

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF NOVEMBER 26, 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. 12/3/19 @ 7:00 p.m.  | Agenda Meeting  |
| 2. 12/17/19 @ 7:00 p.m. | Regular Meeting |

#### E. APPROVAL OF MINUTES

1. Regular Meeting – 10/15/19

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

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

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

- A. MAYOR – stated that Saturday December 7<sup>th</sup> Santa Comes to Townhall and it will be combined with honoring the school champions. Mr. Soriano stated that as per the request of Council members Gragnani and McCarthy the Township will be collecting food.

- B. TOWNSHIP COUNCIL – Mr. Carifi congratulated all the high school teams on their impressive wins.
- 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. 10/17/19 – One New 2020 4 x 2 Class 8 Chasis and Rear Loader for the Sanitation Department
  - 2. 10/31/19 – Well 4 & 4A Air Stripping Facility Repacking and Rehabilitation
  - 3. 11/7/19 – Knoll West Country Club System Irrigation Replacement
- B. To Be Taken
- C. Quotation(s)/Proposal(s)/Qualification(s)

### **IV. PUBLIC HEARING**

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

Ken Dolsky, discussed the Fair Share Housing Plan and transparency of government.

Bob Venezia, discussed the time clocks and inquired if the Business Administrator's brother had an interest in the eye scanning system. Mr. Kazmark, Business Administrator, replied that he is an only child and that he does not have an interest in the eye scans nor does any person related to him have such pecuniary interests. Mr. Kazmark added that the eye scanner system was provided through PayChex which is a system the Township has been using for years. Mr. Venezia inquired as to how much did it cost to install the system and how much are the maintenance costs.

Nick Homyak, discussed an ordinance that was on the agenda, specifically ordinance number 2019:70.

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

## V. ORDINANCES

### A. INTRODUCTION

#### 1. ORDINANCE 2019:69

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING SEWER AND WATER CODE PROVISIONS TO CLARIFY THE TOWNSHIP'S INTENT TO ASSESS ADDITIONAL CONNECTION FEES ON PREVIOUSLY CONNECTED PROPERTIES ON WHICH SEWER AND WATER USAGE MATERIALLY INCREASES**

**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 **November 26, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on

**December 17, 2019** at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

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

2. **ORDINANCE 2019:70**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$3,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF**

**BE IT RESOLVED** that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **November 26, 2019** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **December 17, 2019** at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

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

3. **ORDINANCE 2019:71**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 385, TOWING, 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 November 26, 2019 and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on December 17, 2019 at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

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

4. **ORDINANCE 2019:72**

**ORDINANCE OF THE TOWNSHIP OF PARSIPPANY TROY-HILLS, IN THE COUNTY OF MORRIS, AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO THE REDEVELOPMENT AGREEMENT AND AMENDED FINANCIAL AGREEMENT IN CONNECTION WITH THE REDEVELOPMENT OF BLOCK 200, LOT 1.2 AND 1.03 IN THE TOWNSHIP 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 November 26, 2019 and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on December 17, 2019 at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

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

**B. SECOND READING & PUBLIC HEARING**

**1. ORDINANCE 2019:67**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, ARTICLE IV TOWNSHIP CLERK OF THE CODE OF PARSIPPANY-TROY HILLS ESTABLISHING COMPENSATION FOR MUNICIPAL CLERK AND DEPUTY CLERK FOR ELECTION, ELECTION RELATED MATTERS WHEN OTHER MUNICIPAL EMPLOYEES ARE OFF**

**WHEREAS**, it is established by the administration that Election day is a Holiday whereby all employees are off; and

**WHEREAS**, the employee handbook states that full-time non-exempt employees who work on a township holiday are considered as having overtime for that day and will be paid the overtime rate of one and half times that employee's regular hourly wage for hours worked on said holiday, regardless of the number of hours they worked during that work week; and

**WHEREAS**, the Township Council finds that it is in the best interest of the Township to add a provision requiring the Municipal Clerk and Deputy Municipal Clerk to receive compensation when they are required to be present at an election or election related matters when other municipal employees are off.

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

**SECTION 1.** The Municipal Clerk and Deputy Clerk are to receiving compensation at the overtime rate of one and half times that employee's regular hourly wage when they are required to be present at an election or election related matters when other municipal employees are off.

**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 November 18, 2019. This Ordinance was introduced at the November 12, 2019 Agenda Meeting.

Motion to accept that Ordinance 2019:67 be heard in its second and final reading by title only, by Mr. dePierro, seconded by Ms. Gragnani.

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

a. PUBLIC HEARING 2019:67

Motion to open the public hearing for Ordinance 2019:67 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 2019:67 by Mr. dePierro, seconded by Ms. McCarthy.

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

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

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

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

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

**VI. NON-CONSENT AGENDA**

A. RESOLUTIONS

**1. R2019-223 Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving a Lease Agreement with the Board of Fire Commissioners, Mount Tabor Volunteer Fire District No. 1**

**WHEREAS**, the Board of Fire Commissioners, Mount Tabor Volunteer Fire District, District No. 1 (the “Fire District”) intends to construct a new headquarters (the “Headquarters Building”) to be located on the real property designated as Block 168, Lot 170.01 (F/k/a Block 168, Lot 170) on the Official Tax Maps of the Township of Parsippany-Troy Hills, also known as 909 Tabor Road (the “Property”); and

**WHEREAS**, the Fire District and the Township wish to enter into a lease agreement whereby the Township will lease approximately 850 square feet of space within the Headquarters Building (which is approximately 8.5% of the total floor area) as a bay for emergency medical services (EMS) purposes (the “Premises”); and

**WHEREAS**, the term of the lease shall be 98 years and 11 months; and

**WHEREAS**, for and in consideration of the lease, the Township shall pay to the Fire District \$66,666.67 annually each year for the first fifteen (15) years of this Agreement: and

**WHEREAS**, under the lease, the Township shall have the right to use a certain number of parking spaces as well as a nonexclusive easement and right-of-way while the lease is in effect over and across the Property for access to and from the Premises; and

**WHEREAS**, under the lease, the Township shall have the exclusive option to purchase the Premises at any time during the term of the Lease for the remaining lease payments, if any, plus One Dollar (\$1.00); and

**WHEREAS**, upon Township’s exercise of the option to purchase the Premises, the Fire District, in consultation with the Township, shall either subdivide the Property or create a condominium property regime for the Premises so as to enable Tenant to acquire the Premises in fee simple; and

**WHEREAS**, the Township shall pay 10% of the annual cost of electricity, gas, and telephone and cable utilities including the costs associated with emergency generator fuel, maintenance, and repair supplied to the Headquarters Building. The Township shall also pay for all water, sewer and solid waste disposal costs; and

**WHEREAS**, the Township shall be responsible for all repairs and maintenance of the Premises. The Fire District shall be responsible for all repairs and maintenance for the remainder of the Property and all structural and HVAC components of the Headquarters Building; and

**WHEREAS**, the Fire District has agreed to offer the Township the right of first refusal to purchase its “Butler Building” located at 155 Littleton Road for nominal

consideration provided the Township shall be responsible all costs of removal of the Butler Building and all costs of site restoration; and

**WHEREAS**, the Township Council has determined that the lease of the Premises for use as bay for EMS purposes consistent with the terms and conditions of this Resolution is in the best interests of the Township and its residents and furthers the public health, safety and general welfare.

**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 approves of a lease agreement with the Fire District for approximately 850 square feet of space within the Fire District's new headquarters to be constructed on the real property designated as Block 168, Lot 170.01 (F/k/a Block 168, Lot 170) on the Official Tax Maps of the Township of Parsippany-Troy Hills, also known as 909 Tabor Road, as a bay for emergency medical services (EMS) purposes consistent with the terms and conditions of this Resolution.

**BE IT FURTHER RESOLVED**, that the Township Administrator and Township Attorney are hereby authorized and directed to negotiate a lease agreement with the Fire District consistent with the terms and conditions of this Resolution and as may necessary and proper to effectuate the purposes set forth herein.

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

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

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

## **VII. CONSENT AGENDA**

**BE IT RESOLVED**, all items listed with an asterisk (\*) are routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a council member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

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

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

A. RESOLUTIONS

1. **R2019-209\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Granting a Major Soil Moving Permit to HMAT Associates, Inc.: Block 768, Lot 3.01**

**WHEREAS**, HMAT Associates, Inc. have applied to the Township of Parsippany-Troy Hills to move approximately 5,000 cubic yards of material as part of the proposed work at, **Block 768, Lot 3.01, 1100 Edwards Road**; and

**WHEREAS**, the Board of Adjustment made and passed a motion at its meeting of October 3, 2019 recommending approval to the Township Council, as indicated in an October 3, 2019 memorandum from the Board of Adjustment; and

**WHEREAS**, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Township Clerk dated October 8, 2019;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to HMAT Associates Inc., for the moving of approximately 5,000 cubic yards as part of the proposed work at **Block 768, Lot 3.01, 1100 Edwards Road** subject to the following terms and conditions:

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

2. **R2019-210\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Approving the Amendment of the Water Utility 2019 Capital Budget**

**WHEREAS**, the Township of Parsippany-Troy Hills deems it necessary and desirable to provide for a capital project not previously reflected in the 2019 Water Capital Budget; and

**WHEREAS**, N.J.A.C 5:30-4.4B provides that the Capital Budget of a governing body shall be amended to reflect any provisions, changes or inconsistencies with said Capital Budget; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey, that the 2019 Water Capital Budget shall be amended to reflect the addition of Ordinance 2019:70 - Providing for Improvements to the Water Utility, not previously provided for in the Water Capital Budget. The

improvements are for the rehabilitation of various wells, drilling new production wells, and the replacement of wells.

**BE IT FURTHER RESOLVED** that the attached form, as promulgated by the Local Finance Board shall represent the amended Water Capital Budget for the year 2019.

**3. R2019-211\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming that Township Employees Who are Members of Certain Volunteer Organizations Shall be Granted Time Off from Work with Pay when Responding to Fire/Rescue/EMS Alarms**

**WHEREAS**, N.J.S.A. 40A:9-160.1 requires that the governing body of any municipality shall grant time off from work with pay for municipal employees who are members of a volunteer fire company serving the municipality, volunteers in first aid or rescue squads serving the municipality or volunteer drivers of municipally-owned or operated ambulances when such employees are called to respond to alarms occurring during the hours of their employment; and

**WHEREAS**, the Mayor and Council of the Township of Parsippany-Troy Hills wish to confirm this policy as a way to encourage volunteerism amongst municipal employees; and

**WHEREAS**, the Township Administrator wishes to establish the regulation of this policy through the employee handbook by adoption of this Resolution; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the Township shall grant time off from work with pay for municipal employees who are members of a volunteer fire company serving the municipality, volunteers in first aid or rescue squads serving the municipality or volunteer drivers of municipally-owned or operated ambulances when such employees are called to respond to alarms occurring during the hours of their employment subject to the terms and conditions contained in the employee handbook.

**BE IT FURTHER RESOLVED**, that the employee handbook of the Township of Parsippany-Troy Hills shall be revised to include the policy described herein.

**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.

**4. R2019-212\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Providing for the Insertion of Any Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40A:87 (Chapter 159, P.L. 1948) – Alcohol Ed Rehab Enforce Fund**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount,

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

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Ann M. Cucci, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2019 as referenced below:

Revenue Title: Alcohol Ed Rehab Enforce Fund Amount: \$3,214.99

Appropriation Title: Alcohol Ed Rehab Enforce Fund Amount: \$3,214.99

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

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

5. R2019-213\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Providing for the Insertion of Any Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40A:87 (Chapter 159, P.L. 1948) – Drunk Driving Enforcement Fund-DDEF

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount,

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

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Ann M. Cucci, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2019 as referenced below:

Revenue Title: **Drunk Driving Enforcement Fund-DDEF** Amount: **\$24,293.96**

Appropriation Title: **Drunk Driving Enforcement Fund-DDEF** Amount: **\$24,293.96**

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

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

6. **R2019-214\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Providing for the Insertion of Any Special Item of Revenue in the Budget of Any County or Municipality Pursuant to N.J.S.A. 40A:87 (Chapter 159, P.L. 1948) – NJ Trafficking Org Task Force (NJ HIDTA)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount,

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

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Ann M. Cucci, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2019 as referenced below:

Revenue Title: NJ Trafficking Org Task Force (NJ HIDTA) Amount: **\$15,000.00**

Appropriation Title: NJ Trafficking Org Task Force (NJ HIDTA) Amount: **\$15,000.00**

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

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

**7. R2019-215\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Confirming the Appointment and Awarding a Contract for Professional Consulting and Engineering Services to Joseph F. Beckmeyer Consultants, LLC**

**WHEREAS**, the Township of Parsippany-Troy Hills (the “Township”) requires professional consulting services by an Engineering Consultant and S4/C4 NJDEP Sewer Collection Licensed Operator for the Township’s Wastewater Treatment Plant (the “Plant”) and Wastewater Collection System (the “System”) via a non-fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5, et seq.); and

**WHEREAS**, professional consulting services by an Professional Engineering Consultant and S4/C4 NJDEP Sewer Collection Licensed Operator constitute an extraordinary and unspecified service pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.4 and is a limited exception to public advertising and bidding requirements by virtue of N.J.S.A. 40A:11-5(1)(bb); and

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

**WHEREAS**, the Business Administrator and the Mayor have recommended that a one-year Contract be awarded to Joseph F. Beckmeyer Consultants, LLC for a total fee of \$175,000.00; and

**WHEREAS**, Joseph F. Beckmeyer Consultants, LLC has indicated that they will provide the services required as specified below for the Township at the rates and terms specified in the Contract; and

**WHEREAS**, Joseph F. Beckmeyer Consultants, LLC has completed and submitted a Business Entity Disclosure Certification, which Certification provides that the firm has not made any reportable contributions to candidate committees, joint candidates committees or political

party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit the firm from making any reportable contributions through the term of the contract that would bar the award of this Agreement pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

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

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

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for this purpose in the Sewer Other Expenses – 270 Consulting Services account and will be made available in the 2020 Temporary Budget Sewer Other Expenses – 270 Consulting Services account.

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

1. That the aforesaid recitals be and hereby are adopted and incorporated herein as if repeated in full; and
2. That the Township Council of the Township of Parsippany-Troy Hills hereby authorizes the Mayor to enter into a contract with Joseph F. Beckmeyer Consultants, LLC, 1795 Mill Creek Road, Manahawkin, New Jersey 08050 for professional consulting services by an Engineering Consultant and S4/C4 NJDEP Wastewater Treatment/Collection Licensed Operator for the Township's Wastewater Treatment Plant and Wastewater Collection System, for a one year total fee for services of \$175,000.00; and
3. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certification of Extraordinary Unspecifiable Services be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
4. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5; N.J.S.A. 40A:11-5(1)(a)(ii) and

N.J.A.C. 5:34-2.4; and is a limited exception to public advertising and bidding requirements by virtue of N.J.S.A. 40A:11-5(1)(bb); and

5. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

**8. R2019-216\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Change Order #3 for Improvements to Screening and Grit Removal Systems at the Wastewater Treatment Plant**

**WHEREAS**, a change order to the contract for IMPROVEMENTS TO SCREENING AND GRIT REMOVAL SYSTEMS AT THE WASTEWATER TREATMENT PLANT with MBE Mark III, 213 Main Street, Madison, NJ 07940, is necessary and prudent, and after consideration of extra work and credits, results in an increase in total cost of the Project costs by an amount of \$50,860.31, resulting in a new total contract price of \$3,028,120.38; and,

**WHEREAS**, Change Order #1, which was for an amount of \$88,416.84 and increased the Total Contract amount to \$2,968,460.84, was approved with the adoption of Resolution R2019-049; and,

**WHEREAS**, Change Order #2, which was for an amount of \$8,799.23 and increased the Total Contract amount to \$2,977,260.07, was approved with the adoption of Resolution R2019-128; and,

**WHEREAS**, H2M Architects and Engineers, the Township's Consulting Engineer for this Project, has recommended approval of Change Order #3 as outlined and detailed therein for providing fabricated aluminum plates in front of each bar screen, providing fire alarm control panel for ventilation system smoke detector, elimination of Biddle test on electric ground, eliminate installation of plug valves on primary tanks, change grit chamber sluice gate actuators, removal of influent slide gate guides, provide covers at hydrogritter floor openings, provide floor drain in deck slab and credit for unused concrete rack repair.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it hereby approves Change Order # 3, resulting in an increase in total cost of the Project cost by an amount of \$50,860.31 resulting in a new total contract price of \$3,028,120.38.

**BE IT FURTHER RESOLVED** by that the Mayor is authorized to execute Change Order # 3, in the form on file with the Township Clerk

**9. R2019-217\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to Hudson County Motors, Inc., for One (1) New 2020 4 x 2 Class 8 Chassis and Rear Loader for the Sanitation Department**

**WHEREAS**, the Township of Parsippany-Troy Hills received a bid proposal for One (1) New 2020 4 X 2 Class 8 Chassis and Rear Loader for the Sanitation Department on October 17, 2019, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Director of Public Works have reviewed the bid received and recommend that a contract be awarded to the lowest responsible bidder, Hudson County Motors, Inc., 290 Secaucus Road, Secaucus, NJ 07096 for the Total Bid Price \$227,950.00, and

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

Current Capital Ordinance #: 2019:11 adopted May 14, 2019, entitled,

“Various Improvements”.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for One (1) New 2020 4 X 2 Class 8 Chassis and Rear Loader for the Sanitation Department 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.

**10. R2019-218\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Authorizing Award of a Contract to CFM Construction, Inc., for Well 4 & 4A Air Stripping Facility Repacking and Rehabilitation**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Well 4 & 4A Air Stripping Facility Repacking and Rehabilitation on October 31, 2019, and

**WHEREAS**, the Director of Purchasing, Purchasing Assistant and Water Superintendent 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 Lump Sum Bid Price of \$79,800.00, 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 Well 4 & 4A Air Stripping Facility Repacking and Rehabilitation be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract

**11. R2019-219\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Accepting the Bid Submitted by Wildlife Preserves,**

**Inc. for Tax Sale Certificate Number 04963 in Accordance with N.J.S.A. 54:5-114.**

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

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

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

**WHEREAS**, the Certificate amount as of October 11, 2019 was \$139,690.59, and the minimum bid amount, including all subsequent municipal liens with interest and costs, was \$10,000.00; and

**WHEREAS**, bids were due on October 11, 2019, however, the Township postponed the bid two weeks until October 25, 2019; and

**WHEREAS**, Wildlife Preserves Inc. (“Wildlife”) submitted the only bid for the Certificate in the amount of \$10,000.00, including all subsequent municipal liens with interest and costs; and

**WHEREAS**, the Township provided notice of its intention to accept the bid submitted by Wildlife in accordance with N.J.S.A. 54:5-114.2 of the Jones Act; and

**WHEREAS**, the Township Council wishes to accept this bid as in the best interest of the Township recognizing the particular challenges related to the Property, including that the Property is landlocked within Troy Meadows and the majority of the Property is covered by wetlands, as well as the failure of the Property to produce tax revenue or other economic and social benefit to the Township for many years.

**NOW THEREFORE, BE IT HEREBY RESOLVED**, that the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Township Council hereby accepts the bid submitted by Wildlife Preserves, Inc. in the amount of \$10,000.00 for the sale of Tax Sale Certificate 04963 (the “Certificate”) for the property located at Block 764, Lot 40 as designated on the official tax map for the Township (“Property”).

**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.

**12. R2019-220\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Designating Deputy Records Custodians for the Township Police Department and Zoning Division**

**WHEREAS**, Chapter 4-12.1 of the Code of the Township of Parsippany-Troy Hills designates the Township Clerk as the Custodian of Records for the Township and the Chief of Police, or his designee, as the Deputy Custodian of Records for all Police Department records; and

**WHEREAS**, in an effort to facilitate citizen access to Township records consistent with the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., the Township Council wishes to designate Sergeant Brian Convener as the Deputy Custodian of Records for any requests for Township Police Department records; and

**WHEREAS**, the Township Council further wishes to designate Jennifer Vealey, Zoning Officer, as the Deputy Custodian of Records for any requests for Township Zoning Division records; and

**WHEREAS**, the Township Council has determined that the designation of Deputy Records Custodian as set forth herein is in the best interests of the Township.

**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 Captain Brian Dowd is hereby designated as the Deputy Custodian of Records for any requests for Township Police Department records and Jennifer Vealey, Zoning Officer, is hereby designated as the Deputy Custodian of Records for any requests for Township Zoning Division records.

**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.

**13. R2019-221\*Resolution of the Township Council of the Township of Parsippany-Troy Hills Awarding Contracts for Professional Financial Consulting Services with Phoenix Consulting Group, LLC**

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

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

**WHEREAS**, the terms of this contract shall begin on December 1, 2019 and end on November 28, 2020; and

**WHEREAS**, Phoenix Consulting Group, LLC has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract in form on file in the office of the Business Administrator; and

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

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

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

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

**NOW THEREFORE, BE IT RESOLVED** as follows:

- 1) That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into a contract beginning December 1, 2019 with PHOENIX CONSULTING GROUP, LLC, 10 Kentwood Road, P.O. Box 364, Succasunna, NJ 07876 for Professional Financial Consulting Services, based on the applicable rate schedule on file in the office of the Business Administrator; and
- 2) That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certificate of Availability of Funds be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
- 3) That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5 and as professional services, pursuant to N.J.S.A. 40A:11-1 et seq.; and
- 4) A notice of this award be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

B. APPLICATIONS

**1. R2019-222\*2020 Renewal of Licenses – Amusement Games, Entertainment, Taxi/Limo, Tourist Accommodations**

**BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2020:

<b><u>TAXI/LIMOUSINE OWNERS</u></b>	<b><u>NUMBER OF VEHICLES</u></b>
R & S Executive LLC	1
A.C. Limousine	1
Empire Luxury Limousine Svc, LLC	1
Hodge Enterprises	1
Royal American	1
Adam J. Service	1
M. Singh Limousine Services LLC	1
Limo 4 U LLC	1
Allert Limousine Service	2
Songun Livery	1
SRL Ride LLC	1
XCEL Limo LLC	1
Airlinks Limo & Taxi	1
Sunnyline Car Service	3
B. Singh & G. Singh t/a All Star Limosine	1
Rody Enterprises LLC	1
Air Express Limousine, LLC	4
AJM Limo & Car Service	

1

<b><u>TOURIST ACCOMMODATIONS</u></b>	<b><u>NUMBER OF ROOMS</u></b>
Holiday Inn Hotel & Suites	184
Parsippany Inn	50
Red Roof Inn	108
Embassy Suites	274
Ramada Inn	156
Budget Inn	47
Hyatt House	140
Tomac Motor Inn	35
Ratan Hospitality t/a Travel Lodge	92
Sonesta ES Suites	150
Days Inn	120
Parsippany Courtyard by Marriott	151
Hampton Inn	152
Hilton Parsippany	354

**ENTERTAINMENT**

Marakesh Restaurant  
Hoovers Tavern, LLC  
Sheraton Parsippany Hotel

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

A. CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the November 27, 2019 regular and miscellaneous payroll estimated at \$1,800,000
2. Payment of bills from voucher list of 11/12/19 through 12/3/19 is \$9,350,395.56

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

**IX. EXECUTIVE SESSION**

A. RESOLUTION

**WHEREAS**, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, the Township Council is of the opinion that such circumstances presently exist; and

**WHEREAS**, the Township Council wishes to discuss: **Contract Negotiations, Kemper Sports, Inc.; Attorney/Client Privilege: Carifi Litigations; Contract Negotiations: Fire District #1-EMS Bay and Litigation**

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

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

Motion to Adjourn into Closed Session by Ms. Peterson, Seconded By Ms. Gagnani.

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

Motion to Reconvene into Open Session by Mr. dePierro, Seconded By Ms. Gagnani.

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

**X. ADJOURNMENT**

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

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

Respectfully submitted,

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Khaled Madin, Township Clerk

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Paul Carifi, Jr. Council President

Minutes Approved: December 17, 2019