

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF SEPTEMBER 17, 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. 10/1/19 @ 7:00 p.m.                      Agenda Meeting
2. 10/15/19 @ 7:00 p.m.                     Regular Meeting

#### E. APPROVAL OF MINUTES

1. Regular Meeting – August 20, 2019
2. Agenda Meeting – September 3, 2019

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

A. MAYOR – recognized the passing of Mayor Mimi Letts and asked everyone to please stand in observing a moment of silence in honor of Mayor Letts. Mayor Soriano also stated that the flags will remain at half staff for the rest of week. Mayor Soriano

asked the Members of the Council if they would like to say anything in Mayor Lett's honor. All the Council Members made a statement in honor of Mayor Letts. Mayor Soriano also announced the upcoming Italian Festival.

1. Presented a Proclamation for 30<sup>th</sup> Anniversary of Craftsman Farms
- B. TOWNSHIP COUNCIL – Mr. dePierro stated that the Craftsman Farms Gala is on October 12th. Mr. Carifi asked Mr. Kazmark if all employees punch the time clock. Mr. Kamzark responded.
- C. TOWNSHIP ATTORNEY – no report
- D. BUSINESS ADMINISTRATOR – no report
- E. TOWNSHIP CLERK – no report
- F. TOWNSHIP OFFICES COMMITTEES/REPORTS – no report

### III. 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. 9/20/19 – Elevator Subcode Official
- C. Quotation(s)/Proposal(s)/Qualification(s)

### IV. PUBLIC HEARING

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

**Ken Dolsky, discussed what he believes are opportunities that were missed in terms of improving the transparency regarding the affordable housing process. Mr. Dolsky stated that although the Township has made an effort to be transparent in the Affordable Housing process, he believes a lot of residents are still in the dark.**

Adam Gragnani, wanted to make all aware of an incident that occurred at the last meeting. Mr. Gragnani stated that after the previous meeting was adjourned, Mayor Soriano uttered a disrespectful slogan towards Ms. Gragnani; Mr. Gragnani asked Mayor Soriano what gave him the right to speak to his wife or anyone like that? Mr. Gragnani stated that if anyone uttered such words to his family he would be upset. Mayor Soriano stated that he never made any such statement.

Nick Homyak, thanked Mayor Soriano for directly dealing with the Fair Share Housing individuals rather than having developers and also thanked Mayor Soriano for getting Parsippany back in the Highland's Conformance. Mr. Homyak also commented on the Carifi litigation matter.

Davey Willans, commented on Mayor Letts and stated that he would like it if everyone stopped putting a "D" or an "R" behind everyone's name. Mr. Willans stated that the divisiveness is getting in the way of what is best for Parsippany.

Pat Pettacia, commented on the PAL director and the violation of the Township policy regarding obtaining insurance. Ms. Pettacia also commented on the Carifi litigation; Ms. Pettacia stated that it feels like the Administration is holding hostage his paid sick and compensatory time to make him conform to what they would like him to do. Mayor Soriano commented on the Carifi situation in response to Ms. Pettacia's comments.

Eric Densmore, stated he had two inquiries, the first had to do with shared services with the town of Montville for EMS, Mr. Densmore stated that at that time he stated his concerns about response time getting longer and was wondering what they will be doing about that. The second inquiry had to do with the Parsippany Movie Theatres and he was wondering why they have not started with their renovations and it was brought to his attention that the Township is holding all the permits up. Dean Snook, Chief EMS, responded to Mr. Densmore's inquires.

Bob Venezia, commented on the violation of the insurance policy that was related to the PAL director. Mr. Kazmark responded to Mr. Venezia's comments.

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

## **V. ORDINANCES**

### **A. INTRODUCTION**

#### **1. ORDINANCE 2019:64**

**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**

**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 **September 17, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **October 15, 2019** at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

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

2. **ORDINANCE 2019:65 – TABLED\*\*\*\*\***

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARPIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 91-3 RELATED TO THE OPERATION OF PET SHOPS, KENNELS, SHELTERS AND POUNDS**

**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 **September 17, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **October 15, 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 \_\_\_\_\_, seconded by \_\_\_\_\_. ROLL CALL

3. **ORDINANCE 2019:66**

**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**

**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 **September 17, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **October 15, 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.

**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**

**WHEREAS**, the Township finds that it is in the best interests of the Township to revise the permitting and fee provisions of the streets and sidewalks code in order to improve the safety of the Township within its right of way and to reflect the costs of inspection and other costs involved when work is done in the Township's right of way.

**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 360, Streets and Sidewalks, Article I, Clear View at Intersections and Along Roadways, §360-1, Duties of owners and tenants, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface):

All owners or tenants of lands lying within the limits of the Township are hereby required to keep all brush, hedges and other plant life growing within 25 feet of the intersection of the two roadways and/or within 10 feet of any roadway, cut to a height of not more than 2 ½ feet or to a height that maintains proper sight distances as determined by the Township Police Department **or as directed by the Township Engineer based on the geometry of the roadways in accordance with the applicable AASHTO standard** within 10 days after notice to cut the same shall have been given to said owner or tenants of lands affected.

**SECTION 2.** Chapter 360, Streets and Sidewalks, Article II, Excavations in Streets, §360-6, Permit Required, Subsection D, of the Code of the Township of Parsippany–Troy Hills, is hereby added in its entirety:

§360-6. Permit required.

- D. Public utilities may obtain a blanket permit, renewable annually, for the installation of its service connections and for ordinary maintenance of its facilities located or installed within the Township’s right of way, subject to the escrow and bonding requirements set forth herein. Public utilities shall provide 24 hours notice to the Director and to the Police Department prior to commencing work contemplated in this blanket permit.

**SECTION 3.** Chapter 360, Streets and Sidewalks, Article II, Excavations in Streets, §360-11, Fees, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

§360-11. Fees

Fees shall be paid when the application is made. The applicant shall be charged a fee of ~~\$30~~ **\$50 for up to 100 square feet of opening. If the application is for more than 100 square feet of opening, the fee is \$50 plus \$1.00 per square foot in excess of 100 square feet. Each fee is per opening. The total fee will reflect the cumulative amount of all openings. Fees may be further amended from time to time by resolution of the Township Council.**

- A. **For public utility applicants with an annual blanket permit, an escrow account in the amount of \$10,000 covering annual service activities for the entire calendar year must be deposited by the public utility, from which the Director shall deduct the permit amounts as they are filed. This escrow account shall be replenished yearly or at the Director’s request. The requirement to maintain this escrow account shall be in addition to the bonding requirements for public utility applicants, as set forth at §360-12 herein.**

**SECTION 4.** Chapter 360, Streets and Sidewalks, Article II, Excavations in Streets, §360-12, Bonds, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

- A. No permit **for any work within the Township’s right-of-way** shall be issued until the applicant has filed a bond in an amount determined to be sufficient by the Director. **Bonding is not required for excavations in driveways and grassed areas within the right-of-way.** The Director may waive all or part of the requirements of this section in the case of public bodies, quasi-public bodies, or utilities.
- B. The bond shall be executed by the applicant as principal and surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:
- (1) To indemnify and hold harmless the Township from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.
  - (2) To indemnify the Township for any expense incurred in enforcing any of the provisions of this article.
  - (3) To indemnify any person who sustains personal injuries or damage to his property as a result of any act or omission of the applicant, his agents, employees or subcontractors done in the course of any work under the permit.
- C. The bond shall be in such form and amount as required by the Director and conditioned upon the applicant’s restoring the street for which the permit is granted in a manner acceptable to the Department of Public Works. One bond may be accepted to cover a number of excavations by the same applicant. Bonds shall remain in force for a period to be determined by the Department of Public Works. One bond may be accepted to cover a number of excavations by the same applicant. bonds shall remain in force for a period to be determined by the Department of Public Works.
- D. In lieu thereof, the Director can require a cash escrow of ~~\$1,200~~ **\$1,500** for the first ~~60 feet~~ **100 square feet** and \$20 for each **square** foot of road opening thereafter. **The amount of this cash escrow may be further amended from time to time by resolution of the Township Council.**
- E. **For public utility applicants with an annual blanket permit, a perpetual bond in the amount of \$10,000 shall be posted. The amount of this perpetual bond requirement may be further amended from time to time by resolution of the Township Council.**

**SECTION 5.** Chapter 360, Streets and Sidewalks, Article II, Excavations in Streets, §360-14, Rules and Regulations; backfilling, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface):

- A. All excavations shall be kept properly barricaded at all times and during the hours of darkness shall be provided with proper warning lights. This regulation shall not excuse the permittee from taking any other precaution reasonably necessary for the protection of persons or property.
- B. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Chief of Police. The Fire Prevention Bureau shall be informed of all street closings at least 24 hours in advance, except where the work is of an emergency nature when notice shall be given to the Police Department when work commences.
- C. Upon application by the permittee, the Director may extend the time limit during which the permit shall be valid.
- D. All refuse and materials must be removed within 48 hours.
- E. All excavations **within the right of way** shall be completely backfilled by the permittee and shall be compacted by tamping in a manner prescribed by the Department of Public Works. The permittee shall backfill the excavation with quarry processed stone (QPS) material which shall be placed in layers not exceeding six inches, and each layer shall be thoroughly compacted with a vibratory compactor. Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. If the Department determines that any backfilled excavation has settled or caved in, it shall notify the permittee, who shall promptly continue backfilling until the Department determines that the settlement is complete.
- F. If tunneling operations are required, the tunnel shall be backfilled with rammed concrete composed of one part cement to 10 parts sand.
- G. If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.
- H. If the work is not completed within the time specified in the permit or any extension granted by the Department of Public Works, or is not performed in accordance with the regulations set forth in this section any other regulations that may be established by the Department of Public Works, then the Department may complete the work itself and restore the surface of the street. The cost of completing the work and restoring the street shall be charged to the permittee and may be deducted from his deposit or recovered by an action in any court of competent jurisdiction.
- I. **Steel plates may be used to cover an excavation but only upon approval by the Director.**
- J. **Excavations in roadways must be capped with a minimum of six (6) inches of bituminous asphalt.**

**K. Restored surfaces must be safe and smooth, including those for temporary restorations.**

**SECTION 6.** Chapter 360, Streets and Sidewalks, Article II, Excavations in Streets, §360-15, Rules and regulations for restoration of surface, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

In all cases the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

- A. No permittee shall commence the restoration of any street foundation or surface until the Department of Public Works determines that settlement of the subsurface is complete and the area properly prepared for restoration.
- B. The street surface shall be restored so as to extend ~~six~~ **twelve** inches beyond the excavation on all sides.
- C. The street surface shall be restored to the satisfaction of the Director.
- D. **If the road surface is disturbed within two feet of the curb or the edge of pavement, the final surface restoration must be made to the curb or road edge.**
- E. **Temporary surface patch shall consist of a minimum of four inches of bituminous asphalt stabilized base material.**

**SECTION 7.** Chapter 360, Streets and Sidewalks, Article II, Excavations in Streets, §360-16, Permit conditions and regulations, Subsection E, of the Code of the Township of Parsippany–Troy Hills, is hereby added in its entirety:

E. Five Year Moratorium.

The Township hereby establishes a five-year moratorium on the issuance of permits pursuant to this Chapter following the reconstruction or resurfacing of any road. Exceptions shall be granted for utility emergencies, utility openings that impact the public safety and welfare of property owners, (e.g. generators) or if the applicant is able to prove an undue hardship. Undue hardship shall be determined at the sole discretion of the Township Engineer. In the event that an exception is granted during the moratorium period, the applicant shall be responsible to limit the disruption as much as possible and complete pavement restoration for the full width of the road to a distance of 50 feet in both directions around the area of the opening in accordance with the Township's specifications. An non-refundable fee of \$100 will be charged to open a road within the moratorium period; this fee shall be in addition to all other applicable fees, if any.

**SECTION 8.** Chapter 360, Streets and Sidewalks, Article III, Construction in Streets, §360-17, Permit required, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface):

It shall be unlawful for any person to construct or place construction equipment, construction materials, construction vehicles and construction dumpsters or any other material used for storage or for any other purpose in connection with construction in and upon any Township-owned or unaccepted dedicated street, avenue, highway, lane, alley or public place in the Township without first obtaining a permit. Such permit shall be valid for a period of 30 days, and may be extended for an additional 30 day period upon approval of the Director.

**SECTION 9.** Chapter 360, Streets and Sidewalks, Article III, Construction in Streets, §360-18, Application; fee, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

The permit shall be issued by the Director of Public Works after approval by the Township Engineer and Township Police Department of an application therefor, accompanied by a fee of \$30 \$50, showing thereon (these fees may be further amended from time to time by resolution of the Township Council):

- A. The name and address of the applicant.
- B. The proposed form of construction.
- C. The exact location of and for the proposed construction.
- D. That the proposed construction will not interfere with the proper drainage of the street, avenue, highway, lane, alley or other public place in the Township wherein it is proposed to place the construction and that it would not impair the public health, safety and welfare of the Township inhabitants.
- E. Verification that Chapter **360**, Article VI of the Code has been complied with.

**SECTION 10.** Chapter 360, Streets and Sidewalks, Article IV, Sidewalk Construction or Removal, §360-24, Fees, of the Code of the Township of Parsippany–Troy Hills, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

A fee of ~~\$30~~ \$50 for up to 100 square feet of opening, plus \$1.00 per square foot in excess of 100 square feet of opening shall be charged for each permit and, in addition thereto, the applicant shall pay the cost of all tests which the Director of Public Works deems necessary. The fee shall be paid at the time the application is filed, and the cost of all proposed tests shall be paid prior to the issuance of any permit. These fees may be further amended from time to time by resolution of the Township Council.

**SECTION 11.** 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 12.** 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 13.** 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 27, 2019. This Ordinance was introduced at the August 20, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:40 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 2019:40

Motion to open the public hearing for Ordinance 2019:40 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 2019:40 by Ms. Gragnani, seconded by Mr. dePierro.

**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.

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.**

**WHEREAS**, the Township of Parsippany-Troy Hills (the “Township”) is the owner of certain real property designated as Block 765, Lot 81.1 and Block 765, Lot 66 on the Township official tax map (collectively, the “Properties”); and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the “LLBL”), a municipality may, by ordinance, authorize the private sale and conveyance of real property to a duly incorporated nonprofit organization which includes among its principal purposes the provision of educational, gardening, recreational, medical or social services to the general public, including the residents of the Township, for nominal consideration; and

**WHEREAS**, the Township Council has determined that the Properties are no longer in needed for public use; and

**WHEREAS**, the Township previously litigation captioned Wildlife Preserves, Inc. v. the Township of Parsippany-Troy Hills, et al., and bearing Docket No. MRS-L-2704-16; and

**WHEREAS**, as part of that settlement, the Township agreed to convey the Properties to Wildlife Preserves Inc. for nominal consideration in accordance with the LLBL; and

**WHEREAS**, Wildlife is a duly organized nonprofit land conservation corporation dedicated to the preservation of natural areas, open space, wildlife, and wildlife habitats for conservation, education, and research; and

**WHEREAS**, the Township Council has determined that it is in the best interest of the Township to convey the Properties to Wildlife for nominal consideration; and

**WHEREAS**, the conveyance shall be subject to the limitation that the Properties shall be used only in furtherance of Wildlife’s purposes as a nonprofit organization and not for commercial business, trade or manufacture; and

**WHEREAS**, if the Properties are not used in accordance with said limitation, title shall revert to the Township; and

**WHEREAS**, because the Properties are listed on the Township's ROSI, the conveyance shall further be subject to the administrative transfer of the Properties to Wildlife in accordance with N.J.A.C. 7:36-25.5.

**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.**

1. The Township Council hereby declares that Block 765, Lot 81.1 and Block 765, Lot 66 on the Township official tax map (collectively, the "Properties") are not needed for public use.

2. The Mayor and Township Clerk, and such other Township officials as the law provides, are hereby authorized to execute a Quit Claim Deed and any such other documents as may be required to convey title of the Properties to Wildlife Preserves, Inc.

3. The Properties shall be conveyed subject to all existing encumbrances, liens, zoning regulations, easements or other restrictions, such facts as an accurate survey may reveal, and any present or future assessments for the construction and improvements benefitting the Properties.

4. The conveyance of the Properties to Wildlife is strictly "AS IS". No representation is made by the Township as to the utility, usability or environmental condition of the Properties. This Ordinance shall be attached as an exhibit to the Quit Claim Deed from the Township to Wildlife.

5. The conveyance of the Properties shall be subject to the limitation that the Properties shall be used only in furtherance of Wildlife's purposes as a nonprofit organization and not for commercial business, trade or manufacture as set forth in the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. if the Properties are not used in accordance with said limitation, title shall revert to the Township

6. The conveyance shall further be subject to the administrative transfer of the Properties to Wildlife in accordance with N.J.A.C. 7:36-25.5.

**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 August 27, 2019. This Ordinance was introduced at the August 20, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:41 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Ms. Peterson.

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

a. **PUBLIC HEARING 2019:41**

Motion to open the public hearing for Ordinance 2019:41 by Mr. dePierro, seconded by Ms. Gragnani.

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

Motion to close the public hearing for Ordinance 2019:41 by Mr. dePierro, seconded by Ms. Gragnani.

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

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

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

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

**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 ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY** (not less than 2/3 majority of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. For the purpose of paying contractually required severance liabilities resulting from the retirement of employees, there is hereby appropriated the sum of \$305,934 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(h).

SECTION 2. The authorization to finance the appropriation shall be provided for in the 2016 budget and in succeeding budgets by the inclusion of a least 1/5 of the amount authorized pursuant to N.J.S.A. 40A:4-55.

SECTION 3. The ordinance shall take effect on the later of twenty (20) days after its final passage by the Council and approval by the Mayor as provided by N.J.S.A. 40:49-27.

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on August 27, 2019. This Ordinance was introduced at the August 20, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:42 be heard in its second and final reading by title only, by Ms. McCarthy, seconded by Mr. dePierro.  
**ROLL CALL**-Yes-Mr.dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

a. PUBLIC HEARING 2019:42

Motion to open the public hearing for Ordinance 2019:42 by Ms. McCarthy, seconded by Mr. dePierro.

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

Motion to close the public hearing for Ordinance 2019:42 by Ms. McCarthy, seconded by Mr. dePierro.

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

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

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

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

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

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 ORDAINED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (not less than 2/3 majority of all members thereof affirmatively concurring), as follows:

SECTION 1. For the purpose of paying the liability resulting from the Township master plan project, there is hereby appropriated the sum of \$135,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(h).

SECTION 2. The authorization to finance the appropriation shall be provided for in the 2020 budget and in succeeding budgets by the inclusion of a least 1/5 of the amount authorized pursuant to N.J.S.A. 40A:4-55.

SECTION 3. The ordinance shall take effect on the later of twenty (20) days after its final passage by the Council and approval by the Mayor as provided by N.J.S.A. 40:49-27.

The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on August 27, 2019. This Ordinance was introduced at the August 20, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:43 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 2019:43

Motion to open the public hearing for Ordinance 2019:43 by Ms. Peterson, seconded by Ms. Gragnani.

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

Motion to close the public hearing for Ordinance 2019:43 by Ms. Peterson, seconded by Ms. Gragnani.

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

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

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

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

**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**

**WHEREAS**, the Township Council wishes to establish a trap, neuter, vaccinate and release (TNVR) program for the Township of Parsippany-Troy Hills for the purpose of reducing the population of feral and free roaming cats, benefitting public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.

**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.** Article V, Sections 91-28 through 35 of the Code of the Township of Parsippany-Troy Hills are hereby amended as follows:

[Add new]

**ARTICLE V Trap Neuter Vaccinate Release Program**

§91-28 Purpose.

The purpose of this Article is to establish a trap, neuter, vaccinate and release (TNVR) program for the Township of Parsippany-Troy Hills for the purpose of reducing the population of feral and free roaming cats, benefitting public health, improving the quality of life for residents, and ensuring the humane treatment of community cats.

§91-29 Definitions.

For the purposes of this Article, the following terms shall have the meaning set forth in this section.

**COMMUNITY CAT**

Any free-roaming, feral, or barn cat that may be cared for by one or more residents of the immediate area and which has no discernible form of ownership identification.

**COMMUNITY CAT CAREGIVER**

A person who may provide care, including food, water, shelter or medical care to a community cat.

**FERAL COMMUNITY CAT COLONY**

A group of cats that congregate together outside as a unit. Although not every cat in a colony may be feral, any nonferal cats who congregate with a colony shall be deemed part of it.

**EARTIPPING**

The removal of the ¼ inch tip of community cat's left ear, performed while the cat is under anesthesia by a licensed veterinarian and designed to be an indication that the community cat has been sterilized and vaccinated for rabies.

**FERAL CAT**

A cat that (i) is born in the wild or is the offspring of an owned or feral cat and is not socialized or (ii) is a formerly owned cat that has been abandoned and is no longer socialized.

**NUISANCE**

Disturbing the peace by:

- (1) Habitually howls, squawks or causes other objectionable noise resulting in a serious annoyance to a reasonable person; or
- (2) Habitually or repeatedly destroying, desecrating or soiling public or private property.

**TNVR PROGRAM**

A program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, microchipped, and returned to the location where they congregate.

**§91-30 Feral cat colonies.**

Feral cat colonies shall be permitted, and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this Article.

**§91-31 TNVR Program.**

The TNVR Program shall be run by Township Animal Control Services under the supervision and direction of the Animal Control Officer.

The Township may partner with an organization or entity that shares the common mission in implementing the TNVR program in Parsippany through recruiting and assisting volunteers, soliciting donations, and advocating for and promoting the TNVR program.

Community cats meeting the requirements of this Article shall be exempt from any licensing, stray, and at-large provisions of the Township Code. Healthy community cats that have been trapped by Animal Control in accordance with this Article shall be considered to be “on the property of the owner” and thus not stray (off the property of the owner) to be impounded. Healthy community cats shall be returned to the location at which they were found or released to a caregiver after being sterilized, vaccinated for rabies, microchipped, and ear tipped while under anesthesia by a licensed veterinarian.

Notwithstanding the foregoing, whenever such cat is visibly injured or diseased and appears to be suffering and it reasonably appears that such cat cannot be expeditiously cured and returned to the field, transferred to a humane society or private animal nonprofit organization or placed in foster care, the cat may be humanely euthanized upon the advice of a licensed veterinarian.

**§91-32 Community cat caregiver requirements.**

- A. Community cats may be cared for on the private property of the caregiver or upon the property of another with the permission of the owner or property manager.
- B. Caregivers shall take all reasonable steps to have all cats in the colony spayed/neutered, vaccinated against rabies, microchipped, and ear-tipped for easy identification.
- C. Caregivers shall provide food and water and, if feasible, suitable shelter for colony cats. Feeding is permitted during daylight hours only. Food must be offered to cats in a container and shall not be dumped on the ground. Any food remaining after cats have eaten must be removed before dark. Feeding areas must be maintained in a clean and sanitary condition.
- D. Caregivers shall observe the colony cats and keep a record of any illnesses or unusual behavior noticed in any colony cats.
- E. In the event that kittens are born to a colony cat, caregivers shall make reasonable attempts

to remove young kittens from the field for domestication. Animal Control may be contacted for assistance, advice, and removal of young kittens.

- F. Caregivers shall obtain proper medical attention for any colony cat as necessary.

**§91-33 Enforcement.**

The Township shall have the following rights:

- A. The right to remove or authorize the removal of any cat from a colony which has not been vaccinated against rabies and which demonstrates signs of the disease or because of immediate public health or safety concerns.
- B. The right to remove or authorize the removal of any cat from a colony which is visibly injured or diseased and appears to be suffering and remains untreated. If it reasonably appears that such cat cannot be expeditiously cured and returned to the field, transferred to a humane society or private animal nonprofit organization or placed in foster care, the cat may be humanely euthanized upon the advice of a licensed veterinarian.
- C. The right to remove or authorize the removal of any cat from a colony which is creating a nuisance as defined herein in accordance with Section 91-34 herein.
- D. The right to remove and authorize the removal of a colony of cats when the caregiver regularly fails to comply with the requirements of this Article.

**§91-34 Nuisance Complaints.**

The Animal Control Officer, or his/her designee, shall investigate an alleged violation of this Article upon the receipt of two (2) sworn affidavits of complaint in a form provided by Animal Control, signed by two (2) unrelated Township residents living in separate dwellings in the close vicinity of the alleged violation. For the enforcement of paragraph (2) herein, one (1) of the affidavits may be provided by a person who works for a recognized business or agency that regularly or frequently provides service in the close vicinity of the alleged violation. The affidavit shall specify the address or location of the alleged violation, the nature, time and date(s) of the act, the name and address of the owner or custodian, if known, and a description of the animal, if known.

Upon the receipt of two (2) sworn affidavits of complaint as provided for in this Article, the Animal Control Officer, or his/her designee, shall make a reasonable attempt to contact the caregiver who shall immediately begin nuisance abatement procedures and make all reasonable efforts to resolve the nuisance in as short a time period as possible, not to exceed 60 days. If the Township is unable to contact the caregiver or if the caregiver fails to resolve the nuisance or remove the cat within 60 days, the Animal Control Officer may issue a citation to the caregiver and/or remove the cat.

**§91-35 Regulations.**

The Animal Control Officer is hereby authorized and directed to adopt and enforce any necessary rules and regulations to implement the Township TNVR program.

**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 August 27, 2019. This Ordinance was introduced at the August 20, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:44 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 2019:44

Motion to open the public hearing for Ordinance 2019:44 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 2019:44 by Ms. Gragnani, seconded by Mr. dePierro.

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

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

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

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

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

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**

**WHEREAS**, the Township finds that it is in the best interests of the Township to revise the permitting and fee provisions of the Administration of Government code and the Fees Compilation code pertaining to the Department of Emergency Services in order to improve the safety of the Township and to reflect the costs of these services.

**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 4, Administration of Government, Article 4-81, Department of Emergency Medical Services, Third Party payment plan for emergency medical services provided by Par-Troy EMS, Subchapter A, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

- A. Fees for emergency medical services. The fee for emergency medical services shall be ~~\$750~~ **\$850**, plus ~~\$15-~~ **\$17** per mile per trip. If the ambulance responds but does not transport the patient to a hospital emergency department or other medical facility, the fee shall be \$250.
- (1) Fees for equipment and medications. When any of the following equipment or medications is used or administered in conjunction with the care of any patient, an additional fee shall be billed according to the tier of said equipment or medication, as follows:
- (a) Tier 1 equipment, \$75 per use:
1. Continuous positive airway pressure (CPAP) device.
  2. Automated external defibrillator.
- (b) Tier II equipment, \$45 per use:
1. Oxygen delivery supplies, including bag valve mask (BVM), non-rebreather mask, nasal cannula.
  2. Spinal immobilization devices, including long backboard, cervical immobilization collar and/or device, Kendrick extrication device (KED).
- (c) Tier I medication, \$175 per dose:
1. Epinephrine auto injector (Epi-Pen).

2. Naloxone (Narcan).

(d) Tier II medication, \$45 per dose:

1. Oxygen.
2. Glucose.
3. Aspirin.

**SECTION 2.** Chapter 445, Fees Compilation, Article A445-19.1, Emergency Medical Services, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

Fees for emergency medical services. The fee for emergency medical services shall be ~~\$750~~ **\$850**, plus ~~\$15-~~ **\$17** per mile per trip. If the ambulance responds but does not transport the patient to a hospital emergency department or other medical facility, the fee shall be \$250.

A. Fees for equipment and medications. When any of the following equipment or medications is used or administered in conjunction with the care of any patient, an additional fee shall be billed according to the tier of said equipment or medication, as follows:

(1) Tier 1 equipment, \$75 per use:

- (e) Continuous positive airway pressure (CPAP) device.
- (f) Automated external defibrillator.

(2) Tier II equipment, \$45 per use:

- (a) Oxygen delivery supplies, including bag valve mask (BVM), non-rebreather mask, nasal cannula.
- (b) Spinal immobilization devices, including long backboard, cervical immobilization collar and/or device, Kendrick extrication device (KED).

(3) Tier I medication, \$175 per dose:

- (a) Epinephrine auto injector (Epi-Pen).
- (b) Naloxone (Narcan).

(4) Tier II medication, \$45 per dose:

- (a) Oxygen.
- (b) Glucose.
- (c) Aspirin.

**SECTION 3.** 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 4.** 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 5.** 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 27, 2019. This Ordinance was introduced at the August 20, 2019 Regular Meeting.

Motion to accept that Ordinance 2019:45 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Ms. McCarthy,  
**ROLL CALL**-Yes-Mr.dePierro, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. Carifi.

a. PUBLIC HEARING 2019:45

Motion to open the public hearing for Ordinance 2019:45 by Mr. dePierro, seconded by Ms. Gragnani.

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

Motion to close the public hearing for Ordinance 2019:45 by Mr. dePierro, seconded by Ms. Gragnani.

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

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

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

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

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

## VI. NON-CONSENT AGENDA

### A. RESOLUTIONS

## 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. McCarthy, seconded by Ms. Peterson.

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

### A. RESOLUTIONS

1. **R2019-179\*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**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Powder Mill Pump Station Upgrades - Rebid on July 31, 2019, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant, Water Superintendent and Consulting Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, CFM Construction, Inc., 5 Bay Street, Stirling, NJ 07980 for the Total Base Bid Price of \$59,600.00 and Total Alternate No. 1 Bid Price of \$121,600.00, and

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

Water Capital Ordinance # 2018:18 adopted September 11, 2018, entitled,  
“Various Improvements”.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Powder Mill Pump Station Upgrades-Rebid 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

2. **R2019-180\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contracts for Rental of Heavy Equipment**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Rental of Heavy Equipment on August 7, 2019, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Township Engineer have reviewed the bids received and recommend that contracts be awarded to the lowest responsible bidders as follows:

Eagle Equipment Inc., d/b/a Peirce Equipment Co., 3388 Route 22 West, Branchburg, NJ 08876 for Item #76; and

Hoff Inc., 57 Stiles Lane, Pine Brook, NJ 07058 for Item #'s 5, 48, 57, 62, 64 and 69; and

On Line Contracting, Inc., 272 Myrtle Avenue, Boonton, NJ 07005 for Item #'s 4, 6, 7, 15, 21, 22, 23, 24, 35, 36, 39, 40, 41, 42, 47, 49, 55, 56, 61, 63 and 68; and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify the availability of funds at the time of purchase in the following :

“2019 Budget/Various O/E.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bids for Rental of Heavy Equipment 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 contracts.

**3. R2019-181\*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**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Smith Field Park Phase 2 Improvements on August 22, 2019, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant, Superintendent of Parks and Forestry and Consulting Landscape Architect have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Rochelle Contracting Co., Inc., 194 Kings Highway, Landing, NJ 07850 for the Total Base Bid Price of \$3,536,601.50, and

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

Current Capital Ordinance # 2018:17 adopted September 11, 2018, entitled,  
“Various Improvements.”

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Smith Field Park Phase 2 Improvements 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. R2019-182\*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-Condensation Redevelopment Area in Accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40a:12a-1 Et Seq.**

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

**WHEREAS**, on January 25, 2019, the Township Council directed the Planning Board of the Township of Parsippany-Troy Hills (the “Planning Board”) to undertake a preliminary investigation pursuant to the Redevelopment Law to determine whether Block 392, Lots 1 and 2 as identified on the official tax map of the Township of Parsippany-Troy Hills, and commonly known as 100-900 Lanidex Plaza (the “Study Area”), constitutes a non-condemnation area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Planning Board authorized the undertaking of an investigation as to whether the Study Area, or any portion thereof, constitutes a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law and authorized the Board Planner, BFJ Planning, to prepare a preliminary investigation report of the Study Area; and

**WHEREAS**, the Planning Board received and reviewed the planning report prepared by the Board Planner, including a map of the proposed redevelopment area along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

**WHEREAS**, a public hearing was conducted by the Planning Board on July 22, 2019, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

**WHEREAS**, at the public hearing, the Planning Board reviewed the planning report, map and associated documents, and heard testimony from the Board Planner and others; and

**WHEREAS**, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Planning Board concerning the potential designation of the Study Area as a non-condemnation redevelopment area; and

**WHEREAS**, after completing its investigation and public hearing on the matter, the Planning Board concluded that there is sufficient evidence to support findings that satisfy the criteria set forth in the Redevelopment Law for designating the Study Area as a non-condemnation redevelopment area, specifically criteria “a”, “b” and “h”, and that said designation is necessary for the effective redevelopment of the Study Area; and

**WHEREAS**, by Resolution dated August 19, 2019, the Planning Board memorialized its decision recommending that the Study Area be designated by the Township Council as a non-condemnation redevelopment area as provided under the Redevelopment Law; and

**WHEREAS**, the Township Council wishes to accept the recommendation of the Planning Board and declare the Study Area as a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law.

**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 accepts the recommendation of the Planning Board and declares Block 392, Lots 1 and 2 as identified on the official tax map of the Township of Parsippany-Troy Hills, and commonly known as 100-900 Lanidex Plaza (the "Study Area"), as a non-condemnation area in need of redevelopment in accordance with the Redevelopment Law.

**BE IT FURTHER RESOLVED**, that this designation shall not authorize the Township to exercise the power of eminent domain to acquire any real property.

**BE IT FURTHER RESOLVED**, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law.

**BE IT FURTHER RESOLVED**, that the Township Clerk shall forthwith transmit a copy of this Resolution to the Commissioner of the Department of Community Affairs.

**BE IT FURTHER RESOLVED**, that within ten (10) days of this Resolution, the Township Clerk shall serve notice of this determination and the within Resolution upon all record owners of property within the non-condemnation redevelopment area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination.

**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.

**5. R2019-183\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing 2020 ROID Grant Application**

**WHEREAS**, the Township of Parsippany-Troy Hills desires to apply for and obtain a grant from the New Jersey Department of Community Affairs through the Recreational Opportunities for Individuals with Disabilities (ROID) Grant Program for approximately \$20,000 to carry out a project that provides inclusive recreational opportunities for individuals with developmental disabilities through a partnership between the Recreation Department and the Parsippany Police Athletic League to benefit developmentally disabled individuals ages 5 to 21+;

**Be it therefore RESOLVED,**

- 1) that the **TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS** does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the **TOWNSHIP OF PARSIPPANY-TROY HILLS** and the New Jersey Department of Community Affairs; and,
- 3) the **TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS** authorizes the expenditure of the required 20% match for this grant opportunity.

**Be it further RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

**6. R2019-184\*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**

**WHEREAS**, there exists a need to restore the rain gardens at the Township of Parsippany-Troy Hills Municipal Building (“Rain Gardens”); and

**WHEREAS**, Boy Scout Troop No. \_\_\_\_\_ and No. \_\_\_\_\_, along with their leaders and parents, wish to clean up the Rain Gardens, in an effort hereinafter referred to as the “Rain Garden Restoration;” to be accomplished with Township assistance and oversight; and

**WHEREAS**, the Rain Garden Restoration is sponsored by the Whippany Watershed Action Committee (“Whippany Watershed”); and

**WHEREAS**, the Council of the Township of Parsippany-Troy Hills (“Township Council”) desires to recognize Boy Scout Troop No.\_\_\_\_ and No. \_\_\_\_\_ for their dedication to the environment and efforts to beautify and improve their community and authorizes them to restore the Rain Gardens, sponsored by the Whippany Watershed and with Township assistance and oversight;

**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 Boy Scout Troop No. \_\_\_ and No. \_\_\_\_\_ and the Whippany Watershed are hereby authorized to conduct the Rain Garden Restoration with activities subject to the approval and oversight of designated Township officials.

**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.

B. APPLICATIONS

1. **R2019-185\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving the Application for a Permit for Limited Use in Discharging a Firearm**

**WHEREAS**, Alexander C. Thomas, in conjunction with the Boy Scouts of America, Cub Scout Pack 14, has applied to the Township of Parsippany-Troy Hills for a permit for Limited Use in Discharging a Firearm for a model rocket launch, BB gun and bow and arrow demonstration at Jannarone Park Baseball Field on October 13, 2019, from 1:00 pm to 3:00 pm; and

**WHEREAS**, the application was reviewed by the Parsippany Police Department and a background check was conducted on the individual named in the application; and

**WHEREAS**, approval of the applicant was memorialized in a memorandum by the Chief of Police to the Township Clerk dated August 29, 2019.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a Permit for Limited Use in Discharging a Firearm to Alexander C. Thomas in conjunction with the Boy Scouts of America, Cub Scout Pack 14, for October 13, 2019, between 1:00 pm and 3:00 pm, at Jannarone Park Baseball Field for a model rocket launch, BB gun and bow and arrow demonstration.

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

A. CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the September 20, 2019 regular and miscellaneous payroll estimated at \$1,700,000
2. Payment of bills from voucher list of 9/3/19 to 9/16/19 is \$14,212,423.28

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

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

## **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: Blue Collar Supervisors; Litigation/Attorney Client Privilege – Mt. Laurel Litigation Settlement-adoption of affordable housing ordinances; Contract Negotiations: Kemper; Contract Negotiations: BOE Negotiations for Police Tower; 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. Gragnani

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

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

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

## **X. ADJOURNMENT**

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

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

Respectfully submitted,

*Regular Meeting 9-17-19*

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Khaled Madin, Township Clerk

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Paul Carifi, Jr. Council President

Minutes Approved: October 15, 2019