

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF MARCH 19, 2019

I. INTRODUCTION

Meeting was called to order at 7:00PM pm by Council President Paul Carifi Jr. and Council member McCarthy read the following statement into the record:

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 20, 2018 where it has remained posted since that date. A legal notice appeared in the Daily Record and the Newark Star Ledger on December 27, 2018 and was forwarded by fax to other local newspapers on December 20, 2018.

A flag salute occurred followed by roll call with the following answering roll call; Council President Carifi, Council member dePierro, Council member Gragnani, Council member McCarthy and Councilmember Peterson. Other members of the administration present at the meeting; Business Administrator Keith Kazmark, Township Attorney James Lott, Township Clerk Khaled Madin.

The council reviewed the agenda:

D. UPCOMING MEETINGS:

- | | |
|------------------------|-----------------|
| 1. 4/2/19 @ 7:00 p.m. | Agenda Meeting |
| 2. 4/16/19 @ 7:00 p.m. | Regular Meeting |

E. APPROVAL OF MINUTES

1. Agenda Meeting – February 5, 2019
2. Regular Meeting – February 19, 2019
3. Re-Organization Meeting – January 3, 2019

Motion to approve the above Minutes by Ms. Peterson, seconded by Ms. Gragnani. **ROLL CALL-** Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

II. PRESENTATION(S)/REPORTS

- A. MAYOR- stated that when he ran for Mayor a main motivation was to stop the financial mismanagement that has been tolerated by the previous Councils for far too long. Mayor stated that the previous Council based their decisions around elections and not in the best interest of the Township. Mayor stated that eliminating important jobs, which is what the Council is currently doing, will result in service cuts to residents. Mayor stated he wanted to get Parsippany to the point where the taxes are stable but it will not be something we can achieve if these Council Members continue to make decisions based on their election.
- B. TOWNSHIP COUNCIL – Ms. Gragnani stated that the time for blaming previous Administrations has gone by, and it is time they take responsibility for their actions. Mr. dePierro stated that he voted against last year’s budget because there were 6 positions in there that were unnecessary and overpriced and they are still in this year’s budget, and if they were removed they would have resulted in a savings where we would not have had to take as much money from the utilities. Ms. McCarthy stated that one budget builds on the next budget and they are not created in one year.
- C. TOWNSHIP ATTORNEY-no report
- D. BUSINESS ADMINISTRATOR – Mr. Kazmark stated that at the last meeting a number of cuts were made to the budget and that he has a report for the Council’s edification. Mr. Kazmark stated that \$842,000.00 worth of positions were eliminated across departments which accounts for the 13 vacant positions in addition to an adjustment with regard to our capital project for North Beverwyck Road street scape which was reduced by \$40,000.00 and reallocated \$15,000.00 to Engineering and Planning for design purposes. We asked the Department Heads to provide reports as to how they will deal with the reallocation of funds to ensure that they are planning for the future given the budgetary restrictions. Mr. Carifi stated that it was publicized that the budget was down to 2.85 but it is actually 2.78.
- E. TOWNSHIP CLERK – no report
- F. TOWNSHIP OFFICES COMMITTEES/REPORTS – no report

III. BIDS

- A. Taken
 - 1. 3/14/19- One New 2019 Type 14x4 Emergency Medical Vehicle for EMS
 - 2. 3/16/19 – SCADA System Improvements
- B. To Be Taken
 - 1. 3/20/19 – 2019 Road Resurfacing/Curb & Sidewalk Program

2. 3/21/19 – Improvements to Old Bloomfield Ave. Phase 2
3. 3/22/19 – Resurface Tennis Courts for the Parsippany Parks Department

C. Quotation(s)/Proposal(s)/Qualification(s)

IV. PUBLIC HEARING

Council President Carifi entertained a motion to open the meeting to the public to speak on any topic, noting a five-minute time limit per speaker. A motion was made by Council Member dePierro, seconded by Council Member Peterson followed by a roll call with all the Council Members answering Yes.

Nick Homyak, discussed the budget. Mr. Homyak stated that the money overall is very trivial and to argue about taxes at this level is inappropriate. Mr. Homyak stated that we are talking about small amounts of money for the common good.

Bob Venezia, stated the Affordable Housing presentation was missing one big this, and that is that there are 50 municipalities in NJ that are totally exempt from affordable housing obligations and they represent 30% of the population of NJ and they get counted in the affordable housing analysis and their allotment is absorbed by other towns so towns like us must account for 30% more to account for the exempt towns. Mr. Venezia stated he had three budget questions: (1) the Council reduces the 2019 budget by eliminating funding of 13 vacant positions but if those positions were kept in the budget and the positions were not filled then could that money be used for other things (2) what is the status of the new emergency personnel communication system that the town bonded 10million dollars for and (3) against the proposal of increasing water and sewer rate and does that require and ordinance by the Council. Mr. Kazmark responded along with Chief Miller and Leslie London.

Mary Purzycki, stated that you will need a paid fire department with the numbers that the units that 1515 will produce and you will need different kind of equipment because of the height requirements. Mr. Purzycki stated that the Town must look at all these issues for the people regarding the issues that COAH will bring.

Seeing no one else come forward to speak, Council President Carifi entertained a motion to close the public hearing. A motion to close the public hearing was made by Council Member Peterson, and seconded Council Member Gragnani followed by a Roll Call with all the Council Members answering Yes.

V. BUDGET

A. INTRODUCTION

1. ORDINANCE 2019:10

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY CALENDAR YEAR 2019 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

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 **March 19, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **April 16, 2019** at 7:00 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.

Motion to approve the above Resolution by Mr. dePierro, seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

B. RESOLUTIONS

1. **R2019-** 2019 Municipal Budget Introduction

Motion to approve the Resolution above by Mr. dePierro, seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Mr. Carifi.

No- Ms. McCarthy, Ms. Peterson,

VI. ORDINANCES

A. INTRODUCTION

1. ORDINANCE 2019:07

1ORDINANCE REAPPROPRIATING \$103,026.59
PROCEEDS OF OBLIGATIONS NOT NEEDED FOR
THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE
FOR ROOF REPAIRS TO THE DEPARTMENT OF PUBLIC
WORKS BUILDING IN AND BY THE TOWNSHIP OF
PARSIPPANY-TROY HILLS, IN THE COUNTY OF
MORRIS, NEW JERSEY

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 March 19, 2019 and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on April 16, 2019 at 7:00 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.

Motion to approve the above Resolution by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi

2. ORDINANCE 2019:08

**BOND ORDINANCE PROVIDING A SUPPLEMENTAL
APPROPRIATION OF \$350,000 FOR SUPERVISORY
CONTROL AND DATA ACQUISITION COMMUNICATION
SYSTEM UPGRADES IN AND BY THE TOWNSHIP OF
PARSIPPANY-TROY HILLS, IN THE COUNTY OF
MORRIS, NEW JERSEY, AND AUTHORIZING THE
ISSUANCE OF \$350,000 BONDS OR NOTES OF THE
TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

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 March 19, 2019 and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on April 16, 2019 at 7:00 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.

Motion to approve the above Resolution by Ms. Peterson, seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

3. **ORDINANCE 2019:09**

BOND ORDINANCE PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS IN AND BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$2,670,000, THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,536,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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 **March 19, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **April 16, 2019** at 7:00 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.

Motion to approve the above Resolution by Ms. Gragnani, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

B. **SECOND READING & PUBLIC HEARING**

1. **ORDINANCE 2019:03**

BOND ORDINANCE PROVIDING FOR THE PRIMARY SCUM PUMP REHABILITATION AT THE SEWER UTILITY IN AND BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$300,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the bonds and bond anticipation notes authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$300,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the primary scum pump rehabilitation at Sewer Utility, including all work and materials necessary therefor and incidental thereto and further including all related costs and expenditures incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to

mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been

filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$300,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$30,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from the gross debt of the Township pursuant to N.J.S.A. 40A:2-44(c).

Section 7. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3(a) of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond

counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on February 28, 2019. This Ordinance was introduced at the February 19, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:03 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

a. PUBLIC HEARING 2019:03

Motion to open the public hearing for Ordinance 2019:03 by Mr. dePierro, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

Motion to close the public hearing for Ordinance 2019:03 by Ms. Peterson, seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

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.

Motion to approve the Resolution above by Ms. Peterson, seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

2. **ORDINANCE 2019:04**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY CREATING NEW CHAPTER 125 OF THE CODE OF PARSIPPANY-TROY HILLS TO ESTABLISH A PERMIT REQUIREMENT TO OPERATE A CRANE IN THE TOWNSHIP OF PARSIPPANY TROY-HILLS

WHEREAS, consistent with the Licensing of Crane Operators Act, N.J.S.A. 45:26-1 et seq., the Township of Parsippany-Troy Hills recognizes that a consistent policy concerning the operation of cranes within the Township will further the public health, safety and general welfare and be in the best interest of Township residents; and

WHEREAS, the Township wishes to enact legislation which will govern registration of cranes and use of cranes in the Township.

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

Section 1. Chapter 125, Cranes, of the Code of the Township of Parsippany-Troy Hills be and hereby is adopted as follows:

§125-1 Permit Required. Before any crane operator, contractor or other person or company initiates the use of a crane within the municipality, a permit shall be obtained, with application to be made at least seven (7) days before a crane is to be erected.

§125-2 Application. Application for a permit to operate a crane under this Chapter shall be submitted in writing to the Construction Official and shall contain include the following information:

A. Applicant's name, address, telephone number, project safety contact person, employer's representative at the site, including title and 24-hour contact information.

B Designation of type of contractor and description of crane being operated.

- C. Location of crane jobsite.
- D. Number of employees and anticipated starting date for crane operation.
- E. Designation of existence of high voltage lines and other overhead utilities.
- F. Proof of licensure by the New Jersey Department of Labor and Workforce Development, including current certification for the specialty or specialties for which the crane operator is certified, in accordance with N.J.S.A. 45:26-1 et seq.
- G. Proof of annual/comprehensive inspection required by 29 CFR 1926.1412(f).
- H. Certification that the applicant will comply with all applicable safety law and regulation with respect to the operation of the crane.
- I. A written job plan which describes the intended operation of the subject crane including specific uses of the crane and the nature and weight of anticipated loads.
- J. The applicant shall provide proof of insurance as follows:
 - a. Bodily Injury:
 - i. For any one (1) person in the amount of \$500,000.00
 - ii. For any occurrence in the amount of \$1,000,000.00
 - b. Property Damage:
 - i. For any one (1) accident in the amount of \$500,000.00
 - ii. For any aggregate of occurrences in the amount of 2,000,000.00.

§125-3 Permit Issuance; Denial; Revocation and Suspension. The Township shall be named as an additional insured on all insurance policies. Upon receipt of a properly completed application and compliance with the requirements of this Chapter, the Township Construction Official shall issue the requested permit within five (5) business days. The Township Construction Official may deny, revoke or suspend the permit for good cause shown. Denials, revocations and suspensions of the permit may be appealed to the Township Business Administrator within 10 days whose decision shall be final.

§125-4 Fees. The application fee for a permit shall be \$100 and may be increased by resolution of the Township Council from time to time. A permit shall be valid for a period of 90 days and may be renewed for an additional 90-day period upon a showing of continued compliance with the requirements of this Chapter.

§125-5 Accident Notification. A crane operator shall immediately notify the Township Construction Official of any accident causing personal injury or damage to property involving a crane covered by this Chapter.

§125-6 Safety Standards.

- a. All crane equipment shall be kept in safe working condition at all times by the owner and licensee.
- b. If any safety or operational aid used or required to be used in connection with the operation of a crane is not working properly, the crane operator shall immediately shut down the crane until such time that the required safety or operational aid is repaired or replaced and the crane is restored to property working order.
- c. Any and all safety requirements promulgated by the Department of Labor, OSHA or Township must be adhered to at all times.
- d. Every crane shall be thoroughly inspected by a competent designated employee or authorized agent of the owner or lessee if such mobile crane, tower crane or derrick at intervals not exceeding one month. Such inspection shall include but not be limited to all blocks, shackles, sheaves, wire rope, connectors, and various devices on the master boom, controls and breaking mechanisms.
- e. A written, dated and signed record of each such inspection shall be completed by the competent designated employee or authorized agent who made the inspection. The most recent record of such inspection shall be posted inside the cab of such crane and shall be filed with the Township. Attached to such record of inspection shall be a written designation naming the competent employee or authorized agent. Such attached designation shall be signed by the owner or lessee of such.
- f. Every crane shall be inspected by the competent designated employee before being erected or operated for the first time on any job.
- g. Adjustments and repairs to cranes shall be made only by competent designated persons.

§125-7 Administration; enforcement; promulgation of rules and regulations and necessary forms

The provisions of this Chapter shall be enforced by the Township Construction Official of the Township of Parsippany-Troy Hills. The Township Construction Official is hereby authorized to promulgate such rules and regulations and forms as are deemed necessary to aid in the enforcement and administration of this Chapter.

§125-8 Violations; penalties

Any person violating any provisions of this chapter shall, upon conviction thereof, be subject to one or more of the following: imprisonment in the county jail or in any other

place provided by the municipality for the detention of prisoners for any term not exceeding 90 days or by a fine not exceeding \$1,250 or by a period of community service not exceeding 90 days, to become effective on the effective date of this section.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This ordinance shall take effect upon passage and publication as provided by law.

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on February 28, 2019. This Ordinance was introduced at the February 19, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:04 be heard in its second and final reading by title only, by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

a. PUBLIC HEARING 2019:04

Motion to open the public hearing for Ordinance 2019:04 by Ms. McCarthy, seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

Motion to close the public hearing for Ordinance 2019:04 by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

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.

Motion to approve the Resolution above by Ms. McCarthy, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

3. **ORDINANCE 2019:05 – TABLED *******

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY-HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 346, SNOW AND ICE REMOVAL, OF THE CODE OF PARSIPPANY TROY-HILLS TO IMPOSE A FINE FOR VIOLATIONS

4. **ORDINANCE 2019:06**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY–TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING VARIOUS PROVISIONS OF THE CODE OF PARSIPPANY-TROY HILLS RELATED TO FEES

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

SECTION 1. Section 180-2, Subsections C, H, I and J, of the Code of the Township of Parsippany–Troy Hills are hereby deleted and replaced in their entirety as follows:

- C. The fees for a retail food establishment license, with the exception of Subsection I below, shall be assessed on the basis of the total square footage of the establishment, including storage, preparation areas, indoor and outdoor dining, according to the following schedule:

Establishment (square feet)	Fee
0 to 1,000	\$200
1,001 to 2,000	\$300
2,001 to 3,000	\$400
3,001 to 4,000	\$500
4,001 to 5,000	\$600
5,001 to 10,000	\$700
10,001 to 20,000	\$800
20,001 to 30,000	\$900
30,001 to 40,000	\$1,000
40,001 to 50,000	\$1,200
50,001 to 75,000	\$1,300
75,001 to 100,000	\$1,400
Over 100,000	\$2,000

- H. Fees for a retail food establishment serving only prepackaged, potentially nonhazardous foods with no food preparation on site shall be assessed on the basis of the total square footage of the portion of the establishment dedicated to such products, including storage areas, shall be as follows:

Establishment (square feet)	Fee
0 to 2,500	\$250
Over 2,500	\$500

- I. Miscellaneous establishments:

(1) Itinerant restaurants.

(a) Class 1 itinerant restaurants, as defined in § [180-3C\(1\)](#), shall be charged a nonrefundable license fee of \$500, which shall accompany the application.

(b) Class 2 itinerant restaurants, as defined in § [180-3C\(2\)](#), shall be charged a nonrefundable license fee of \$500, which shall accompany the application.

(c) Class 3 itinerant restaurants, as defined in § [180-3C\(3\)](#), shall be charged a nonrefundable license fee of \$300, which shall accompany the application.

(2) Vending Machines (food and beverage) licenses shall be charged as follows:

(a) First machine: \$200 per company, per location

(b) Each additional machine: \$20 per company, per location

J. Temporary food license applications must be submitted along with the fee prior to the event for which it is needed. Fees are as follows:

(1) Fewer than seven days: \$100

(2) Seven days through 14 days: \$200

SECTION 2. Section 180-2 of the Code of the Township of Parsippany–Troy Hills is hereby amended and supplemented as follows:

Add new.

K. Farmers Market per vendor:

(1) Fewer than seven days: \$100

(2) Seasonal (less than 6 months): \$200

SECTION 3. Section 367-11A of the Code of the Township of Parsippany–Troy Hills is hereby deleted and replaced in their entirety as follows:

A. The fee for a permit to conduct, operate and maintain a public swimming pool shall be \$400 per year.

SECTION 4. Section 214-3 of the Code of the Township of Parsippany–Troy Hills is hereby deleted and replaced in its entirety as follows:

[A.](#) The fee for a housing certificate shall be as follows:

- (1) Residential detached single dwelling unit: \$60 per dwelling unit.
- (2) Residential two-unit or multiunit dwelling: \$60 per dwelling unit.

B. These fees include the cost of the initial inspection plus one reinspection. Additional reinspections, whether due to noncompliance or inability to gain access for a scheduled reinspection, will be charged \$60 per reinspection visit. The cost for all inspections relating to the issuance of a housing certificate shall be paid in full no less than 24 hours prior to the scheduled reinspection.

C. No change.

SECTION 5. Section 315-14 of the Code of the Township of Parsippany–Troy Hills is hereby deleted and replaced in its entirety as follows:

A. The fees for the above-referenced biennial inspections of residential rental properties shall be \$40 per unit, which shall include the initial inspection and one reinspection. Each additional reinspection shall be \$40 per unit.

B. If an apartment has had a housing certificate inspection pursuant to Chapter 214 of this Code within 30 days prior to the start date of the biennial inspection, there will be no charge to the landlord for that unit.

SECTION 6. Section 91-7 of the Code of the Township of Parsippany–Troy Hills is hereby deleted and replaced in its entirety as follows:

A. Any person wishing to adopt an animal from the shelter may do so upon payment of the following fees to help defray the cost of health care and maintenance for said animals. A low-cost spay/neuter certificate will be issued, if needed.

- (1) Puppy (under 6 months old): \$100
- (2) Dog (over 6 months old): \$80
- (3) Kitten (under 6 months old): \$70
- (4) Cat (over 6 months old): \$50

SECTION 7. Section 91-5E(2) of the Code of the Township of Parsippany–Troy Hills is hereby deleted and replaced in its entirety as follows:

E. Turn-in fee.

(1) No change.

(2) The charges specified herein shall be paid to the Township of Parsippany-Troy Hills, and a receipt shall be delivered to the person paying such fees, which will give the ACO the authority to dispose of the animal or place it for adoption.

(a) Dog surrender: \$75

(b) Cat surrender: \$50

(c) Quarantine fee, which shall be applicable if the surrendered animal has bitten in the last ten (10) days: the above surrender fee plus \$100 to help defray the cost of specialized health care and maintenance for said animals.

SECTION 8. Corresponding amendments shall be made to Chapter A445, Fees Compilation, of the Code of the Township of Parsippany–Troy Hills.

SECTION 9. 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 10. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 11. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on March 8, 2019. This Ordinance was introduced at the March 5, 2019 Agenda Meeting.

Motion to accept that Ordinance 2019:06 be heard in its second and final reading by title only, by Ms. Gragnani, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

a. PUBLIC HEARING 2019:06

Motion to open the public hearing for Ordinance 2019:06 by Ms. Gragnani, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

Motion to close the public hearing for Ordinance 2019:06 by Ms. Peterson, seconded by Ms. McCarthy.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

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.

Motion to approve the Resolution above by Ms. Gragnani, seconded by Ms. Peterson.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

VII. NON-CONSENT AGENDA

A. RESOLUTIONS

1. **R2019-083 Resolution of the Township of Parsippany-Troy Hills Establishing a Responsible Bidder Requirement for Township Public Works Contracts with an Estimated Cost of Construction Equal to or Exceeding \$500,000.00 and for All Public Works Contractors to Verify Lawful Employment eligibility of Their Employees**

WHEREAS, the Township of Parsippany Troy Hills has a compelling interest in assuring that public works projects meet the highest standards of safety, workmanship and quality; and

WHEREAS, the Township of Parsippany Troy Hills, as an owner, is concerned with the efficient use of its resources and the protection of investment in public works projects; and

WHEREAS, the Township of Parsippany Troy Hills believes that public works projects costing \$500,000.00 or more, represent significant investments of public funds; and

WHEREAS, the Township of Parsippany Troy Hills believes that public works projects require skilled work, competency, tradesman and craftsman; and

WHEREAS, the Township of Parsippany Troy Hills believes that the public interest is fostered and benefited by Contractors that employ highly skilled workers; and

WHEREAS, as recognized by the Legislature of the State of New Jersey, public works projects completed by highly skilled workers results in lower repair costs and maintenance over the course of completed public works project's lifetime; and

WHEREAS, the Local Public Contracts Law requires that the Township of Parsippany Troy Hills award contracts for public works projects to the lowest responsive and responsible bidder, where "responsible" means a bidder has the ability to complete the contract in accordance with the contract's requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit and workforce, equipment and facilities availability; and

WHEREAS, the Township of Parsippany Troy Hills believes that Contractors awarded contracts for public works projects costing \$500,000.00 or more, are applying a higher degree of responsibility when such Contractors utilize a workforce of highly skilled workers and a Contractor's workforce is a condition directly related to the purpose and activity of public works projects; and

WHEREAS, the Local Public Contracts Law requires that specifications for the provision of goods or services be drafted in a manner to encourage free, open and competitive bidding but allows for standards and conditions directly related to purpose, function or activity for which the contract is awarded; and

WHEREAS, the Local Public Contracts Law requires that Contractors that are awarded contracts for public works projects are responsive if they conform in all material respects to the terms and conditions, specifications, legal requirements, and other provisions of the request; and

WHEREAS, trade and craft apprenticeship and training programs registered with the United States Department of Labor's Bureau of Apprenticeship and Training or New Jersey State Apprenticeship Agency or equivalent training programs, provide a means of supplying and ensuring highly skilled workers in a cost effective manner; and

WHEREAS, registered trade and craft apprenticeship programs provide a public benefit in training, developing and maintaining a highly skilled workforce and are complementary to public works projects; and

WHEREAS, the Township of Parsippany Troy Hills believes that requiring Contractors awarded contracts for public works projects costing \$500,000.00 or more to participate in active apprenticeship and training programs, or agreeing to employ workers of journeyman status to be paid at the journeyman rate, are an effective and suitable methods to ensure the use of highly skilled workers and achieve the highest standards of safety, workmanship and quality of public works projects in a cost effective manner, which will lower repair and maintenance costs over the life of completed public works projects; and

WHEREAS, the Township of Parsippany Troy Hills seeks to encourage Contractors awarded contracts for public works projects for the Township of Parsippany Troy Hills to hire residents of Morris County where such Contractors have a need for new employees; and

WHEREAS, Contractors create unfair competition when they intentionally and knowingly employ unauthorized aliens to perform labor, which not only denies job opportunities for lawful residents, but also harms the public as contractors misclassify such employees to avoid the payment of taxes and pay substandard wages, which further creates an unfair advantage over scrupulous contractors; and

WHEREAS, the Township of Parsippany Troy Hills believes that responsible Contractors should verify that their employees are eligible for lawful employment; and

WHEREAS, with respect to the Occupational Safety and Health Act of 1970, as amended (OSHA), the Township of Parsippany Troy Hills believes safety to be of paramount consideration when public funds are invested in such public works; and,

WHEREAS, responsible contractors and subcontractors with respect to the performing of work on public works contracts in excess of \$500,000.00 total cost of project, must certify and disclose whether they have been cited and fined for a willful violation of federal or state safety laws in the past three years; and,

WHEREAS, with respect to the performing of work on public works contracts in excess of \$500,000.00 total cost of project, a responsible contractor or subcontractor when performing work on such projects demonstrates a higher degree of responsibility should they have at least one (1) supervisor or foreman onsite who has successfully completed an OSHA 10-hour, or 30-hour construction safety and health course; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-13, provides that any specifications for the provision or performance of goods or services shall be drafted in a manner to encourage free, open and competitive bidding and that no specifications may “(a) [r]equire any standard, restriction, condition or limitation not directly related to the purpose, function or activity for which the contract is awarded”; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-25, further provides that a contracting unit may establish reasonable regulations governing the qualifications required of prospective bidders upon contracts to be awarded by the contracting unit according to the ability and experience of the bidders; and

WHEREAS, requirement that a responsible bidder is one who participates in a registered apprenticeship program; certifies as to OSHA compliance and training standards; and verifies that their employees are eligible for lawful employment is consistent with N.J.S.A. 40A:11-13 and -25 in as much as the requirement is directly related to the cost, efficiency, skilled labor force, quality, safety and timeliness of the Township’s public works projects; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-6.1, requires that the Township award contracts for public works projects to the lowest responsive and responsible bidder, where "responsible" means a bidder has the ability to complete the contract in accordance with the contract's requirements pertaining to experience, moral integrity, operating capacity, financial capacity, credit and workforce, equipment and facilities availability; and

WHEREAS, consistent with N.J.S.A. 40A:11-6.1, the Township believes that a requirement that a responsible bidder participate in a registered apprenticeship program ensures the use of highly skilled workers and promotes the highest standards of safety, workmanship and quality of Township public works projects in a cost effective manner, which will then lower repair and maintenance costs over the life of completed projects; and

WHEREAS, requiring apprenticeship programs as an element of responsibility places all bidders on equal footing and does not unnecessarily limit the number or type of bidders on public contracts, as all contractors will have a fair and equal chance to bid on Township public works contracts; and

WHEREAS, requiring apprenticeship programs that train highly skilled workers and improve efficiency in public works projects supports State of New Jersey policy set forth N.J.S.A. 52:38-1 which recognizes that highly skilled workforce ensures lower costs for repairs and maintenance over the lifetime of a completed project and further the purposes of the Local Public Contracts Law; and

WHEREAS, in accordance with N.J.S.A. 40A:11-25, the Township held a public hearing on this Resolution. Notice of the hearing, including a general description of the subject matter of this Resolution, was published in 2 newspapers circulating in the Township at least 20 days prior to the date set for hearing.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of The Township of Parsippany Troy Hills as follows:

1. The recitals as provided above are hereby adopted and incorporated herein by reference as findings of the Township of Parsippany Troy Hills Township Council .
2. The following terms shall have the following meanings:

“Apprentice Program” shall mean a registered apprenticeship program providing to each trainee combined classroom and on-the-job training under the direct supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade, and registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor and meeting the standards established by the Bureau, or registered by a State apprenticeship agency recognized by the Bureau.

“Contractor” shall mean a person or business entity awarded a public contract for a Public Works Project with Township of Parsippany Troy Hills and shall also include such Contractor’s authorized subcontractors.

“Employee” shall mean an individual who is employed by a Contractor or subcontractor and is providing work related to a Public Works Project or Qualified Public Works Project of the

Township of Parsippany Troy Hills and shall include “workman” or “worker” as defined at N.J.S.A. 34:11-56.26.

“Equivalent Training Program” shall mean a program of occupational study and training for an occupation recognized as an apprenticeable trade, provided by a secondary school accredited by the Council on Occupational Education or a training program recognized by the Bureau Apprenticeship and Training of the U.S. Department of Labor or the State of New Jersey as equivalent to an Apprentice Program.

“E-Verify Program” shall mean that internet based verification program as jointly administered by the United States Citizenship and Immigration Services, the United States Department of Homeland Security and the Social Security Administration for the confirmation of employment eligibility.

“Journeyman status” shall mean the status of any worker or employee that is neither a foreman nor an apprentice in a registered apprenticeship program, in any trade or craft. Workers or employees that are neither a foreman nor an apprentice in a registered apprenticeship program, in any trade or craft, must be paid at the journeyman rate as required by the “New Jersey Prevailing Wage Act,” P.L. 1963, c. 150.

“OSHA 10-hour construction safety and health course” and “OSHA 30-hour construction safety and health course” pertain to the guidelines as provided by Occupational Safety and Health Administration (OSHA), on their website at <https://www.osha.gov/>

“Public Works Project” shall mean the construction, reconstruction, building, altering, repairing, improving or demolishing of any public structure, facility or improvement constructed or acquired by the Township of Parsippany Troy Hills to house or provide local government functions and that are paid for, in whole or part, by the Township of Parsippany Troy Hills and for which it is required that workers are to be paid the prevailing wage pursuant to the “New Jersey Prevailing Wage Act,” P.L. 1963, c. 150, exclusive of projects and contracts undertaken by independent agencies, subdivisions, or authorities within the Township of Parsippany Troy Hills, even if such projects or contracts receive funding from the Township of Parsippany Troy Hills.

“Qualified Public Works Project” shall mean the construction, reconstruction, building, altering, repairing, improving or demolishing of any public structure, facility or improvement constructed or acquired by the Township of Parsippany Troy Hills to house or provide local government functions and that are paid for, in whole or part, by the Township of Parsippany Troy Hills, and for which it is required that workers are to be paid the prevailing wage pursuant to the “New Jersey Prevailing Wage Act,” P.L. 1963, c. 150 and the cost estimate for the project, exclusive of any land acquisition costs, will equal or exceed \$500,000.00, exclusive of projects and contracts undertaken by independent agencies, subdivisions, or authorities within the Township of Parsippany Troy Hills, even if such projects or contracts receive funding from the Township of Parsippany Troy Hills.

3. All prospective contracts and specifications for a Qualified Public Works Project shall, as a material condition of the contract, require that the prevailing responsive Contractor, and all subcontractors participate in an active Apprentice Program or Equivalent Training Program as herein defined, for each trade or craft contemplated under the awarded

contract with the Township of Parsippany Troy Hills, or submit a statement of agreement that that such Contractor or subcontractor shall not employ any worker or employee less than journeyman status to be paid at the journeyman rate for each craft on the Qualified Public Works Project. The Township of Parsippany Troy Hills may, in its discretion, waive this requirement for any Qualified Public Works Project if its enforcement would jeopardize receipt of any Federal, State or third-party grant or funding, or otherwise be prohibited under the terms of such Federal, State or third-party grant or funding.

4. All prospective contracts for a Qualified Public Works Project shall include a stipulation that if a responsive and responsible Contractor, that is awarded and executes a contract for a Qualified Public Works Project, and the Contractor or subcontractors as may be applicable, fails to comply with required participation in applicable Apprentice Programs or Equivalent Training Programs; or, alternatively, fails to submit a statement of agreement that such Contractor or subcontractor shall not employ any worker or employee less than journeyman status paid at a journeyman rate for each craft, or in fact employs any worker or employee at less than the journeyman status paid less than the journeyman rate for each craft, such failure or act shall be deemed to be an event of default under the contract and such failure shall constitute prior negative experience as to future eligibility for public works project contracts. The Contractor and subcontractors shall submit proof of participation in an Apprenticeship Program for all employees certified on payroll as apprentice level employees on their payroll certifications, pursuant to New Jersey Prevailing Wage Act,” P.L. 1963, c. 150, or shall certify as to journeyman status for workers paid at the journeyman rate for each craft with submittal to the township of certified payrolls.

5. The Contractors awarded a Qualified Public Works Project shall affirm that it has made a good faith effort to employ Morris County residents for completion of the Project when such Contractor has a need for new employees to complete the Qualified Public Works Project. Good faith effort shall include, but not be limited to: hosting a public job fair prior to the commencement of the Project open to residents of Township of Parsippany Troy Hills, posting of available employment opportunities with the Morris County One-Stop Career Center, posting of available employment opportunities with the Morris County Department of Human Services, Employment and Training Services, advertisement of employment opportunities in a newspaper of general circulation throughout Morris County, and internet advertisement.

6. The Township of Parsippany Troy Hills encourages all Contractors and subcontractors, when performing work on Qualified Public Works Projects, to have at least one (1) supervisor or foreman onsite who has successfully completed an OSHA 10-hour, or 30-hour construction safety and health course.

7. All prospective contracts and specifications for a Public Works Project shall require all Contractors and subcontractors for a Public Works Project to provide the Township of Parsippany Troy Hills with an affidavit of employee eligibility prior to commencement of a Public Works Project. All Contractors and authorized subcontractors shall maintain Forms I-9 for each of Contractor’s and subcontractor’s employees and supply the Township of Parsippany Troy Hills a copy of same upon request until the completion of the contract. The prevailing responsive Contractor, and its authorized subcontractors, shall verify the employment eligibility of any new employees hired after the commencement of any Public Works Project through the E-

Verify Program and provide the Township of Parsippany Troy Hills an affidavit of employee eligibility, appending thereto the results of the verification process.

8. All prospective contracts for a Public Works Project shall include a stipulation that if a responsive Contactor that is awarded and executes a contract for a Public Works Project, and the Contractor or Contractor's subcontractors as may be applicable, fails to comply with required participation in the E-Verify Program, or fails to provide documentation as required to establish the employment eligibility of its employees as required herein, or it is determined that the Contractor or its authorized subcontractors knowingly or intentionally employs ineligible individuals, such failure or conduct shall be deemed to be an event of default under the contract and such failure shall constitute prior negative experience as to future eligibility for public works project contracts.

9. In an effort to ensure compliance, the Council directs that the Township Administrator, or Townships Administrator's designee, conduct random inspections and/or audits of Contractors and subcontractors of Public Works Projects and Qualified Public Works Projects to ensure compliance with applicable New Jersey State laws, regulations, and policies as promulgated herein, in or at the County Administrator's discretion. All Contractors and subcontractors of Public Works Projects and Qualified Public Works Projects shall be required to fully cooperate with the Township of Parsippany Troy Hills for inspections and/or audits of such Contractor's or subcontractor's records and materials pertaining to applicable New Jersey State laws, regulation and policies as promulgated herein.

BE IT FURTHER RESOLVED, that upon the second anniversary of the adoption of this Resolution, the Township of Parsippany Troy Hills intends to review the efficacy of the policies provided herein.

BE IT FURTHER RESOLVED, that upon adoption, a certified copy of this Resolution shall be submitted to the Director of the Division of Local Government Services for approval together with such other documents as shall be required by Director, in accordance with the requirements of Local Finance Notice 2016-12 or such successor directive issued by the Division of Local Government Services prior to adoption of this Resolution. In accordance with N.J.S.A. 40A:11-25, this Resolution shall not take effect unless and until this Resolution has been submitted to the Director for approval and either (1) the Director grants such approval in writing, or (2) the Director fails to approve or disapprove the Ordinance within 30 days of its receipt by the Director.

BE IT FURTHER RESOLVED, that if any provision of this Resolution is adjudicated by a Court of competent jurisdiction to be invalid, such provision shall be severable and all other provisions shall remain in full force and effect.

BE IT FURTHER RESOLVED, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this resolution.

BE IT FURTHER RESOLVED, that this Resolution shall take effect after its passage and as provided by law.

COUNCIL MEMBER	Aye	Nay	Abstain	Absent	Motion	Second
Mr. Carifi	X					
Mr. dePierro	X				X	
Mrs. Gagnani	X					X
Mrs. McCarthy	X					
Mrs. Peterson	X					

VIII. CONSENT AGENDA

BE IT RESOLVED, all items listed with an asterisk (*) are 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.

Motion to approve the Consent Agenda by Ms. McCarthy, seconded by Ms. Gagnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gagnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

A. RESOLUTIONS

1. **R2019-071*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Change Order #1 for the Craftsman Farms Administration Building Rehabilitation**

WHEREAS, a change order is necessary for the contract for the Craftsman Farms Administration Building Rehabilitation with Reliable NYC LLC, 1286 Waterloo Road, Stanhope, NJ 07874, resulting in a net increase in costs in the amount of \$26,176.88, and

WHEREAS, the Consulting Historic Architect has recommended the changes as outlined in Change Order # 1 for additional unforeseen work needed for removal of additional slabs and rubble fill beneath the existing slab to be removed in the ground floor of the Administration Building.

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 an increase of \$26,176.88 in the contract price.

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

2. **R2019-072*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the 2019 Grant Application to the Morris County Historic Preservation Trust Fund for Phase Three Construction Documents for the Smith-Baldwin House Located at 460 South Beverwyck Road**

WHEREAS, the Township of Parsippany-Troy Hills acquired the historic Smith-Baldwin House located at 460 South Beverwyck Road; and

WHEREAS, the Township has previously committed funds for the stabilization of the historic site; and

WHEREAS, the Township seeks to further preserve this historic property; and

WHEREAS, the Township is now seeking additional funds from the Morris County Historic Preservation Trust for phase three construction documents for continued work at the Smith-Baldwin House; and

WHEREAS, a grant for the 2019 Smith-Baldwin House Phase Three Construction Documents is requested at a total cost of \$49,750.00, of which the Township is applying to the Morris County Historic Preservation Trust for \$39,800.00 and has set aside matching funds in the Open Space Trust Fund in the amount of 9,950.00 (20%).

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

1. That the Township Council hereby authorizes and supports the submission of a year 2019 Historic Preservation Trust Fund Grant Application in the amount of \$39,800.00 for historic preservation phase three construction documents for the Smith-Baldwin House located at 460 South Beverwyck Road in the Township of Parsippany-Troy Hills.
2. The Township Council hereby authorizes \$9,950.00 from the Open Space Trust Fund as the 20% match, and if awarded, funds will be certified by the CFMO.
3. The appropriate officials are authorized to take whatever other steps necessary to complete the 2019 Historic Preservation Trust Fund Grant Application, execute required documents, accept funds and meet other requirements as necessary.

3. **R2019-073*Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract to Midwest Construction Inc., for Reconstruction of Sandra Drive and Sandra Court**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Sandra Drive and Sandra Court on February 21, 2019, and

WHEREAS, the Director of Purchasing, Purchasing Assistant and Township Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest

responsible bidder, Midwest Construction Inc., 23 Dead River Road, Warren, NJ 07059 for a Total Bid Price of \$709,522.50, 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 # 2017:11 adopted July 11, 2017, 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 Sandra Drive and Sandra Court 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.

4. R2019-074*Resolution of the Township Council of the Township of Parsippany-Troy Hills Rejecting the Bid for Sewer Utility Laboratory Improvement Project

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for Sewer Utility Laboratory Improvement Project on February 14, 2019, and

WHEREAS, the Director of Purchasing, Purchasing Assistant, Sewer Superintendent and Consulting Architect have reviewed the bid received and recommend that the bid be rejected due to excessive cost.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Sewer Utility Laboratory Improvement Project be rejected.

5. R2019-075*Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract to Millennium Strategies, LLC for Grant Writing Services

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire, pursuant to a non-fair and open process in accordance with the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.), grant writing services; and

WHEREAS, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500 but will not exceed the public bidding threshold of \$40,000 utilizing a purchasing agent qualified pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., and specifically, N.J.S.A. 40A:11-9; and,

WHEREAS, the term of this contract shall be for one year ending December 31, 2019 unless sooner terminated in accordance with the provisions thereof; and

WHEREAS, Millennium Strategies, LLC has indicated that it will provide the services required as specified for the Township of Parsippany-Troy Hills at the rates and terms specified in its proposal and the contract; and

WHEREAS, this contract was awarded without competitive bidding as the value of the contract was under the public bidding threshold, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding and the contract itself must be available for public inspection; and

WHEREAS, the cost of the services to be provided by Millennium Strategies, LLC is estimated to be \$36,000.00 on an annual basis, which amount is above the threshold of \$17,500 under the New Jersey Local Unit Pay-To-Play Law, N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, Millennium Strategies, LLC is required to complete and submit prior to the award of a contract a Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the Township in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate and the certification have been submitted by Millennium Strategies, LLC and shall be placed and maintained on file at the office of the Township Clerk; and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify to the availability of funds at the time of services; and

WHEREAS, the award of this contract is necessary for the efficient operation of the Township of Parsippany-Troy Hills.

NOW THEREFORE, BE IT RESOLVED as follows:

- (1) That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into a contract with Millennium Strategies, LLC, 60 Columbia Road, Morristown, NJ 07960 for grant writing services; and
- (2) That, pursuant to N.J.S.A. 40A:11-1 et seq., this contract shall be awarded without public bidding pursuant to an exception from public bidding as the value of the contract is not reasonably anticipated to exceed on an annual basis the public bidding threshold, pursuant to and in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.;

BE IT FURTHER RESOLVED the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify to the availability of funds at the time of services; and

BE IT FURTHER RESOLVED that the original proposal and contract are available for public inspection in the Administration office; and

BE IT FURTHER RESOLVED that the Township Clerk shall advertise the award of the contract in a newspaper as required by law.

6. R2019-076*A Resolution of the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey, Granting an Exempt Fireman Certificate

WHEREAS, Mark G. Krevis, a member of the Lake Hiawatha Fire Department District No. 4, has met certain requirements pursuant to N.J.S.A. 40A:14-56 which include having performed during a period of seven years, 50% of fire duty, in each year respectively; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany Troy-Hills, County of Morris, State of New Jersey, grant a Certificate of Exemption pursuant to the aforementioned statute to Mark G. Krevis

7. R2019-077*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of a Performance Guarantee-Target-Federal Realty Investment Trust

WHEREAS, **Target-Federal Realty Investment Trust** posted a performance guarantee in the form of Performance Surety Bond, No. 019052926, issued by Liberty Mutual Insurance Company in the amount of \$119,169.35.00 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project located at 1123 Route 46, Block 729, Lot 7; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated February 1, 2019 that said performance bonds be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Performance Surety Bond, No. 019052926 posted by **Target-Federal Realty Investment Trust** be and the same are hereby released.

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

8. R2019-078*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of a Performance Guarantee-Starbucks Corporation

WHEREAS, **Starbucks Corporation** posted a performance guarantee in the form of Performance Surety Bond, No. 023038514, issued by Liberty Mutual Insurance Company in the amount of \$91,773.00 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project located at 1429 Route 46, Block 726, Lot 9; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated January 30, 2019 that said performance bonds be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Performance Surety Bond, No. 023038514 posted by **Starbucks Corporation** be and the same are hereby released.

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

9. **R2019-079*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of a Soil Moving Performance Guarantee-Forge Pond Developers, LLC**

WHEREAS, Forge Pond Developers, LLC posted a performance guarantee in the form of a Letter of Credit No. 999-SB, issued by Connect One Bank in the amount of \$16,350.00 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project located at Smith Road, Block 734, Lots 2, 63, 64 & 68; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated January 31, 2019 that said performance bonds be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Letter of Credit No. 1003-SB posted by **Forge Pond Developers, LLC** be and the same are hereby released.

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

10. **R2019-080*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Release of a Performance Guarantee-Forge Pond Developers, LLC**

WHEREAS, Forge Pond Developers, LLC posted a performance guarantee in the form of a Letter of Credit No. 1003-SB, issued by Connect One Bank in the amount of \$89,803.92 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project located at Smith Road, Block 734, Lots 2, 63, 64 & 68; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated January 31, 2019 that said performance bonds be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Letter of Credit No. 1003-SB posted by **Forge Pond Developers, LLC** be and the same are hereby released.

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

11. R2019-081*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing 2019 Emergency Appropriations

WHEREAS, an emergent condition has arisen with respect to the CY2019 appropriations under the temporary budget and no adequate provision has been made in the CY2019 temporary appropriations for the aforesaid purposes and the N.J.S.A.40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that, in accordance with the provision of N.J.S.A. 40A:4-20, the temporary budget is amended with the following additions:

General Appropriations - Current Fund	5,807,000
General Appropriations - Water Utility	155,000
General Appropriations - Sewer Utility	375,500
General Appropriations - Knoll Country Club Utility	-

CURRENT FUND

General Government

Executive		
	Salaries and Wages	90,500
	Other Expenses	32,500
General Administration		
	Other Expenses	27,000
	Grant Writer	12,000
Township Council		
	Salaries and Wages	8,000
Municipal Clerk		
	Salaries and Wages	10,000
Treasury		
	Salaries and Wages	27,500
	Other Expenses	21,000
Tax Collection		
	Other Expenses	19,000
Tax Assessing		
	Salaries and Wages	21,000
Department of Engineering		
	Salaries and Wages	26,000

Land Use Administration

Department of Planning

	Salaries and Wages	9,000
Code Enforcement and Administration		
Department of Building & Inspections		
Salaries and Wages		29,000
Other Expenses		3,500
Housing Code Enforcement		
Other Expenses		4,000
Zoning Code Enforcement		
Salaries and Wages		12,500
Other Expenses		2,000
Insurance		
Liability Insurance		2,135,000
Employee Health and Group Life		585,000
Public Safety		
Police Department		
Salaries and Wages		1,290,000
Other Expenses		48,000
Fire Prevention Bureau		
Salaries and Wages		20,000
Office of Emergency Management		
Salaries and Wages		2,000
Public Works		
Streets & Roads		
Salaries and Wages		17,000
Other Expenses		500,000
Sanitation & Recycling		
Salaries and Wages		133,000
Buildings and Grounds		
Salaries and Wages		19,500
Other Expenses		9,000
Vehicle Maintenance		
Other Expenses		24,500
Health and Human Services		
Public Health Services		
Salaries and Wages		1,000
Human Services		
Salaries and Wages		20,000
Other Expenses		16,500

	Ambulance Services		
		Salaries and Wages	77,500
		Other Expenses	28,500
	Contribution to Day Care Center		37,000
Parks & Recreation			
	Parks & Forestry		
		Salaries and Wages	44,500
Utility Expenses			
	Electricity		66,500
	Street Lighting		266,500
	Telephone		20,000
	Gas (Natural or Propane)		50,000
	Gasoline		41,500
		<u>WATER FUND</u>	
	Operating		
		Salaries and Wages	155,000
		<u>SEWER FUND</u>	
	Operating		
		Salaries and Wages	375,500

B. APPLICATIONS

1. **R2019-082*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Person-to-Person Transfer of Plenary Retail Distribution License for Hanover Hospitality Corp. from Ozra Enterprises, Inc.**

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1429-33-034-007 for Hanover Hospitality Corp. to Ozra Enterprises, Inc.; 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 thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business

NOW, THEREFORE, BE IT RESOLVED that the Township of Parsippany-Troy Hills Council does hereby approve, effective March 19, 2019, the Person-to-Person Transfer of the aforesaid Plenary Retail Distribution License #1429-33-034-007.

IX. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the March 21, 2019 regular and miscellaneous payroll estimated at \$1,700,000
2. Payment of bills from voucher list 3/4/19 to 3/17/19 totaling \$3,137,061.62
 - a. Check register from 3/2/19 was missing from last list. The total of that run was \$420,110.53

Motion to approve the authorization for payment above by Ms. Peterson, seconded by Mr. dePierro.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

X. EXECUTIVE SESSION

A. 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-Carifi 4 and Personnel: Police**

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.

Motion To Adjourn Into Closed Session by Ms. Peterson, Seconded By Ms. Gragnani

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

Motion To Reconvene Into Open Session by Ms. Peterson, Seconded By Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

XI. ADJOURNMENT

Motion to Adjourn the Meeting by Ms. Peterson, Seconded by Ms. Gragnani.

ROLL CALL- Yes- Mr. dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

Respectfully submitted,

Khaled Madin, Township Clerk

Paul Carifi, Jr. Council President

Minutes Approved: June 25, 2019