

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

June 16, 2009

Council President Cesaro opened the Regular Meeting at 7:35 p.m. followed by a salute to the Flag. He advised that adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 2, 2008 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 9, 2008. A 2009 meeting schedule was forwarded by fax to other local newspapers and local radio stations on December 2, 2008.

PRESENT: Council Members Barberio, dePierro, Grossi and Cesaro

ABSENT: Council Member Fox

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

The Council reviewed the agenda and agreed to consider, later in the meeting, whether the following resolutions should be added:

- (1) Noise Waiver in Connection with the I-80 Resurfacing Project and
 - (2) Appointment of Special Legal Counsel and Authorizing the Award of a Contract for Professional Services in Connection with Phosphorous and Nitrate Related Matters at the Sewer Treatment Plant.
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PRESENTATION – Craftsman Farms Year End Review

Davey Willans (President, Board of Trustees) and Heather Stivison (Executive Director, Stickley Museum at Craftsman Farms) provided a slide presentation highlighting the year 2008 at Craftsman Farms. Both Mr. Willans and Ms. Stivison thanked the Township for its support. In response to an inquiry from the Council, Ms. Stivison advised that the largest number of visitors to Craftsman Farms, 50% of the total, is from New Jersey. She indicated that, in the past year, Craftsman Farms attracted visitors from 27 states and 12 countries.

NOTES:

7/07/09 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
7/14/09 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

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BID(S) TO BE TAKEN:

7/02/09 @ 11:00 a.m. Reconstruction of Elmwood Drive and Allentown Road

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

None

ORDINANCE(S):

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

ORDINANCE (2009:22)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, SECTION 4-47.1 THIRD-PARTY PAYMENT PLAN FOR EMERGENCY MEDICAL SERVICES PROVIDED BY THE NON-VOLUNTEER PAR-TROY EMS SQUAD OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS

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

BE IT RESOLVED that “**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, SECTION 4-47.1 THIRD-PARTY PAYMENT PLAN FOR EMERGENCY MEDICAL SERVICES PROVIDED BY THE NON-VOLUNTEER PAR-TROY EMS SQUAD OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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

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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 Barberio, dePierro, Grossi and Cesaro
ABSENT – Council Member Fox

ORDINANCE (2009:23)

**AN ORDINANCE AMENDING
CHAPTER 405, VEHICLES AND
TRAFFIC, SECTION 14, PARKING
PROHIBITED AT ALL TIMES ON
CERTAIN STREETS, OF THE CODE
OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS, MORRIS
COUNTY, NEW JERSEY**

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

BE IT RESOLVED that “**AN ORDINANCE AMENDING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 14, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS, OF THE CODE OF THE TOWNSHIP OF PARSEPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY,**” be read in title only on second reading and a hearing held thereon.

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

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

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

The following resolution was offered by Mr. dePierro, seconded by Council President 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 Barberio, dePierro, Grossi and Cesaro
ABSENT – Council Member Fox

REGULAR TOWNSHIP COUNCIL MEETING JUNE 16, 2009

ORDINANCE (2009:24)

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING VARIOUS CAPITAL IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$5,817,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,222,150 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME

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

BE IT RESOLVED that “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING VARIOUS CAPITAL IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$5,817,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$5,222,150 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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 Barberio, dePierro, Grossi and Cesaro
ABSENT – Council Member Fox

REGULAR TOWNSHIP COUNCIL MEETING JUNE 16, 2009

ORDINANCE (2009:25)

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$990,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$940,500 IN BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME

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

BE IT RESOLVED that “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR VARIOUS WATER UTILITY IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$990,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$940,500 IN BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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 Barberio, dePierro, Grossi and Cesaro
ABSENT – Council Member Fox

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ORDINANCE (2009:26)

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$1,900,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,805,000 IN BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME

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

BE IT RESOLVED that “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$1,900,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,805,000 IN BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME,**” be read in title only on second reading and a hearing held thereon.

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

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

Pat Petaccia, 182 Hawkins Avenue, asked why this ordinance and several of the other bond ordinances lacked descriptions of the improvements authorized. It was pointed out that the descriptions are included in the ordinances.

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

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

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 Barberio, dePierro, Grossi and Cesaro
ABSENT – Council Member Fox

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ORDINANCE (2009:27)

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR GOLF COURSE AND RECREATION UTILITY IMPROVEMENTS IN AND FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$151,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$143,450 IN BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME

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

BE IT RESOLVED that “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR GOLF COURSE AND RECREATION UTILITY IMPROVEMENTS IN AND FOR THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND APPROPRIATING \$151,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$143,450 IN BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE SAME,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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

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

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

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ORDINANCE (2009:28)

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY PROVIDING FOR IMPROVEMENTS TO THE TOWNSHIP'S WASTEWATER TREATMENT PLANT AND APPROPRIATING \$33,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$33,200,000 BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE COST THEREOF

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

BE IT RESOLVED that “**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY PROVIDING FOR IMPROVEMENTS TO THE TOWNSHIP'S WASTEWATER TREATMENT PLANT AND APPROPRIATING \$33,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$33,200,000 BONDS OR NOTES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO FINANCE THE COST THEREOF,**” be read in title only on second reading and a hearing held thereon.

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

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

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

Mr. Barberio stated that, when we first started this sewer treatment rehabilitation, the cost was \$16 million; then \$20 million; then \$25 million; and now, as authorized by this ordinance, the amount is \$33 million. He indicated that he understands “contingencies” are involved, but he had asked for a list of cost savings, line item by line item, and has not, as of yet, received this information. Ms. Lim explained that she thought the Council requested line item costs, which she provided. She indicated that Mr. Bober, Acting Sewer Superintendent, who is present this evening, will provide this information. Mr. Barberio commented that no one on this Council disagrees with the need for a new sewer treatment plant, but it boggles his mind that the cost has risen from \$16 million to \$33 million and might go even higher. He indicated his fear that, if the Council does not approve the bond ordinance at this time, the cost might be significantly higher two years from now. He advised that he would feel better if the cost savings were explained.

Ms. Grossi questioned why the rise in cost has occurred and why, when the initial presentation was made, certain items weren't included in the cost estimate.

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Mr. Bober (Acting Superintendent of the Sewer Utility) agreed that the cost has gone up significantly, but pointed out that the actual estimated cost of the plant, at this point, is slightly over \$28 million. The rest of the costs reflected in the bond ordinance has nothing to do with the actual construction of the plant. These costs are basically the bonding costs. The \$28 million is an estimate based on about the 60% point in the design of the facility. Since that time, a value engineer reviewed the costs and suggested cost reductions that should total about \$5 million. Our engineers have accepted some of the suggested reductions and rejected others. By mid-July, we will be at the 90% point of the design and the value engineering recommendations will have gone back to our engineers' cost accounting firm to provide a better estimate. Mr. Bober indicated that it is believed that the estimate is going to drop from the \$28 million number, but we won't know the amount until mid-July. He noted, however, that because the Township had to proceed with the bond ordinance at this time in order to stay current with all of the bond laws, all of the bonding costs had to be added to the \$28 million figure. Additionally, Mr. Bober explained that there is an opportunity for the Township to explore the purchase of new equipment with which to operate the facility. The equipment will cost a little more, but will have a tremendous potential savings to the Township. The largest savings is in the machinery that will supply the air for the aeration tanks, which will be the single largest bulk user of power in the new plant. The blowers that we want to purchase are amazingly 33% more efficient than the ones we would normally be able to purchase. We are working with the DeCotiis Firm to see exactly what can be done within the law to achieve these savings. If we project the new plant over the same 37 year period that we have run our old plant, with this new equipment, while there is no way he can provide an exact estimate of the savings, the amount will be millions and millions of dollars over those years. If we can proceed, the initial costs may be raised somewhat, but the payback will be significant.

Ms. Grossi asked, relative to this increase in the bonding costs, whether the Sewer Utility is anticipating the need for a fee increase. Mr. Bober advised that he has no intentions of coming to the Council to request additional funds. Both Mr. Bober and Ms. Lim confirmed that the bond can be handled with revenue generated from the current fees. Mr. Bober further commented that it is his fervent hope that rates to residents may be decreased in the future as a result of the efficiency of the new plant. Mr. Bober explained that it is anticipated that the savings will be between an estimated \$1.2 million to \$1.5 million per year.

Bill Mayer, Esq., (Bond Counsel from the DeCotiis Firm), indicated that there was a submission to the Environmental Infrastructure Trust that showed \$28,355,000 worth of construction costs. He explained that there are additional fees which Ms. Lim has been reviewing. The Trust used a flat 3% for administrative expenses totaling \$850,000, which is primarily for legal fees. He advised that he has no expectation that the legal fees will be anywhere near that amount. Ms. Lim noted that this amount also includes permit fees. Additionally, Mr. Mayer pointed out that bonding expense also includes engineering fees in the amount of \$748,000, a large contingency number in the amount of \$1.4 million and an allowance for planning and design, which he believes is largely engineering fees. The total cost amounts to the \$32,330,000, which is the basis for the bond ordinance. Mr. Mayer noted that there is a fairly substantial DEP State fee, which is 2% of the total, in the amount of \$660,000. Mr. Mayer indicated that the Environmental Infrastructure Trust Program this year is not something that the Township should pass on because it is 75% interest free on the project costs. If the Township can get through all of the "hoops," we may qualify for up to \$5 million in loan forgiveness, which is equivalent to a grant. Ms. Lim explained that this is part of the Stimulus Package.

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Mr. dePierro asked once again, as he asked at a previous meeting, whether an energy savings rebate is applicable. Mr. Bober advised that this is being looked into. He felt that the answer should be “yes;” it is only a matter of how much. The amount, per Mr. Bober, will need to be negotiated.

Mr. dePierro pointed out that the interest we will be paying is very low. Mr. Mayer agreed, explaining that the effective rate is about 1%. With the “forgiveness, the rate is dropped even further. He once again stated that this is a phenomenal opportunity for the Township. He commented that this is not a wish project that isn’t really needed. This is something that needs to be done and now is probably the time to do it. He advised the Council that after the final construction costs are established, the final numbers can be set.

Mr. Bober confirmed that there are some improvements being made at this time, which we would have had to make anyway, because of regulations relative to phosphorus and nitrate levels.

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

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 Barberio, dePierro, Grossi and Cesaro
ABSENT – Council Member Fox

PUBLIC HEARING:

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

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

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

CONSENT AGENDA:

Council President Cesaro 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.

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Mr. dePierro requested that the resolution “Awarding Contract for Operation and Banquet Facilities and Provision of Related Services at Knoll Country Club to Knoll West Country Club, LLC” be removed from the Consent Agenda.

Council President Cesaro moved the approval of the Consent Agenda, seconded by Mr. Barberio:

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

MINUTES FOR APPROVAL:

* Joint Meeting with Board of Education – 5/7/09

BID AWARD(S):

* **Precast Concrete Building Restroom**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Precast Concrete Building Restroom on May 14, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing and Superintendent of Parks and Forestry have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Modern Precast Concrete, 3900 Glover Road, Easton, PA 18040 for a Total Bid Price of \$73,665.00, and

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

“Open Space Trust Fund.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Precast Concrete Building Restroom 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):

* **Authorizing the Expenditure of Open Space Trust Fund Monies for 2009 Park Improvements**

WHEREAS, Ordinance No. 2007-12 authorizes the expenditure of Open Space Trust Fund monies for capital improvements to parks, and

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WHEREAS, the Mayor has recommended that the following capital improvements to parks be undertaken in 2009:

<u>Project</u>	<u>Est. Cost</u>
Replacement Lights Smith Field Park (Basketball & Tennis Courts)	\$165,000
Parsippany High School Tennis Court Reconstruction	\$ 50,000
Smith Field Tract Study and Development	\$ 12,000
Repaving Volunteers Park/Repair Wall & Steps at Smith Field Park – B Field	\$ 27,000
Renovation of Rockaway Neck Park	\$ 38,000
Jannarone Park Baseball Field	<u>\$ 70,000</u>
TOTAL	\$362,000

WHEREAS, the total of the capital improvements listed above do not exceed the annual allocation for this purpose under Ordinance No. 2007-12.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes the expenditure of \$362,000 from the Open Space Trust Fund for the 2009 capital improvement projects shown above.

Authorizing the Expenditure of Open Space Trust Fund Monies for the Design of Three Projects for Craftsman Farms

WHEREAS, Ordinance No. 2007-12 authorizes the expenditure of Open Space Trust Fund monies for the preservation of historic properties, and

WHEREAS, the Craftsman Farms Foundation has requested \$27,000 in Open Space Trust Fund monies for the design of the following improvements:

- 1) Fire suppression system for Main Log House and other structures - \$7,000
- 2) Restoration of original windows and installation of red tile roofs on North and South Cottages - \$10,400
- 3) Remediation of settlement around the main stairs in Log House - \$9,600

WHEREAS, the total of the capital improvements listed above exceed the annual allocation available for this purpose under Ordinance No. 2007-12.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes the expenditure of \$27,000 from the 2009 Open Space Trust Fund.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute and witness a Grant Agreement for \$27,000 for the projects described above.

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* **Authorizing an Agreement to Join the New Jersey Sustainable Energy Joint Meeting**

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et. seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills has determined that membership in the Joint Meeting is in the best interest of the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills that it does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are authorized to execute the Joint Contract Joinder Agreement, in the form on file in the office of the Township Clerk, and that Jasmine L. Lim, Business Administrator is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM.

BE IT FURTHER RESOLVED, that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEP.

* **Authorizing the Application for the Energy Efficiency and Conservation Block Grant Under the Provisions of the American Recovery and Reinvestment Act**

WHEREAS, the Energy Efficiency and Conservation Block Grant under the provisions of the American Recovery and Reinvestment Act presents the Township of Parsippany-Troy Hills with a unique opportunity to improve the energy efficiency of the Township, reduce its greenhouse gas emissions and create or retain jobs in difficult economic times; and

WHEREAS, the Township of Parsippany-Troy Hills strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Parsippany-Troy Hills fully supports the goals of the New Jersey Energy Master Plan, which aims at reducing energy consumed by 20% by the year 2020 and reducing the demand for electricity at peak load periods; and

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WHEREAS, the EECBG funding, if approved by the U.S. Department of Energy, will provide resources to the Township to make progress on energy efficiency and sustainability.

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 Township Council supports and authorizes the submittal of the aforementioned EECBG application.

BE IT FURTHER RESOLVED, that the Business Administrator is authorized to prepare and submit documents on behalf of the Township and serve as the contact between the Township and the Department of Energy.

BE IT FURTHER RESOLVED, that the appropriate officials are authorized to take whatever other steps necessary to complete the EECBG application, execute required documents, accept funds and meet other requirements as necessary.

* **Authorizing the Township to Enter Into a Cooperative Pricing Agreement with the Somerset County Cooperative Pricing System, #2-SOCCP, for the Conduct of Certain Functions Relating to the Purchase of Work, Materials and Supplies**

WHEREAS, the Township of Parsippany-Troy Hills desires to become a member of the Somerset County Cooperative Pricing System, #2-SOCCP, effective July 1, 2009 and, that such membership shall be for the period ending December 31, 2013, and each renewal, thereafter of the system, unless the Township of Parsippany-Troy Hills elects to formally withdraw from the system;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Clerk are hereby authorized to execute the agreement, a copy of which is on file in the Office of the Township Clerk, for such membership.

* **Authorizing Entrance into an Interlocal Service Agreement with the County of Morris for Road Opening Purposes**

WHEREAS, the Township may at various times find it necessary or desirable to make openings or excavations in and upon the county road system within or without the limits of the municipality; and

WHEREAS, in lieu of making payment to the County for the making of such openings or excavations and the restorations of said county roads, the Township elects itself to perform such work; and

WHEREAS, the County and the Township are desirous of entering into an agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that said agreement be entered into; and

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BE IT FURTHER RESOLVED that the Honorable Michael M. Luther, Mayor, is hereby authorized to execute said agreement on behalf of the Township, a copy of which is on file in the Township Clerk's office.

* **Refunding Board of Adjustment Application Fee to Mr. and Mrs. M. Cirillo, 3 Dale Road, Block 98, Lot 41**

WHEREAS, on May 1, 2009, Mr. and Mrs. Michael Cirillo submitted to the Board of Adjustment of the Township of Parsippany-Troy Hills a "C" Variance Application (No. 09:32) with the applicable filing fee to construct a walkway at 3 Dale Road, Block 98, Lot 41; and

WHEREAS, the Board of Adjustment, via an interoffice memorandum dated May 19, 2009, recommended that the \$60.00 filing fee be refunded as the applicant has withdrawn the application and no action has been taken by the Board;

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 \$60.00 filing fee submitted by Mr. and Mrs. Michael Cirillo in connection with a "C" Variance Application (No. 09:32) be refunded as recommended by the Board of Adjustment.

APPLICATION(S):

License(s):

* **Liquor License Renewals for the 7/1/09 – 6/30/10 Licensing Year**

WHEREAS, applications for renewal for licensing term, July 1, 2009 through June 30, 2010, have been filed by the following Retail Liquor Licensees, and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor Licenses be renewed for the licensing term, July 1, 2009 through June 30, 2010:

1429-32-002-005 Karmanhadi Inc., trading as Basket of Cheers II, for premises located at 149 North Beverwyck Road, Parsippany-Troy Hills Township, NJ

1429-33-005-006 InterPark Liquor License, LLC, for premises located at 1735 U.S. Route 46, Parsippany, NJ

1429-36-054-002 Residence Inn by Marriott II, LLC trading as Residence Inn by Marriott, for premises located at 3 Gatehall Drive, Parsippany, NJ

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1429-44-010-005 LDH Liquors, LLC., trading as Shop Rite Liquors of Parsippany/Shop Rite Wines & Spirits of Parsippany, for premises located at 772 Route 46, Parsippany, NJ

* **Shelter/Pet Shop License Renewals for the 7/01/09 – 6/30/10 Licensing Term**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following applications for a license to operate a shelter and a pet store be approved for the licensing term of July 1, 2009 through June 30, 2010.

SHELTER: Township of Parsippany-Troy Hills
1069 Parsippany Boulevard
Parsippany, NJ 07054

PET STORE: Petco #1854
1111 Route 46 East
Parsippany, NJ 07054

* **Fireworks Display – Township of Parsippany-Troy Hills – July 4 (Rain Date - July 5, 2009)**

WHEREAS, the Township of Parsippany-Troy Hills has submitted an application to conduct a fireworks display on July 4, 2009, with a rain date of July 5, 2009; and

WHEREAS, the application has been approved by the Chief of Police, the Fire Official and the Chief of Fire District No. 2;

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey approves said application, a copy of which is on file in the Office of the Township Clerk.

* **Limousine Owner's License – Reliable Car & Limousine Service Corp., 2001 Route 46 East, Suite 310 (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 2009:

Reliable Car & Limousine Service Corp.
2001 Route 46 East, Suite 310
Parsippany, NJ 07054
(1 vehicle)

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MINUTES FOR APPROVAL:

Mr. Barberio moved the approval of the following minutes of the Township Council, seconded by Mr. dePierro.

Special Meeting (Establish CAP Bank Ordinance) – 5/12/09 (Absent-Fox)

Agenda Meeting of - 5/12/09 (Absent-Fox)

Special Meeting (2009 Budget Hearing/Adoption) – 5/19/09 (Absent-Fox)

Regular Meeting of – 5/19/09 (Absent-Fox)

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

ABSENT – Councilman Fox

ORDINANCE(S):

Introductions

ORDINANCE 2009:29

**AN ORDINANCE AMENDING
ORDINANCE #2009:21 ENTITLED AN
ORDINANCE ESTABLISHING WHITE
COLLAR SALARY RANGES FOR THE
TOWNSHIP OF PARSIPPANY-TROY
HILLS (2009)(ASSISTANT WATER
SUPERINTENDENT)**
(Attachment No. 1)

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

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **June 16, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **July 14, 2009** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

ABSENT – Council Member Fox

REGULAR TOWNSHIP COUNCIL MEETING JUNE 16, 2009

RESOLUTION – NON-CONSENT

Awarding Contract for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club to Knoll West Country Club, LLC

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

WHEREAS, the Township of Parsippany-Troy Hills received RFP's for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club on May 28, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing, Director of Municipal Utilities and the Golf Superintendent have reviewed the RFP's and recommend that the RFP be awarded to Knoll West Country Club, LLC, 226 Lafayette Road, Sparta, NJ 07871, for an Annual Compensation to the Township for Year 1 of \$1,296,000.00 and all additional rent as per the bid specifications.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the RFP for Operation of Catering and Banquet Facilities and Provision of Related Services at Knoll Country Club 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 agreement.

Mr. dePierro noted that the current caterer has expressed difficulty meeting the \$81,000 per month lease, noting that the nature of the economy has resulted in fewer banquets and a reduction in the size of golf outings. He could have extended his contract for five more years at that rate, but chose not to because he doesn't think he can continue to pay that amount of rent. As a result, the contract went out for bid. The current caterer bid the minimum bid, which was \$60,000 per month. The winning bid was \$108,000 per month, which is substantially above what the current caterer could not meet. Mr. dePierro commented that, while it is nice to see this very large bid, he has real concerns about the ability of this concessionaire to make this kind of rent every month for five years. He questioned what would happen if he doesn't make his rental obligation, noting that initially he was inclined to vote "no." After giving this matter a lot of thought, he is prepared to vote affirmatively, thinking that, perhaps, the high bidder has other ways to bring business to the Knoll. However, his concern is that, if the monthly commitment is not met, both the Knoll and the Township "could take a black eye." Ms. Lim explained that there is a performance bond, renewable annually, for the \$1.2 million.

Ms. Grossi asked if the high bidder provided any reasons why he thinks he can pay the bid amount. Ms. Verrone advised that there were minimum financial criteria that were established as part of the bid in addition to the performance bond guarantees, which are to cover the lease payments that are due to the Township annually, as well as utility costs. Ms. Verrone further noted that there were minimum criteria that were established in the bid document with respect to experience in operating similar kinds of businesses. The bidder met all of the criteria in the specs.

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

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The Council, at this time, considered the addition of two resolutions to the agenda.

Council President Cesaro made a motion to add the resolution entitled “***Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting the State of New Jersey, Department of Transportation a Noise Ordinance Waiver,***” seconded by Ms. Grossi.

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

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

Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting the State of New Jersey, Department of Transportation a Noise Ordinance Waiver

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

WHEREAS, the New Jersey Department of Transportation is preparing a contract to include maintenance and roadway repair on I-80 Westbound that encompasses the area west of the Route 23/46/80 Interchange to east of South Beverwyck Road (Contract No. 046073110); and

WHEREAS, the bridges included in the contract that are located in the Township of Parsippany are (I-80 Ramp B, Route 46 east bound and Ramp D), (I-80 west bound, Route 46 east bound and Ramp C), (I-80 west bound, Route 46 west bound and Ramp B) and (I-80 west bound and Ramp A/Edwards Road); and

WHEREAS, this proposed work has been scheduled for construction on or about June 24, 2009; and

WHEREAS, the scope of the project includes milling and resurfacing of I-80 and bridge deck repair work on the westbound side only; and

WHEREAS, the project will include saw cutting of the concrete to be removed, jack hammering to remove the existing concrete, sandblasting of the reinforcement steel bars, epoxy coating of the steel bars and the replacement of the concrete; and

WHEREAS, this construction project may require nighttime construction to minimize traffic congestion; and

WHEREAS, the D.O.T. has requested a noise ordinance waiver for the duration of this project; and

WHEREAS, the Township Engineer and Health Officer have both reviewed the request and recommend that the waiver be granted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, Morris County, New Jersey that the Mayor and Township Council hereby grant the State of New Jersey, Department of Transportation a waiver of Chapter 258:

REGULAR TOWNSHIP COUNCIL MEETING JUNE 16, 2009

Noise of the Township's code for the duration of the Maintenance Roadway Contract No. 046073110.

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

Relative to the request of the Administration to *add a resolution entitled “Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming the Appointment of Special Legal Counsel and Authorizing the Award of a Contract for Professional Services,”*

Ms. Grossi expressed her view that, once again, the Council is being given something at the eleventh hour without an explanation. She questioned why this matter wasn't brought up last week at the June 9, 2009 Agenda Meeting so that the Council had an opportunity to discuss it at that time. She explained to the public, present at the meeting, that this resolution provides for the hiring of special counsel to handle phosphorus and nitrate related matters in which the Township Attorney may have a conflict. She indicated that the contract is to be awarded under the “non fair and open” process although the cost is not to exceed \$17,500. She questioned how this attorney was chosen and also asked to view the Pay to Play documents noted in the cover letter. Additionally, she asked the nature of the conflict prohibiting the Township Attorney from dealing with this matter.

Ms. Verrone explained that this matter deals with proposed regulations with respect to phosphorus and nitrate in the Passaic River. Her Firm also represents North Jersey District Water Supply, whose interests and concerns, with respect to these regulations, are contrary to Parsippany's interests and concerns. Consequently, per Ms. Verrone, the Firm must recuse itself from representing both Parsippany and North Jersey District Water Supply on this particular issue. Ms. Verrone, relative to the documents required pursuant to the Pay to Play Regulations, explained that the contract, which is not to exceed \$17,500, is under the campaign contribution limit and, therefore, the Fair and Open or Non Fair and Open designation does not have any import with respect to this contract.

Ms. Lim, with respect to the matter not having been brought up last week, explained that she does not know whether the Township had even started to look for “conflict counsel” at that time, although Mr. Bober may have been thinking about this possibility. She noted that it also took some time to resolve whether the “conflict counsel” had conflicts of its own. Ms. Lim indicated that the Township did not receive a proposal from the new firm until June 12, 2009, which is the date of their letter; we were negotiating with the firm up until yesterday afternoon.

Mr. Bober highly recommended Diane Alexander, Esq. as the environmental counsel, noting that her experiences are unexcelled. The qualifications of the Firm of Maraziti, Falcon and Healey were also noted.

Council President Cesaro made a motion to add the resolution to the agenda, seconded by Mr. Barberio.

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

REGULAR TOWNSHIP COUNCIL MEETING JUNE 16, 2009

Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming the Appointment of Special Legal Counsel and Authorizing the Award of a Contract for Professional Services

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

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 phosphorus and nitrate related matters in which the Township Attorney may have a conflict; and

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

WHEREAS, the funds are available for this purpose; and

WHEREAS, the term of this contract shall be for such period of time as may be needed by the Township; and

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

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

1. The Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with, Diane Alexander, Esq. of the firm of Maraziti, Falcon and Healey, LLP, whose offices are located at 150 John F. Kennedy Parkway, Short Hills, New Jersey 07078, as Special Legal Counsel in connection with any phosphorus and nitrate related matters in which the Township Attorney may have a conflict.
2. This contract is exempt from competitive bidding as a professional service, pursuant to N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because said services are performed by persons authorized by law to practice a recognized profession; and
3. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

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

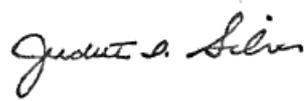
REGULAR TOWNSHIP COUNCIL MEETING JUNE 16, 2009

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

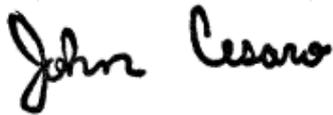
ROLL CALL: YES – Council Members Barberio, dePierro, Grossi and Cesaro
ABSENT – Council Member Fox

The meeting adjourned at 8:45 p.m.

Respectfully submitted,



Judith I. Silver, Township Clerk



John Cesaro, Council President

Minutes approved: July 14, 2009

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NJ
ORDINANCE NO. 2009: 29**

**AN ORDINANCE AMENDING ORDINANCE #2009:21 ENTITLED AN ORDINANCE
ESTABLISHING WHITE COLLAR SALARY RANGES FOR THE TOWNSHIP OF
PARSIPPANY-TROY HILLS (2009)**

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

Section 1: That Section 1 –Annual Salaries be amended by increasing the maximum salary in the following title:

<u>Annual Salaries</u>	<u>2009 Salary</u>	
<u>Position Classification</u>	<u>Minimum</u>	<u>Maximum</u>
Assistant Water Superintendent	31,000	86,000

Section 2: This ordinance shall be retroactive to January 1, 2009.

Section 3. This ordinance shall take effect as provided by law.