

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF MAY 5, 2020

#### 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 18, 2019 where it has remained posted since that date. A legal notice appeared in the Daily Record and the Newark Star Ledger on December 23, 2019 and was forwarded by fax to other local newspapers on December 18, 2019.

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.

#### D. UPCOMING MEETINGS:

1. 5/19/20 @ 7:00 p.m. Regular Meeting
2. 6/9/20 @ 7:00 p.m. Agenda Meeting

#### E. APPROVAL OF MINUTES

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

- A. MAYOR – no report
- B. TOWNSHIP ATTORNEY-no report
- C. BUSINESS ADMINISTRATOR – no report
- D. TOWNSHIP CLERK-no report
- E. TOWNSHIP OFFICES COMMITTEES/REPORT-no report

F. ENGINEERING REPORT – Mr. Madin read the following report into the record:

**2020 Road Resurfacing / Curb & Sidewalk Program**

The project was bid in April and is on this month's agenda for award. Construction activities are planned to begin in June and should be completed by the beginning of September. **(A Resolution will need to be adopted by the Township Council).**

**Greenbank Road Safety and Improvements Project**

The Greenbank Road Improvement Project preconstruction meeting will be held in late May and construction is anticipated to begin by early June. **(No Council Action Required).**

**Various Streets Reconstruction Project**

The Various Streets Reconstruction Project preconstruction meeting will be held in late May and construction is anticipated to begin by June. This project includes reconstruction of Cottage Place, Prospect Avenue, James Street and John Street off Park Road. **(No Council Action Required).**

**New England Drive Milling and Paving Project**

The New England Drive Milling & Paving Project preconstruction meeting will be held in mid-May and construction is anticipated to begin by the end of the month. This project is for improvements to New England Drive (from Knoll Road to Lancaster Drive), Vermont Court and New Hampshire Court. Construction activities are planned to continue through the beginning of September. **(No Council Action Required).**

**Simpson Avenue Retaining Wall Project**

The Simpson Avenue Retaining Wall Project preconstruction meeting will be held in Early May and construction is anticipated to begin by the end of the month. This project is for the replacement of the retaining wall along Simpson Avenue near Durbin Avenue. Construction is planned to continue into August. **(No Council Action Required).**

**Roadway Design Projects**

The following projects are in design; Mt. Tabor Street Improvements- Phase V, Puddingstone Heights Road Improvements, Veterans Park Culvert replacement and the Various Culvert Repair Project. These projects will be bid once design documents are finalized and construction is anticipated to start over the summer. **(No Council Action Required).**

**Community Rating System (CRS) Program**

We continue to work with our consultant and the NJDEP to getting back into the CRS program. This program provides discounts on flood insurance policies based on the level of activities in which the Township participates. This work will continue through at least the end of this year. **(No Council Action Required).**

A. Taken

1. 4/22/20 – Well Redevelopment Services – Pumping System Replacements
2. 4/23/20 – 2020 Road Resurfacing/Curb & Sidewalk Program
3. 4/24/20 – Smith Field Park D Field Improvements

B. To Be Taken

C. Quotation(s)/Proposal(s)/Qualification(s)

#### IV. PUBLIC HEARING

**Council President dePierro 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 Carifi, seconded by Council Member Gragnani followed by a roll call with all the Council Members answering Yes.**

#### Ken Lemanowicz

Governor Murphy issued Executive Order 130, permitting municipalities to extend the deadline for the upcoming quarterly property tax payments from May 1 to June 1.

Will Parsippany extend the deadline to June 1?

#### Nick Homyak

***Plastic Bag Ban not enough. The plastic products bans need to expand; as plastic bags are just the tip of the Giant Iceberg.***

#### ***More Bans on these products***

7-11 slurpee, McDonalds, Burger King more, much more; these products consists of **Large Plastic Cup, lid, and straw**. When they are not policed they make it the soils and waterways; they become crushed by motor vehicles and turned into particles. Styrofoam products are even worse. ***Elected officials need to write and petition legislators to expand more plastic bans.***

***Notice none of these litter producing franchises contribute anything in remedying the problem, other than the worthless litter tax; any examination of most franchise premises stands as evidence in their lack of concern for the impacts they inflict ONLY MORE PLASTIC PRODUCT BANS HAVE ANY HOPE.***

***Ask that Council Members read the recent ANJEC article; Action Alerts "Are Reusables Safe"; "reusable bags".***

***In my opinion Local Franchises and business had no grounds for unilaterally ending the Parsippany Local Plastic Bag ban..***

**From the ANJEC article:**

**Food safety experts have said there is no evidence that reusable bags pose a greater risk of transmitting the COVID-19 virus than single-use plastic bags. Reusable bags do not need to be banned from stores. According to North Carolina State University Extension's program in food safety.**

**-There is currently no credible evidence that coronavirus or any other health-threatening pathogens are transferred by reusable bags or containers. Neither has the industry shown that reusable cups, containers or other forms of food packaging has caused any illness. According to the U.S. Food and Drug Administration, "There is no evidence of food or food packaging being associated with transmission of COVID-19.**

**Aren't disposables more safe?**

**– No, they're not when compared to properly washed reusables. Single-use disposables can harbor viruses and pathogenic bacteria. They are subject to whatever pathogens have settled on them from manufacture, transport, inventory stocking, and eventual use.**

**– In addition, according to a recently-released peer-reviewed scientific consensus statement, over 12,000 chemicals are used in food packaging, and many of them are hazardous to human health. Migration of these toxic chemicals out of disposables into our food and drinks is not an issue with non-plastic reusables.**

**Litter Clean Community efforts**

**Term Clean up is incorrect; It gives the falsity and helps the illusion that we're correcting something that is actually getting worse not better; not progressing or caring**

**We must stop referring to such details or events as "Cleanups" and use the term "abatements".** The cleaning is limited and temporary as the abuse continues and the pollution continues. Only strict limits on these so called convenient, on the go products, will have any hope in preventing the degradation of any descent future and quality of life for coming generations.

**Drinking and Driving made easy by the free market; Police Programs wasting their time.**

Alcohol is very prevalent in most areas especially somewhere isolated like the Knoll Area. The small liquor bottles are abundant; The aluminum not being recycled is tremendous in its cumulative amounts.

What good are Police or Community anti-drug & alcohol programs being funded if one can simply pull into any Liquor Store and conveniently purchase these small containers; the result; drink, drive and toss. Our American Roadsides stand littered with these irresponsible free market anti-social products. Any litter tax cannot come close to any solution, these products reap on the degradation of the environment.

**Seeing no one else come forward to speak, Council President dePierro entertained a motion to close the public hearing. A motion to close the public hearing was made by Council**

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

## V. ORDINANCES

### A. INTRODUCTION

### B. SECOND READING & PUBLIC HEARING

#### 1. ORDINANCE 2020:10

**BOND ORDINANCE – PROVIDING FOR VARIOUS ROAD AND SIDEWALK IMPROVEMENTS**

#### 2. ORDINANCE 2020:16

**BOND ORDINANCE VARIOUS IMPROVEMENTS TO THE WATER UTILITY APPROPRIATING \$3,170,000 AND AUTHORIZING THE ISSUANCE OF \$3,170,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF**

#### 3. ORDINANCE 2020:17

**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**

**WHEREAS**, the Township of Parsippany-Troy Hills is charged with maintaining control of and access to the Township streets and right-of-way in order to protect the health, safety and welfare of the Township and its residents; and

**WHEREAS**, regulation of excavations in Township streets and right-of-way helps reduce disruption of and interference with public use of same, prevent pavement damage and maintain the safe condition of the streets; and

**WHEREAS**, upon the recommendation of the Township Engineer, the Township Council wishes to amend and supplement Chapter 360, Streets and Sidewalks, related to excavation within the Township streets and right-of-way.

**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.** Chapter 360, Streets and Sidewalks, Article II, Excavation in Streets, of the Code of the Township of Parsippany-Troy Hills be and hereby is amended as followed:

[Deleted language is struck-through; new language is underlined]

§ 360-12 **Bonds.**

- A. – B. No change.
- 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. – E. No change.

§ 360-14 **Rules and regulations; backfilling.**

- A. – I. No change.
- J. ~~Excavations in roadways must be capped with a minimum of six inches of bituminous asphalt.~~ Temporary surface patch shall consist of a minimum of four inches of bituminous asphalt stabilized base material and shall be placed within 48 hours of backfilling the trench.
- K. No change.

§ 360-15 **Rules and regulations for restoration of surface.**

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

- A. – D. No change.
- E. ~~Temporary surface patch shall consist of a minimum of four inches of bituminous asphalt stabilized base material.~~ The outer edges of the trench shall be saw cut to provide an even and smooth surface.
- F. Final surface pavement shall be restored with a minimum of six inches of bituminous asphalt in accordance with Township standards and must be completed within six months of backfilling the trench.
- G. All materials and debris shall be removed and the road surface shall be swept clean.

**§ 360-16. Permit conditions and regulations.**

- A. – D. No change.
- 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. For road openings less than 20 square feet the final surface restoration may be made using infrared heating. The entire trench area plus one foot border of asphalt pavement to remain shall be heated with an infrared heater and the entire surface rolled to form a seamless repair over the excavated area. A nonrefundable 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 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 Notices for the Ordinances above were published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on April 27, 2020. The Ordinances were introduced at the April 21, 2020 Regular Meeting.

Motion to accept that Ordinances 2020:10, 2020:16, 2020:17 be heard in their second and final reading by title only, by Council member Carifi, seconded by Council member Gragnani.

**ROLL CALL**-Yes- Council members Carifi, Gragnani, McCarthy, Peterson, dePierro.

- a. PUBLIC HEARING 2020:10, 2020:16, 2020:17

Motion to open the public hearing for the above ordinances by Mr. Carifi, seconded by Ms. McCarthy.

**ROLL CALL-Yes-** Council members Carifi, Gragnani, McCarthy, Peterson, dePierro.

- b. Motion to close the public hearing for the above ordinances by Mr. Carifi, seconded by Ms. McCarthy.

**ROLL CALL-Yes-** Council members Carifi, Gragnani, McCarthy, Peterson, dePierro.

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

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

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

**ROLL CALL-Yes-** Council members Carifi, Gragnani, McCarthy, Peterson, dePierro.

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

### A. RESOLUTIONS

1. **R2020-101 Requesting Approval of the Director of Division of Local Government Services to Establish a Dedication by Rider for Donations-Parsippany Food Pantry**

**WHEREAS**, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable estimates in advance; and

**WHEREAS**, N.J.S.A.40A:5-29, provides for receipt of Donations by the Municipality to provide for the operating costs to administer this act; and,

**WHEREAS**, N.J.S.A.40A:4-39 provides the dedicated revenues anticipated from the Donations-Parsippany Food Pantry Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Donations-Parsippany Food Pantry and N.J.S.A. 40A:5-29.
2. The Clerk of the Township of Parsippany-Troy Hills, County of Morris, is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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

**ROLL CALL**-Yes- Council members Carifi, Gagnani, McCarthy, Peterson, dePierro.

**2. R2020-102 Instituting a Grace Period Until May 29, 2020 for the Payment of Second Quarter 2020 Property Tax Payments**

**WHEREAS**, pursuant to N.J.S.A. 54:5-66(a), second quarter property taxes are due on May 1, 2020 for municipalities, like the Township of Parsippany-Troy Hills, that are on a calendar year budget cycle; and

**WHEREAS**, N.J.S.A. 54:4-67 permits the governing body of each municipality to fix by resolution the rate of interest to be charged for the nonpayment of taxes, assessments, or other municipal liens or charges on or before the date when they would become delinquent, and to provide that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which same became delinquent; and

**WHEREAS**, by Resolution 2020-010 dated January 7, 2020, the Township Council of the Township of Parsippany-Troy Hills set the rate of interest for delinquent taxes, assessments or other municipal liens or charges and established a ten (10) day grace period for payment of same; and

**WHEREAS**, on April 28, 2020, Governor Philip D. Murphy issued Executive Order 103 authoring municipalities to institute a grace period concluding on a date no later than June 1, 2020 for the payment of second-quarter property taxes; and

**WHEREAS**, in an attempt to alleviate some of the financial burden on property taxpayers in light of COVID-19, the Mayor and Township Council desire to institute a grace period for the payment of second-quarter 2020 property tax payments as of the date which the same became payable and concluding on May 29, 2020; and

**WHEREAS**, no interest shall be charged for second-quarter 2020 property taxes provided said payment is made on or before May 29, 2020.

**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

hereby institutes a grace period for payment of second quarter 2020 property tax payments as of the date which the same become payable and concluding on May 29, 2020.

**BE IT FURTHER RESOLVED**, that this Resolution shall amend and supersede Resolution 2020-010 dated January 7, 2020 only with respect to the grace period instituted for the payment of second-quarter property tax payments.

**BE IT FURTHER RESOLVED**, that the Township Clerk is hereby directed to transmit a certified copy of this Resolution to the Director of the Division of Local Government Services in the Department of Community Affairs.

**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 Mr. Carifi, seconded by Ms. Peterson.

**ROLL CALL**-Yes- Council members Carifi, Gagnani, McCarthy, Peterson, dePierro.

## **VII. CONSENT AGENDA**

### **A. RESOLUTIONS**

- 1. Authorizing an Agreement with County of Morris for the Continuation of a Consortium to Conduct the Home Investment Partnership Program-ON\***
- 2. Contract for Well Redevelopment Services and Pumping System Replacements for Wells-ON\***
- 3. Contract for 2020 Road Resurfacing/Curb & Sidewalk Program-ON\***
- 4. Authorizing Change Order #5 for the Craftsman Farms Administration Building Rehabilitation-ON\***
- 5. Contract for Smith Field Park D Field-ON\***
- 6. Authorizing Letter Agreement Amending Catering Agreement for the Knoll Country Club with Knoll West Country Club, LLC -ON\***
- 7. Extending the Term of Retail Food-Establishment Licenses to August 31, 2020-ON\***

8. **Authorizing Execution of Temporary Use Agreement with T-Mobile Northeast, LLC for a Portion of Block 15.8, Lots 35.01 and 35 Pursuant to N.J.A.C. 7:36-25.14-ON\***
9. **Authorizing the Tax Collector to Issue Estimated 3<sup>rd</sup> Quarter Tax Bills-ON\***
10. **Issuance of Tax Anticipation Notes of 2020-ON\***
11. **Urging the State of New Jersey and Federal Government to Provide Additional Cares Act Funding to Morris County-ON\***
12. **Authorizing 2020 Temporary Emergency Appropriations – ON\***

B. APPLICATIONS

C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the 5/15/20 regular and miscellaneous payroll estimated at \$1,600,000 each
2. Payment of bills from voucher list of 5/15/20 through 5/17/20 totaling \$1,167,690.76

Motion to approve the authorization for payment above by Mr. Carifi, seconded by Ms. McCarthy.

**ROLL CALL-Yes-** Council members Carifi, Gragnani, McCarthy, Peterson, dePierro.

## **VIII. ADJOURNMENT**

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

**ROLL CALL-Yes-** Council members Carifi, Gragnani, McCarthy, Peterson, dePierro.

Respectfully submitted,

---

Khaled Madin, Township Clerk

*Agenda Meeting 5/5/20*

Michael J. dePierro, Council President

Minutes Approved: June 16, 2020