Donnell McCord, PC whose office is located at 15 Mount Kemble Avenue, Morristown, New Jersey 07960; and

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

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

**WHEREAS**, the funds are available for this purpose; and

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

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

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

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

1. The Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Matthew J. O'Donnell, Esq. of the firm of O'Donnell McCord, PC whose office is located at 15 Mount Kemble Avenue, Morristown, New Jersey 07960, as Special Legal Counsel in connection with any matters in which the Township Attorney may designate the firm to represent the Township of Parsippany - Troy Hills no sooner than ten days following the submission of a Business Entity Disclosure Certification.
2. The Determination of Value shall be placed on file with this Resolution; and
3. This contract is exempt from competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession; and
4. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

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

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**A Resolution to Affirm the Township's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that Come Into Contact with Municipal Employees, Officials and Volunteers**

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

**WHEREAS**, it is the policy of the Township of Parsippany-Troy Hills to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to, the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law Against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Township of Parsippany-Troy Hills has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following policy is hereby established:

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

**Section 1:** No official, employee, appointee or volunteer of the Township of Parsippany-Troy Hills by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act, including the failure to act, that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township's business or using the facilities or property of the Township.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity including, but not limited to, any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Mayor shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Mayor shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Mayor shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Mayor shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township of Parsippany-Troy Hills in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

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

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A motion was made by Mr. Cesaro, seconded by Mr. Fox, to adopt the attached resolution to convene in closed session to discuss potential litigation (Forge Pond Tract Rezoning) Attachment No. 2.

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

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Upon reconvening in Open Session at 8:17 p.m., the following resolution was offered by Mr. Cesaro, seconded by Mr. Fox.

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**ORDINANCE NO. 2010:10**

**An Ordinance of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey Amending the Zoning Ordinance of The Township of Parsippany-Troy Hills in order to Re-Zone Certain Properties to the RCW Recreation, Conservation, and Wildlife Zone District (2010:10)**  
(Attachment No. 3)

**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 **April 13, 2010** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **May 18, 2010** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

**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 Cesaro, dePierro, Fox, Stanton and Grossi

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Mr. Cesaro made a motion to adjourn, seconded by Mr. Fox.

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

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**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

The meeting adjourned at 8:19 p.m.

Respectfully submitted,

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Judith I. Silver, Township Clerk

*Ann F. Grossi*

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Ann F. Grossi, Council President

Minutes approved: May 18, 2010

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY  
ORDINANCE NO. 2010:09**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS DEALING WITH "FEES"**

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills wishes to update various fees charged pursuant to the Code of the Township.

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

**SECTION 1. Chapter 4** entitled "Administration of Government," Section 4-47.1 entitled "Third-party payment plan for emergency medical services provided by the Non-Volunteer Par-Troy EMS Squad" and Section 4-58 entitled "Public Records," of the Code of the Township of Parsippany-Troy Hills ("Code"), are hereby amended and supplemented to read as follows:

4-47.1. Third-party payment plan for emergency medical services provided by the Non-Volunteer Par-Troy EMS Squad.

A. The fee for emergency medical services shall be \$700, plus \$7.50 per mile per trip. If the ambulance responds, but does not transport the resident to a medical facility, the fee shall be \$250.

4-58. C. Copies of government records.

1) Standard-sized paper documents up to 8 1/2 inches by 14 inches in size shall be made available for purchase by any citizen during regular business hours according to the following schedule of fees which shall be based on the total number of pages or parts thereof to be purchased without regard to the number of separate records being copied:

- a. Less than 10 pages: no charge
- b. 10 or more pages: \$0.10 per page, starting with the first page.

2) Police reports, related documents (including discovery and insurance requests) and photographs.

a. If requested and picked up in person:

- 1. Less than 10 pages: no charge
- 2. 10 or more pages: \$0.10 per page, starting with the first page.

3) Tax maps, 11 x 17: \$1 each

6) Microfilm records:

- a. 8 1/2 x 11: \$0.10 each
- b. 8 1/2 x 14 and larger: \$5 each

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

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Page 2 of 8

4-58. D. Vital records (birth, death, marriage, civil union, domestic partnership).

- 1) Certified copy of an original record: \$15.

4-58. F. Electronic Records (For security reasons, the use of recordable/writable media provided by the requestor is prohibited).

- 1) Copies of public meetings on compact disc or cassette tape, whichever is available: \$1 per compact disc/cassette tape.
- 2) Copies of Police Department DVDs or CDs: \$2 per DVD or CD.
- 3) Audio copies of police communications on CD: \$2 per CD.
- 4) Copies of police mobile video DVDs: \$2 per DVD.
- 5) Computer-generated records: \$0.10 per printout of each computer screen.
- 6) Copies of existing files to a CD in the format that currently exists: \$1 per CD.

**SECTION 2. Chapter 83** entitled “Alcoholic Beverages,” Section 83-3 entitled “Licenses,” of the Code, is hereby amended and supplemented as follows:

83-3. D. License fees. The annual license fees for the sale or distribution of alcoholic beverages in the Township shall be as follows:

<b>Class of License</b>	<b>Annual License</b>
Plenary retail consumption license	\$2,400
Plenary retail distribution license	\$1,780
Club license	\$150

**SECTION 3. Chapter 91** entitled “Animals,” Sections 91-2 entitled “Licensing of dogs,” 91-5 entitled “Impounding and destruction of certain animals.” and 91-7 entitled “Animal adoption” are hereby amended and supplemented as follows:

91-2. Licensing of dogs.

D. Fees.

- 1) The person applying for a license and registration tag or for renewal of such license and registration tag shall pay to the Township a fee of \$15 for a spayed or neutered dog and a fee of \$20 for a nonspayed or nonneutered dog (which amounts include fees required by the New Jersey Department of Health and Senior Services). An additional late fee of \$5 shall be charged for a renewal license obtained on or after the first day of February. The fee for a transfer registration tag (optional) for a dog with a current license registration tag from another municipality within the State of New Jersey shall be \$2. The fee for a replacement registration tag shall be \$2.

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91-5 D. Disposition of unclaimed animals. Pursuant to N.J.S.A. 4:19-15.16, as amended, the ACO is authorized and empowered to cause the destruction of any unclaimed animal by injection seven days after seizure provided that:

- 2) The person owning, keeping or harboring any animal so impounded has not claimed the animal and has not paid expenses incurred by reason of its detention, including veterinarian bills, legal fees, impound fees of \$35 for the first day and \$15 per day maintenance for each additional day; or

91-7. Animal adoption.

- A. Any person or persons wishing to adopt an animal from the shelter may do so for a fee of \$35 for cats and \$60 for dogs, to help defray the cost of health care and maintenance for said animals. A low-cost spay/neuter certificate will be issued, if needed.

**SECTION 4. Chapter 95** entitled "Auctions," Section 95-3 entitled "License fee for public auctioneers," of the Code, is hereby amended and supplemented as follows:

95-3. A. The license fee for public auctioneers shall be \$50 per day for each day the license shall be in force.

**SECTION 5. Chapter 156** entitled "Fees," Section 156-3 entitled "Miscellaneous fees," of the Code, is hereby amended and supplemented by the addition of H. and I. and shall read as follows:

156-3. Fees.

H. Division of Zoning, Planning Board and Board of Adjustment research. Research that entails extraordinary effort on behalf of the public agency: \$25 per property

I. Leaf Bags: \$15 per bundle of 50

**SECTION 6. Chapter 169** entitled "Fire Prevention," Section 169-18 entitled "Fees" of the Code, is hereby amended and supplemented by adding item C. entitled "Fire Extinguisher Training" and shall read as follows:

169-18. C. Fire Extinguisher Training.

Group of 1-5 people: \$100

Group of 6-10 people: \$150

Group of 11 or more: \$200

**SECTION 7. Chapter 296** entitled "Peddling and Soliciting," Section 296-3 entitled "Fees," of the Code, is hereby amended and supplemented as follows:

296-3. A fee of \$100 shall be paid for each license applied for, and no more than one individual can utilize any one license. Any veteran who holds a special license issued under the law of the State of New Jersey shall be exempt from the fee but shall be required to comply with

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all other applicable subsections of this article. Licenses shall be valid from January 1 through December 31 of the calendar year in which they are issued.

**SECTION 8. Chapter 315** entitled “Rental Property,” Section 315-14 entitled “Inspection fees,” of the Code, is hereby amended and supplemented as follows:

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, which shall include the initial inspection and one reinspection. Each additional reinspection shall be \$30 per unit.

**SECTION 9. Chapter 329** entitled “Sewers,” Section 329-14 entitled “Sewer connection fees,” of the Code, is hereby amended and supplemented as follows:

329-14. Sewer connection fees.

- A. Single-family residential. A sewer connection fee of \$4,366.46 for a three-or-more-bedroom single-family residential use is hereby established for the year 2010.

**SECTION 10. Chapter 420** entitled “Water,” Sections 420-5 entitled “Water rates and charges,” 420-6 entitled “Meters” and 420-13 entitled “Water connection fees” of the Code, are hereby amended and supplemented as follows:

420-5. Water rates and charges.

- B. Building construction. Building construction water charges shall be as follows:

- 1) Residential. Water for the purpose of construction of residential property shall be for a ninety-day period or any part thereof and shall be \$70.
- 2)
- 3) Commercial. Water for the purpose of construction of commercial property shall be for a period of one year. It shall be renewable on January 1 of each year and shall be \$280.

- D. Hydrant and sprinkler charges. Hydrant and sprinkler charges shall be in accordance with the following schedule:

- 2) Sprinkler standby, based on meter size:

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<b>Size of Meter (inches)</b>	<b>Charge</b>
1	\$41
1 1/2	\$55
2	\$69
3	\$90
4	\$110
6	\$145
8	\$179

E. Turning on or off water service and final meter readings.

- 2) For each service of turning on water, there shall be a charge of \$30.
- 3) For each service of turning off water, there shall be a charge of \$30.
- 4) For each service of taking a final water, meter reading there shall be a charge of \$30.

\* \* \* \*

- 7) For each service of “in-field” collection of payment to avoid water shut-off, there shall be a charge of \$25 payable at the time of collection.

F. Main connections.

- 2) Tapping charges shall be as follows (price includes one meter of equal size for each; additional meters may be purchased at their prevailing rate):

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<b>Size of Tap (inches)</b>	<b>Tapping Charge</b>
¾	\$400
1	\$500

F. Main connections (3) shall be deleted in its entirety.

420-6. Meters.

B. Control and ownership. All meters one inch and smaller shall be furnished by the water utility and shall remain the property of the water utility. All meters larger than one inch, except meters for fire protection purposes, shall be initially supplied by the applicant and shall become the property of the water utility. All meters for the purpose of fire protection shall be supplied by the owner applicant. All meters shall be accessible at all times to any employee of the water utility in case of an emergency or for the purpose of reading or removing for testing or exchange. All water meters shall be manufactured by the Neptune Water Meter Company and shall have six moving dials registering gallons with encoder registers. Meters one inch and smaller shall be purchased from the water utility at their prevailing cost.

C. Installation and design. (4) shall be deleted in its entirety.

420-13. Water connection fees.

A. Single-family residential. A water connection fee of \$1,685.72 for single-family residential use is hereby established for the year 2010.

**SECTION 11. Chapter 430** entitled "Zoning," of the Code, is hereby amended and supplemented as follows:

430-280 Signs exempt from permit and fee requirements.

L. This section shall be deleted in its entirety.

430-284 General regulations.

K. shall be added and shall read as follows:

K. Banners and pennants no larger than 32 square feet shall be temporarily permitted in non-residential districts for a maximum of four weeks per calendar year and require a permit approved by the Zoning Officer prior to being erected. Banners are not permitted to be attached to the existing freestanding sign.

430-285. Issuance of permits; application procedure; fees; computation of sign area and height.

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D. Fee schedules.

- 1) At the time of the filing for a permanent sign permit, the following fee shall be paid by the applicant to the Township of Parsippany-Troy Hills: \$3 per square foot of surface area of the sign, computed by one side only for double-faced signs. The minimum fee shall be \$35.
- 2) The applicant for a temporary sign permit shall pay a \$35 fee, which may be renewed after the initial six-month period upon payment of an additional fee of \$35. Temporary signs for and in connection with special events in the community will be issued permits without a fee.
- 3) The Applicant for a banner/pennants permit shall pay a \$35 fee. If the maximum four weeks per calendar year are not consecutive weeks, a separate permit and fee of \$35 shall be required for each time period.

430-295. Zoning Permit.

E. Fees. Upon application for a zoning permit, applicant shall pay a fee to the Township based on the fee schedule found below:

(a) Commercial construction (new building or additions)	- \$100
(b) New tenant (with or without renovations)	- \$75
(c) Tenant expansion or reduction	- \$75
(d) Commercial a/c unit, generator, or fuel tank	- \$50
(e) New single family dwelling	- \$100
(f) Residential addition	- \$75
(g) Residential deck, patio, pool, shed, fence, wall or driveway	- \$50
(h) Miscellaneous (including, but not limited to, generator, walkway, stairs, bilco doors, ramp, solar panel, antennae, flag pole, hot tub)	- \$50
(i) Residential a/c unit or tank (survey review)	- \$10 *
(j) Residential dumpster or pool equipment (survey review)	- \$10 *
(k) Residential basement renovation (plan review)	- \$10 *

\* If Planning Board or Board of Adjustment approval is necessary, a \$50 zoning permit will be required.

430-299. Violations and penalties.

The maximum penalty upon conviction of any violation of this chapter or of any detailed plan submitted and approved hereunder or as otherwise provided in § 430-298, Violations, shall be imprisonment for any term not exceeding 90 days or by a fine not exceeding \$1,250, or both. Each violation shall be punished as a separate offense upon conviction thereof.

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

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**SECTION 12.** 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 13.** 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 14.** This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

**REGULAR TOWNSHIP COUNCIL MEETING APRIL 13, 2010**

Attachment No. 2  
Page 1 of 1

**RE: Potential Litigation (Forge Pond Tract Rezoning)**  
**DATE: April 13, 2010**  
**TIME: 8:07 p.m.**

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**MOTION BY: Mr. Cesaro**  
**SECONDED BY: Mr. Fox**

**RESOLUTION**

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Council is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Township Council wishes to discuss:

**Potential Litigation**

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

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

**Roll Call:**

<b>Cesaro</b>	-	<b>Yes</b>
<b>dePierro</b>	-	<b>Yes</b>
<b>Fox</b>	-	<b>Yes</b>
<b>Stanton</b>	-	<b>Yes</b>
<b>Grossi</b>	-	<b>Yes</b>

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**MOTION TO ADJOURN CLOSED SESSION BY: Mr. Cesaro**  
**SECONDED BY: Mr. Stanton**

**Roll Call:**

<b>Cesaro</b>	-	<b>Yes</b>
<b>dePierro</b>	-	<b>Yes</b>
<b>Fox</b>	-	<b>Yes</b>
<b>Stanton</b>	-	<b>Yes</b>
<b>Grossi</b>	-	<b>Yes</b>

**CLOSED SESSION ADJOURNED: 8:14 p.m.**

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

**ORDINANCE NO. 2010:10**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN ORDER TO RE-ZONE CERTAIN PROPERTIES TO THE RCW RECREATION, CONSERVATION, AND WILDLIFE ZONE DISTRICT.**

**WHEREAS**, it is the intent and purpose of the Municipal Land Use Law to encourage municipal action to guide the appropriate use or development of all lands in the State, in a manner which will promote the public health, safety, morals, and general welfare; and

**WHEREAS**, it is also the intent of the Municipal Land Use Law to promote the conservation of open space and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land; and

**WHEREAS**, there exists within the Forge Pond tract a primarily undeveloped and wooded area encompassing approximately 130 acres that contains significant historic features, environmental constraints, including the Troy Brook and Eastman's Brook waterways, substantial wetlands and buffer areas, floodplains, unfavorable soil types, and documented habitat of threatened and endangered species; and

**WHEREAS**, the waterways in this area drain directly into the Troy Meadows area wetlands, which are specifically recommended for protection and preservation in the Goals and Objectives section of the Township's 2004 Master Plan Reexamination Report and Land Use Plan; and

**WHEREAS**, the Governing Body of the Township of Parsippany-Troy Hills has determined that it is in the best interest of the Township to re-zone the area for recreation, conservation, and wildlife purposes in order to protect the area's environmentally sensitive, wildlife, and historic features, as well as to reduce potential impacts to the drainage area of Troy Brook and Eastman's Brook, thereby furthering the goal of the Master Plan to protect the environmentally sensitive areas of Troy Meadows; and

**WHEREAS**, this re-zoning would further the intention of the Township as embodied in Ordinance #94:3, duly adopted as of March 8, 1994, which limits density in the Forge Pond area, particularly with respect to the Parkside Gardens development; and

**WHEREAS**, the property owner and developer of the Parkside Gardens subdivision has constructed homes on subdivided lands in the original Forge Pond tract as provided under Ordinance #94:3, and has exceeded the density allowed under Ordinance #94:3 and the various COAH meditation agreements and Developer's Agreements between the property owner and the Township, and Planning Board approvals previously adopted,

**WHEREAS**, portions of the Forge Pond tract have been fully built-out in accordance with the Regional Contribution Agreement (RCA) provisions of the Township's 1995 Certified Housing Plan; and

**WHEREAS**, this re-zoning encompasses the remainder of the Forge Pond tract; and

**WHEREAS**, the various Agreements and Planning Board Approvals require approximately 130 acres of the original Forge Pond tract to be transferred by Deed to the Township, which are the lands that are the subject of this re-zoning;

**WHEREAS**, the various Agreements and Planning Board Approvals as well as a Court Order entered in litigation between the Township and the developer of Parkside Gardens, provide for the reconstruction of the historic Forge Pond, which are included in the land to be preserved in this re-zoned area;

**NOW, THEREFORE**, it is hereby duly ordained by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Township of Parsippany-Troy Hills, Chapter 430 entitled "Zoning":

**Section 1.** §430-5. Zoning Map is hereby amended as follows:

- a. Re-zone the following properties from the R-3 (RCA) Residential zone district to the RCW Recreation, Conservation, and Wildlife zone district: Block 734, Lots 2, 64 and 68.

**Section 2.** Severability. The provisions of this ordinance are hereby declared to be severable. Should any section, paragraph, subparagraph, provision, sentence, or part hereof be declared invalid or unconstitutional, said finding shall not affect any other section, paragraph, subparagraph, provision, sentence, or part thereof.

**Section 3.** Repealer. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.