

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

**August 18, 2009**

**Council President Cesaro 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 2, 2008 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger on December 9, 2008. A 2009 meeting schedule was forwarded by fax to other local newspapers and local radio stations on December 2, 2008.**

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

**ABSENT:** Council Member Grossi

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

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**NOTES:**

8/31/09 @ 6:30 p.m. (Monday)	Special Meeting – Second Reading/Public Hearing Ordinance (09:33) Pay to Play Reform Public Invited – Public Participation
9/08/09 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
9/15/09 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

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

8/19/09 @ 11:00 a.m.	Lease of Public Property (Lease Rights – Water Storage Facilities)
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**REQUEST(S) FOR QUOTATION(S)/PROPOSAL(S) QUALIFICATION(S):**

None

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**ORDINANCE(S):**

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

**ORDINANCE 2009:30**

**AN ORDINANCE AMENDING AND  
SUPPLEMENTING CHAPTER 385,  
TOWING, OF THE CODE OF THE  
TOWNSHIP OF PARSIPPANY-TROY  
HILLS (TOWING SERVICE FEES)**

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 18, 2009**

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

**BE IT RESOLVED** that “**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 385, TOWING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS,**” be read in title only on second reading and a hearing held thereon.

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

**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;

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

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

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**ORDINANCE 2009:31**

**AN ORDINANCE AUTHORIZING THE BUSINESS ADMINISTRATOR OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO EXECUTE AND RENEW, AS NECESSARY, A LEASE WITH THE BUILDING MAINTENANCE SUPERINTENDENT OF CRAFTSMAN FARMS**

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

**BE IT RESOLVED** that “**AN ORDINANCE AUTHORIZING THE BUSINESS ADMINISTRATOR OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO EXECUTE AND RENEW, AS NECESSARY, A LEASE WITH THE BUILDING MAINTENANCE SUPERINTENDENT OF CRAFTSMAN FARMS,**” be read in title only on second reading and a hearing held thereon.

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

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

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

The following resolution was offered by Mr. 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, Fox and Cesaro  
**ABSENT** – Council Member Grossi

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**ORDINANCE 2009:32**

**AN ORDINANCE AMENDING  
CHAPTER 83, ALCOHOLIC  
BEVERAGES, OF THE CODE OF THE  
TOWNSHIP OF PARSIPPANY-TROY  
HILLS, TO DELETE SECTIONS 83-5  
AND 83-7, AND SUBPARAGRAPH A(2)  
OF SECTION 83-8, AS DIRECTED BY  
THE ADMINISTRATIVE OFFICE OF  
THE COURTS**

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

**BE IT RESOLVED** that “**AN ORDINANCE AMENDING CHAPTER 83, ALCOHOLIC BEVERAGES, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, TO DELETE SECTIONS 83-5 AND 83-7, AND SUBPARAGRAPH A(2) OF SECTION 83-8, AS DIRECTED BY THE ADMINISTRATIVE OFFICE OF THE COURTS,**” be read in title only on second reading and a hearing held thereon.

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

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

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

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

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**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, Fox and Cesaro  
**ABSENT** – Council Member Grossi

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**PUBLIC HEARING:**

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

**Nancy Diacont, 143 Rainbow Trail**, felt that, as a taxpaying citizen, she has a right to peace and quiet, which supersedes a dog's right to bark. She explained that there are five dogs in her neighborhood – one next door; two across the street; and two more, three houses down, who are left outside all day, within security fencing, whether or not their owners are home. There is continuous barking every time something or someone passes by, day and night. She advised that she called the police twice, specifically with regard to the new dogs at the corner house, but her complaints to the Police Department did not resolve the problem. The Police Officer led her to believe that the only way to resolve this is by going to court. She, however, believes that, since the ordinances clearly state what the Township's view is on barking dogs, she shouldn't have to go that route. She asked the Council to clarify the ordinance language. Mr. Fox explained that, unfortunately, Ms. Diacont will have to sign a complaint if she wants resolution to this problem. Council President Cesaro agreed, noting that a judge would have to make the call on "probable cause." Ms. Diacont indicated, however, that she is doing what is dictated by ordinance; she questioned why she would have to go to court. Mr. Fox explained that the police address a complaint by talking with the citizen. The police, unless they have witnessed the violation as she has, cannot sign the complaint. Unfortunately, that is the way it is structured; resolution is through the Municipal Court. Ms. Lim advised Ms. Diacont that all she needs to do is go to the Police Station and complete a complaint form. Council President Cesaro advised that she would need proof to present to the Municipal Court Judge. Council President Cesaro suggested that she seek assistance from neighbors to appear as witnesses. Ms. Diacont indicated that no one wants to be "a bad neighbor."

**Pat Petaccia, 182 Hawkins Avenue**, questioned the newly adopted ordinance (Ordinance No. 09:32, Amending Alcoholic Beverages) regarding the age limitation. She questioned if the basis for the new ordinance was to allow young waiters and waitresses to serve drinks. Ms. Verrone explained that the existing ordinance was amended as requested by the Administrative Office of the Courts because, with particularity to Ms. Petaccia's question, the issue of people under the age of 21 being able to serve alcohol in a licensed establishment is covered by State Law. The Township cannot impose a different requirement; we had to bring the Township Ordinance into compliance.

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

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**CONSENT AGENDA:**

All items 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.

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

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

**ABSENT** – Council Member Grossi

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**MINUTES FOR APPROVAL:**

\* Agenda Meeting of July 7, 2009

\* Regular Meeting of July 14, 2009

\* Closed Session of July 14, 2009

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**BID AWARD(S):**

**\* Reconstruction of Curbs and Sidewalks at Various Locations – 2009**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Curbs and Sidewalks at Various Locations-2009 on July 16, 2009, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Arnold's Roads, Inc., 8 Dante Road, Monroe Township, NJ 08831 for a Total Bid Price of \$150,298.00, and

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

Current Capital Ordinance # 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 Reconstruction of Curbs and Sidewalks at Various Locations-2009 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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**\* Union Hill Road Reconstruction Project**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Union Hill Road Reconstruction Project on July 23, 2009, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Top Line Construction Corp., 22 Fifth Street, Somerville, NJ 08876 for a Total Bid Price of \$289,115.25, and

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

Current Capital Ordinance # 2008:13  
adopted May 13, 2008 entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Union Hill Road Reconstruction Project 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.

**\* Structural Rehabilitation of the Bridge Carrying Brookstone Drive Over Watnong Brook**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Structural Rehabilitation of the Bridge carrying Brookstone Drive over Watnong Brook on August 6, 2009, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Sparwick Contracting Inc., 18 Route 94, Lafayette, NJ 07848 for a Total Bid Price of \$199,656.00, and

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

Current Capital Ordinance # 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 Structural Rehabilitation of the Bridge carrying Brookstone Drive over Watnong Brook 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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**\* Upgrade of Animal Shelter**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Upgrade of Animal Shelter on August 11, 2009, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Consulting Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Heuer and Company, Inc., 27 Frederick Street, Waldwick, NJ 07463 for a Total Bid Price of \$43,824.00, and

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

“Animal Control Trust Fund and Pet Group Donation.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Upgrade of Animal Shelter 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):**

**\* Granting Certificates of Exemption to Members of the Mt. Tabor Volunteer Fire Company, District No. 1 – F. Carroll, P. Eisenberg, L. Ferdinandi, M. Hambel, D. Hollner, E. Lally, S. Masi, J. Resciniti, G. Stewart and P. Walek**

**WHEREAS**, Francis Carroll, Paul Eisenberg, Louis Ferdinandi, Michael Hambel, David Hollner, Edward Lally, Steven Masi, John Resciniti, Geoffrey Stewart and Paul Walek, members of the Mt. Tabor Volunteer Fire Company, District No. 1 have met certain requirements pursuant to N.J.S.A. 40A:14-56 which include having performed during a period of seven years, 60% of fire duty, in each year respectively.

**NOW, THEREFORE, BE IT RESOLVED** that Francis Carroll, Paul Eisenberg, Louis Ferdinandi, Michael Hambel, David Hollner, Edward Lally, Steven Masi, John Resciniti, Geoffrey Stewart and Paul Walek be granted Certificates of Exemption pursuant to the aforementioned statute.

**\* Authorizing an Interlocal Services Agreement with the Board of Education (Maintenance of Athletic Fields)**

**WHEREAS**, the Parsippany-Troy Hills Board of Education (the “Board”) owns athletic fields; and

**WHEREAS**, the Township and the Board have previously agreed that the athletic fields owned by the Board may be used by residents of the Township for athletic and other events upon a mutually agreeable basis; and

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**WHEREAS**, historically, the Township and the Board have shared the cost of maintaining athletic fields owned by the Board; and

**WHEREAS**, the Board has entered into an agreement with North Jersey LandCare Services, LLC of Fairfield, New Jersey for maintenance of the school athletic fields from July 1, 2009 through June 30, 2010 at a total base price of \$174,795 that is less than the cost of maintaining the fields with Township and/or Board personnel; and

**WHEREAS**, the Board and the Township is desirous of entering into an agreement reimbursing the Board of Education 40% of the cost, up to a maximum of \$80,000, for maintenance of the school athletic fields upon the terms and conditions set forth in the agreement; and

**WHEREAS**, the Township is authorized pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1 *et seq.*, to enter into a contract with any other local unit for the provision of any service which that local unit is empowered to render within its own jurisdiction.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby authorizes execution of an Interlocal Services Agreement with the Board for the period July 1, 2009 through June 30, 2010, in the form on file in the Office of the Township Clerk, upon the terms and conditions provided therein.

\* **Authorizing Change Order No. 1 for the Parsippany Boulevard Pedestrian Foot Bridge Project**

**WHEREAS**, a change order is necessary for the contract for the Parsippany Boulevard Pedestrian Foot Bridge project with D. Gencarelli Building & Equipment Corp., resulting in an decrease in net costs in the amount of \$9,531.01; and

**WHEREAS**, the Township Engineer has recommended the changes as outlined in Change Order #1, due to various modifications to the contract; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it hereby approves Change Order #1 resulting in a decrease in the contract price in the amount of \$9,531.01.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute Change Order #1, in the form on file with the Township Clerk.

\* **Placing a Lien on 32 Lake Shore Drive for Failure to abate a Housing Violation**

**WHEREAS**, Greg Blayer is the last known owner of record of the property known as Block 554, Lot 23 located at 32 Lake Shore Drive, Lake Hiawatha, New Jersey 07034; and

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**WHEREAS**, as a result of a complaint received on June 9, 2009, an inspection of the property confirmed an overgrown lawn of approximately 2 ½ feet and the existence of several large black garbage bags in the rear part of the driveway with the contents exposed; and

**WHEREAS**, Notices of Violation were sent on June 9 and June 17, 2009, both returned unopened on June 18 and June 20, 2009, respectively; and

**WHEREAS**, attempts were made to obtain mail forwarding information from the mortgage holder, GMAC in Hortsham, PA and Waterloo, Iowa with no success; and

**WHEREAS**, it was discovered that real estate taxes have been paid; however, there is an outstanding balance of \$501.05 in water/sewer fees; and

**WHEREAS**, the Township's Tax Collector has no mail forwarding information on file; and

**WHEREAS**, a hearing was held on July 2, 2009 at 10:00am in the Council Chambers of Town Hall to discuss failure to abate the violations, at which time Greg Blayer failed to appear; and

**WHEREAS**, due to the lack of response and the condition of the property, the Director of Planning, Zoning and Housing has determined that this property has been abandoned; and

**WHEREAS**, in accordance with Chapter 213, Housing and Property Maintenance, §44, Municipal Intervention of the Code of the Township of Parsippany-Troy Hills, the Township Housing Department remedied the situation by having the lawn mowed by an outside contractor at a cost of \$580.00; and

**WHEREAS**, the Township Code further allows that the expenditure of municipal funds to put the premises in proper condition may be charged against the premises as a lien and shall be added to and become and form a part of the taxes next to be assessed and levied upon the premises.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that should the mortgage holder fail to abate the housing violations, the Township does hereby authorize the appropriate officials to place a lien on the premises known as 32 Lake Shore Drive, Lake Hiawatha, New Jersey 07034, commonly known as Block 554, Lot 23, in the amount of \$580.00 for the purpose of collecting said unpaid charges due to the Township for abatement of Housing Violations.

**\* Authorizing Municipal Alliance Council Application**

**WHEREAS**, the Township of Parsippany-Troy Hills recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Township further recognizes that it is incumbent upon, not only public officials, but upon the entire community to take action to prevent such abuses in our community; and

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**WHEREAS**, the Township has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

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

1. The Township Council supports and authorizes submittal of an application for the Township of Parsippany-Troy Hills Municipal Alliance grant for calendar year 2010 in the amount of \$28,901.00.
2. The Township acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Mayor and Township Clerk are hereby authorized to execute the grant agreement on behalf of the Township of Parsippany-Troy Hills.
4. The appropriate officials are authorized to take whatever other steps necessary to complete the grant application and meet other grant requirements.
5. This resolution shall take effect immediately.

**\* Amending Adopted Budget – Highlands Water Protection and Planning Council – Initial Assessment Grant**

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2009 in the sum of \$ 15,000.00 which item is now available as revenue from:

State of New Jersey  
Highlands Water Protection and Planning Council  
Initial Assessment Grant

**BE IT FURTHER RESOLVED** that a like sum of \$ 15,000.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

State of New Jersey  
Highlands Water Protection and Planning Council  
Initial Assessment Grant

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**\* Amending Adopted Budget – Juvenile Accountability Leadership Program**

**WHEREAS**, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount,

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Parsippany-Troy Hills hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the Current Fund budget of the year 2009 in the sum of \$2,500.00 which item is now available as revenue from:

County of Morris  
Department of Human Services  
Juvenile Accountability Leadership Program

**BE IT FURTHER RESOLVED** that a like sum of \$2,500.00 and the same is hereby appropriated in the Current Fund Budget under the caption of:

County of Morris  
Department of Human Services  
Juvenile Accountability Leadership Program

**\* Cancelling Outstanding Checks Totaling \$126.00 in the Municipal Court General Account to Fund Balance in the Current Fund**

**WHEREAS**, the Municipal Court General Account has several outstanding checks totaling \$126.00; 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;

Check #	Amount	Date	Payee
3654	5.00	6/5/2008	Fouad Amer
3668	1.00	6/16/2008	Santiago M. Taveras-Urema
3672	5.00	6/24/2008	Jennifer Nylus
3687	1.00	7/8/2008	Sean A. Oneill
3696	1.00	8/5/2008	Santiago Oyola
3699	46.00	8/5/2008	Dawn N. Utley
3700	1.00	8/5/2008	Sodner Opont
3717	10.00	9/2/2008	Jeffrey M. Daniels

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3719	10.00	9/2/2008	Philip S. Schwaid
3723	10.00	9/2/2008	Sean M. Madke
3736	10.00	9/30/2008	Shobha R. Munirathranam
3737	1.00	9/30/2008	Emilio Tejada-Lecher
3759	6.00	10/30/2008	Anselm Dewar
3770	19.00	11/3/2008	Deborah C. Linck

**\* Cancelling Outstanding Checks Totaling \$783.00 in the Municipal Court Bail Account to Fund Balance in the Current Fund**

**WHEREAS**, the Municipal Court Bail Account has several outstanding checks totaling \$783.00; 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;

Check #	Amount	Date	Payee
15057	400.00	6/19/08	Luz Y Flores
15061	50.00	6/19/08	Tom Govelitz
15085	36.00	7/1/08	Srinivasa Padmanaghan
15168	139.00	7/23/08	Mustafa Agabeyogla
15292	110.00	9/3/08	Martin Syga
15422	1.00	10/7/08	Zain Naqui
15478	26.00	10/23/08	Aleks Maumoska
15563	21.00	11/19/08	Daniel S. Grimm

**\* Cancelling an Unexpended Improvement Authorization Balance and Its Corresponding Grant Receivable**

**WHEREAS**, there exists in the General Capital Fund of the Township of Parsippany-Troy Hills an account entitled "Improvement Authorizations" consisting of certain sums established by ordinance heretofore adopted, and

**WHEREAS**, one of the said authorized improvements was to be offset by a Department of Transportation (DOT) grant, and

**WHEREAS**, it has been decided by the State DOT and the Township Engineer that this project would not move forward,

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, that the following unexpended balance in the Improvement

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Authorization account no longer needed for the original purposes, and the corresponding grant receivable be and are hereby cancelled.

<b><u>Ordinance Number</u></b>	<b><u>Adopted</u></b>	<b><u>Purpose</u></b>	<b><u>Amount</u></b>
99:24 ( c )	6/22/99	Road Resurfacing	\$ 148,715.00

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Chief Financial Officer for appropriate entry on the books and records of the Township.

**\* Granting a Major Soil Moving Permit to Fox Run Developers, Block 98, Lots 22 and 23**

**WHEREAS, FOX RUN DEVELOPERS**, has applied to the Township of Parsippany-Troy Hills to remove approximately 4,623 cubic yards of material in conjunction with a project for a ten-lot subdivision at Block 98, Lots 22 and 23; and

**WHEREAS**, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Planning Board dated February 10, 2009; and

**WHEREAS**, via an August 7, 2009 memorandum from Anne Marie Rizzuto, Esq., Planning Board Attorney, the Township Council was advised that the application was discussed by the Planning Board at its meeting of April 20, 2009 at which time a motion was made and approved recommending the granting of a major soil moving permit, subject to the following:

- **Compliance with all conditions contained in the memorandum of the Township Engineer dated February 10, 2009;**
- **Receipt of escrow payment to Planning Board in the amount of \$500.00;**
- **Hours of operation from 9:00 a.m. until 4:00 p.m. on weekdays only, excluding all work on Saturdays, Sundays, and Legal Holidays;**
- **Soil movement must be accomplished using the nearest interstate highway route;**
- **The transport route is to be set forth in writing and submitted to the Township Engineer for approval;**
- **Conditions contained in approvals and permits by all governmental entities having jurisdiction of this matter.**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to **FOX RUN DEVELOPERS** for the removal of approximately 4,623 cubic yards of material in conjunction with a project for a ten lot subdivision at Block 98, Lots 22 and 23, subject to the following terms and conditions:

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1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated February 10, 2009.
2. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of April 20, 2009.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

**\* Granting a Major Soil Moving Permit to Pfizer, 100 Jefferson Road, Block 737, Lot 5**

**WHEREAS, PFIZER, INC.** has applied to the Township of Parsippany-Troy Hills to remove approximately 2,844 cubic yards of contaminated soil in an environmental clean-up at the Pfizer site at Block 737, Lot 5, 100 Jefferson Road and to replace the contaminated soil with certified clean soil; and

**WHEREAS,** the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Planning Board dated July 2, 2009; and

**WHEREAS,** via an August 7, 2009 memorandum from Anne Marie Rizzuto, Esq., Planning Board Attorney, the Township Council was advised that the application was discussed by the Planning Board at its meeting of July 13, 2009 at which time a motion was made and approved recommending the granting of the soil moving permit, subject to the following:

- **Compliance with all conditions contained in the memorandum of the Township Engineer dated July 2, 2009;**
- **Verification of amount of permit fee in item #6 of the Municipal Engineer's July 2, 2009 report;**
- **Receipt of escrow payment to Planning Board in the amount of \$500.00;**
- **Hours of operation from 9:00 a.m. until 4:00 p.m. on weekdays only, using the nearest interstate highway route, for transport of the soil;**
- **Conditions contained in approvals and permits by all other governmental entities having jurisdiction of this matter;**
- **Discretion of the Township Engineer to allow the project to continue even if the soil movement exceeds 2,844 cubic yards up to 4,000 cubic yards; and**
- **Requirement that the applicant file as-builts and a revised application should the soil movement exceed 2,844 cubic yards.**

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 18, 2009**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to **PFIZER, INC.** for the removal of approximately 2,844 cubic yards of contaminated soil in an environmental clean-up at the Pfizer site at Block 737, Lot 5, 100 Jefferson Road, subject to the following terms and conditions:

4. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated July 2, 2009.
5. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of July 13, 2009.
6. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

\* **Refund of \$25 Cat Surrender Fee to C. Kozak**

**WHEREAS**, due to dire circumstances, Christina Kozak was forced to surrender her cat at Parsippany Animal Control; and

**WHEREAS**, pursuant to §91-5 of the Code of the Township of Parsippany-Troy Hills, Mrs. Kozak paid a \$25.00 Turn-In Fee; and

**WHEREAS**, Mrs. Kozak has experienced financial and personal hardship beyond her control and has petitioned the Township Council for a refund of the \$25.00 Turn-In Fee; and

**WHEREAS**, upon the advice of the Township Attorney the Council has determined that, under the circumstances, the Turn-In Fee may be refunded.

**NOW, THEREFORE**, be it resolved by the Township Council of the Township of Parsippany-Troy Hills that Christina Kozak be refunded the \$ 25.00 Turn-In Fee.

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**APPLICATION(S):**

**License(s):**

\* **Authorizing Special Senior Citizen Bingo License to Brookside Seniors 630 Club**

**WHEREAS**, the following senior citizen organization or club has been registered by the State of New Jersey Legalized Games of Chance Control Commission; and

**WHEREAS**, this organization or club is desirous of holding, operating or conducting bingo within the Township of Parsippany-Troy Hills solely for the purpose of the amusement and recreation of their members, provided that

- No player or other person furnishes something of value for the opportunity to participate;

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 18, 2009**

- The prize(s) to be awarded are of nominal retail value;
- No person other than a bona fide active member of the licensed organizations plays, conducts or assists in the conduct of the game(s); and
- No person is paid for conducting or assisting in the conduct of the game(s).

**NOW, THEREFORE BE RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that a special senior citizen bingo license be issued to the following organization for a period of two years, as so indicated below, or until suspended, revoked or modified by the Legalized Games of Chance Control Commission or the Township of Parsippany-Troy Hills:

**Brookside Seniors 630 Club**  
**Expiration Date: 08/27/11**

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- \* **Limousine Owner's License (New)** - **Elkortobi Limo, LLC, 2001 Route 46 East, Suite 310 (1 Vehicle) and Emad Doussa, 42 Camden 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 2009:

**Elkortobi Limo, LLC**  
2001 Route 46 East, Suite 310  
Parsippany, NJ 07054  
(1 vehicle)

**Emad Doussa**  
42 Camden Road  
Parsippany, NJ 07054  
(1 vehicle)

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REGULAR TOWNSHIP COUNCIL MEETING AUGUST 18, 2009

**ORDINANCE(S):**

**Introductions**

**ORDINANCE NO. 2009:34**

**AN ORDINANCE AMENDING  
CHAPTER 169, FIRE PREVENTION,  
SECTION 169-2, ESTABLISHMENT  
AND DUTIES OF THE BUREAU OF  
FIRE PREVENTION, OF THE  
REVISED GENERAL ORDINANCES  
OF THE TOWNSHIP OF  
PARSIPPANY-TROY HILLS**

(Attachment No. 1)

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

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 18, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 15, 2009** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

**ABSENT** – Council Member Grossi

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**ORDINANCE NO. 2009:35**

**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 PAR-TROY  
LITTLE LEAGUE WEST FOR USE OF THE  
PARK ROAD FIELD**

(Attachment No. 2)

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

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 18, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 15, 2009** at 7:30 p.m., prevailing time, or as

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 18, 2009**

soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance..

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

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

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Prior to convening in closed session, Council President Cesaro took the opportunity to note that the Knoll Country Club West was named the number one golf course in New Jersey. He indicated that he is very proud of this and congratulated the Knoll employees. He further noted that Councilman dePierro, who sits on the Golf Advisory Committee, also had a great part in making the Knoll what it is today. Mr. dePierro commented that he has been on the Advisory Board since the 1970s. Council President Cesaro thanked him for the work he has done on the Committee.

A motion was made by Mr. dePierro, seconded by Mr. Fox, to convene in closed session to discuss anticipated litigation/property acquisition. (Closed Session Resolution, Attachment No. 3)

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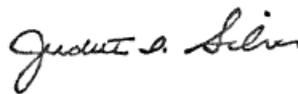
Upon reconvening in open session, Mr. Fox made a motion to adjourn the meeting, seconded by Council President Cesaro.

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

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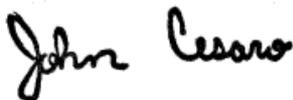
The meeting adjourned at 8:08 p.m.

Respectfully submitted,



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Judith I. Silver, Township Clerk



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John Cesaro, Council President

Minutes approved: September 15, 2009

TOWNSHIP OF PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY

ORDINANCE NO. 2009:34

**AN ORDINANCE AMENDING CHAPTER 169 FIRE PREVENTION, SECTION 169-2 ESTABLISHMENT AND DUTIES OF THE BUREAU OF FIRE PREVENTION, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

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

**SECTION 1.** Chapter 169, Fire Prevention, Section 169-2, Establishment and duties of the Bureau of Fire Prevention, is hereby deleted in its entirety and replaced as follows:

“169-2 Establishment and duties of the Bureau of Fire Prevention.

- A. The New Jersey Uniform Fire Code and any regulations adopted hereunder shall be enforced by the Township Bureau of Fire Prevention, its Fire Official and Fire Inspectors.
- B. The Bureau of Fire Prevention of the Township shall be composed of the Fire Chief and Assistant Fire Chief of each fire district, and one (1) member of each of the six (6) Boards of Fire Commissioners within the Township. Each fire district shall also appoint one (1) Fire Commissioner and one (1) Captain to serve as Alternates to the Bureau. The Captain shall serve as an alternate for his/her respective Chief or Assistant Fire Chief and the alternate Fire Commissioner shall serve in the absence of the Fire Commissioner from his/her fire district. Alternate members may participate in discussions, but may not vote except in the absence or disqualification of a regular member from his/her fire district as set forth above. Appointments of regular and alternate members shall be for one (1) year.
- C. The Chairman of the Bureau of Fire Prevention shall be elected annually by the members of the Bureau. Seven (7) members of the Bureau shall constitute a quorum for the purpose of transacting business. The Bureau of Fire Prevention is hereby designated as the Liaison between the Fire Districts and the Township.”

**SECTION 2.** This Ordinance may be renumbered for codification purposes.

**SECTION 3.** If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

**SECTION 4.** All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 5.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

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

**ORDINANCE NO. 2009:35**

**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 PAR-TROY LITTLE LEAGUE WEST FOR USE OF THE PARK ROAD FIELD**

**WHEREAS**, Par-Troy Little League West, Inc, a non-profit corporation of the State of New Jersey, provides recreational facilities and opportunities to the youth of the Township of ParsIPPany-Troy Hills and its residents; and

**WHEREAS**, Par-Troy Little League West has requested a lease in connection with premises known as Lot 1 of Block 161, Lot 1 of Block 162 (Park Road Park Field 1) and Lots 2 and 3 of Block 164 and a portion of Lot 16 of Block 165 (Park Road Park Field 2) as shown on the Official Tax Maps of the Township and more specifically known as Park Road Park Fields 1 and 2; and

**WHEREAS**, the number of person who will benefit from the public purpose is approximately 800/per annum; and

**WHEREAS**, the term of the lease will be five (5) years with an option to renew for an additional five (5) year period.

**WHEREAS**, the officer or employee responsible for enforcement of the conditions of the Lease shall be the Superintendent of Parks and Forestry and the Director of Parks, Forestry and Recreation of the Township; and

**WHEREAS**, in accordance with N.J.S.A. 40A:12-14.1(c), Little League West shall annually (by no later than March 1) submit a report to the Superintendent of Parks and Forestry and the Director of Parks, Forestry and Recreation setting forth the use to which the leasehold was put during each year, the activities of Little League West undertaken in furtherance of the public purpose for which the leasehold was granted, the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax exempt status of Little League West pursuant to both State and federal law.

**WHEREAS**, the Township Council believes that such a lease is necessary and appropriate.

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

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 18, 2009**

Attachment No. 2  
Page 2 of 2

**Section 1.** The Township Council does hereby authorize a lease agreement between the Township of Parsippany-Troy Hills and Par-Troy Little League West, a copy of which lease is on file with the Township Clerk and which lease leases to Par-Troy Little League West Lot 1 of Block 161, Lot 1 of Block 162 (Park Road Park Field 1) and Lots 2 and 3 of Block 164 and a portion of Lot 16 of Block 165 (Park Road Park Field 2) as shown on the Official Tax Maps of the Township and more specifically known as Park Road Park Fields 1 and 2, for a renewable five (5) year term commencing February 9, 2009, at a nominal rental of \$1.00 per year, the use of said tract to be for the sole purpose of providing recreational activities.

**Section 2.** The Mayor and the Township Clerk are hereby authorized to execute the aforementioned lease.

**Section 3.** This ordinance shall take effect in accordance with law.

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 18, 2009**

Attachment No. 3  
Page 1 of 1

**RE: Anticipated Litigation/Property Acquisition - Smith-McDonald Property  
(200 River Drive)**  
**DATE: August 18, 2009**  
**TIME: 7:59 p.m.**

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**MOTION BY: Mr. dePierro**  
**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:

**Anticipated Litigation/Property Acquisition**

**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>Barberio</b>	-	<b>Yes</b>
<b>dePierro</b>	-	<b>Yes</b>
<b>Fox</b>	-	<b>Yes</b>
<b>Grossi</b>	-	<b>Absent</b>
<b>Cesaro</b>	-	<b>Yes</b>

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**MOTION TO ADJOURN BY: Council President Cesaro**  
**SECONDED BY: Mr. Fox**

**Roll Call:**

<b>Barberio</b>	-	<b>Yes</b>
<b>dePierro</b>	-	<b>Yes</b>
<b>Fox</b>	-	<b>Yes</b>
<b>Grossi</b>	-	<b>Absent</b>
<b>Cesaro</b>	-	<b>Yes</b>

**MEETING ADJOURNED: 8:07 p.m.**