

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF JULY 16, 2019

#### I. INTRODUCTION

Meeting was called to order at 7:00 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. 8/5/19 @ 7:00 p.m.  | Agenda Meeting (Monday) |
| 2. 8/20/19 @ 7:00 p.m. | Regular Meeting         |

#### E. APPROVAL OF MINUTES

1. Regular Meeting – June 11, 2019
2. Agenda Meeting – June 25, 2019

#### II. PRESENTATION(S)/REPORTS

A. MAYOR – reported on the summer concerts and that the Liquid Church hosted the concert as it was raining. Commented on the Plastic Bag Ordinance stating his support and stating that once the ordinance passes, he will be signing this legislation first thing in the morning.

B. TOWNSHIP COUNCIL –

Mr. dePierro commented on the holiday calendar, he stated the Mayor eliminated Columbus Day and that is not his prerogative to do so and that he will oppose eliminating Columbus Day on the calendar.

Ms. Gragnani commented on the plastic bag ordinance and the meeting that she, Ms. McCarthy, and Mr. Madin had with the Food Council regarding a concern brought up by WAWA and the type of plastic bag they use for soup; Ms. Gragnani stated this is a valid exemption.

Mr. Carifi stated there was an article regarding the former Chief of Police and official misconduct charges; Mr. Carifi inquired if the Township has paid the Chief out and if they are continuing to pay him out.

C. TOWNSHIP ATTORNEY - no report

D. BUSINESS ADMINISTRATOR – no report

E. TOWNSHIP CLERK – no report

E. TOWNSHIP OFFICES COMMITTEES/REPORTS –

Mr. DePierro stated that the Township audit mentions that there are a number of violations at the Knoll and we need to discuss corrective action.

Mr. Kazmark stated that he met with Kemper after his arrival on October 30<sup>th</sup>; Mr. Kazmark stated there were communication issues between Kemper and the Township. Mr. Kazmark further stated that the Township has been receiving the required financial statements on a monthly basis and that they arrive on the 20<sup>th</sup> of every month, additionally, the Township is working with Kemper to create a live document that can be populated both from Kemper's headquarters in Chicago and the Township so there will be a clear financial picture.

Ms. Cucci stated that they are recommendations and not comments. Ms. Cucci stated that she should have a consolidated statement and stated she should have a financial picture by next week.

Mr. Kazmark, further stated, that these are all audit comments for 2018 and not 2019; Ms. McCarthy inquired if we will address these issues and how they will be resolved.

Mr. dePierro stated that he is getting feedback that Kemper is violating our ordinance by giving individuals discounts. Additionally, Mr. dePierro inquired that the GM is not punching in and inquired as to why he is not utilizing the punch clock. Mr. Kazmark responded that he is a Kemper employee; Mr. dePierro stated that we still pay their salaries.

Ms. Gragnani stated that what the audit reveals is quite telling and is very concerning regarding the management company that is running The Knoll. Ms. Gragnani stated that the auditor is quite concerned about management procedures at The Knoll and that she hopes that the Township is addressing those concerns, specifically the discounts that are given to golfers and other responses that have been noted by this auditor. Ms. Gragnani inquired as to who approves the expenses for this management company? Ms. Cucci stated that she and the BA approve the expenses. Ms. Gragnani inquired, based on the audit comments, that the management company is not providing reports on a timely basis. Mr. Kazmark stated that in 2018 there were issues with receiving financials in a timely manner but stated that that has been corrected. Mr. Kazmark stated that the items being mentioned tonight are accurate but are from 2018; however, he stated that the majority of it has already been corrected.

Mr. Carifi inquired about the summer hours and wanted to know why the Kemper GM is working summer hours. Mr. Kazmark stated that particular employee does not have set hours and stated that he could think of 4 instances where that employee was at the golf course on a Saturday. Mr. Kazmark stated that he has not had a conversation with Kemper. Mr. Kazmark stated that he is a 24-hour employee like the Sewer Superintendent at the Sewer Plant who is a paid consultant and not a direct salaried employee. Mr. Kazmark stated that he looks at the GM at The Knoll in a similar way he looks at Mr. Beckmeyer.

### **III. BIDS**

#### A. Taken

1. 6/18/19 – Smith-Baldwin House Phase 2 Rehabilitation
2. 6/19/19 – Powder Mill Pump Station Upgrades

#### B. To Be Taken

1. 7/18/19 – Laboratory Improvement Project
2. 7/24/19 – Lease of Public Property
3. 7/24/19 – One New 2019 Doosan Portable Power Air Compressor with Running Gear and Accessories
4. 7/31/19 – Powder Mill Pump Station Upgrades

#### 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 Peterson, seconded by Council Member McCarthy followed by a roll call with all the Council Members answering Yes.

Nick Homyak, commented on the pollution in Lake Hiawatha; Mr. Homyak stated the pollution is going into the storm drains and polluting our water. Additionally, Mr. Homyak stated that 88 North Beverwyck is throwing garbage on North Beverwyck and it is an ongoing issue.

Robert Peluso, expressed concern regarding the affordable housing plan; Mr. Peluso inquired as to where the affordable housing units will be placed around Parsippany. Mr. Peluso asked when will there be a public hearing held to discuss the effects of the affordable housing plan that the Council has reviewed and will it be done prior to the court approving the plan. Mr. Lott responded stating that there were several presentations made and if Council so direct we can have another presentation for the public.

Ken Dolsky, stated that he wanted to reinforce Mr. Peluso's request and would like another presentation to be made.

Eric Densmoore, inquired about the EMS Agreement with the Town of Montville. Mr. Densmoore expressed concern regarding the agreement as his father passed away because the ambulance did not get there in time. Mr. Densmoore asked if we are sending our resources to these areas then how can they get back to our residents where it could be a life or death situation.

Nancy Choffo, asked if Intervale Road will be opening back up soon as it is still closed.

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 McCarthy followed by a Roll Call with all the Council Members answering Yes.

## **V. ORDINANCES**

### **A. INTRODUCTION**

#### **1. ORDINANCE 2019:38**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 290, PARKS,**

**RECREATION AREAS AND PUBLIC LANDS, OF THE CODE OF PARSIPPANY-TROY HILLS**

**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 **July 16, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **August 20, 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. McCarthy.

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

**B. SECOND READING & PUBLIC HEARING**

**1. ORDINANCE 2019:33**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY CREATING CHAPTER 181, SINGLE USE BAGS AT RETAIL ESTABLISHMENTS, OF THE CODE OF PARSIPPANY-TROY HILLS**

**WHEREAS**, the Township finds that 1 trillion plastic bags are used worldwide and less than 5% of that plastic is recycled; and

**WHEREAS**, the Township finds that the United States alone uses over 380 billion plastic bags and wraps yearly, and that over 4 billion single use bags are used by New Jersey residents annually; and

**WHEREAS**, the Township finds that up to 80% of ocean plastic pollution enters from land, injuring or killing 267 species and 100,000 marine animals worldwide annually; and

**WHEREAS**, the Township finds that numerous studies by government and environmental groups have found that use of single-use plastic carryout bags poses serious public health and environmental risks, causing damage to and contamination of

public waterways and ecosystems that pollute drinking water, threaten wildlife, block storm drains and negatively impact the ecosystem and food chain as a whole; and

**WHEREAS**, the Township finds that single-use plastic waste degrades Parsippany-Troy Hills neighborhoods and constitutes litter in parks and sewer systems and the Passaic, Whippany and Rockaway Rivers and their tributaries; and

**WHEREAS**, the Township finds that single-use plastic bags are now regulated in sixty countries, four major cities in the United States, as well as hundreds of towns throughout the United States and twenty-five in New Jersey as of this date; and

**WHEREAS**, the Township finds that it is time for the Township of Parsippany-Troy Hills to make a stand and do its part to protect our oceans and other waterways and natural resources from the problems associated with non-degradable plastic bag pollution; and

**WHEREAS**, the Township finds that it is in the best interest of the Township to regulate the use of single-use plastic bags and paper bags by retail establishments and promote the use of reusable bags within the Township;

**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.** Chapter 181, SINGLE USE BAGS AT RETAIL ESTABLISHMENTS, is hereby created and added in its entirety to the Code of Parsippany-Troy Hills as follows:

§ 181-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**COMPLIANT BAGS**

Recyclable paper carry-out bags and reusable bags as follows:

- A. A recyclable paper carry-out bag is a paper bag that meets all of the following minimum requirements:
  - 1. It is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material and can be composted.
  - 2. It displays the words “recyclable” and/or “reusable” in a visible manner on the outside of the bag.

B. A reusable bag means a bag with handles made of cloth or other washable fabric or is otherwise durable that is specifically designed and manufactured for multiple use and meets the following additional requirements:

1. It is machine washable or is made from a material that can be cleaned or disinfected; or
2. It is a durable bag that is specifically designed and manufactured for multiple use.

### **CUSTOMER**

Any person purchasing goods or services from a retail establishment.

### **OPERATOR**

Any person in control of, or having the responsibility for, the operation of a retail establishment, which may include, but is not limited to, the owner of the retail establishment.

### **POST-CONSUMER RECYCLED MATERIAL**

A bag constructed of a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.

### **PRODUCE BAG OR PRODUCT BAG**

A very thin bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

### **RECYCLABLE**

Material that can be sorted, cleansed and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted or otherwise thermally destroyed solid waste generated therefrom. The material must be recycled in a manner that is environmentally effective, economically feasible and safe for employees as deemed feasible by the Township of Parsippany-Troy Hills.

### **RETAIL ESTABLISHMENT**

Any store or commercial establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food and personal items, directly to the customer and is located within or doing business within the geographical limits of the Township of Parsippany-Troy Hills. Retail establishments include: business establishments that generate sales or use-tax; drug stores; pharmacies; supermarkets; grocery stores; convenience food stores; food marts; or other commercial establishments (i.e. restaurants and take-out food establishments or any other business that prepares and sells prepared food to be eaten on or off its premises). This definition also includes commercial establishments that sell clothing, hardware, or any other non-perishable goods. It does not

include nonprofit charitable re-users as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or a division of the charitable organization that reuses and recycles donated goods or materials and receives more than 50% of its revenue from the handling and sale of those donated goods and materials.

### **SINGLE-USE PLASTIC CARRY-OUT BAG**

Any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an operator of a retail establishment to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags. This definition specifically exempts the following from the category of “single use plastic carry-out bags”:

- A. Bags provided by operators and used by consumers inside retail establishments to:
  - 1. Package bulk items, such as fruit, vegetables, nuts, grains, candies or small hardware items;
  - 2. Contain or wrap frozen foods, meat or fish, whether packaged or not;
  - 3. Contain or wrap flowers, potted plants, or other items where dampness may be an issue; or
  - 4. Contain unwrapped prepared foods or bakery goods; or
  - 5. Pharmacy prescription bags.
- B. Newspaper bags, door-hanger bags, laundry and/or dry cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags or pet waste bags.

#### § 181-2. Single-use plastic carry-out bags prohibited.

No retail establishment within the Township of Parsippany-Troy Hills shall provide any single-use plastic carryout bags, as defined in §181-1, above, to any customer at the checkout point or cash register, point of sale or other point of departure or point of distribution for the purpose of transporting products or goods out of the business or store.

#### § 181-3. Availability and Use of Compliant Bags to Customers.

- A. All Retail Establishments shall make available to customers, for a fee, compliant bags, as defined in §181-1, above, for the purpose of carrying goods or other materials away from the point of sale, subject to the provisions of this Chapter. The fee charged shall be reflected in the sales receipt.
- B. No provision in this Chapter prohibits customers from using bags of any type that they choose to bring to a retail establishment themselves, in lieu of using bags available for a fee from the retail establishment, or from carrying away goods that are not placed in a bag.

§ 181-4. Fees for provision of compliant bags.

- A. All retail establishments shall make recyclable paper carry-out bags available to customers upon request for a fee of at least \$0.10 but not more than \$0.25 per bag if customers choose not to bring their own reusable bag.
- B. A retail establishment may provide customers with a reusable bag, as defined herein, for a fee of at least \$0.10.
- C. All monies collected by retail establishments for the fees established herein shall be retained by the retail establishment.

§ 181-5. Use of reusable bags encouraged.

All retail establishments must provide customers with compliant bags, upon request, if a customer fails to bring his or her own bags, in accordance with the fee structure set forth in §181-4, above. A retail establishment may choose, in its discretion, to provide a credit to customers who choose to bring their own bags.

§ 181-6. Exempt customers.

All retail establishments must provide at the point of sale, free of charge, compliant bags, to any customer who participates in, or is a beneficiary of, any United States government (Federal) welfare program, or any local or Morris County welfare assistance program, or any New Jersey State welfare program, including but not limited to the New Jersey Supplemental Nutrition Assistance Program (SNAP) or the New Jersey State Supplemental Security Income Program (SSI). Such customers must provide documentation proving that they participate in, or are beneficiaries of such programs.

§ 181-7. Outreach and education.

- A. The Township of Parsippany-Troy Hills shall assist operators of retail establishments by referring them to appropriate municipal websites with information and to retail associations, unions or other organizations that have educational materials concerning the benefits of reusable bags rather than recyclable paper carry-out bags.
- B. All retail establishments shall be strongly encouraged to educate their staff in ways to promote the use of reusable bags and to post signs encouraging customers to use reusable bags rather than recyclable paper carry-out bags.
- C. All retail establishments shall be strongly encouraged to educate the public on plastic bag and plastic film recycling and to offer a take-back program.

§ 181-8. Enforcement.

The Director of Public Works or his or her designee, which may include the Office of Health in the Department of Human Services, has the responsibility of enforcement of this ordinance and may promulgate reasonable rules and regulations in order to enforce its provisions, including but not limited to investigating violations and issuing fines.

§ 181-9. Violations and penalties.

- A. Any retail establishment that violates or fails to comply with this ordinance or the rules and regulations promulgated therefrom, after an initial written warning notice has been issued, shall be liable for a violation of this ordinance.
- B. If a retail establishment commits subsequent violation(s) after the issuance of an initial written warning notice, the following penalties shall be imposed and shall be payable by the operator of the retail establishment upon conviction thereof:
  - 1. A fine not exceeding \$100 for the first violation after the written warning notice is given;
  - 2. A fine not exceeding \$200 for the second violation after the written warning notice is given; and
  - 3. A fine not exceeding \$500 for the third and any subsequent violations after the written warning notice is given.
- C. A separate offense shall be deemed committed on each day during or on which a violation occurs.

§ 181-10. Reporting.

No later than one year after the effective date of this ordinance, and annually thereafter, the Director of Health and Human Services shall report to the Township Council regarding the progress of the reduction of the use of carry-out bags, which may include the following:

- A. The amount of carry-out bags in the residential waste and recycling streams;
- B. The amount of carry-out bags identified as litter on the streets, sidewalks and in parks within the Township of Parsippany-Troy Hills;
- C. The amount of carry-out bags found in Township storm drains;
- D. The number of warning notices or notices of violation issued pursuant to this ordinance; and
- E. Any estimated cost savings for the Township attributable to carry-out bag reduction; this may include but is not limited to reduced contamination of the residential recycling stream and reduction in flooding or combined sewer overflows.

**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-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 4.** This ordinance shall take effect six (6) months from the date of 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 July 1, 2019. This Ordinance was introduced at the June 25, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:33 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 2019:33**

Motion to open the public hearing for Ordinance 2019:33 by Ms. McCarthy, 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 2019:33 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. McCarthy, seconded by Ms. Gragnani.

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

2. **ORDINANCE 2019:35**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, AMENDING THE REDEVELOPMENT PLAN FOR PROPERTY IDENTIFIED AS BLOCK 200, LOT 1.2, AND REFERRING SAID AMENDMENT TO THE PLANNING BOARD FOR REVIEW AND COMMENT IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 ET.SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of redevelopment; and

**WHEREAS**, on September 22, 2015, pursuant to Resolution 2015-155, the Township Council designated Block 200, Lot 1.2 on the official tax map of the Township of Parsippany Troy-Hills (“Block 200, Lot 1.2” or the “Redevelopment Area”) as a non-condemnation area in need of redevelopment as per the Redevelopment Law; and

**WHEREAS**, on August 22, 2017, pursuant to Ordinance No. 2017:18, the Township Council adopted the “Redevelopment Plan for Block 200, Lot 1.2” dated July 24, 2017 (the “Original Redevelopment Plan”) for the Redevelopment Area; and

**WHEREAS**, on September 25, 2018, the Township Council adopted Ordinance 2018-22, amending the Original Redevelopment Plan for the Redevelopment Area (the Original Redevelopment Plan, as amended, the “First Amended Redevelopment Plan”); and

**WHEREAS**, the Township Council wishes to amend the First Amended Redevelopment Plan (as amended, the “Redevelopment Plan”) to (1) reduce the minimum dwelling size for the housing units; (2) cap the permitted gross density; (3) amend the parking requirement for commercial/non-residential uses to 1 space per 250 square feet; (4) adopt a graduated parking schedule for residential uses based on the unit type; (5) recognize the Institute of Transportation Engineers (ITE) parking generation ratios for shared parking as a permitted method to study the shared parking need; (6) amend the minimum setback to the adjacent Block 200, Lot 1.2 at the rear of the Redevelopment Area; (7) amend the area subject to the Redevelopment Plan to consist of (i) Block 200, Lot 1.03 as identified on the official tax map of the Township of Parsippany-Troy Hills, previously annexed from the Township of Hanover pursuant to Ordinance No. 2019-27 dated June 13, 2019 and deemed to be a non-condemnation redevelopment area as per the Redevelopment Law pursuant to Resolution of the Township Council dated June 25, 2019 and (ii) Block 200, Lot 1.2, as modified by the annexation approved pursuant to Ordinance No. 2019-27 dated June 13, 2019 and deemed to be a non-condemnation redevelopment area as per the Redevelopment Law by Resolution of the Township Council dated June 25, 2019 (the area subject to the Redevelopment Plan, consistent of the areas described in (i) and (ii) above, the “Amended Redevelopment Area”); (8) exclude all public right-of-way and

public access easement roadways to be constructed within the tract area from the definition of “tract” for purposes of calculation of the bulk standards contained in Section 5.12 (except the yard and setback requirements set forth in item 7); and (9) correct all prior references to Lot 1.02 to Lot 1.2; and

**WHEREAS**, the Township Council desires to refer the Redevelopment Plan to the Planning Board, as more fully set forth in Exhibit A attached hereto, for its review and comment, pursuant to N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

**WHEREAS**, the Planning Board must review the Redevelopment Plan and transmit its recommendations regarding same to the Township Council in accordance with the provisions of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

**WHEREAS**, subject to receipt of the Planning Board’s recommendations concerning the Redevelopment Plan, the Township Council believes that the adoption of same is in the best interests of the Township and the development of the Amended Redevelopment Area.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Parsippany Troy-Hills, County of Morris, State of New Jersey, that the Township Council hereby refers the Redevelopment Plan, as described in Exhibit A attached hereto, to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the aforementioned amendment, and submit same to the Township Council within 45 days after referral, as required by the Redevelopment Law; and

**BE IT FURTHER ORDAINED**, contingent upon the receipt of the Planning Board’s recommendations, the Township Council hereby adopts the Redevelopment Plan pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law; and

**BE IT FURTHER ORDAINED**, contingent upon the receipt of the Planning Board’s recommendations and adoption of this Ordinance by the Township Council, the Mayor and Township Clerk are hereby authorized to execute an amendment to the Financial Agreement with the District at 1515 Urban Renewal, LLC to recognize the Amended Redevelopment Area as the area subject to the Financial Agreement, which amendment shall be in the form approved by the Township Attorney; and

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

**BE IT FURTHER ORDAINED**, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township's development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township's zoning ordinance shall be deemed amended accordingly; and

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

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on July 1, 2019. This Ordinance was introduced at the June 25, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:35 be heard in its second and final reading by title only, by Ms. Peterson, seconded by Ms. Gragnani.

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

a. PUBLIC HEARING 2019:35

Motion to open the public hearing for Ordinance 2019:35 by Ms. Peterson, 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 2019:35 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.

3. **ORDINANCE 2019:36**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 290-9 RELATED TO RESTROOMS LOCATED IN PARKS AND PUBLIC FACILITIES**

**WHEREAS**, restrooms located in parks or public facilities are provided to the public for the intended purpose of using the toilet facilities and washing one's hands; and

**WHEREAS**, it has come to the attention of the Township Council that persons utilize public restrooms in ways for which the facilities are not intended, including to bath one's body, wash clothes and hanging them to dry inside or near the facilities, and to wash one's hair, often lingering for long periods of time; and

**WHEREAS**, the Township Council finds that the use of public restrooms for these purposes interferes with and devalues the intended public service for which the restrooms are provided.

**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.** Chapter 290, Parks, Recreation Areas and Public Lands, Section 9, Prohibited Uses, of the Code of the Township of Parsippany-Troy Hills be and hereby is amended as follows:

[Add new].

- E. Utilizing any restroom located in a park or public facility to clean oneself, except for routine hand washing, or wash or dry any clothing or other articles for personal use.

**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-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 4.** 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 July 9, 2019. This Ordinance was introduced at the July 2, 2019 Agenda Meeting.

Motion to accept that Ordinance 2019:36 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 2019:36

Motion to open the public hearing for Ordinance 2019:36 by Ms. Gragnani, seconded by Ms. McCarthy.

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

Motion to close the public hearing for Ordinance 2019:36 by Ms. Gragnani, 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.

4. **ORDINANCE 2019:37**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 290-15 RELATED TO HOURS OF OPERATION FOR PARKS, RECREATION AREAS AND PUBLIC LANDS**

**WHEREAS**, the Township has the authority to regulate the use of Township parks, including the hours of operation for same; and

**WHEREAS**, the Township hosts the Summer Playground Programs for Township youth, as well as other Township programs, which may require the closure of Township parks in furtherance of the public health, safety and welfare of program participants; and

**WHEREAS**, the Township Council wishes to balance this significant public interest with the right of the general public to use and enjoy Township parks; and

**WHEREAS**, accordingly, the Township Council wishes to authorize the closure of a Township park, or portion thereof, to the general public when the Summer Playground Programs are in session or, when deemed necessary in the sole discretion of the Business Administrator, for other Township programs.

**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.** Chapter 290, Parks, Recreation Areas and Public Lands, Section 15, Hours of Operation, of the Code of the Township of Parsippany-Troy Hills be and hereby is amended as follows:

§ 290-15 Hours of operation.

A. All parks shall be officially closed between the hours of 30 minutes after sundown and 30 minutes before sunrise other than for permitted activities.

B. Notwithstanding anything herein to the contrary, the Township may close a park, or portion thereof, to the public when the Summer Playground Programs are in session or, when deemed necessary in the sole discretion of the Business Administrator, for other Township programs. In such cases signs will be posted indicated that the park, or portion thereof, is closed.

**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-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 4.** 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 July 9, 2019. This Ordinance was introduced at the July 2, 2019 Agenda Meeting.

Motion to accept that Ordinance 2019:37 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Ms. Peterson.

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

a. PUBLIC HEARING 2019:37

Motion to open the public hearing for Ordinance 2019:37 by Mr. dePierro, seconded by Ms. McCarthy.

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

Motion to close the public hearing for Ordinance 2019:37 by Mr. dePierro, 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 Mr. dePierro, seconded by Ms. Gragnani.

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

## **VI. NON-CONSENT AGENDA**

### **A. RESOLUTIONS**

#### **1. R2019-157 Governing Body Certification of the Annual Audit**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year December 31, 2018 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and,

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations,” as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Parsippany-Troy Hills, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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.

**2. R2019-162 Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving the Corrective Action Plan for the 2018 Audit**

WHEREAS, the 2018 audit was delivered on June 28, 2019 and regulations promulgated by the Single Audit Act and the Division of Local Government Services require that a corrective action plan to the annual audit be prepared within 60 days; and

WHEREAS, these regulations further require approval of that plan within 60 days of audit receipt by the Township Council; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills that the Corrective Action Plan for the 2018 audit prepared by the Chief Financial Officer dated July 16, 2019 be approved.

### **Corrective Action Plan for the 2018 Audit**

#### **Recommendation # 1**

*Description:* A review of old receivable and reserve balances for the police outside services be performed for continued recognition or cancellation.

*Analysis:* During the auditor's review, it was noted that there were old receivables and reserve balances in the police outside service records which should be reviewed for continued recognition or cancellation.

*Corrective Action:* The Township has contracted with a third-party administrator for Police outside services. The third-party administrator assigns the officer to the requested service and forwards the payroll required to Finance. The administrator bills the vendor/company and collects the monies directly. The administrator remits the funds to the Township each payroll week REGARDLESS of whether it has been collected or not and, therefore eliminating the collection process for the Township.

Finance has met with the Police Department and we have refunded all the credit reserve balances to the respective vendor/company. The Police Department is collecting the open balances and, if deemed uncollectable, will be written off by year end.

#### **Recommendation # 2**

*Description:* Budget appropriations be periodically reviewed and transfers be made on a timely basis.

*Analysis:* During the course of the audit, it was noted that some transfers were not made in a timely manner.

*Corrective Action:* The Township will make every effort to make transfers on a timely basis. The transfer was necessary due to the unanticipated increase in Bond Anticipation Notes issued in 2018 therefore creating an interest accrual higher than budgeted.

#### **Recommendation # 3**

*Description:* Purchase orders are prepared and approved prior to the purchase of goods or services to ensure availability of funds.

*Analysis:* During the auditor's review of purchase orders, there were a few instances where purchases were made prior to the preparation and approval of purchase orders.

*Corrective Action:* The Township policy is that all purchases be approved prior to being procured. The procedure is an electronic request is generated through the accounting software and approved by the Department/Division head, the Purchasing Agent, Chief Financial Officer and Business Administrator.

Examples of items that are NOT pre-approved are professional services such as attorneys, planners, etc. and purchases for items that are for repairs that are in process.

Finance will reissue the purchasing policy to the Township to ensure that purchase orders are prepared and approved prior to the purchase of goods and services to ensure availability of funds.

#### **Recommendation # 4**

*A. Description:* It is recommended that fees be collected in accordance with the fee schedule, supporting documentation be available for audit inspection and the management company at the Knoll County Club provide financial reports to the Township for review in a timely manner.

*Analysis:* During the auditor's review of the Golf and Recreation Utility Fund, it was noted that fees collected were not always in accordance with the fee schedule and supporting documentation was not always maintained. Additionally, it was also noted that the management company is not providing financial reporting to the Township for review on a timely basis.

*Corrective Action:*

1. Fees collected in accordance with the fee schedule. The fees must be charged according to the ordinance and cannot be discounted and/or changed. According to Chapter 290-4 section C (9) "The Golf Superintendent has the discretion to reduce or increase daily greens fee rates and outing fees with approval of the Certified (Municipal) Financial Officer. Backup documentation is required for auditors." The management company did not always get permission from the CFO to discount fees.

According to Chapter 290-4 C (7) Exemptions. The following individuals or groups are exempt from the payment of Knoll Country Club utility fees:

- (a) The members of the two {Parsippany} high school golf teams and their two coaches (one per school) for practice on course and the opposing team and coach for matches, provided that practices and matches are played on weekdays.
- (b) The Golf Superintendent, Golf Greens Superintendent and Golf Pro are exempt from driving range fees.
- (c) The Golf Superintendent and Golf Pro(s) are exempt from golf greens fees.

The Golf software did not have all of the current fees available to charge on the register, so it would have to be done manually. The new software, recommended from the management company, is not charging the proper fees at all times. For example, twilight rates are starting on

the cash register at 2:30pm instead of 3:30pm, resulting in manual entries on the cash register in order to collect the appropriate fees. The Township has begun working with the software company to fix the problem. Also noted that discounts continue to be given without proper notification. The management company has been instructed not to offer discounts without prior approval from the Township.

2. Supporting documentation not properly maintained. Daily deposits do not match the backup documentation. Township is working with the Golf Software Company and management company to correct this. Documentation was not kept at the Utility and not provided to the Finance Department.

3. The management company is not providing financial reporting to the Township for review on a timely basis. During 2018, requested financial data was not provided to the CFO. As a result, revenue was assumed to be funds that were deposited into the Township's bank account. All disbursements for the management company must be approved prior to payment ensuring proper control.

In May 2019, the management company provided financial reports on an accrual basis. Finance has requested the management company to provide bank reconciliations, consolidated financial statements and backup to the daily deposits to determine the components of the deposits. Request is still pending.

#### **Recommendation #5**

*Description:* All interfund balances be liquidated on a timely basis and that every effort be made to limit interfund activity in the future.

*Analysis:* There was an interfund receivable due from Other Trust Funds of \$667,988.03 on the Current Fund Balance Sheet at December 31, 2019. The interfund receivable places a restriction on the cash flow and places a restriction on fund balance of the current fund.

*Corrective Action:* The interfund was due from the Self-Insurance Fund which was believed to be an error at year end. The Self-Insurance Fund is complicated to maintain and there were some erroneous postings during the year. This has been resolved.

Since 95% of all revenue and disbursements are done through the Current Fund, interfunds are created with every transaction that is not part of the Current Fund. The interfunds are constantly changing and are analyzed and cleared on a monthly basis.

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

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

## VII. 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.

\*Mr. Carifi made a motion to table resolution number 16, motion was seconded by Mr. dePierro with all the Council members answering in the affirmative.

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

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

### A. RESOLUTIONS

1. **R2019-144\* Resolution of the Township Council of the Township of Parsippany-Troy Hills Providing for the Insertion of Any Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A.40A:87 (Chapter 159, P.L. 1948) – Best Friends Animal Society RRSTA Grant**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or 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 an item of appropriation for equal amount,

**WHEREAS**, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2019 municipal budget,

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Ann M. Cucci, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2017 as referenced below:

Revenue Title: Best Friends Animal Society RRSTA Grant Amount: **\$10,000.00**

Appropriation Title: Best Friends Animal Society RRSTA Grant Amount: **\$10,000.00**

Local Match – Source \_\_\_\_\_ Amount: \$ \_\_\_\_\_

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted this 16th day of July, 2019  
and certified as a true copy of an original.

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Khaled Madin, Clerk

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A40A: 4-87

**2. R2019-145\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to Northeast Roof Maintenance, Inc., for Smith-Baldwin house Phase 2 Rehabilitation for the Total Price (Base Bid & Alternates no. 1 & No. 2) of \$447,300.00**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Smith-Baldwin House Phase 2 Rehabilitation on June 18, 2019, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Consulting Historic Architect have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Northeast Roof Maintenance, Inc., 649 Catherine Street, Perth Amboy, NJ 08861 for the Total Price (Base Bid & Alternates No. 1 & No. 2) of \$447,300.00, and

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

“2017 Morris County Historic Preservation Grant and  
2016 & 2018 Smith-Baldwin House Open Space Trust Fund”.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Smith-Baldwin House Phase 2 Rehabilitation 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.

**3. R2019-146\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing an Online Auction for Surplus Property**

**WHEREAS**, the Township of Parsippany-Troy Hills is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Township is desirous of selling said surplus property in an “as is” condition without express or implied warranties; and

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

(1) The sale of the surplus property shall be conducted through Municibid pursuant to State Contract T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with Municibid are available online at municibid.com and also available from the Township of Parsippany-Troy Hills.

(2) The sale will be conducted online and the address of the auction site is municibid.com.

(3) The sale is being conducted pursuant to Local Finance Notices 2008-9/2008-21R.

(4) List of property to be sold is on file in the Office of the Township Clerk

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township reserves the right to accept or reject any bid submitted.

(7) A notice of this auction will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-36.

**4. R2019-147\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Execution of a New Jersey Department of Transportation Utility Permit Between the Owner of Property Located at 220 Route 46, Parsippany-Troy Hills New Jersey and the New Jersey Department of Transportation**

**WHEREAS**, the Township of Parsippany-Troy Hills (the “Township”) has been requested to execute a Utility Permit with the New Jersey Department of Transportation on behalf of Old Bloomfield, LLC, the owner of property located at 220 Route 46 in the Township of Parsippany-Troy Hills; and

**WHEREAS**, this Utility Permit is needed in order that the owner of this property may install a sewer connection in the Route 46 right of way; and

**WHEREAS**, the Township desires to further the public interest by assisting the owner in its application for this Utility Permit; and

**WHEREAS**, the Owner has represented to the Township that the Owner will enter into an indemnification and hold harmless agreement with the Township for any losses, claims, etc. arising out of the work covered by the Permit.

**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 Mayor and Clerk of the Township are hereby authorized to execute the Utility Permit between the Township and the New Jersey Department of Transportation on behalf of and for the benefit of Old Bloomfield, LLC, and
2. This authorization is conditioned upon the execution of an agreement between Old Bloomfield, LLC and the Township that Old Bloomfield, LLC shall defend, indemnify and hold harmless the Township and its agents, servants, consultants and employees from and against any and all suits, claims, losses, demands or damages of any kind or nature arising out of or claimed to arise out of any act, error or omission caused by Old Bloomfield, LLC, its contractor, sub-contractor(s), agents, servants and employees in the performance of the work contemplated by this Permit.

**BE IF 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.

5. **R2019-148\*Resolution Authorizing the Filing of an Action with the Court for Approval to Release Funds in the Amount of \$50,000 from the Township's Affordable Housing Trust Fund to Avidd Community Services of New Jersey to be Used Towards the Purchase of a Home to be Used as a Group Home for the Special Needs Population**

**WHEREAS**, the Township of Parsippany- Troy Hill's Approved Amended Affordable Housing Trust Fund Spending Plan (the "Spending Plan") provides an allocation for and authorizes the use of Affordable Housing Trust Funds, for among other things, use towards the purchase of homes that will be used as group homes for the special needs population; and

**WHEREAS**, Avidd Community Services of NJ has requested funding in the amount of \$50,000 from the Township's Affordable Housing Trust Fund to be used towards the purchase of a property located at 28 Circle Drive (Block 30, Lot 3.02), which is a four bedroom house, which will be used as a group home for the special needs population; and

**WHEREAS**, the use of such funds as requested by Avidd Community Services, of NJ from the Affordable Housing Trust Fund, is consistent with the Spending Plan, which Plan projects and anticipates the expenditure of such funds by the Township each year to ensure that the Township meets its affordable housing obligations and goals; and

**WHEREAS**, Avidd Community Services of NJ has also applied to the Morris County HOME program for funding for the group home in the amount of \$224,630 and the Township supports their application for such funding for the group home; and

**WHEREAS**, use of such funds from the Affordable Housing Trust Fund requires approval by the Court prior to distribution of such funds to Avidd Community Services of NJ; and

**WHEREAS**, adequate funds are available in the Affordable Housing Trust Fund for such use by Avidd Community Services of NJ; and

**WHEREAS**, the Township Council desires to seek approval from the Court to provide for the release of \$50,000 from the Township's Affordable Housing Trust Fund to Avidd Community Services of NJ, for use towards the purchase of a home which will be used as a group home for the special needs population.

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

1. The Township Council hereby authorizes the appropriate action to be filed with the Court for approval to amend the Township's Spending Plan and to release funds in the amount of \$50,000 from the Township's Affordable Housing Trust Fund, to be paid to Avidd Community Services of NJ, for use towards the purchase of a group home for the special needs population.
2. That an original certified copy of this Resolution shall be forwarded to the Municipal Housing Liaison.
3. **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.

**6. R2019-149\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of an Agreement to Racquet Sports Specialties Inc., for Operation of Indoor Tennis Facility and Provision of Tennis Director/Professional and Related Services at Parsippany Community Center**

**WHEREAS**, the Township of Parsippany-Troy Hills received a Proposal for Operation of Indoor Tennis Facility and Provision of Tennis Director/Professional and Related Services at Parsippany Community Center on June 6, 2019, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Director of Human Services have reviewed the Proposal received and recommend that an agreement be awarded to Racquet Sports Specialties Inc., 1130 Knoll Road, Lake Hiawatha, NJ 07034, for a First Year Monthly Rent (August 1, 2019 to July 31, 2020) of \$19,500.00 and all additional rent as per the bid specifications.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the Proposal for Operation of Indoor Tennis Facility and Provision of Tennis Director/Professional and Related Services at Parsippany Community Center be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the agreement.

**7. R2019-150\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding a Contract for Professional Engineering Services**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire professionals to perform telecommunication engineering services as a non-fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5 et seq.); and

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

**WHEREAS**, the terms of this contract shall begin on January 1, 2019 and end on December 31, 2019; and

**WHEREAS**, V-Comm, LLC has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract; and

**WHEREAS**, V-Comm, LLC will complete and submit a Business Entity Disclosure Certification, which Certification provides that the firm has not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit the firm from making any reportable contributions through the term of the contract that would bar the award of the Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

**WHEREAS**, the firm will complete and submit a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

**WHEREAS**, the Business Entity Disclosure Certification further provides that the firm has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); 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.

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

1. The Mayor be and hereby is authorized to execute, and the Township Clerk be and hereby is authorized to attest to a contract with V-Comm, LLC effective January 1, 2019, based on the applicable rates and terms of the contract on file in the Office of the Township Clerk; and
2. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
3. That these contracts be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and
4. A notice of this award be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

**8. R2019-151\*Resolution Amending and Restating Resolution No. R2018-150 Which Authorized the Release of \$200,000 from the Township's Affordable Housing Trust Fund to Community Options to be Used as a Group Home for the Special Needs Population**

**WHEREAS**, by Resolution No. R2018-150, the Township of Parsippany Troy-Hill authorized the release of \$200,000 from the Township's Affordable Housing Trust Fund to Community Options, Inc., to be used towards the purchase of a home that will be used as group home for the special needs population; and

**WHEREAS**, the prior Resolution stated that the funding would be \$40,000 per bedroom whereas, the amount should have been identified as \$50,000 per bedroom for four bedrooms, still totaling a release of \$200,000; and

**WHEREAS**, Community Options has identified a property and has made an offer for the property which is located at 22 Normandy Drive and desires to move forward to receive the funding in the amount of \$200,000 towards the purchase; and

**WHEREAS**, the allocation of \$200,000 from the Affordable Housing Trust Fund, is consistent with the total amount of the allocation in the prior Resolution, and the expenditure of such funds by the Township ensures that the Township meets its affordable housing obligations and goals; and

**WHEREAS**, adequate funds continue to remain available in the Affordable Housing Trust Fund for such use by Community Options, Inc.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Edison, Middlesex County, as follows:

1. The Township Council hereby approves and authorizes that Resolution No. be amended and restated to provide that the allocation of the \$200,000 from the Township's Affordable Housing Trust Fund to Community Options, Inc. provide for the payment of \$50,000 per bedroom instead of \$40,000 per bedroom.

2. That an original certified copy of this Resolution shall be forwarded to the Municipal Housing Liaison.

3. **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.

**9. R2019-152\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Shared Services Agreement for Animal Control Services with the Township of Hanover**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (the " Act"), provides that a local unit, as that term is defined in the Act, may enter into an agreement to provide or receive any services that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

**WHEREAS**, there exists a need for animal control services in the Township of Hanover ("Hanover") and Parsippany has the ability to provide animal control services to Hanover; and

**WHEREAS**, Parsippany and Hanover wish to enter into a shared services agreement setting forth the terms and conditions upon which such services will be provided to Hanover by Parsippany; and

**WHEREAS**, this shared services arrangement offers a mutually beneficial opportunity for both Parsippany and Hanover to provide cost-effective and efficient animal control services to their residents and furthers the public health, safety and welfare; and

**WHEREAS**, this Resolution is contingent on Hanover adopted a reciprocal resolution authorizing Parsippany to provide animal control services to Hanover and designating the Township's Animal Control Officer as the Animal Control Officer for Hanover.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Township Council hereby authorizes the execution of a Shared Services Agreement for Animal Control Services with the Township of Hanover. The Shared Services Agreement shall be in substantially the same form as the agreement attached hereto and acceptable to the Township Attorney.

**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.

**10. R2019-153\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authoring Execution of Agreement with the Police Athletic League of Parsippany-Troy Hills**

**WHEREAS**, the Police Athletic League of Parsippany-Troy Hills (“PAL”) is a non-profit organization whose mission is to foster a positive relationship between the youth of the community and Township Police Officers; and

**WHEREAS**, PAL strives to provide a safe and productive environment where the youth of the community can enjoy educational, social and athletic activities; and

**WHEREAS**, in furtherance of these laudable goals, the PAL works collaboratively with the Township Recreation Department to provide a wide range of recreational sports programs for the Township; and

**WHEREAS**, in recognition of the services that PAL provides to the Township, and in furtherance of the public health, safety and welfare, the Township and PAL desire to enter into an agreement whereby the Township will pay to the PAL the annual sum of \$147,000.00 and provide three (3) Township employees for recreation operation and administration services in accordance with the terms and conditions set forth in the attached agreement; and

**WHEREAS**, the Township Council desires to authorize execution of this agreement and express its appreciation to PAL for the many services and benefits it provides to the youth of the community and the Township as a whole.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Township Council hereby authorizes execution of an agreement with the Police Athletic League of Parsippany-Troy Hills (“PAL”) consistent with this Resolution. The agreement shall be in substantially the same form as the agreement attached hereto and acceptable to the Township Attorney.

**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.

**11. R2019-154\*Resolution of the Township Council of the Township of Parsippany-Troy Hills to Cancel Unexpended Dedicated Balances of General Capital Appropriations**

**WHEREAS**, certain General Capital Improvement appropriation balances remain dedicated to projects now completed and/or have been withdrawn; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to the Capital Improvement Fund or credited to Capital Fund Balance or Reserve to Pay Debt Service, and unused debt authorizations may be canceled; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the following approximate unexpended and dedicated balances of the General Capital Appropriations be canceled:

Ordinance Number	Date Authorized	Project Description	Amount Canceled	
			Funded	Unfunded
09-24	06/16/09	Various Capital Improvements	\$ 48,136.07	
11-07	06/21/11	Various Capital Improvements	\$ 16,514.00	
13-31	12/20/13	Acquisition by Purchase and/or Elevation of Properties	\$125,970.55	
15-22	09/15/15	Various Capital Improvements	\$ 43,706.78	
17-17	07/11/17	Purchase of Property	\$ 1,221.28	
TOTALS:			<u>\$235,548.68</u>	

**12. R2019-155\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Providing for the Insertion of Any Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40A:87 (Chapter 159, P.L. 1948) – Smith Baldwin House Phase 2 Rehabilitation**

**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 county or 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 an item of appropriation for equal amount,

**WHEREAS**, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2019 municipal budget,

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Ann M. Cucci, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2017 as referenced below:

Revenue Title: **Smith-Baldwin House Phase 2 Rehabilitation** Amount: **\$258,064.00**

Appropriation Title: **Smith-Baldwin House Phase 2 Rehabilitation** Amount: **\$258,064.00**

Local Match – Source **Local Match – Open Space** Amount: **\$ 64,516.00**

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted this 16th day of July, 2019  
and certified as a true copy of an original.

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Khaled Madin, Clerk

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A40A: 4-87

**13. R2019-156\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing an Agreement with the New Jersey Department of Transportation for the Protection, Relocation or Adjustment of Township Sewer Utility Facilities Along Route 53, Pondview to Hall Avenue**

**WHEREAS**, the State of New Jersey, Department of Transportation (“NJDOT”) is undertaking a project to design and construct improvements entitled Route 53 Pondview Road to Hall Avenue, Contract ID No. 19-16062 (the “Project”), a portion of which shall occur within the Township of Parsippany-Troy Hills (the “Township”); and

**WHEREAS**, the Project may require the protection, relocation or adjustment of facilities of the Township’s existing sewer system, which is operated by the Township of Parsippany-Troy Hills Sewer Utility (the “Utility”); and

**WHEREAS**, NJDOT and the Township have entered into negotiations regarding the Project and work required of the Utility to protect, relocate and/or adjust its facilities, which negotiations have resulted in an agreement; and

**WHEREAS**, the parties propose to reduce their agreement to writing in a form acceptable to the Township Attorney; and

**WHEREAS**, the agreement shall require that NJDOT, at its sole cost and expense, shall contract for and cause to be constructed all items indicated in NJDOT's contract plans and specifications for the Project and relating to existing and proposed facilities owned and operated by the Township through the Utility; and

**WHEREAS**, NJDOT shall authorize and reimburse the Utility for its actual costs for design, review, approval and inspection for the protection, relocation or adjustment of its existing facilities necessary to accomplish the Project; and

**WHEREAS**, the Utility's preliminary engineering design costs for correspondence, meetings and exchanges of engineering information shall be eligible for reimbursement and NJDOT shall accept billing of said costs following the execution of the aforementioned agreement, and

**WHEREAS**, the Sewer Utility may undertake, without reimbursement, other repairs and replacements to its System that are not necessary for completion NJDOT Project, but through coordination with the NJDOT and its Contractor, are more easily implemented concurrently with the NJDOT Project.

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

1. The aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
2. The Mayor and Township Clerk be and hereby are authorized to execute and attest, respectively, an agreement with the State of New Jersey Department of Transportation for the protection, relocation or adjustment of existing Township Sewer Utility facilities necessary to accomplish the project entitled Route 53 Pondview Road to Hall Avenue, Contract ID No. 19-16062, which agreement shall expressly incorporate the terms and conditions set forth herein, and shall be in a form acceptable to the Township Attorney; and
3. The Mayor and Township Administration be and hereby are authorized to take all reasonable and necessary actions to effectuate the same.

**14. R2019-159\* Resolution Granting Fee Exemptions in Connection with Permits for Construction, Zoning, Engineering, Fire Prevention, Health, Parks and Forestry and Recreation Departments to the Parsippany Area Chamber of Commerce**

**BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, and State of New Jersey, that the Parsippany Area Chamber of Commerce is exempt from payment of municipal fees in connection with construction, zoning,

engineering, fire prevention, health, parks and forestry and recreation department permits and where indicated for administrative charges for off-duty police and special police work and the per diem vehicle fees during calendar year 2019 in accordance with the terms of § 156-2 of the Code of the Township of Parsippany-Troy Hills:

Fee exemptions do not apply to any permits issued in connection with a trade or business, even if related to the function or purpose of the organization.

This resolution shall take effect immediately.

**15. R2019-160\*Resolution of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey Declaring A.P. Construction, Inc. in Default of its Obligations Under the Lease Agreement for Sewerage Treatment Facility between Township of Parsippany-Troy Hills and A.P. Construction, Inc., Terminating Agreement, Invoking Additional Remedies Provided for in Agreement and Directing Exploration of Options for Beneficial Use of Lease Premises**

**WHEREAS**, after a public procurement process, on September 1, 2014 the Township of Parsippany-Troy Hills (“Township”) entered into a Lease Agreement for the Operation of Fats, Oils and Grease Processing Facility (“Fog Facility”) within the Township, with A.P. Construction, Inc. (“Lease Agreement”); and

**WHEREAS**, in the Lease Agreement A.P. Construction, Inc. (“A.P.”) agrees and is required to operate and maintain a Fog Facility within a property containing a building, various tanks and other equipment located at the Township’s Wastewater Treatment Facility property at 1139 Edwards Road, within the Township, as defined in the Lease Agreement (the “Leased Premises”); and

**WHEREAS**, in the Lease Agreement A.P. agrees and is required to operate and maintain the Fog Facility at the Leased Premises for a term of ten (10) years, commencing on September 1, 2014; and

**WHEREAS**, in the Lease Agreement A.P. agrees and is obligated to make the following payments in the amounts and under the terms set forth therein: a Security Deposit, monthly rental payments and to pay late fees for any portion of such rental payments paid more than five business days after then due date, annual Capital Maintenance Cost payments for seven (7) years, to the Township’s municipal sewer utility for processing wastewater from the Fog Facility and to the Township’s municipal water utility for billed water supply services provided to the Fog Facility; and

**WHEREAS**, A.P. has not operated the Fog Facility since December 2017 and has abandoned, deserted and vacated the Leased Premises; and

**WHEREAS**, the Lease Agreement provides in Section 14.01(e) that it is an Event of Default when the “[l]essee [A.P.] has abandoned, deserted, vacated, discontinued or ceased its operation of the Leased Premises for any reason whatsoever,” making A.P.’s abandonment of the Leased Premises an Event of Default; and

**WHEREAS**, A.P. has not made any monthly rent payments since December 2017 and currently owes the Township over \$500,000 in rent and late fees; and

**WHEREAS**, A.P. has failed to make Capital Allowance Cost Payments due September 1, 2015, 2016, 2017 and 2018 and currently in is arrears to the Township for over \$100,000; and

**WHEREAS**, A.P. since November 2017 has failed to pay billed wastewater processing charges from the Township’s sewer utility and currently owes over \$300,000 in wastewater charges and accrued interest; and

**WHEREAS**, A.P. has failed to pay billed water charges from the Township’s water utility since November 2017 and currently owes over \$7,600 in unpaid water charges and accrued interest; and

**WHEREAS**, Section 14.01(a) of the Lease Agreement provides that it is an Event of Default when “[l]essee [A.P.] has defaulted in the payment of any fees or any other charges payable hereunder by Lessee to Township, on any date upon which the same becomes due,” which makes each of these failures by A.P. to make payments to the Township or its utilities as required by the Lease Agreement an Event of Default; and

**WHEREAS**, under Section 14.02(a) of the Lease Agreement, the Township may terminate the Lease Agreement as a result of the Events of Default cited herein; and

**WHEREAS**, as a result of the Events of Default cited herein the Township’s Business Administrator sent a Notice of Default, Termination and Invocation of Additional Remedies to A.P. in a writing dated June 28, 2018 (Exhibit A); and

**WHEREAS**, the Township Council supports the June 28, 2018 Notice to A.P. of the Township’s declaration of default, termination of the Lease Agreement, demand for payment of sums owed the Township and its municipal utilities and invocation of other remedies, including the demand that A.P. remove its equipment from the Leased Premises; and

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

1. For the reasons cited herein, and in the June 28, 2018 Notice of Default, Termination and Invocation of Additional Remedies (Exhibit A), A.P. Construction, Inc. has engaged in Events of Default as defined in the September 1, 2014 Lease Agreement for the Operation of Fats, Oils, and Grease Processing Facility at Wastewater Treatment Facility.

2. As a result of A.P. Construction, Inc.'s engaging in such Events of Default, the Township Council hereby states its agreement with and support of the termination of the Lease Agreement set forth in the June 28, 2018 Notice of Default, Termination and Invocation of Additional Remedies (Exhibit A).

3. The Mayor and other Township Officials are authorized and directed to seek recovery of the sums due the Township and its sewer and water utilities as set forth in the June 28, 2018 Notice to A.P. Construction, Inc. of Default, Termination and Invocation of Additional Remedies (Exhibit A), and

4. The Mayor and other Township Officials are hereby directed to explore options for the use of the Leased Premises in a manner beneficial to the Township.

B. APPLICATIONS

1. **R2019-158\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Person-to-Person Transfer of Plenary Retail Distribution License for TGI Fridays, Inc. from GC Fridays NJ PA, LLC**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1429-33-017-007 for GC Fridays NJ PA, LLC. to TGI Fridays, 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 July 16, 2019, the Person-to-Person Transfer of the aforesaid Plenary Retail Distribution License #1429-33-017-007.

**VIII. APPROVAL OF PAYROLL AND BILLS LIST**

A. CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the July 26, 2019 regular and miscellaneous payroll estimated at \$1,500,000

2. Payment of bills from voucher list of 6/28/19 – 7/11/19 totaling \$4,747,295.59

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

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

**IX. 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,

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Khaled Madin, Township Clerk

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Paul Carifi, Jr. Council President

Minutes Approved: October 15, 2019