

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF SEPTEMBER 3, 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. 9/17/19 @ 7:00 p.m. Regular Meeting
2. 10/1/19 @ 7:00 p.m. Agenda Meeting

E. APPROVAL OF MINUTES

II. PRESENTATION(S)/REPORTS

A. MAYOR

1. Presenting a Proclamation for Constitution Week – presented a proclamation to the Daughters of the American Revolution.

B. TOWNSHIP COUNCIL –

Mr. Carifi apologized to the members of the public that may have showed up to the Special/Emergency Meeting that was called by the Mayor. Mr. Carifi stated that the Council was not consulted and that the meeting was called in violation of the Township's local ordinance. Mr. Lott stated that the requirements of the Open Public

- Meetings Act had been satisfied. Mr. Carifi disagreed and stated that the ordinance was violated as it was called for over a weekend and the Township ordinance does not allow for such meetings to be called on a weekend. Mr. Carifi also stated that the Council Members were emailed some information in reference to an employee of the Township who is friends with Mr. Kazmark and who was given health benefits in violation of the Township policy. The policy states that employees must wait 60 to 90 days before receiving their insurance but this individual received insurance in less than 30 days.
- C. TOWNSHIP ATTORNEY – stated there are 18 ordinances related to the Affordable Housing Settlement that will be introduced tonight. Mr. Lott also requested to go into Closed Session to discuss the Carifi Litigation.
 - D. BUSINESS ADMINISTRATOR – thanked the Administration and Council for their patience during his daughter’s illness. Mr. Kazmark also stated the Township had a first auction through Munibid and the Township made \$40,000.00.
 - E. TOWNSHIP CLERK- no report
 - F. TOWNSHIP OFFICES COMMITTEES/REPORT – Mr. Carifi stated that the Parsippany Chamber of Commerce has added over 100 members since January 1st.
 - G. ENGINEERING REPORT – Mr. Carifi read the following report into the record:

Edgewood Court Reconstruction Project

Construction is substantially complete. The contractor is working with the Sewer Department on unforeseen issues with the sanitary sewer lateral repairs. Final paving will take place once the sanitary work has been completed. **(No Council Action Required).**

2019 Road Resurfacing / Curb & Sidewalk Program

Curb and sidewalk work will continue for a few more weeks. Most of the concrete work is complete. Road milling and paving has started but got delayed due to problems with the equipment. Work has started again and will continue into the middle of September. **(No Council Action Required).**

Old Bloomfield Avenue, Phase II Reconstruction Project

Construction is substantially complete. Only minor punch list items remain and will be completed in September. **(No Council Action Required).**

Drainage Issues

Engineering and the Public Works Department are still actively investigating numerous drainage issues. Groundwater is still very high and we have had numerous issues where groundwater has migrated through the ground surface, particularly in the area between Ashwood Place and Rockaway Place. The other areas in town with similar problems are in the Lake Interval Area as well as Rainbow Lakes. **(No Council Action Required).**

Community Rating System (CRS) Program

We are currently working with a consultant and the NJDEP on getting back into the CRS program. This will provide discounts on flood insurance policies based on the level of activities in which the Township participates. **(No Council Action Required)**

III. 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: **Attorney/Client Privilege: 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. McCarthy.

ROLL CALL: Yes – Ms. McCarthy, Ms. Peterson
No – Mr. dePierro, Ms. Gragnani
Recused – Mr. Carifi

The Township Clerk stated that there is a two to two vote and so the motion fails and no Closed Session. Mr. Lott stated that it is his advice that it would be imprudent for Council to take action on this resolution without going into Closed Session. Council Vice President asked the Council if they wished to reconsider and the answer was no. Mr. Lott stated for the record that the Council is taking this action against his advice.



Motion To Reconvene Into Open Session by _____ Seconded By _____

ROLL CALL:

IV. BIDS

A. Taken

1. 7/31/19 – Powder Mill Pump Station Upgrades
2. 8/7/19 – Rental of Heavy Equipment
3. 8/15/19 – Smith Field Park Phase 2 Improvements

B. To Be Taken

1. 9/18/19 – Lake Hiawatha Water Main Replacement – Phase I

V. 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 Gragnani followed by a roll call with all the Council Members answering Yes.

Julie Peterson, discussed an ordinance adopted in 2014, the ordinance is related to allocating land that is suitable for a large highway sign. Ms. Peterson stated that there was a lawsuit regarding a large billboard and the reason she brings this up is that because she is concerned about a very large billboard that may be placed near her residence.

James Carifi, thanked Mr. dePierro, Ms. McCarthy and Ms. Gragnani as well as acknowledging and thanking all of his supporters in attendance at the meeting. Mr. Carifi stated that as a father he tries to instill two principals in his kids and that is never forget where you came from and never forget who your friends are and he again thanked everyone.

Ken Dolsky, discussed the Affordable Housing plan that was approved by the court. Mr. Dolsky stated that he knows the Council has done their due diligence but does not think that just because the Council has done so, that everyone understands what's going on. Mr. Dolsky stated that the main issue that was confusing to him was that he thought that the Township worked their obligation down but apparently that is not the case. Mr. Lott noted for the record that all the ordinances will be available in the Clerk's office.

Bob Venezia, commented on the motion made to pay James Carifi. Mr. Venezia stated that announcing the motion at a public meeting finally triggered an action that is long overdue and as indicated by the vote the motion has bipartisan support. Additionally, the motion has the implied approval of the Administration because it will put an end to what Mr. Soriano has described the Barberio/Inglesino Administration wasteful lawsuits against Captain Carifi. Mr. Venezia also stated that the public is more than ready to put this issue to rest and believes public sentiment has shifted towards settlement.

Pat Pettacia, stated that for 6 years she asked the Administration to settle this and that the law suits that are pending now have nothing to do with this. She stated the man was out 6 years without his money and what would anyone of you do if you were in his shoes. She stated to finally give this man what is owed to him.

Richard Purzyki, stated that the Carifi matter has taken way too long and that they need to please settle this tonight.

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.

Mayor Soriano stated it was a ham-handed introduction the Council did regarding the motion; and the Township Attorney released a 50 page memo and since there was not going to be a Closed Session then he would asked that the Council waive privilege so that the public can know what is going on.

VI. ORDINANCES

A. INTRODUCTION

- 1. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 370, TAXATION, ARTICLE I, HOTEL/MOTEL OCCUPANCY TAX, OF THE CODE OF PARSIPPANY-TROY HILLS-ON***
- 2. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 91-3 RELATED TO THE OPERATION OF PET SHOPS, KENNELS, SHELTERS AND POUNDS-ON***
- 3. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 91-2 RELATED TO THE LICENSING OF DOGS-ON***

AFFORDABLE HOUSING ORDINANCES

1. ORDINANCE 2019:46

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-MU ZONE

2. ORDINANCE 2019:47

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-3A AFFORDABLE HOUSING DISTRICT ZONE

3. ORDINANCE 2019:48

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-3B AFFORDABLE HOUSING DISTRICT ZONE

4. ORDINANCE 2019:49

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-4 AFFORDABLE DISTRICT

5. ORDINANCE 2019:50

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-5 AFFORDABLE HOUSING DISTRICT ZONE

6. ORDINANCE 2019:51

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-6 AFFORDABLE HOUSING DISTRICT ZONE

7. ORDINANCE 2019:52

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-7 AFFORDABLE HOUSING DISTRICT ZONE

8. ORDINANCE 2019:53

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW OVL-1 OVERLAY ZONE

9. ORDINANCE 2019:54

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW OVL-2 OVERLAY ZONE

10. ORDINANCE 2019:55

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW OVL-3 OVERLAY ZONE

11. ORDINANCE 2019:56

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW OVL-4 OVERLAY ZONE

12. ORDINANCE 2019:57

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW OVL-5 OVERLAY ZONE

13. ORDINANCE 2019:58

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW OVL-6 OVERLAY ZONE

14. ORDINANCE 2019:59

AN ORDINANCE IMPLEMENTING THE TOWNSHIP’S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE FAIR SHARE HOUSING CENTER IN ACCORDANCE WITH THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON

AFFORDABLE HOUSING

15. ORDINANCE 2019:60

AN ORDINANCE IMPLEMENTING THE TOWNSHIP'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE FAIR SHARE HOUSING CENTER IN ACCORDANCE WITH THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

16. ORDINANCE 2019:61

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED "ZONING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH A NEW AHD-MU ZONE

17. ORDINANCE 2019:62

AN ORDINANCE IMPLEMENTING THE TOWNSHIP'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF A SETTLEMENT AGREEMENT REACHED BETWEEN THE TOWNSHIP OF PARSIPPANY-TROY HILLS AND THE FAIR SHARE HOUSING CENTER IN ACCORDANCE WITH THE NEW JERSEY FAIR HOUSING ACT, AND RELEVANT REGULATIONS AND POLICIES ADOPTED BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

18. ORDINANCE 2019:63

AN ORDINANCE TO AMEND CHAPTER 430 ENTITLED "ZONING" OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS TO ESTABLISH MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS

BE IT RESOLVED that the following Ordinances 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 **September 3, 2019** and that said Ordinances be

further considered for second reading and final passage at a Meeting to be held on **October 1, 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 Ordinances.

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

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

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

B. SECOND READING & PUBLIC HEARING

1. ORDINANCE 2019:40

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-ON*

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.-ON*

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-ON*

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-ON*

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-ON*

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-ON*

VII. NON-CONSENT AGENDA

A. RESOLUTIONS

1. R2019-176 Approval Grant Application Electric Charging Stations

GRANT AGREEMENT
BETWEEN

Township of Parsippany-Troy Hills

(Name of Grantee)

AND

THE STATE OF NEW JERSEY

BY AND FOR

THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

GRANT IDENTIFIER: AQ20-014

GOVERNING BODY RESOLUTION R2019-176

The governing body of

Township of Parsippany-Troy Hills

(print Grantee's name)

desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of up to \$12,000.00 to fund the following project:

Purchase, installation, and maintenance of 2 Level 2 ChargePoint dual-port charging stations to be installed at 1001 Parsippany Blvd. Parsippany NJ 07054.

Therefore, the governing body resolves that Keith Kazmark or the successor to the office of (print name)

Business Administrator is authorized (a) to make application for such a grant, (b) if awarded, to execute (print title of authorized official)

a grant agreement with the State for a grant in an amount not less than 0.00 and not more than 12,000.00 and (c) to execute a any amendments thereto, any amendments thereto which do not increase the Grantee's obligations.

*The Mayor and Council authorizes and hereby agrees to (print name of Grantee's governing body, e.g., board of chosen freeholders)

match 0.00 % of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 0.00 % of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement). *

The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Introduced and passed September 3, 2019

Ayes: 5
Noes: 0
Absent: 0

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

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

2. R2019-177 Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing the Payment to James Carifi Unused Accrued Leave with Interest

WHEREAS, this Resolution memorializes the motion (“Motion”) approved by the Council of the Township of Parsippany-Troy Hills (“Township Council”) at its August 20, 2019 wherein it authorized payment to Captain James Carifi, retired, for his unused, accrued time for sick, vacation and personal days and unused, accrued compensatory time (“Accrued Time”), plus interest (collectively, the “Payment”); and

WHEREAS, the Township’s Council acting against the advice of the Township Attorney decided to authorized payment to Captain Carifi notwithstanding pending litigation pertaining to in part his claims for the payment of Accrued Time in the actions captioned below:

1. Captain James Carifi v. Township of Parsippany-Troy Hills et. al., Docket No. MRS-L-2938-11;
2. James Carifi v. James. R. Barberio, John P; Inglesino, Esq., Paul Philips, Aurora Information Security & Risk, LLC, Tp. of Parsippany-Troy Hills, et al., Docket No. MRS-L-003140-14 (collectively the “Litigations”);

3. James Carifi v. Township of Parsippany-Troy Hills, Docket No. MRS-L-1681-18; and

WHEREAS, there is an arbitration proceeding pending before the Public Employment Relations Commission regarding Captain Carifi's employment, which includes the issue of compensation for Accrued Time; this arbitration is captioned as follows:

Township of Parsippany-Troy Hills and PBA Local 131A SOA, Docket No. AR2019-325 (the "Arbitration"); and

WHEREAS, the Township Council desires to memorialize its Motion by adoption of this Resolution and authorize Payment to Captain Carifi for this Accrued Time, to be calculated in an appropriate manner as set forth herein, in exchange for the execution of a satisfactory Settlement and Release of any and all claims by Captain Carifi for Accrued Time during his employment with the Township of Parsippany-Troy Hills Police Department; and

WHEREAS, any Payment made to Captain Carifi for the Accrued Time is contingent upon certain terms set forth herein;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, authorizes the Payment to Captain Carifi subject to the following terms and conditions:

1. The Township Chief Financial Officer is hereby authorized to make the Payment to Captain Carifi in the amount of \$368,482.02 which the Township shall pay Captain Carifi (the Principal), the Township shall also pay to Carifi simple interest (the Interest). The interest to be paid at 2.25%, the interest to be paid shall be calculated as having commenced as of April 1, 2013 and shall continue accrual thereafter through date when final installment payment is to Captain Carifi. The annual rate of interest was determined utilizing the State of new Jersey Cash Management Fund Rate of Return.
2. Captain Carifi shall execute a Settlement and Release for any and all claims for compensation for the Accrued Time alleged in the Litigations and the Arbitration or any other proceedings. The form of said Settlement and Release shall be satisfactory to the Township Attorney and shall include language that the Payment authorized pursuant to this Resolution shall not constitute any admission of liability by the Township
3. That pursuant to the Township's practices governing the payment of accrued leave due to eligible employees, the Payment to Captain Carifi shall occur semiannually and shall made be in accordance with the schedule of regular salary payment made to Township employees. The first payment to be made within 7 days of the adoption of this resolution.
4. Pursuant to the Township's practices governing the payment of accrued leave due eligible employees, any payment to Captain Carifi pursuant to this Resolution shall not exceed \$131,801.00, his annual base salary when he retired in any one year.

5. The Township Chief Financial Officer shall prepare and file the appropriate certifications for the Payment.

BE IT FURTHER RESOLVED, that the Township Attorney is authorized to negotiate a Settlement and Release of any and all claims of Captain Carifi related to compensation for the Accrued Time.

BE IT FURTHER RESOLVED, that the Payment authorized pursuant to this Resolution shall not constitute an admission of liability by the Township as to any claims of Captain Carifi has in the Litigations or in the Arbitration.

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. Gragnani.

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

Mr. Lott noted his objection for the record and stated that Resolution 2019-177 memorializes the motion previously made at the prior meeting but in no way resolves all of the outstanding litigations that Mr. Carifi has with the Township. Mr. Lott commented that the actions, with respect to resolution 177, are taken against his advice and potentially compromise the Township's position and pending litigation and compromises insurance coverage. He believes that they should go into Closed Session to discuss. Mr. dePierro stated that the accrued sick leave and vacation days by contract have been held up for 6 years. Granted there was litigation but enough is enough, the man is entitled to the money, and feels we should give him the money that we held back for 6 years. Mr. Lott again stated that the resolution does not resolve all the litigations that Mr. Carifi has with the Township. Mr. Lott suggested one amendment and that is that any payment made should be made with the approval of our insurance carrier, but the Council refused Mr. Lott's suggestion.

3. **R2019-178 Resolution Adopting an Affirmative Marketing Plan for the Township of Parsippany-Troy Hills**

WHEREAS, in accordance with applicable Council on Affordable Housing ("COAH") regulations and the New Jersey Uniform Housing Affordability Controls ("UHAC") N.J.A.C. 5:80-26.,et seq., the Township of Parsippany-Troy Hills is required to adopt by resolution an Affirmative Marketing Plan to ensure that all affordable housing units created, including those created by rehabilitation are affirmatively marketed to very low, low and moderate income households, particularly those living and/or working within Housing Region 2, the Housing Region encompassing the Township of Parsippany-Troy Hills;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, do hereby adopt the following Affirmative Marketing Plan:

Affirmative Marketing Plan

- A. All affordable housing units in the Township of Parsippany-Troy Hills shall be marketed in accordance with the provisions herein unless otherwise provided in N.J.A.C. 5:93-1, et seq. This Affirmative Marketing Plan shall apply to all developments that contain or will contain very low, low or moderate-income units, including those that are part of the Township's prior round obligation and its current Fair Share Plan, and those that may be constructed in future developments not yet anticipated by the Fair Share Plan.
- B. The Affirmative Marketing Plan shall be implemented by an Administrative Agent designated by and/or under contract with the Township of Parsippany-Troy Hills. All the costs of advertising and affirmatively marketing affordable housing units shall be borne by the developers/sellers/owners of the affordable unit(s).
- C. In implementing the Affirmative Marketing Plan, the Administrative Agent, acting on behalf of the Township, shall undertake all the following strategies:
 - 1. Review, approve and ensure that the developers/sellers/owners publish at least one advertisement in a newspaper of general circulation within the housing region.
 - 2. Broadcast of one advertisement by a radio or television station broadcasting throughout the housing region.
 - 3. At least one additional regional marketing strategy using one of the other sources listed below at Sec. E of this plan.
- D. The Affirmative Marketing Plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer or sponsor of affordable housing. The Affirmative Marketing Plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward Housing Region 2 in which the Township is located and covers the entire period of deed restriction for each restricted housing unit.
- E. The Affirmative Marketing Plan is a continuing program intended to be followed throughout the entire period of restrictions and shall meet the following requirements:
 - 1. All newspaper articles, announcements and requests for applications for very low, low, and moderate-income units shall appear in the Star Ledger and Morristown Daily Record.

The primary marketing shall take the form of at least one press release and a paid display advertisement in the above newspaper during the first week of the marketing

program and subsequently utilizing internet advertisements each month thereafter until all available units have been leased. The developer/owner shall disseminate all public service announcements and pay for display advertisements. The developer/owner shall provide proof of publication to the Administrative Agent. All press releases and advertisements must be approved in advance by the Township's Administrative Agent.

Advertisements will also be placed on the following websites:

Parsippany-Troy Hills Township - <http://www.parsippany.net>

New Jersey Housing Resource Center (NJHRC) - <http://www.njhrc.gov>

CGP&H - AffordableHomesNewJersey.com

1. The advertisement shall include a description of the:
 - i. Street address(es) of the units;
 - ii. Directions to the units;
 - iii. Range of prices for the units;
 - iv. Number of bedrooms in the affordable units (bedroom mix);
 - v. Maximum income permitted to qualify for the units;
 - vi. Location of applications;
 - vii. Business hours when interested households may obtain an application;
 - viii. Application fees, if any;
 - ix. Number of units currently available; and
 - x. Anticipated dates of availability.
2. Newspaper advertisements, announcements and information on where to request applications for very low, low, and moderate-income housing shall appear in at least one locally oriented weekly newspaper within the region.
3. Advertisements will be broadcast on at least one regional cable television or radio station.
4. Applications shall be mailed or emailed by the Administrative Agent to the prospective applicants upon request. However, when on-line preliminary applications are utilized, if prospective applicants do not have internet access they will be given a phone number to call the Administrative Agent, who will then enter all pre-application information online during the phone call. Locations of applications, brochures, and flyers to affirmatively market the program are listed in attached Appendix II, and will also be made available on the Township's website. Also, information on how to apply shall be made available at the developer's sales/rental office and shall be mailed or emailed to prospective applicants upon request.
5. The Administrative Agent shall develop, maintain and regularly update a list of community contact person(s) and/or organizations(s) in Morris, Essex, Union, and Warren Counties that will aid in the affirmative marketing program with particular emphasis on contacts that will reach out to groups that are least likely to apply for

housing within the region, including major regional employers. Please see Appendix I for a complete list.

- i. Quarterly information shall be sent to each of the following agencies with a request for publication in their journals and for circulation among their members:

North Central Jersey Association of Realtors
West Essex Board of Realtors
Warren County Board of Realtors

- ii. Quarterly information shall be sent to the administrators of each of the following agencies in each of the counties and requests to post same shall be sent to the administrators of each of the following agencies within the counties of Morris, Essex, Union, and Warren:

Welfare or Social Service Board
Rental Assistance Office (local office of DCA)
Offices on Aging or Division of Senior Services
Housing Authority
Community Action Agencies
Community Development Departments

- iii. Quarterly information shall be sent to the chief personnel administrators of all the major employers within the region as listed in attached Appendix I in accordance with the Region 2 Affirmative Marketing Plan.

- iv. Quarterly information and copies of any press releases and advertisements of the availability of very low, low and moderate-income housing shall be sent to the following additional community and regional organizations:

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)
New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)
The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)
Morris County Chapter of the NAACP (P.O. Box 2256, Morristown, NJ, 07960)
Newark Chapter of the NAACP (P.O. Box 1262, Newark, NJ, 07102)
East Orange Chapter of the NAACP (P.O. Box 1127, East Orange, NJ, 07017)
Housing Partnership for Morris County (2 East Blackwell St., Suite 12, Dover, NJ, 07801)
Community Access Unlimited, Inc. (80 West Grand St., Elizabeth, NJ, 07202)
Northwest New Jersey Community Action Program (NORWESCAP) (350 Marshall St., Phillipsburg, NJ, 08865)
Homeless Solutions of Morristown (540 W. Hanover Ave., Morristown, NJ, 07960)
Supportive Housing Association (185 Valley St., South Orange, NJ, 07079)

- v. The Administrative Agent will also provide specific direct notice to the following community and regional organizations whenever affordable housing units become available in the Township to the organizations including, but not limited to those listed below (see Appendix I for full list):

Fair Share Housing Center (510 Park Boulevard, Cherry Hill, NJ 08002)
New Jersey State Conference of the NAACP (4326 Harbor Beach Blvd. #775, Brigantine, NJ 08203)
The Latino Action Network (P.O. Box 943, Freehold, NJ 07728)
Morris County Chapter of the NAACP (P.O. Box 2256, Morristown, NJ, 07960)
Newark Chapter of the NAACP (P.O. Box 1262, Newark, NJ, 07102)
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Homeless Solutions of Morristown (540 W. Hanover Ave., Morristown, NJ, 07960)
Supportive Housing Association (185 Valley St., South Orange, NJ, 07079)

6. A random selection method to select occupants of very low, low and moderate-income housing will be used by the Township's Administrative Agent in conformance with N.J.A.C. 5:80-26.16(l).
7. The Affirmative Marketing Plan shall provide a regional preference for all households

that live and/or work in Housing Region 2 comprised of Morris, Essex, Union, and Warren Counties.

8. The Administrative Agent shall administer the Affirmative Marketing Plan. The Administrative Agent has the responsibility to income qualify very low, low and moderate income households; to place income eligible households in very low, low and moderate income units upon initial occupancy;; to continue to qualify households for re-occupancy of units as they become vacant during the period of affordability controls; to assist with outreach to very low, low and moderate income households; and to enforce the terms of the deed restriction and mortgage loan as per N.J.A.C. 5:80-26.1, et seq.
9. Whenever appropriate, the Administrative Agent shall provide or direct qualified very low, low and moderate-income applicants to counseling services on subjects such as budgeting, credit issues, mortgage qualifications, rental lease requirements and landlord/tenant law and shall develop, maintain and update a list of entities and lenders willing and able to perform such services.
10. All developers/owners of very low, low and moderate-income housing units shall be required to undertake and pay the costs of the marketing of the affordable units in their respective developments, subject to the direction and supervision of the Administrative Agent. The implementation of the Affirmative Marketing Plan for a development that includes affordable housing shall commence at least 120 days before the issuance of either a temporary or permanent certificate of occupancy.
11. The implementation of the Affirmative Marketing Plan shall continue until all very low, low and moderate-income housing units are initially occupied and for as long as affordable units exist that remain deed restricted and for which the occupancy or re-occupancy of units continues to be necessary. Please note that in addition to complying with this Township-wide Affirmative Marketing Plan that the Administrative Agent shall also review and approve a separate Affirmative Marketing Plan for every new affordable development in Parsippany-Troy Hills that is subject to N.J.A.C. 5:80-26.1 et seq. That document shall be completed by the owner/developer and will be compliant with the Township's Affirmative Marketing Plan as presented herein, and incorporate development specific details and permitted options, all subject to the Administrative Agent's review and approval. The development specific affirmative marketing plans will use the standard form for Region 2, which is attached hereto as Appendix III.
12. The Administrative Agent shall provide the Municipal Housing Liaison with the information required to comply with monitoring and reporting requirements pursuant to N.J.A.C.5:80-26-1, et seq. and the Order granting the Township a Final Judgment of Compliance and Repose.

BE IT FURTHER RESOLVED that the appropriate Township officials and professionals are authorized to take all actions required to implement the terms of this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

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

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

VIII. CONSENT AGENDA

A. RESOLUTIONS

1. **Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to CFM Construction, Inc., for Powder Mill Pump Station Upgrades – Rebid-ON***
2. **Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contracts for Rental of Heavy Equipment-ON***
3. **Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to Rochelle Contracting Co., Inc., for Smith Field Park Phase 2 Improvements-ON***
4. **Resolution of the Township Council of the Township of Parsippany-Troy Hills Determining that Block 392, Lots 1 and 2 be Designate as a Non-Condemnation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40a:12a-1 Et Seq.-ON***
5. **Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing 2020 ROID Grant Application-ON***
6. **Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Whippany Watershed Action Committee and Boy Scout Troop No. ____ and No. ____ to Restore Rain Gardens at the Parsippany-Troy Hills Municipal Building, with Township Assistance and Oversight-ON***

B. APPLICATIONS

C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the 9/6/19 regular and miscellaneous payroll estimated at \$1,650,000 each

2. Payment of bills from voucher list of 09/2/19 – 08/1/19 totaling \$7,536,240.42

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

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

IX. ADJOURNMENT

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

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

Respectfully submitted,

Khaled Madin, Township Clerk

Paul Carifi, Jr. Council President

Minutes Approved: September 17, 2019