

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

May 18, 2010

In the absence of both the Council President and Vice-President, Council Member dePierro opened the Regular Meeting at 7:31 p.m. followed by a salute to the Flag. He advised that adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 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, and Stanton

ABSENT: Council President Grossi and Council Vice-President Fox

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

The Council reviewed the evening's agenda and agreed to add two resolutions: (1) awarding the bid for HVAC Chiller Replacement at Town Hall and (2) authorizing a contract with Stephen B. Pearlman, Esq., to serve as special legal counsel in any matters in which the Township Attorney may require assistance.

NOTES:

6/3/10 @ 7:30 p.m.	Joint Meeting with Planning Board – Housing Element and Fair Share Plan
6/15/10 @ 7:00 p.m.	Public Hearing/Adoption of 2010 Municipal Budget
6/15/10 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
6/22/10 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

BID(S) TO BE TAKEN:

6/3/10 @ 11:00 a.m.	Knoll Road Resurfacing Project Phase II
6/9/10 @ 11:00 a.m.	Roadway Improvements to Abingdon Street, Brentford Street, Sedgfield Drive and Dartford Road

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

None

ORDINANCE(S):

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

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)

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

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, TO AMEND AND SUPPLEMENT VARIOUS SECTIONS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS DEALING WITH "FEES"," be read in title only on second reading and a hearing held thereon.

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

ABSENT – Council President Grossi and Council Vice-President Fox

Mr. dePierro opened the meeting to the public to speak on this ordinance and this ordinance only.

Seeing no one else come forward to speak, Mr. dePierro closed the public hearing relative to Ordinance No. 2010:09.

The following resolution was offered by Mr. Stanton, 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, and Stanton

ABSENT – Council President Grossi and Council Vice-President 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)

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

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

ROLL CALL: YES – Council Members Cesaro, dePierro, and Stanton
ABSENT – Council President Grossi and Council Vice-President Fox

Mr. dePierro opened the meeting to the public to speak on this ordinance and this ordinance only.

John Bock, 627 Smith Road, asked if this rezoning encompasses all the lands that aren't developed in the Forge Pond Tract. Mr. dePierro indicated that this is his understanding. He explained that the Township believes that Mr. Mosberg has already developed Forge Pond to the density he was allowed.

Seeing no one else come forward to speak, Mr. dePierro closed the public hearing relative to Ordinance No. 2010:10.

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

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

WHEREAS, subject ordinance was forwarded to the Planning Board for its review; and

WHEREAS, the Planning Board reviewed the ordinance at its meeting of April 26, 2010 and recommended approval;

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, and Stanton
ABSENT – Council President Grossi and Council Vice-President Fox

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PUBLIC HEARING:

Mr. dePierro opened the meeting to the public to speak on any topic, noting a three-minute time limit per speaker.

Arthur Hendrickson, 65 Leamoor Drive, commented that several individuals in the audience this evening attended the Joint Board of Education/Council Meeting last week; most left in “utter disgust.” First, there was the matter of the data used by the Council’s auditors. It seems that the auditors were provided with data that was different from the data used by the Board in the preparation of the School Budget. He questioned whether this inconsistency was settled. He felt that the public was dismayed by the slight reduction that the Council was able to effect. If his understanding is correct, the taxpayers only have a say over 12% of the Board’s Budget. He questioned, if this is the case, how can taxpayers have any significant influence on spending. He pointed out that the Council’s auditors discovered, and the Board admitted, that there was unused salary money put aside for a “slush fund.” The Board, per Mr. Hendrickson, seemed not to want the public to know how much has to be paid to retiring teachers for unused sick leave. Mr. Hendrickson commended the Council for choosing good auditors who were able to discover that there were line items that could be cut. Additionally, Mr. Hendrickson noted that several speakers at the Joint Meeting “danced around the real issue – the outrageous salary increases for teachers and administrative staff.” He applauded Councilman Stanton for suggesting that teachers’ raises be renegotiated.

Roy Messmer, 10 Drumlin Drive, read a memo that he sent on December 15, 2009 to the Mayor and Council suggesting the formation of a joint committee with the Board of Education after the first of the year with legal representation from both parties to discuss re-registration and occupancy matters, to share information, and to investigate housing problems. Dr. Seitz advised him that he thought this was a good idea; perhaps, starting with a sub-committee from each body. Mr. Messmer advised that he resubmitted his recommendation, but as of this date has not received a response. Additionally, Mr. Messmer questioned if the Administration has discussed giving money back to users as a result of the surplus in the Sewer Utility. Mayor Barberio explained he is not opposed to giving money back, but until this major sewer project is completed, he feels it would be fiscally irresponsible to grant refunds or credits at this time.

Pet Petaccia, 182 Hawkins Avenue,

- (1) advised Ms. Lim that there is a “Park and Ride” sign laying down at the intersection of Hawkins Avenue and North Beverwyck Road; it has been there for about four months.
- (2) questioned the cost of the auditor to review the Board of Education Budget. Ms. Lim advised that the cost was \$7,500.
- (3) advised that things were said at the Board of Education Meeting following the Joint Meeting that Council Members should have heard. Additionally, she suggested that if the Council Members don’t know how to read the School Budget, they should learn to do so. She then expressed her view that more should have been cut. Mayor Barberio noted that the real problem in the State of New Jersey is the unfair distribution of tax dollars; Parsippany is not getting its fair share. He commented that school budgets will continue

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to fail if something is not done to change how schools are funded. Ms. Petaccia commented that the real issue for taxpayers is the outrageous contracts.

Seeing no one else come forward to speak, Mr. dePierro closed the public portion of the meeting.

CONSENT AGENDA:

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

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

ABSENT – Council President Grossi and Council Vice-President Fox

MINUTES FOR APPROVAL:

* Regular Meeting of 4/13/10

* Closed Session of 4/13/10 (Approval Only, Disclosure Upon Authorization of Township Attorney)

* Budget Review Meetings of 4/19/10, 4/22/10 and 4/24/10

BID AWARD(S):

* **Fertilizers, Pesticides, Plant Materials and Related Products**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Fertilizers, Pesticides, Plant Materials and Related Products on March 17, 2010, and

WHEREAS, the Business Administrator, Director of Purchasing and Superintendent of Parks and Forestry have reviewed the bids received and recommend that the bids be awarded for the unit prices proposed to the lowest responsible bidders as follows:

Agrium Advanced Technologies, 1470 Jersey Ave., North Brunswick, NJ 08902 for Item #'s B-28 & C-10;

Andy Matt, Inc., 19 Scrub Oak Road, Mine Hill, NJ 07803 for Item #'s A-16, A-40, B-22, C-3, C-4, D-6, E-8, F-2, F-3, F-4, F-7, F-8, F-9, F-10, H-1, H-2, H-3, H-4, H-5, H-6, H-7, H-10, H-11, H-12, H-13, H-14, H-15, H-16, H-17, H-18, H-19, H-21, H-22, H-23, H-24, H-25, H-26, H-27, H-28 & H-29;

Cerbo's Parsippany Greenhouses, Inc., 440 Littleton Road, Parsippany, NJ 07054 for Item # F-9;

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Concurso's Garden Center & Farm Market, 96 River Rd., Montville, NJ 07045 for Item #'s F-6 & H-25;

Fertl-Soil Turf Supply, Inc., 514 Martin Place, Scotch Plains, NJ 07076 for Item #'s B-3, B-20, B-27, D-3, D-4, D-5, F-1, G-2 & G-5;

Geo. Schofield Co., Inc., 831 East Main Street, Bridgewater, NJ 08807 for Item # F-5;

Grass Roots Turf Products, Inc., 4 Middlebury Blvd., Suite 7, Randolph, NJ 07869 for Item #'s B-4, B-17, B-18, B-30, C-17, E-9 & G-7;

John Deere Landscapes, 1301 East 9th St., Cleveland, Ohio 44114 for Item #'s A-8, A-10, A-14, A-15, A-17, A-18, A-19, A-20, A-23, A-24, A-25, A-26, A-27, A-28, A-29, A-30, A-31, A-32, A-36, A-37, B-10, C-9, C-12, D-10, D-13, E-5, G-3, G-12, H-8, H-9, H-20, I2 & I4;

Levitt's LLC, 621 Edwards Rd., Parsippany, NJ 07054 for Item #'s A-9, A-11, A-13, A-21, B-1, B-2, B-12, B-13, B-23, B-24, B-26, C-8, C-13, C19, D-4, D-7, D-9, E-3, E-6, G-10, G-13, I1 & I5;

Pennington Seed, Inc., 9327 US Route 1, Suite J, Laurel, MD 20723 for Item #'s A-22, E-4, E-7, E-11, E-12 & G-11;

Plant Food Co., Inc., 38 Hightstown-Cranbury Station Rd., Cranbury, NJ 08512 for Item #'s A-33, A-38, A-39, A-41, A-42, A-43, A-44, D-2 & G-6;

Reed & Perrine Sales, Inc., P.O. Box 100, 396 Main Street, Tennent, NJ 07763 for Item #'s A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-12, A-34, B-5, B-6, B-7, B-8, B-9, B-14, B-15, B-19, B-21, B-31, C-1, C-2, C-5, C-6, C-7, C-11, C-14, C-15, C-16, C-18, D-1, D-8, D-11, D-12, E-1, E-2, E-10, G-1, G-4, G-8 & G-9;

Seeton Turf Warehouse LLC, 25 Roland Avenue, Mount Laurel, NJ 08054 for Item #'s A-35, B-11, B-16 & B-29;

The Terre Co. of NJ, Inc., 206 Delawanna Ave., Clifton, NJ 07014 for Item # B-25, and

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

“2010 Temporary Budget/Parks & Forestry and Knoll O/E.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bids for Fertilizers, Pesticides, Plant Materials and Related Products 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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*** Supply of Bioxide for the Wastewater Treatment Plant**

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for Supply of Bioxide for the Wastewater Treatment Plant on April 28, 2010, and

WHEREAS, the Business Administrator, Director of Purchasing and Assistant Sewer Superintendent have reviewed the bid and recommend that the bid be awarded to the lowest responsible bidder, Siemens Water Technologies Corp., 2650 Tallevast Road, Sarasota, FL 34243 for a price per gallon of \$2.31, and

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

“2010 Temporary Sewer Budget/Other Expenses.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Supply of Bioxide for the Wastewater Treatment Plant be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

RESOLUTION(S):

*** Intention to Revise Master Plan and Development Regulations for Plan Conformance for Land in the Planning Area**

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State-level importance because of its vital link to the future of the State’s drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, the Township of Parsippany-Troy Hills (“Township”) is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of the Highlands Act; and

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WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance; and

WHEREAS, in accordance with the Highlands Act and Plan Conformance Guidelines, the Highlands Council shall consider a Petition for Plan Conformance, and accept, reject or accept with conditions, a Petition for Plan Conformance, as it deems appropriate, to conform to the Regional Master Plan; and

WHEREAS, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area and the Township may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Township may choose not to obtain conformance with the Regional Master Plan and withdraw from the Plan Conformance process for the lands lying within the Planning Area, and any approvals, rejections or conditions of revised municipal master plan or development regulations recommended by the Highlands Council during the Plan Conformance process will not be binding on the Township as they relate to the development and use of land in the Planning Area; and

WHEREAS, should the Township choose to conform its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, with the Regional Master Plan and Plan Conformance Guidelines, in accordance with a decision of the Highlands Council, the Township will be required under the Highlands Act to enact an ordinance setting forth such intention; and

WHEREAS, upon application of the Township into the Plan Conformance Grant Program, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Township for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan; and

WHEREAS, the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and shall also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

WHEREAS, should the Township formally withdraw from the Plan Conformance process, grant funding awarded the Township up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

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NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Parsippany-Troy Hills hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council, as it relates to the development and use of land for the entire municipality which lies solely within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highland Plan Conformance Guidelines.

* **Certifying Individuals, Ambulances and Ambulance Equipment of Volunteer First Aid, Rescue and Recovery and Ambulance Squads as Being Qualified for Emergency Medical Service Programs**

WHEREAS, N.J.S.A. 27:5F-27 requires the governing body of a municipality to certify individuals, ambulances and ambulance equipment of volunteer first aid, rescue and recovery, and ambulance squads as being qualified for emergency medical service programs; and

WHEREAS, volunteer first aid, rescue and recovery, and ambulance squads in the Township of Parsippany-Troy Hills, as listed below, have notified the Township Council that certain individuals have qualified for membership and that the ambulance equipment meets standards pursuant to statutory requirements.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that pursuant to and in accordance with **N.J.S.A. 27:5F-27**, it hereby certifies the individuals, ambulances and ambulance equipment set forth on the lists provided to the Township as being qualified for emergency medical service programs.

PARSIPPANY RESCUE & RECOVERY UNIT, INC.

PARSIPPANY VOLUNTEER AMBULANCE SQUAD, INC.

PARSIPPANY'S ROCKAWAY NECK FIRST AID SQUAD, INC.

* **Authorizing the Execution of an Agreement for Fireworks Display Services for July 4, 2010**

WHEREAS, the Township wishes to have a fireworks show for its residents for the Fourth of July; and

WHEREAS, although it is not required for Extraordinary Unspecifiable Services, the Township advertised for Proposals from parties interested in providing Fireworks Display Services; and

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WHEREAS, the Business Administrator, Director of Purchasing and Recreation Department have reviewed the proposals received and recommend that the contract be awarded to International Fireworks Mfg. Co., P.O. Box 6, 242 Sycamore Rd., Douglassville, PA 19518 for the fireworks display description proposed for a total price of \$20,000.00; and

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

“2010 Temporary Budget/Recreation O/E.”

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

- (1) The Township of Parsippany-Troy Hills hereby awards and authorizes the Mayor and Township Clerk to execute the agreement with International Fireworks Mfg. Co., P.O. Box 6, 242 Sycamore Rd., Douglassville, PA 19518 for Fireworks Display Services; and
- (2) This contract shall be awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. and without competitive bid as “Extraordinary Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1)(a).

*** Supporting the Click It or Ticket Seat Belt Mobilization**

WHEREAS, there were 586 motor vehicle fatalities in New Jersey in 2009; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

WHEREAS, use of a seat belt remains the most effective way, to avoid death or serious injury, in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by seat belt use nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization, from May 24 – June 6, 2010, in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 92.67% to 100%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways.

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, that it hereby declares its support for the *Click it or Ticket* seat belt mobilization both locally and nationally, from May 24 – June 6, 2010, and pledges to increase awareness of the mobilization and the benefits of seat belt use.

* **Endorsing the Submission of the Recycling Tonnage Grant Application to the NJDEP for the Tonnage Grant Year 2009**

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

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 to 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.

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* **Adding Citibank, N.A., to the List of Designated Depositories Identified in the Cash Management Plan Approved on January 5, 2010**

WHEREAS, it is desired to amend the “Designation of Official Depositories” identified in the Cash Management Plan of the Township of Parsippany-Troy Hills approved by the Township Council on January 5, 2010 and

WHEREAS, Citibank, N.A. is the bank chosen by CIGNA, the employee health insurance provider, to fund the Township’s health benefit claims,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following bank be added to the Township’s authorized institutions for the deposit of Township funds:

Citibank, N.A.

* **Petitioning the Governor to Make All Pay to Play Legislation Applied Universally, State-Wide**

WHEREAS, the Township of Parsippany-Troy Hills enacted significant pay-to-play reforms in 2009; and

WHEREAS, it is and always has been the case that campaign contributions given in return for a municipal contract is an illegal activity; and

WHEREAS, the current ordinance contains further restrictions that prevent the Township from using certain professionals due to restrictions on contributions to political organizations unrelated to the Township and which contributions, although not necessarily given as a quid pro quo, may create the appearance of such; and

WHEREAS, due to ambiguities, to facilitate real enforcement of such ordinances, and to eliminate glaring loopholes, there is a need to clarify its pay-to-play ordinances; and

WHEREAS, many municipalities and counties have enacted pay-to-play laws that are inconsistent with each other and with the State laws creating confusion between legitimate vendors and administrators of local government; and

WHEREAS, these inconsistent laws create confusion and limit reasonable enforcement of such laws; and

WHEREAS, the Township ordinance and any “pay to play” ordinance may have constitutional issues particularly in light of the recent US Supreme Court decision in Citizens First; and

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WHEREAS, a uniform set of statewide laws and rules governing political contributions by potential and current vendors would alleviate such confusion amongst vendors and administrators.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Township Council hereby encourages the State Legislature and the Governor to enact laws that set up a uniform system of pay-to-play regulations statewide; and
2. The Township Council hereby encourages the Mayor to forward this Resolution along with his support of this recommendation to the Legislative leadership and the Governor.

APPLICATION(S):

License(s):

* **Limousine Owner's License (New) – Yassine & Family Inc., 9 Reservoir Road (1 Vehicle)**

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

**Yassine and Family, Inc.
d/b/a Atlas Express Limo
9 Reservoir Road
(1 vehicle)**

ORDINANCE(S):

Introductions

None

MINUTES FOR APPROVAL – NON CONSENT:

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

Agenda Meeting of 4/6/10 (Absent – Council President Grossi)

Closed Session of 4/6/10 - (Absent – Council President Grossi) (Approval Only, Disclosure Upon Authorization of Township Attorney)

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

ABSENT – Council President Grossi and Council Vice-President Fox

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RESOLUTIONS: ADDITIONS TO AGENDA

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

Bid Award – HVAC Chiller Replacement for Town Hall

Authorizing the Award of a Contract for Professional Services

ROLL CALL: YES – Council Members Cesaro, dePierro, and Stanton
ABSENT – Council President Grossi and Council Vice-President Fox

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

Bid Award – HVAC Chiller Replacement for Town Hall

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for HVAC Chiller Replacement at Town Hall on April 1, 2010, and

WHEREAS, the Business Administrator, Director of Purchasing and Building Maintenance Supervisor have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Envirocon, LLC, 490 Schooley’s Mountain Road, Hackettstown, NJ 07840 for the Total Bid Price of \$45,356.00, and

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

2010 Temporary Budget/Public Buildings/Other Expenses and
Current Capital Ordinance # 2009:24 adopted June 16, 2009 entitled,
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for HVAC Chiller Replacement at Town Hall 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 contingent upon approval of the United States Department of Energy.

ROLL CALL: YES – Council Members Cesaro, dePierro, and Stanton
ABSENT – Council President Grossi and Council Vice-President Fox

Mr. Cesaro made a motion to adopt a resolution **Authorizing the Award of a Contract for Professional Services** with Stephen B. Pearlman, Esq., seconded by Mr. Stanton:

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Mr. dePierro questioned why this agreement was given to the Council as an add-on to the agenda rather than at a regular meeting. He questioned the emergency. Mr. Inglesino explained that the agreement is primarily for bond counsel assistance in connection with the Synagro Sewer Plan Incinerator Contract. Mr. Inglesino apologized, noting that it was his recommendation that the agreement be added this evening as the Township is getting to the point where bond counsel assistance is required.

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 Stephen B. Pearlman, Esq. of the Law Office of Stephen B. Pearlman whose office is located at 103 Undercliff Road, Montclair, New Jersey 07042; and

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

WHEREAS, Stephen B. Pearlman, 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 no reportable contributions to municipal political or candidate committees of the elected officials of the Township will be made through the term of the contract; and

WHEREAS, the funds are available for this purpose; and

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

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

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

1. The Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Stephen B. Pearlman, Esq. of the Law Office of Stephen B. Pearlman whose office is located at 103 Undercliff Road, Montclair, New Jersey 07042, 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

REGULAR TOWNSHIP COUNCIL MEETING MAY 18, 2010

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, and Stanton
ABSENT – Council President Grossi and Council Vice-President Fox

The Council convened in closed session to discuss litigation. Resolution Attached.

Upon reconvening in open session, a motion was made by Mr. Cesaro, seconded by Mr. Stanton to close the meeting.

ROLL CALL: YES – Council Members Cesaro, dePierro, and Stanton
ABSENT – Council President Grossi and Council Vice-President Fox

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Judith I. Silver, Township Clerk



Michael J. dePierro, Council Member

Minutes approved: June 22, 2010

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Attachment No. 1
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RE: Litigation (CBS Billboard)
DATE: May 18, 2010
TIME: 8:10 p.m.

MOTION BY: Mr. Stanton
SECONDED BY: Mr. Cesaro

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:

Litigation

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

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

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

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

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

CLOSED SESSION ADJOURNED: 8:41 p.m.