

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF AUGUST 20, 2019

I. INTRODUCTION

Meeting was called to order at 7:30PM 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 Gagnani, 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.

D. UPCOMING MEETINGS:

1. 9/3/19 @ 7:00 p.m. Agenda Meeting
2. 9/17/19 @ 7:00 p.m. Regular Meeting

E. APPROVAL OF MINUTES

II. PRESENTATION(S)/REPORTS

A. MAYOR – stated that 8:30 AM on September 11th we will have a remembrance for those who lost their lives on 9/11 and all are invited.

1. Presented Certificates of Appreciation to residents who assisted in saving a resident's life.

B. TOWNSHIP COUNCIL – Ms. Peterson nominated Michelle Gaynor for a vacancy on the Environmental Committee. A motion was made by Ms. Peterson seconded by Ms. McCarthy followed by a roll call with all the Council Members answering Yes. Mr. dePierro inquired about the Knoll financials. Mr. dePierro also stated that Hunting

Ridge Association does not want to be responsible for the Condit house any longer and would like to turn it over to Township.

Mr. dePierro made a motion directing the Mayor to pay retired Captain James Carifi the accrued time of 405 days of unused sick, vacation and comp time totaling \$368,482.02 plus interest to date to be made in 3 equal payments with interest. A motion was made by Mr. dePierro seconded by Ms. Gragnani. A roll call vote was taken with Mr. dePierro, Ms. Gragnani and Ms. McCarthy answering Yes, Ms. Peterson abstained and Mr. Carifi was recused.

Mr. Lott stated that he asked to go into closed session to discuss this motion as the Township is currently in litigation. Mr. Lott further stated that he does not believe it is appropriate to appropriate any money pursuant to a motion but must be reduced in writing to a resolution. Mr. Lott again requested to go into closed session but the Council denied the request.

Mr. Madin stated that at this time the Township attorney has made a request to go into closed session and that request is denied. Mr. Madin then proceed to read the motion and go into a roll call vote with Mr. dePierro, Ms. Gragnani and Ms. McCarthy answering Yes, Ms. Peterson abstained and Mr. Carifi was recused.

C. TOWNSHIP ATTORNEY

1. Discussion regarding Planning Board's recommendation pertaining to the designation of Block 392 Lots 1 & 2 – Lanidex Plaza

D. BUSINESS ADMINISTRATOR – no report

E. TOWNSHIP CLERK – no report

F. TOWNSHIP OFFICES COMMITTEES/REPORTS – no report

III. BIDS

A. 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
5. 8/7/19 – Rental of Heavy Equipment
6. 8/15/19 – Smith Field Park Phase 2 Improvements

B. To Be Taken

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

Julie Peterson, discussed the Lanidex presentation and how she is not in support of it.

Len Cipkins, followed up on a letter that was sent to the Mayor's office regarding the Whippany River Watershed Action Committee. Mr. Cipkins discussed the four rain gardens that had been installed at Town Hall; Mr. Cipkins stated that last year the committee reached out to the Mayor's office about the cleanups to be done and rain gardens replaced and that the Mayor was in support of it. Mr. Cipkins stated they are willing to do it along with the Boy Scouts.

Tom Domino, discussed the issue that is occurring with the Lake Parsippany Property Owners Association regarding the fee that the association had wanted to unilaterally assess on over 2000 residents. Mr. Domino was informed that this matter is not a Township matter but a matter between private parties.

Mary Purzyki, discussed the issue that is occurring with the Lake Parsippany Property Owners Association regarding the fee that the association had wanted to unilaterally assess on over 2000 residents. Ms. Purzycki stated that the majority of the Lake Parsippany residents do not have an obligation to the Lake. Ms. Purzycki stated that you bought your house knowing that you can become a member of the Association but that is voluntary and not mandatory and that is now being challenged in a court of law.

Linda McKena, discussed a similar issue that is occurring in Rainbow Lakes wherein the Association is attempting to unilaterally assess a fee for the Association and they also placed a lien on a majority of the property owners in Rainbow Lakes that did not pay this fee. She was informed that this matter is not a Township matter but a matter between private parties.

Sharon Jacobs, also brought up her concerns regarding Rainbow Lakes and the liens that are being placed on those homeowners that do not pay the fee. She was informed that this matter is not a Township matter but a matter between private parties.

Sabina Vermont, discussed the issue that is occurring with the Lake Parsippany Property Owners Association regarding the fee that the Association had

wanted to unilaterally assess on over 2000 residents. Ms. Vermont stated the issue here is that the Association does whatever they want and excludes the residents from the meeting, and the result was 5 people getting together and unilaterally deciding they will assess these fees. Ms. Vermont was informed that this matter is not a Township matter but a matter between private parties.

Jeanna Eichengier, representing WAWA, requested that the plastic bag ordinance have an exemption for WAWA's soup and side bags for safety reasons for the associates and customers.

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 Gragnani, and seconded Council Member Peterson followed by a Roll Call with all the Council Members answering Yes.

V. ORDINANCES

A. INTRODUCTION

1. ORDINANCE 2019:40

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 360, STREETS AND SIDEWALKS, 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 **August 20, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 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.

2. **ORDINANCE 2019:41**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AUTHORIZING THE SALE OF CERTAIN TOWNSHIP OWNED REAL PROPERTY LOCATED AT BLOCK 765, LOT 8.1 AND BLOCK 765, LOT 66 IN ACCORDANCE WITH LOCAL LANDS AND BUILDING LAW, N.J.S.A. 40A:12-1 ET SEQ.

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 20, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 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. Gragnani.

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

3. **ORDINANCE 2019:42**

ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR RETIREMENT PAYOUTS AND AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$305, 935 THEREFOR

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 20, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 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. McCarthy.

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

4. **ORDINANCE 2019:43**

ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, PROVIDING FOR TOWNSHIP MASTER PLAN AND AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$135,000 THEREFOR

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 20, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 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.

5. **ORDINANCE 2019:44**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY ESTABLISHING A TRAP, NEUTER, VACCINATE AND RELEASE PROGRAM

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 20, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 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.

6. **ORDINANCE 2019:45**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 4, ARTICLE XVIII, ADMINISTRATION OF GOVERNMENT, DEPARTMENT OF EMERGENCY MEDICAL SERVICES AND CHAPTER A445-19.1, FEES COMPILATION, EMERGENCY MEDICAL SERVICES, 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 **August 20, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 17, 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. Gragnani.

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

B. SECOND READING & PUBLIC HEARING

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

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

WHEREAS, the New Jersey State Legislature recently adopted P.L. 2018, c. 64 to amend the “New Jersey Smoke-Free Air Act,” N.J.S.A. 26:3-56 et seq., to extend the prohibition on smoking in indoor places of public access and workplaces to include a prohibition on the use of tobacco products and electronic smoking devices at all public parks and beaches with an exception for golf courses; and

WHEREAS, these revisions to the New Jersey Smoke-Free Air Act apply to public parks within the Township of Parsippany-Troy Hills; and

WHEREAS, the Township Council finds that it is in the best interests of the Township and its residents to update Chapter 290, Parks Recreation Areas and Public Lands, for consistency with the provisions of the New Jersey Smoke-Free Air Act as amended.

NOW THEREFORE, 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, §290-18, Smoking, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows:

(Additions are underlined; deletions are struck-through)

- A. Smoking is prohibited in all Township parks including athletic fields, sports courts and play areas, including the Parsippany Police Athletic League Youth Center located at 33 Baldwin Road, Parsippany-Troy Hills NJ 07054, and except municipal golf courses, in and around children’s play areas as designated by no-smoking signs smoking is prohibited and is only permitted in adjacent parking areas located outside of a public park or athletic field in accordance with the provisions of the New Jersey Smoke-Free Air Act, N.J.S.A.26:3D-56 et seq.

- ~~B. During any sporting event(s), smoking is prohibited at the athletic fields, sports courts, and play areas where the sporting event(s) are taking place and is only permitted in associated parking areas.~~
- ~~C. In all Township parks, the Township will post “No Smoking” signs around all children’s play areas, which shall read “No Smoking Beyond This Point Pursuant to Township Code §290-18”.~~
- B. ~~D.~~ This section shall be enforced by the Police Department of the Township of Parsippany-Troy Hills, and any person may initiate enforcement by registering a complaint with the Police Department.
- C. ~~E.~~ Any person violating any provisions of this section shall, upon conviction thereof, be subject to the penalties set forth in N.J.S.A. 26:3D-62(8)(a) and (f) in §1-17 of the Township Code.

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 22, 2019. This Ordinance was introduced at the July 16, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:38 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 2019:38

Motion to open the public hearing for Ordinance 2019:38 by Ms. Peterson, 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 2019:38 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. Peterson, seconded by Ms. McCarthy.

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

2. **ORDINANCE 2019:39**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AUTHORIZING THE ACQUISITION OF THE PROPERTY IDENTIFIED AS BLOCK 146, LOT 1 ON THE TAX MAP OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS PURSUANT TO THE LOCAL LAND AND BUILDINGS LAW

WHEREAS, NewBridge Services Inc. and The Rose House sought to acquire and develop a property identified as Block 146, Lot 1 on the Tax Map for the Township of Parsippany-Troy Hills, also known as 9 Henry Street, all as more fully described on **Exhibit A** attached hereto and made a part hereof this Ordinance (the “Property”), which they believed to be suitable for the development of affordable housing for up to six (6) special needs, disabled individuals of low to moderate income; and

WHEREAS, pursuant to Resolutions dated July 10, 2012, February 12, 2013, and March 15, 2016, on July 16, 2012, the Township entered into an agreement with Rose House and NewBridge, subsequently amended on March 12, 2013 (collectively, the “Rose House/NewBridge Agreement”) pursuant to which the Township agreed to allocate \$755,000.00 in Affordable Housing Trust Fund monies for Rose House’s and NewBridge’s acquisition and development of the Property for the purpose of providing low- and moderate-income housing; and

WHEREAS, by deed dated September 18, 2013 and recorded on October 15, 2013, the Property was transferred from the Property’s prior owners to NewBridge in exchange for the acquisition price of \$220,198.37; and

WHEREAS, the September 18, 2013 deed was re-recorded on April 8, 2014 to incorporate the “Deed Restricted Affordable Housing Property with Restrictions on Resale and Refinancing,” an agreement for the benefit of the Township, executed by NewBridge and the

Township, which restricted NewBridge's use of the Property for affordable housing purposes for 30 years (the "Deed Restriction"); and

WHEREAS, pursuant to the terms of the Rose House/NewBridge Agreement, NewBridge was reimbursed for the Property's acquisition price of \$220,198.37 from Affordable Housing Trust Fund monies; and

WHEREAS, despite their good faith effort, Rose House and NewBridge are unable to develop the Property for affordable housing purposes; and

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, the Township may acquire any real property for a public purpose; and

WHEREAS, Chapter 51-6 of the Township Code establishes the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund (the "Open Space Trust Fund"); and

WHEREAS, funds from the Open Space Trust Fund may be utilized for the acquisition of lands for recreation and conservation purposes; and

WHEREAS, the Township is desirous of acquiring the Property from NewBridge in order to dedicate the Property to recreation and conservation purposes pursuant to the Open Space, Recreation, and Farmland and Historic Preservation Act, P.L. 1997, c. 24, N.J.S.A. 40:12-15.1 et seq.; and

WHEREAS, the acquisition of the Property for recreation and conservation purposes will further the open space, conservation and recreational or similar uses authorized by Chapter 51-6 and N.J.S.A. 40A:12-5, and promote the public health, safety and welfare of the residents of the Township; and

WHEREAS, as the beneficiary of the Deed Restriction, the Township has the authority to release the Property from the Deed Restriction; and

WHEREAS, the Township has negotiated the acquisition of the Property from NewBridge in exchange for One Dollar (\$1.00) to be paid by the Township and the release of NewBridge and Rose House from their obligations under the Rose House/NewBridge Agreement; and

WHEREAS, a Settlement Agreement, Deed, and Release of Affordable Housing Restriction, the forms of which are attached hereto as **Exhibit B**, have been reviewed, revised and approved by the Township Attorney; and

WHEREAS, the Settlement Agreement, Deed, and Release of Affordable Housing Restriction set forth the terms and conditions of the Township's acquisition of the Property from NewBridge; and

WHEREAS, the Township wishes to fund the acquisition of the Property from NewBridge, and the demolition of the vacant single-family dwelling on the Property in order to restore the Property to a natural state, through the Open Space Trust Fund; and

WHEREAS, because Affordable Housing Trust Fund funds were used by NewBridge to acquire the Property, and because the use of the Property shall be converted from an affordable housing use to an open space use, the Township wishes to reimburse the Affordable Housing Trust Fund for the Property's acquisition price of \$220,198.37 from Open Space Trust Fund monies; and

WHEREAS, NewBridge has made a final request for reimbursement from the allocated \$755,000.00 in Affordable Housing Trust Fund monies for an additional \$75,384.57 spent in furtherance of the development of the Property; and

WHEREAS, the Township Chief Financial Officer and the Township Business Administrator have reviewed documentation submitted by NewBridge in support of its reimbursement request, has determined that the \$75,384.57 was expended by NewBridge in furtherance of the development of the Property for the purpose of providing low- and moderate-income housing, and recommends that the Township provide NewBridge with reimbursement in the amount of \$75,384.57 from the Affordable Housing Trust Fund.

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. The foregoing recitals are hereby incorporated as if set forth at length herein.

SECTION 2. The acquisition of the property identified as Block 146, Lot 1 on the Tax Map for the Township of Parsippany-Troy Hills, also known as 9 Henry Street, all as more fully described on **Exhibit A** attached hereto and made a part hereof this Ordinance (the "Property"), by transfer of quitclaim deed, the form of which is set forth in **Exhibit B**, for the purchase price of One Dollar (\$1.00), plus any costs and fees associated with the Settlement Agreement, using monies from the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund is hereby authorized.

SECTION 3. The reimbursement of the Affordable Housing Trust Fund for the acquisition price of the Property of \$220,198.37 using monies from the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund is hereby authorized.

SECTION 4. The cost of demolition of the vacant single-family dwelling on the Property, in addition to any costs associated with restoring the Property to its natural state, which costs shall not exceed \$75,000, using monies from the Municipal Open Space, Recreation, Floodplain Protection, and Farmland and Historic Preservation Trust Fund is hereby authorized.

SECTION 5. The reimbursement of NewBridge Services, Inc. in the amount of \$75,384.57 from the Affordable Housing Trust Fund for expenditures made in furtherance of the

development of the Property for the purpose of providing low- and moderate-income housing is hereby authorized.

SECTION 6. The Mayor is hereby authorized to execute, and the Township Clerk is hereby authorized to witness, the Settlement Agreement and the Release of Affordable Housing Deed Restriction, in the forms attached hereto as **Exhibit B**, which contain substantive provisions in accordance with the requirements of this Ordinance and acceptable to the Township Attorney.

SECTION 7. The Township Administrator and Township Attorney are hereby authorized and directed to take all required actions to satisfy all contingencies contained in the Agreement and to arrange to close this transaction.

SECTION 8. 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 9. 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 10. 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 August 8, 2019. This Ordinance was introduced at the August 5, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:39 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 2019:39

Motion to open the public hearing for Ordinance 2019:39 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 2019:39 by Ms. Gragnani, 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. Gragnani, seconded by Mr. dePierro.

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

VI. NON-CONSENT AGENDA

A. RESOLUTIONS

1. R2019-171 Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Reimbursement to Morris Habitat for Humanity of Monies Spent in Furtherance of Affordable Hosing Project at 9 Henry Street

WHEREAS, Morris Habitat for Humanity (“Habitat”) is a nonprofit corporation under the New Jersey General Laws and is organized exclusively as a perpetual corporation for purposes including: development and preservation of decent, affordable housing for low- and moderate-income people in the Morris County area; the promotion of neighborhood stability and improvement in low-income communities in the Morris County area; and the creation of home ownership opportunities for low and moderate income people, who otherwise would be denied such opportunities because of limited financial resources; and

WHEREAS, the goal of Habitat is to stimulate the conveyance of decent, affordable housing among people of limited resources by providing homeownership opportunities at affordable prices through partnership with the community, volunteers, and families in need; and

WHEREAS, Habitat is a nonprofit organization which constructs and sells the type of housing which satisfy certain affordable housing obligations of the Township of Parsippany-Troy Hills (“Township”); and

WHEREAS, it had been proposed that Habitat acquire and develop property located at 9 Henry Street Parsippany-Troy Hills, New Jersey, also known as Lot 1 in Block 146 on the Tax Map for the Township of Parsippany-Troy Hills (the “Property”) so as to provide low and/or moderate income housing for twelve (12) households (the “Henry Street Project”); and

WHEREAS, the Township has Affordable Housing Trust Fund (“Trust Fund”) monies available for the acquisition and development of real property within the Township for housing purposes in partial satisfaction of the Township’s affordable housing obligations; and

WHEREAS, pursuant to a Resolution dated August 21, 2018, the Township approved the amendment of its Spending Plan which, among other things, allocated \$1,018,366.01 in Trust Fund monies to Habitat for the Henry Street Project; and

WHEREAS, despite its good faith effort, Habitat is unable to develop the Property for affordable housing purposes; and

WHEREAS, Habitat has made a final request for reimbursement from the allocated \$1,018,366.01 Trust Fund monies for \$8,296.36 spent in furtherance of the development of the Property; and

WHEREAS, the Township Chief Financial Officer has reviewed documentation submitted by Habitat in support of its reimbursement request, has determined that the \$8,296.36 was expended by Habitat in furtherance of the development of the Property for the purpose of providing low- and moderate-income housing, and recommends that the Township provide Habitat with reimbursement in the amount of \$8,296.36 from the Affordable Housing Trust Fund.

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:

That the Township Chief Financial Officer is hereby authorized to reimburse Habitat \$8,296.35 from the Affordable Housing Trust Fund.

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.

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

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

2. R2019-172 Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing a Shared Services Agreement for Emergency Basic Life Support (BLS) Ambulance Service with the Township of Montville

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 the provision of emergency basic life support (BLS) ambulance service in the Township of Montville (“Montville”) 24 hours per day, 7 days per week on an as needed basis only when the Montville First Aid Squad is unable to respond; and

WHEREAS, Parsippany has the ability to provide such service to Montville; and

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

WHEREAS, the Township Council recognizes that the sharing of emergency BLS ambulance service furthers the public health, safety and welfare in that it offers a mutually beneficial opportunity for both Parsippany and Montville to ensure continuous and reliable service while reducing costs for equipment and staff; and

WHEREAS, this Resolution is contingent on the Montville Township Committee adopting a reciprocal resolution approving of this shared services arrangement.

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 emergency basic life support (BLS) ambulance service with the Township of Montville consistent with the terms and conditions of this Resolution. 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.

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. R2019-175 Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving a Second Amendment to the November 10, 2015 Settlement Agreement and Release Between the Township and RD Realty, LLC

WHEREAS, RD Realty, LLC (the “Developer”) was the contract purchaser of an approximately twenty-six and sixty-four hundredths (26.64) +/--acre parcel of real property currently identified as Block 421, Lot 29 on the official Tax Map of the Township and located on the northern side of Route 46 between Waterview Boulevard and Intervale Road (the "Property"); and

WHEREAS, the Property is located in the northwest portion of the Township, bordering the Borough of Mountain Lakes, and is the western most property situated in the Township's Professional Office Development District (the "POD Zone"); and

WHEREAS, the Property is surrounded by various and diverse land uses, including office buildings to the east adjacent to the Property and continuing along Waterview Boulevard, single family homes to the north of the Property and continuing along Forest Drive, townhomes to the northwest of the Property in the Borough of Mountain Lakes, and Route 46 to the south of the Property with apartments on the other side of the highway; and

WHEREAS, in 2012 and 2013, RD Realty petitioned the Township for a zone change of the Property, to include an overlay zone to permit a mixed-use development with over one hundred ninety thousand (190,000) square feet of retail use and a seventy-six (76) townhouse multifamily housing component; and

WHEREAS, on August 20, 2013, the Township Council introduced Ordinance 2013:028 to create the aforementioned overlay zone; and

WHEREAS, after extensive public hearings with significant public comment, on September 17, 2013, the Township Council voted 3 to 2 against adoption of Ordinance 2013:028; and

WHEREAS, on November 15, 2013, RD Realty filed an Action in Lieu of Prerogative Writs in the Superior Court of New Jersey, Law Division, Morris County Vicinage, Docket No. MRS-L3026-13 challenging the Township Council's denial of Ordinance 2013:028 (the "Complaint"); and

WHEREAS, on December 3, 2013, RD Realty filed a First Amended Complaint in Lieu of Prerogative Writs alleging, *inter alia*, violations of the New Jersey Constitution, Municipal Land Use Law ("MLUL"), Federal Fair Housing Act, and Law Against Discrimination (the "Amended Complaint"); and

WHEREAS, on February 20, 2015, the Hon. Thomas L. Weisenbeck, A.J.S.C. entered an Order granting RD Realty leave to file a Second Amended Complaint (the "Second Amended Complaint" and, together with the Complaint and Amended Complaint, the "Litigation"); and

WHEREAS, on May 18, 2015, RD Realty filed an application with the Township Zoning Board of Adjustment (the "Zoning Board") seeking preliminary and final site plan approval for one hundred twenty (120) affordable multi-family housing units on a portion of the Property (the "Board of Adjustment Application"); and

WHEREAS, on July 8, 2015, the Township filed an action in the Superior Court of New Jersey, Morris County Vicinage captioned In the Matter of the Application of the Township of Parsippany-Troy Hills for a determination of Mount Laurel Compliance, Docket No. MRS-L-1699-15 (the "Mount Laurel Action"), as well as a Motion for

Temporary Immunity from the Builder's Remedy pending the outcome of the Mount Laurel Action; and

WHEREAS, on July 16, 2015, RD Realty filed a Motion to Intervene in the Mount Laurel Action and, on August 5, 2015, the Court entered an Order permitting RD Realty to intervene as a defendant therein; and

WHEREAS, on August 24, 2015, RD Realty intervened and filed an Answer in the Mount Laurel Action; and

WHEREAS, the Township denied the allegations set forth by RD Realty in the Litigation and the Mount Laurel Action; and

WHEREAS, the Parties reached a settlement to resolve their disputes, subject to certain terms and conditions set forth in the Settlement Agreement and Release, dated November 10, 2015 (the "Settlement Agreement"), and subject to further actions of the Township Council; and

WHEREAS, on December 18, 2018, the Township Council adopted R2018-188, authorizing an Amendment to the Settlement Agreement, pursuant to Section 1.2.6 of said Agreement, to memorialize revisions to certain terms and conditions of the settlement, as well as the respective obligations of the Parties; and

WHEREAS, the Parties desire to enter into a Second Amendment to the Settlement Agreement, a copy of which is attached hereto as Exhibit A, pursuant to Section 8.4 of said Agreement, to memorialize revisions to certain terms and conditions of the settlement, as well as the respective obligations of the Parties; and

WHEREAS, the Township Council finds and declares that the execution of the Second Amendment to the Settlement Agreement furthers the welfare of the Township and its residents.

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 aforesaid recitals are hereby adopted and incorporated herein as if repeated in full;
 2. That the Mayor be and hereby is authorized to execute, and the Township Clerk be and hereby is authorized to attest, a Second Amendment to the Settlement Agreement by and between RD Realty, LLC and the Township of Parsippany-Troy Hills in a form acceptable to the Township Conflict Attorney; and
 3. This Resolution shall take effect after final adoption as provided by 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.

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.

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

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

A. RESOLUTIONS

1. R2019-163* Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting a Major Soil Moving Permit to Active Environmental Tech; Block 429, Lot 24

WHEREAS, Active Environmental Tech has applied to the Township of Parsippany-Troy Hills to move approximately 500 cubic yards of material as part of the proposed work at, **Block 429, Lot 24, 35 Red Gate Road**; and

WHEREAS, the Planning Board considered this application at its meeting of July 8, 2019 and recommends approval to the Township Council; and

WHEREAS, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Township Clerk dated July 11, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to Active Environmental Tech for the moving of approximately 500 cubic yards of material as part of the proposed work at, **Block 429, Lot 24, 35 Red Gate Road**, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated July 11, 2019.
2. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of July 8, 2019.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

2. R2019-164*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to Gamka Sales

Co., Inc., 983 New Durham Road, Edison, NJ 08817 for One (1) New 2019 Portable Power Air Compressor with Running Gear and Accessories for DPW

WHEREAS, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New 2019 Portable Power Air Compressor with Running Gear and Accessories for DPW on July 24, 2019, and

WHEREAS, the Director of Purchasing, Purchasing Assistant and Director of Public Works have reviewed the bid received and recommend that a contract be awarded to the lowest responsible bidder, Gamka Sales Co., Inc., 983 New Durham Road, Edison, NJ 08817 for the Total Bid Price \$21,498.00, and

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

“2019 Budget/Public Works Other Expenses.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 2019 Portable Power Air Compressor with Running Gear and Accessories for DPW 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. R2019-165*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to TNS Construction LLC, 1294 Waterloo Road, Stanhope, NJ 07874 for Laboratory Improvement Project for the Sewer Utility

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Laboratory Improvement Project for the Sewer Utility on July 18, 2019, and

WHEREAS, the Director of Purchasing, Purchasing Assistant, Sewer Superintendent and Consulting Architect have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, TNS Construction LLC, 1294 Waterloo Road, Stanhope, NJ 07874 for the Total Base Bid Price of \$669,735.90, and

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

Sewer Capital Ordinance #'s 2013:24 adopted August 20, 2013 and
2009:28 adopted June 16, 2009, both entitled,
“Various Improvements”.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Laboratory Improvement Project for the Sewer Utility 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. R2019-166*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of Agreements to Sprint Spectrum L.P., 6200 Sprint Parkway, Overland Park, Kansas 66251-2650 and T-Mobile Northeast LLC, 4 Sylvan Way, Parsippany, NJ 07054 for Lease of Space on Township Water Towers

WHEREAS, the Township of Parsippany-Troy Hills (“Township”) desires to maximize the use of its property by generating recurring revenues for the lease of space on water towers to cell phone companies; and

WHEREAS, after public advertisement, the Township received bids on July 24, 2019 for the Leasing of Antennae Space on the water towers on Lackawanna Avenue (one bid) and on Pomeroy Road (two bids), as follows:

Sprint Spectrum L.P.
6200 Sprint Parkway
Overland Park, Kansas 66251-2650 (Pomeroy Road only), and

T-Mobile Northeast LLC.
4 Sylvan Way
Parsippany, New Jersey 07054 (two bids, Lackawanna Avenue and Pomeroy Road); and

WHEREAS, the bids have been reviewed by the Water Superintendent and the Purchasing Director; and

WHEREAS, the bid submitted by Sprint Spectrum L.P. complies in all material respects with the bid specifications issued by the Township; and

WHEREAS, the two bids submitted by T-Mobile Northeast LLC for the Lackawanna Avenue water tower and the Pomeroy Road water tower contained several exceptions to the provisions of the proposed Lease Agreement included as part of the bid specifications which are to be negotiated with T-Mobile Northeast LLC in a form to be approved by the Township Attorney; and

WHEREAS, the award of leases to Sprint Spectrum L.P. and, T-Mobile Northeast LLC for the use of space not needed for municipal purposes on the water towers on Lackawanna Avenue and Pomeroy Road will provide recurring revenues for the Township;

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

- (1) That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
- (2) That the bid submitted by Sprint Spectrum L.P. for the Pomeroy Road water tower be hereby accepted and a lease agreement shall be awarded to Sprint Spectrum L.P. in accordance with the bid specifications, and the Mayor is hereby authorized to execute such lease on behalf of the Township, contingent upon final approval of any proposed design changes and/or equipment modification by the Township Water Superintendent; and

- (3) That the two bids submitted by T-Mobile Northeast LLC for the Lackawanna Avenue water tower and the Pomeroy Road water tower are hereby accepted, that lease(s) shall be awarded to T-Mobile Northeast LLC, and that the Mayor shall be authorized to execute such leases contingent upon final approval of the Township Attorney of the lease formats and the negotiated exceptions to the bid specifications and also upon final approval of any proposed design changes and/or equipment modification by the Township Water Superintendent.

5. R2019-167*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authoring Public Sale of Tax Sale Certificate Number 04963 in Accordance with N.J.S.A. 54:5-114 Et Seq.

WHEREAS, N.J.S.A 54:5-114 et seq. (the “Jones Act”) authorizes the sale/assignment of tax sale certificates held by a municipality by several methods; and

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) is the owner of the sale of Tax Sale Certificate 04963 (the “Certificate”) for the property located at Block 764, Lot 40 as designated on the official tax map for the Township (“Property”); and

WHEREAS, the Township Council has determined it is advisable to sell/assign the Certificate for an amount less than the total amount due pursuant to terms and conditions acceptable to the Township considering certain challenges related to the Property, including that the Property is landlocked within Troy Meadows and the majority of the Property is covered by wetlands, as well as the failure of the Property to produce tax revenue or other economic and social benefit to the Township for many years; and

WHEREAS, pursuant to N.J.S.A. 54:5-114.2 of the Jones Act, the Township is authorized to sell/assign the Certificate, including any subsequent municipal liens, for less than the total amount due, plus interest and costs; and

WHEREAS, in accordance with N.J.S.A. 54:5-114.2, the Township Clerk is hereby authorized to give public notice in five of the most public places in the Township, stating the description of the Property, the name of the owner of the land as set forth in the tax rolls together with the total amount required for redemption, including all subsequent municipal liens with interest and costs. The public notice shall further state that the Township will receive bids for the Certificate and subsequent municipal liens, plus interest and costs, even though such bid may be less than the total amount due on the Certificate.

WHEREAS, the Township Council intends to consider the matter further and accept or reject any bids received at its September 16, 2019 public meeting.

NOW THEREFORE, BE IT HEREBY RESOLVED, that 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 determines that it is in the best interests of the Township to solicit public bids for the Certificate, including any subsequent municipal liens, for less than the amount due, with interest and costs, pursuant to terms and conditions acceptable to the Township.

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. R2019-168*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Reduction of a Performance Guarantee – RD Realty, LLC, Block 421, Lot 29

WHEREAS, **RD Realty, LLC** posted a performance guarantee in the form of Performance Surety Bond, No. FP0023511, issued by First Indemnity of America Insurance Company, in the amount of \$3,298,911.00 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project located at Waterview Boulevard/Rt. 46, Block 421, Lot 29; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated July 29, 2019 stating the inspections conducted by the Office of Engineering indicate the bond may be reduced by 70 percent to the new bond amount of \$733,091.00.

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. FP0023511 posted by **RD Realty, LLC** be and the same are hereby reduced.

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

7. R2019-169*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Mayor and Township Clerk to Discharge and Cancel Development Agreement Regarding 169 Lackawanna Avenue

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) entered into a Development Agreement dated January 10, 2001 (the “Development Agreement”) with Wellsford /Whitehall Holdings, L.L.C. (the “Developer”) regarding the development of property located at 169 Lackawanna Avenue, Block 136 Lot 33 in the Township (the “Property”); and

WHEREAS, the Development Agreement was entered into pursuant to Resolution of Memorialization No. 98-512-B dated February 1, 1999, as amended by Resolution of Memorialization No. 00:521 dated November 20, 1999 of the Township Planning Board and was duly recorded with the Morris County Clerk; and

WHEREAS, all work required by the approved plans regarding the development which is the subject of the Development Agreement and required by the Development Agreement has been inspected and has been completed to the satisfaction of the Township Engineer’s office; and

WHEREAS, all performance guarantees and escrow balances regarding the development which is the subject of the Development Agreement have been released; and

WHEREAS, the Township Engineer has no objection to the discharge of the Development Agreement so that it does not appear in future title searches of the Property.

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:

That the Mayor and Clerk of the Township are hereby authorized to discharge the Development Agreement.

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.

8. R2019-173*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) Distracted Driving Crackdown 2019

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,

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: **Distracted Driving Crackdown 2019** Amount: **\$5,500.00**
Appropriation Title: **Distracted Driving Crackdown 2019** Amount: **\$5,500.00**
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 20th day of August, 2019
and certified as a true copy of an original.

Khaled Madin, Clerk

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

9. R2019-174*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) Drive Sober or Get Pulled Over 2018

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,

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 2019 as referenced below:

Revenue Title: Drive Sober or Get Pulled Over 2018 Amount: **\$5,500.00**

Appropriation Title: Drive Sober or Get Pulled Over 2018 Amount: **\$5,500.00**

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 20th day of August, 2019
and certified as a true copy of an original.

Khaled Madin, Clerk

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

B. APPLICATIONS

1. **R2019-170* Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving a New Limousine License for Rody Enterprises, LLC**

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following new Limousine Owner's Licenses be issued for the year 2019 pending receipt of Qualification Certificate from the Division of Motor Vehicle and insurance information.

**Rody Enterprises LLC
1100 Parsippany Blvd.
Apt. 381
Parsippany, NJ 07054**

(1 Vehicle)

VIII. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the August 23, 2019 regular and miscellaneous payroll estimated at \$1,700,000
2. Payment of bills from voucher list of 8/2/19 – 8/17/19 totaling \$19,634,373.10

Motion to approve the authorization for payment above by
Mr. dePierro, seconded by Ms. Gagnani.
ROLL CALL-Yes: Mr. dePierro, Ms. Gagnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

IX. 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: **Contract Negotiations: Fire District #1 & Carifi Litigation**

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

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

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

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

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

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

X. ADJOURNMENT

Motion to Adjourn the Meeting by Mr. dePierro, Seconded By Ms. Gagnani.

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

Respectfully submitted,

Khaled Madin, Township Clerk

Regular Meeting 8-20-19

Paul Carifi, Jr. Council President

Minutes Approved: September 17, 2019