

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

November 24, 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, Grossi and Cesaro

OTHERS PRESENT: J. Lim, Business Administrator; J. Verrone, Esq., Township Attorney; M. O'Keefe, Deputy Township Clerk

The Council reviewed the meeting's agenda and agreed to remove the resolution authorizing a professional services agreement with legal counsel relative to the Pay to Play Reform Ordinance from the Consent Agenda and to add a resolution Authorizing the Business Administrator to Execute a Contract for the Provision of Electric Generation Service to the Wastewater Treatment Plant.

NOTES:

12/08/09 @ 7:30 p.m.	Agenda Meeting Public Invited – Public Participation
12/15/09 @ 7:30 p.m.	Regular Meeting Public Invited – Public Participation

BID(S) TO BE TAKEN:

12/01/09 @ 11:00 a.m.	One New RME-4T Road Maintenance Vehicle, One New 2010 Wheel Loader Backhoe, New Heavy Duty Open Top Roll-Off Containers and New Rear Load Trash Containers
12/02/09 @ 11:00 a.m.	16-Inch Transmission Main (Farney Pump Station to Route 53)
12/03/09 @ 11:00 a.m.	Deck Structure to be Erected at Knoll West Country Club

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

None

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

ORDINANCE(S):

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

ORDINANCE 2009:38

AN ORDINANCE AMENDING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 22, THROUGH STREETS, AND SECTION 24, MULTI-WAY STOP INTERSECTIONS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY

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

BE IT RESOLVED that an ordinance entitled “**AN ORDINANCE AMENDING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 22, THROUGH STREETS, AND SECTION 24, MULTI-WAY STOP INTERSECTIONS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-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, Fox, Grossi and Cesaro

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

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

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

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

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

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

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ORDINANCE 2009:39

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR GENERAL IMPROVEMENT BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$13,270,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$13,270,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

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

BE IT RESOLVED that an ordinance entitled “**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR GENERAL IMPROVEMENT BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$13,270,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$13,270,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF,**” be read in title only on second reading and a hearing held thereon.

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

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

Seeing no one come forward to speak, Council President Cesaro closed the public hearing on this ordinance.

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, Grossi and Cesaro

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

ORDINANCE 2009:40

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR WATER UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$1,705,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,705,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

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

BE IT RESOLVED that an ordinance entitled “**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR WATER UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$1,705,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,705,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF,**” be read in title only on second reading and a hearing held thereon.

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

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

Seeing no one come forward to speak, Council President Cesaro closed the public hearing on this ordinance.

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

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, Grossi and Cesaro

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

ORDINANCE 2009:41

REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR SEWER UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$1,540,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,540,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF

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

BE IT RESOLVED that an ordinance entitled “**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR THE REFUNDING OF A PRIOR SEWER UTILITY BOND ISSUE OF THE TOWNSHIP AND APPROPRIATING AN AMOUNT NOT EXCEEDING \$1,540,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,540,000 GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR FINANCING THE COST THEREOF,**” be read in title only on second reading and a hearing held thereon.

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

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

Seeing no one come forward to speak, Council President Cesaro closed the public hearing on this ordinance.

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

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

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

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

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

ORDINANCE 2009:42

AN ORDINANCE OF THE TOWNSHIP OF
PARSIPPANY-TROY HILLS IN THE
COUNTY OF MORRIS, NEW JERSEY,
AUTHORIZING THE ACQUISITION BY
PURCHASE OF PROPERTY IDENTIFIED AS
BLOCK 501, LOT 29 ON THE TAX MAP OF
THE TOWNSHIP OF PARPIPPANY-TROY
HILLS AND COMMONLY KNOWN AS 200
RIVER DRIVE FOR OPEN SPACE

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

BE IT RESOLVED that an ordinance entitled “**AN ORDINANCE OF THE TOWNSHIP OF PARPIPPANY-TROY HILLS IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE ACQUISITION BY PURCHASE OF PROPERTY IDENTIFIED AS BLOCK 501, LOT 29 ON THE TAX MAP OF THE TOWNSHIP OF PARPIPPANY-TROY HILLS AND COMMONLY KNOWN AS 200 RIVER DRIVE FOR OPEN SPACE,**” be read in title only on second reading and a hearing held thereon.

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

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

Seeing no one come forward to speak, Council President Cesaro closed the public hearing on this ordinance.

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

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, Grossi and Cesaro

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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.

Joseph Raich, 8 Wolf Place, complimented the Township Council on listing the Township's finance information on the website. He noted his concern with the inactive video camera, pointing out that this is another medium for transparency in government allowing Township residents to view the meetings on local access television and have a greater understanding of the workings of the Township Council. In addition, he suggested that the Council review unenforceable ordinances currently on the books and either amend or remove them.

Roy Messmer, 10 Drumlin Drive, suggested that the Council use their election campaign funds to pay for a review of the Pay to Play Ordinance. Additionally, he asked Councilman Barberio what his plans are regarding occupancy when he becomes Mayor. He noted that the apartments are paying the same amount of tax as they were paying prior to the 2002 Revaluation while taxes on residential homes have nearly doubled. Mr. Messmer further asked about the status of refuse collection at Powder Mill Heights in response to Mr. Garofalo's letter. Mr. Fox explained that the Township has responded to Mr. Garofalo and is awaiting his response. Ms. Lim explained that none of the apartment complexes are being reimbursed for trash pickup. The original plan for trash pickup was that the apartment complexes would be treated like single family homes with curbside pickup. Several complexes complied with the curbside pickup and several asked for dumpsters. The Township did not provide the dumpsters as that was not a requirement.

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

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.

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

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

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MINUTES FOR APPROVAL:

- * Agenda Meeting of October 13, 2009
 - * Regular Meeting of October 20, 2009
-

BID AWARD(S):

- * **One New 65 Foot Aerial Tower and Forestry Body to Be Mounted on a Township Supplied Cab and Chassis**

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for One New 65 Foot Aerial Tower and Forestry Body to be Mounted on a Township Supplied Cab and Chassis on October 7, 2009, and

WHEREAS, the Business Administrator, Director of Purchasing and Superintendent of Parks & Forestry have reviewed the bid received and recommend that the bid be rejected.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for One New 65 Foot Aerial Tower and Forestry Body to be Mounted on a Township Supplied Cab and Chassis be rejected.

RESOLUTION(S):

- * **Approving 2010 Council Meeting Schedule**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following schedule of the Annual Organization Meeting, Agenda Meetings, and Regular Township Council Meetings be and the same is hereby approved for the year 2010:

Annual Organization Meeting will be held on Tuesday, January 5, 2010 at 7:30 p.m.

Agenda Meetings will commence at 7:30 p.m., except that the Agenda Meeting scheduled for January 5, 2010 will commence immediately following the Annual Organization Meeting.

Regular Township Council Meetings will commence at 7:30 p.m.

All meetings will be held on TUESDAY EVENINGS, unless otherwise noted.

All meetings will be held in the Municipal Building, 1001 Parsippany Boulevard, Parsippany.

The public is invited to attend all meetings. A portion of each meeting will be set aside for public comment.

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

FORMAL ACTION may or may not be taken at all scheduled meetings.

AGENDA MEETINGS

**REGULAR TOWNSHIP
COUNCIL MEETINGS**

January	5	January	12
February	9	February	16
March	9	March	16
April	6	April	13
May	11	May	18
June	15	June	22
July	13	July	20
August	10	August	17
September	14	September	21
October	12	October	19
November	9	November	23
December	7	December	14

Any individual who is a qualified disabled person under the American with Disabilities Act may request auxiliary aids such as a sign interpreter or a tape recorder to be used for a meeting. Auxiliary aids must be requested at least 72 hours prior to the meeting date. Please call 973-263-4357 to make a request for an auxiliary aid.

* **Supporting the Over the Limit Under Arrest 2009 Year End Crackdown**

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 26% of motor vehicle fatalities in New Jersey are alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings, which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Over the Limit Under Arrest 2009 Year End Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 7, 2009 through January 3, 2010; and

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WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills in the County of Morris, State of New Jersey, that it supports the Over the Limit Under Arrest 2009 Year End Crackdown from December 7, 2009 through January 3, 2010 and pledges to increase awareness of the dangers of drinking and driving.

* **Authorizing an Agreement with Parsippany Rescue and Recovery Unit, Inc. – Lease of Rescue and Recovery ATV, 2008 Polaris, Ranger 6 x 6**

WHEREAS, the Township of Parsippany-Troy Hills owns a Rescue and Recovery ATV, 2008 Polaris, Ranger 6x6; and

WHEREAS, the Parsippany Rescue and Recovery Unit, Inc., which provides volunteer rescue and recovery services to the Township of Parsippany-Troy Hills, is in need of an off road vehicle for emergency services; and

WHEREAS, the Township wishes to see this vehicle immediately put into service.

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 Mayor and Township Clerk are hereby authorized to enter into an agreement with the Parsippany Rescue and Recovery Unit, Inc., wherein the Township agrees to lease said vehicle for a term of five (5) years for consideration of \$1 per year with the option to purchase the vehicle at the end of the lease term.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

* **Authorizing the Expenditure of Open Space Trust Fund Monies**

WHEREAS, Ordinance No. 2007:12 authorizes the expenditure of Open Space Trust Fund monies for the preservation of historic properties and capital improvements to parks; and

WHEREAS, architectural services and design work are required for interior restoration and site improvements at the Bowsby–DeGelleke House; and

WHEREAS, the exterior painting and repair of windows, front steps, chimney and other miscellaneous repairs are required at an estimated cost of \$37,500; and

WHEREAS, fire suppression systems at the Main Log House and the Annex at Craftsman Farms are required; and

WHEREAS, paving of the parking lots and installation of artificial turf edging are required at Jannarone Park; and

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WHEREAS, the play structure at Druid Hill Park requires replacement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes the expenditure of 2009 Open Space Trust Funds as follows:

Historic Preservation:

Bowlsby-DeGelleke	\$44,150
Littleton School House	\$37,500
Craftsman Farms	\$41,300

Capital Improvements to Parks:

Craftsman Farms	\$18,600
Jannarone Park	\$180,000
Druid Hill Park	\$39,250

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to execute and witness a Grant Agreement with the Craftsman Farms Foundation for \$59,900 for the fire suppression systems at described above.

* **Granting Extension of Major Soil Moving Permit – Morris Corporate Center VII, Block 136.01, Lot 1**

WHEREAS, MCCVII, LLC c/o SJP Properties was granted a major soil moving permit by Township Council Resolution adopted March 13, 2007 to regrade 28,967 cubic yards of material and to remove an additional 199 cubic yards of material from the site in connection with the construction of an office building on Interpace Parkway, known and designated as Block 136.01, Lot 1 on the Tax Maps of the Township of Parsippany-Troy Hills; and

WHEREAS, via a memorandum from the Planning Board dated October 28, 2009, the Township Council was advised that the Planning Board, at its regular meeting of September 21, 2009, approved a motion “to grant an extension to December 10, 2010 of the Site Plan and “C” Variance Approval for MCC, VII (also known as MCCVII, LLC), Block 136.01, Lot 1, Interpace Parkway, Application # 05:517, and to recommend to the Township Council an extension of the Major Soil Moving Permit to December 10, 2010 to coincide with the term of the Site Plan Approval; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum dated November 5, 2009 that the extension be granted with the stipulation that the fees be based on the current fee structure; and

WHEREAS, the conditions of the original approval shall remain in effect, including the following terms:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Michael Pucilowski, (former) Municipal Engineer, dated July 12, 2005 and reaffirmed in the memorandum from Justin Lizza, Municipal Engineer dated November 5, 2009.

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2. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.
3. Hours of operation shall be Monday through Friday, 9:00 a.m. to 4:00 p.m.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills hereby grants an extension of the Major Soil Moving Permit issued to MCCVII, LLC c/o SJP Properties to December 10, 2010.

The resolution shall take effect immediately.

* **Granting Major Soil Moving Permit – Zamperla, Inc., Block 449, Lot 2**

WHEREAS, ZAMPERLA, INC. filed an Application dated April 28, 2005 for a major soil moving permit with the Planning Board to remove 9,600 cubic yards of material as part of an expansion of its existing parking lot at Block 449, Lot 2, 49 Fanny Road, but inadvertently, the Application was not forwarded to, and thereby, not acted upon by the Governing Body; and

WHEREAS, no soil moving activity has been conducted by the Applicant; and

WHEREAS, the Planning Board, via an interoffice memorandum dated October 28, 2009, recommended to the Township Council that an extension of the permit be granted to October 24, 2010 to coincide with the term of the Site Plan approval, not realizing that an initial permit had not been approved; and

WHEREAS, the Application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum dated November 5, 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 **ZAMPERLA, INC.** to remove 9,600 cubic yards of material as part of an expansion of its existing parking lot at Block 449, Lot 2, 49 Fanny 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 November 5, 2009.
5. The applicant shall comply with the recommendations and requirements memorialized in the resolution adopted by the Planning Board at its meeting of October 24, 2005, which included the provision “for the soil moving to be done between the hours of 9:00 a.m. and 3:00 p.m. and not on Sunday.”
6. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

This Resolution shall take effect immediately.

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*** Amending Adopted Budget – Board of Public Utilities Clean Energy 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 \$27,216.75 which item is now available as revenue from:

State of New Jersey
Board of Public Utilities
Clean Energy Program

BE IT FURTHER RESOLVED that a like sum of \$ 27,216.75 and the same is hereby appropriated in the Current Fund under the caption of:

State of New Jersey
Board of Public Utilities
Clean Energy Program

APPLICATION(S):

License(s):

*** Liquor License Person to Person Transfer of Inactive License No. 1429-33-005-006 from Interpark Liquor License, LLC to KILLALA, LLC t/a Blackthorn Restaurant and Irish Pub (1735 U.S. Route 46)**

WHEREAS, an application has been filed for a person to person transfer of Plenary Retail Consumption License No. 1429-33-005-006, heretofore issued to InterPark Liquor License, LLC for premises located at 1735 U.S. Route 46, Parsippany-Troy Hills Township, New Jersey (inactive license); and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills does hereby approve, **effective November 24, 2009**, the person to

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person transfer of the aforesaid Plenary Retail Consumption License to KILLALA, LLC t/a Blackthorn Restaurant & Irish Pub for premises located at 1735 U.S. Route 46, Parsippany-Troy Hills Township, New Jersey (inactive license) and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to KILLALA, LLC t/a Blackthorn Restaurant & Irish Pub, effective November 24, 2009.”

*** 2010 Renewal of Licenses – Amusement Games, Entertainment, Taxi/Limo, Tourist Accommodations, Truck Terminal**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2010:

<u>AMUSEMENT GAMES</u>	<u>NUMBER OF GAMES</u>
Reimer, Inc. t/a The Inn Crowd	2
Hoover’s Tavern, LLC	1
Keo Ku Jang, Inc. t/a Q-Time Billiards & Sports Bar	9
Vega Cook, Inc. t/a Fuddrucker’s	5
Clearview Cinemas t/a Parsippany Cinema 12	10

ENTERTAINMENT

Mount Holleran Towne Tavern, LLC
Hoover’s Tavern, LLC
Marakesh Associates, Inc., t/a Marakesh Restaurant
I-85 Hospitality Group, LLC t/a Holiday Inn Hotel & Suites
HST Lessee CMBS, LLC

<u>TAXI/LIMOUSINE OWNERS</u>	<u>NUMBER OF VEHICLES</u>
AC Limousine Services, Inc.	1
Frank Caligiuri t/a Frankie C Limousine & Car Service	1
UNLIMO1.COM Corp.	2
Allert Limousine Service, LLC	2
Ziv Limousine Service, LLC	3
Cunningham Limousine, LLC	1
Sunnyline, LLC t/a Sunnyline Car Service	1
Unicorn Coach Limited	1
Adam Jakubiuk	1
Personal Transport Service, LLC	1
Songun, Inc. t/a Mega Limousine & Parsippany Taxi	8
Richard Steurer	1
Omer Songun t/a Songun Livery	1
Emad Doussa	1
B. Singh & G. Singh A Partnership t/a All Star Limousine	1

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<u>TOURIST ACCOMMODATIONS</u>	<u>NUMBER OF UNITS</u>
Hospitality Management of Parsippany, LLC t/a Days Inn	120
Shree Swamiji, LLC t/a Parsippany Inn	50
Concord Hospitality t/a Fairfield Inn and Suites	108
Intercontinental Hotels Group t/a Staybridge Suites	150
HST Lessee CMBS, LLC t/a Sheraton Parsippany Hotel	370
Pooja Dhruvi, LLC t/a Budget Inn	47
Pooja Hina, LLC t/a Ramada Limited	72

ORDINANCE(S):

Introductions

ORDINANCE NO. 2009:43

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290, PARKS, RECREATION AREAS AND PUBLIC LANDS, ARTICLE II, USE REGULATIONS; PERMIT REQUIREMENTS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
(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 **November 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **December 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, Grossi and Cesaro

ORDINANCE NO. 2009:44

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE DEDICATION OF A CONSERVATION EASEMENT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
(Attachment No. 2)

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

The following resolution was offered by Mr. Fox, 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 **November 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **December 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, Grossi and Cesaro

ORDINANCE NO. 2009:45

AN ORDINANCE AMENDING SECTION 285-4, SCHEDULE A, NO PARKING FIRE ZONES, OF ARTICLE I, OF CHAPTER 285, PARKING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH FIRE ZONES AND REGULATE PARKING AT GRATO RESTAURANT, 2230 ROUTE 10 (BLOCK 174, LOT 35.01) AND TABOR ROAD TAVERN, 510 TABOR ROAD (BLOCK 174, LOT 36.01)
(Attachment No. 3)

The following resolution was offered by Ms. Grossi, 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 **November 24, 2009** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **December 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, Grossi and Cesaro

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

Mr. Fox made a motion to adjourn the Meeting, seconded by Mr. Barberio:

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

RESOLUTION (NON-CONSENT)

Council Members addressed the Resolution Authorizing a Professional Services Agreement with Legal Counsel Relative to the Pay to Play Reform Ordinance

Ms. Lim informed the Council that she solicited cost estimates for the examination of the Pay to Play Ordinance and received cost estimates from two attorneys and phone calls from two other attorneys who might be interested in performing the examination. At this time, she asked for direction from the Council regarding the choice of firms.

Mr. dePierro asked for further discussion on the issue due to the disparity in the proposals. He noted that perhaps the question could be posed differently, explaining that what he would like clarified is which paragraph should be amended. He asked that this matter be tabled to the December agenda meeting and that the two law firms who responded, but did not provide quotes, be given the chance to submit their pricing. Council President Cesaro commented that he would like the Council to work together to amend this ordinance. Mr. Barberio felt that, while he believes in the integrity and spirit of the ordinance, it is contradictory and should be amended. Council President Cesaro asked Ms. Verrone to research as to whether or not this ordinance is currently being challenged and report to the Council.

The Council agreed to remove the resolution from the Agenda at this time.

Council President Cesaro made a motion to add the following resolution to the agenda, seconded by Ms. Grossi.

Authorizing the Business Administrator to Execute a Contract for the Provision of Electric Generation Service to the Wastewater Treatment Plant

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

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

WHEREAS, the cost of electric generation is a major component of the sewer plant operating cost; and

WHEREAS, the Township desires to control sewer plant electric generation cost; and

WHEREAS, the Township desires to use a sealed bid approach to solicit competitive bids for the procurement of an all-in fixed price or a floating energy price contract for the provision of electricity for the sewer plant for an initial term of three months, with provisions for the potential extension of the initial term for up to an additional 9 months; and

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

WHEREAS, the use of a sealed bid for the procurement of electricity is effective in producing a competitive bidding environment such that the maximum cost savings will be obtained for the Township; and

WHEREAS, the Township, in cooperation with its energy consultant, Gabel Associates, will establish in advance of the bid opening a 'trigger price' for both the all-in fixed price product and for the 'fixed adder' component of the floating energy price product, based upon market conditions and utility tariff prices for comparable products to assure benefits relative to alternative sources of supply; and

WHEREAS, extreme energy market volatility requires that a decision on the bid award be made by no later than 2:30 pm on the day of the bid opening.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris in the State of New Jersey authorizes the Mayor or Business Administrator to award the bid and execute the winning bidder's contract for providing electric generation service to the Township to the lowest responsible bidder, subject to the lowest fixed adder price bid for the floating energy price product being no greater than \$.023/kwh during the initial term or any extensions of the initial term, and subject to the lowest all-in fixed price bid being no greater than \$.09/kwh during the initial term, and no greater than the established trigger price for any extensions of the initial term.

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

Presentation Regarding Health Insurance for 2010

Ms. Lim, informed the Council that Ryan Graham of Fairview Insurance Agency Associates, Inc. and Aida and William Visakay of AxisPointe, Inc. are present to explain the increase in the health insurance premiums for 2010.

Ms. Lim explained that we saved money by leaving the State Health Benefits Plan, however, a series of catastrophic events have increased our loss ratio for the prior twelve month period.

Ms. Grossi felt it is outrageous that our rates are being increased. She questioned how the broker determines which plans to offer to the Township. She offered her opinion that there be a public bid for health insurance. She requested a listing of the proposal and all companies that were approached for quotes.

Mr. Graham explained the bid process, noting that the request for quotations goes to all the health benefit providers in New Jersey. Firms submit bids; Fairview then attempts to renegotiate a lower rate.

Mr. Fox questioned whether an insurance company would provide a rebate if the loss ratio decreases over the next twelve month period.

Ms. Visakay, in explaining the late date of submission to the Council, noted that carriers do not begin the renewal process for January until October. The decision was made by the Township

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

brokers to wait to see if there was a decrease in claims which would allow them to negotiate a lower premium. Ms. Visakay also reviewed the breakdown of administrative costs.

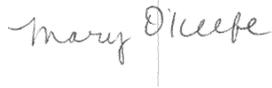
In closing, Ms. Lim noted that she has a complete package that she will share with the Council.

A motion was made by Council President Cesaro, seconded by Mr. Fox, to adopt a resolution (Attachment No. 4) to convene in closed session to discuss litigation.

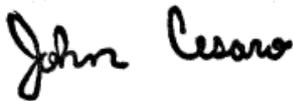
Upon the completion of the closed session, the Council reconvened in open session.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,



Mary O'Keefe, Deputy Clerk



John Cesaro, Council President

Minutes approved: December 15, 2009

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

Attachment No. 1

Page 1 of 1

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 290, PARKS,
RECREATION AREAS AND PUBLIC LANDS, ARTICLE II, USE REGULATIONS;
PERMIT REQUIREMENTS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-
TROY HILLS**

ORDINANCE NO. 2009:43

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

Section 1. The following changes shall be made to Article II, Use Regulations; Permit Requirements, of Chapter 290, Parks, Recreation Areas and Public Lands:

A. §290-8, Permits, Section F, Fees for permits, (1) Recreational Activities, is hereby amended by the addition of the following:

<u>Type of Permit</u>	<u>Fee</u>
Roller Hockey	
Youth Non-Resident	\$50

SECTION 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 3. All ordinances or parts of ordinances of the Township of Parsippany heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

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

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2009:44**

**AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS
IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE
DEDICATION OF A CONSERVATION EASEMENT TO THE NEW
JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, pursuant to The Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Township of ParsIPPany-Troy Hills (the “Township”) has the power to acquire and/or sell any real property or interests therein for a public purpose; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1) a municipality may convey an easement in any real property to an agency of the State of New Jersey at private sale; and

WHEREAS, the Township is in possession of certain property being a portion of Block 25, Lot 32 on the Tax Map of the Township of ParsIPPany-Troy Hills (the “Township Property”), as more particularly described on the Parcel Map entitled “Mitigation Area Through Block-25 – Lot-32,” dated July 20, 2009, prepared by Hatch Mott MacDonald, and more particularly described in a legal description entitled “Mitigation Area Through Block 25, Lot 32; ParsIPPany-Troy Hills Township, Morris County, New Jersey,” dated July 10, 2009, prepared by Hatch Mott MacDonald, copies of both documents being on file with the Township Clerk; and

WHEREAS, the New Jersey Department of Environmental Protection is (“NJDEP”) is a department of the State of New Jersey; and

WHEREAS, the Township has obtained Flood Hazard Area Individual Permit Number 1429-08-0004.1 FHA 080001 and Freshwater Wetland General Permit # 2 Number 1429-08-0004.1 FWW 080001 (collectively “the Permits”) from the New Jersey Department of Environmental Protection (“NJDEP”) to allow construction of a sixteen (16) inch diameter water main across the Watnong Brook; and

WHEREAS, paragraph 27 of the Special Conditions of the Permits requires the Township to complete, sign, and file with the County Clerk a conservation restriction meeting the requirements of N.J.A.C. 7:13, and to send a copy of the restriction to NJDEP within 10 dates of filing; and

WHEREAS, the Township has determined that it would benefit the health and welfare of the citizens of the Township to convey a conservation easement in the Township Property to NJDEP pursuant to the Permits for nominal compensation,

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

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

Attachment No. 2
Page 2 of 2

1. The above recitals are hereby incorporated into the body of this Ordinance as if set forth at length herein.
2. The dedication of a conservation easement in the Township Property as defined hereinabove to the NJDEP for nominal compensation is hereby authorized pursuant to N.J.S.A 40A:12-13(b)(1).
2. The Mayor and Municipal Clerk are hereby authorized and directed to execute the “Grant of Conservation Restriction/Easement (Re-vegetated Riparian Zone)” (the “Easement”) in a form acceptable to the Township Attorney to grant NJDEP a conservation easement in the Township Property described hereinabove.
3. The Township Clerk is hereby authorized and directed to record the Easement with the Morris County Clerk, and to transmit a copy of the Easement to NJDEP within ten (10) days of recording the Easement.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict only; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE # 2009:45**

AN ORDINANCE AMENDING SECTION 285-4, SCHEDULE A, NO PARKING FIRE ZONES, OF ARTICLE I, OF CHAPTER 285, PARKING, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH FIRE ZONES AND REGULATE PARKING AT:

**Grato Restaurant, 2230 Route 10 (Block 174, Lot 35.01) and
Tabor Road Tavern, 510 Tabor Road (Block 174, Lot 36.01)**

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

SECTION 1. Section 285-4, Schedule A, No Parking Fire Zones, is hereby amended to include:

**Grato Restaurant, 2230 Route 10 (Block 174, Lot 35.01) and
Tabor Road Tavern, 510 Tabor Road (Block 174, Lot 36.01)**

SECTION 2. In connection with the above listed property (or properties), there shall be **No Parking in the Fire Zones** as outlined by cross-hatching on map(s) on file in the Office of the Township Clerk.

SECTION 3. Pavement markings and signage, as hereinafter described, shall be installed by the owner of each property listed in Section 1 within 30 days from the effective date of this ordinance.

- a) pavement marking: all curbs within the designated fire zone shall be painted yellow except when Belgian block curbing is utilized, then a 4 inch solid line, 1 foot from the base of the curb shall be painted.
- b) signage: “no parking – any time” signs as deemed appropriate by the District Fire Chief shall be installed as indicated on the above referenced map(s). All signs shall be of uniform size and height being not less than 7 feet from the ground to the sign. All signs shall be in accordance with the Manual on Uniform Traffic Control.

SECTION 4. For violation of any provision of this ordinance, the penalty, upon conviction, shall be as set forth in Chapter 1, Section 1-17 of the Code of the Township of Parsippany-Troy Hills.

SECTION 5. For failure to install the required signs and lines as detailed in this ordinance, the owner of each property listed in Section 1 shall be subject to penalty and/or arrest as provided for in New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.12.

SECTION 6. This ordinance shall take effect upon final passage, approval and publication as required by law.

REGULAR TOWNSHIP COUNCIL MEETING NOVEMBER 24, 2009

Attachment No. 4
Page 1 of 1

RE: Litigation (Silvia Valles/Mossberg-Forge Pond)
DATE: November 24, 2009
TIME: 8:45 p.m.

MOTION BY: Council President Cesaro
SECONDED BY: Mr. Fox

RESOLUTION

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

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

WHEREAS, the Township Council wishes to discuss:

Litigation

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

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

Roll Call:	Barberio	-	Yes
	dePierro	-	Yes
	Fox	-	Yes
	Grossi	-	Yes
	Cesaro	-	Yes

MOTION TO ADJOURN BY: Council President Cesaro
SECONDED BY: Mr. Barberio

Roll Call:	Barberio	-	Yes
	dePierro	-	Yes
	Fox	-	Yes
	Grossi	-	Yes
	Cesaro	-	Yes

MEETING ADJOURNED: 8:58 p.m.