

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF SEPTEMBER 15, 2020

I. INTRODUCTION

Meeting was called to order at 7:00 pm by Municipal Clerk Khaled who 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 Frederick Carr, Township Attorney James Lott, Township Clerk Khaled Madin

D. UPCOMING MEETINGS:

1. 10/6/20 @ 7:00 p.m. Agenda Meeting
2. 10/20/20 @ 7:00 p.m. Regular Meeting

E. APPROVAL OF MINUTES

1. Regular Meeting – 7/21/20
2. Agenda Meeting – 8/11/20
3. Regular Meeting – 8/18/20

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

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

II. PRESENTATION(S)/REPORTS

- A. MAYOR – acknowledged that today was the 1- year anniversary of the passing of our departed and beloved Mayor Letts and asked for a moment of silence. Thereafter, Mayor acknowledge that this Thursday is the wedding anniversary of Mike and Di dePierro and wished them a Happy Anniversary. The Mayor presented a proclamation for Constitution Week.

- B. TOWNSHIP COUNCIL – Vonda Givens presented on the new construction for Craftsman Farms Museum.
- C. TOWNSHIP ATTORNEY – no report
- D. BUSINESS ADMINISTRATOR – stated that the Township auction has been concluded and the Township sold 17 vehicles for a total of \$41,214. And \$16, 700 for Rockaway First Aid Squad and these numbers are contingent on final payments to be made by the winning bidders.
- E. TOWNSHIP CLERK – no report
- F. TOWNSHIP OFFICES COMMITTEES/REPORTS – Ms. McCarthy inquired about the enforcement of the plastic bag ordinance and that the Administration will look into it. Mr. dePierro stated that there are stores that will not allow people to bring in outside bags as a result of COVID. Mr. Madin confirmed that statement and stated that they will look into the matter of enforcement on the plastic bags. Ms. Peterson wished Mr. and Ms. dePierro a Happy Anniversary and Ms. McCarthy extended the same.

III. BIDS

A. Taken

1. 7/22/20 – Well Drilling and Installation Services-Replacement Production Well 21-R
2. 7/23/20 – Reconstruction of Various Streets in Mt. Tabor, Phase V
3. 7/24/20 – Lease on Public Property
4. 8/12/20 – One New 2021 16’ Freightliner M2 112 Extended Cab with Crane for Parsippany Rescue and Recovery Squad
5. 8/19/20 – Clarifier Improvements

B. To Be Taken

1. 9/16/20 – Klondike Booster Station Upgrades

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

IV. PUBLIC HEARING

Mr. Madin 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

Amanda Ugarte, discussed an issue that resulted in a swamp in her backyard that related to the Manor Lake project that was conducted by the Township. Ms. Ugarte indicated that she had requested to put up a fence, at her own cost, to alleviate the safety issue for her kids and the eyesore it is causing but that request was denied by the Township. Ms. Ugarte stated that she does not understand why the DEP would be okay with cutting down all the trees in the area but would not be okay with her putting up a fence. Mr. Carr, Business Administrator, responded that after speaking to the attorney the property is Green Acres and has many restrictions on it. Mr. Lott, Township attorney, indicated that we need to separate the engineering issues from the legal issues and as the Administrator indicated we need to speak to Engineering about the dam project and that it was done with DEP approval; however, there are legal issues that restrict the Township's ability to just convey property to a resident because the property is subject to a Green Acres restriction.

Nick Homyak, stated that the NY Superior Court allowed the suspension of the plastic bag ban and that Ms. McCarthy may want to speak to Michelle Gaynor about that. Mr. Homyak asked if the trees taken down on Ms. Ugarte's property were on Green Acres property. Mr. Homyak asked if everyone in the summer time gets an increase on the sewage fees and wanted to know if there is a way to separate the water usage from the sewage. Mr. Homyak also asked that due to the three dysfunctional wells have we been relying on Morris County or Jersey City water sources. Mayor Soriano asked Mr. Homyak to email him about the water question and that he will have it answered.

Seeing no one else come forward to speak, Mr. Madin 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

1. ORDINANCE 2020:27

APPROVING AN EASEMENT AGREEMENT WITH JERSEY CENTRAL POWER & LIGHT COMPANY AND VERIZON OF NEW JERSEY, INC. TO INSTALL A UTILITY POLE AND NECESSARY EQUIPMENT TO SUPPLY POWER TO KNOLL RECREATION AREA PUMP STATION

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 15, 2020** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **October 20, 2020** 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. Carifi, seconded by Ms. Peterson.

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

2. **ORDINANCE 2020:28**

AMENDING AND SUPPLEMENTING CHAPTER 329, SEWERS, TO INCREASE SEWER RATES AND CHARGES

ORDINANCE 2020:29

AMENDING AND SUPPLEMENTING CHAPTER 420, WATER, TO INCREASE WATER RATES AND CHARGES

BE IT RESOLVED that the above Ordinances be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **September 15, 2020** and that said Ordinances be further considered for second reading and final passage at a Meeting to be held on **October 6, 2020** 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 Ordinances 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 Mr. Carifi.

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

B. SECOND READING & PUBLIC HEARING

None

VI. NON-CONSENT AGENDA

A. RESOLUTIONS

1. **R2020-180 – Urging Jersey Central Power and Light (JCP&L) to Take Certain Actions Due to the Failures by JCP&L related to Tropical Storm Isaias and Opposing the Proposed Base Rate Increase**

WHEREAS, Tropical Storm Isaias impacted the Township of Parsippany-Troy Hills (the “Township”), and the greater Morris County, New Jersey area on August 4, 2020, leaving 500,000 Jersey Central Power and Light (hereinafter, “JCP&L”) customers without electricity, of which 150,000 resided in Morris County; and

WHEREAS, five days after the tropical storm departed, 31,000 JCP&L customers were still without power; and

WHEREAS, JCP&L failed to adequately communicate with its customers and local officials; and

WHEREAS, this duration of power loss is unacceptable and potentially life-threatening to individuals who rely on electricity to operate life-sustaining medical equipment; and

WHEREAS, untold amounts of food and medicine spoiled and were wasted, all of which were purchased with residents’ hard-earned wages that are threatened more than ever by the economic impact of COVID-19; and

WHEREAS, in other parts of the region where Public Service Electric and Gas (“PSE&G”) and Con Edison are electric utility providers, ratepayers may be reimbursed for medications and food that spoiled during the excessive power outage, and

WHEREAS, additionally, on February 18, 2020, JCP&L submitted a Verified Petition to the State of New Jersey Board of Public Utilities (the “BPU”) for review and approval of a 7.8% rate increase, as well as other adjustments to its rates and charges for electric service, and for approval of other proposed tariff revisions in connection therewith; and

WHEREAS, the adjusted annual rate increase would average eight and one-half percent (8.5%), or \$104.76 per year, for a residential customer using 766 kWh per month, or 9,192 kWh per year; and

WHEREAS, this rate increase has been requested at a time when the cost of energy has decreased along with overall consumption of energy; and

WHEREAS, JCP&L references confidential filings of five (5) supporting schedules that make it impossible to verify the need for a rate increase; and

WHEREAS, there has been a lack of investment by JCP&L in new technology and infrastructure, which has resulted in power outages on a regular basis for Township residents and for municipal needs; and

WHEREAS, despite having reported some upgrades to the power grid, JCP&L's overall service area, and Morris County in particular, continues to suffer from frequent power outages, insufficient communication regarding power restoration following tropical storms and other weather events; and

WHEREAS, JCP&L has displayed poor storm preparedness procedures, causing crews to be unused or improperly assigned to streets where forestry had not yet cleared trees/power lines; and

WHEREAS, JCP&L, a subsidiary of First Energy Corp., has clearly not invested sufficiently in infrastructure in the Township and the surrounding Morris County.

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

1. JCP&L ratepayers in the Township must be reimbursed for the cost of medications and food lost during the power outage.
2. The Township opposes JCP&L's Verified Petition for review and approval of increases and adjustments to its rates and charges for electric service, and for approval of other proposed tariff revisions in connection therewith, and urges the BPU to reject JCP&L's request.
3. The BPU must mandate JCP&L invest in critical infrastructure initiatives, build critical infrastructure and implement grid modernization programs in the Township and surrounding Morris County, to strengthen the network, reduce the frequency of outages and eliminate extended power outages.
4. The Township Clerk is directed to forward a certified true copy of this Resolution to BPU President Joseph L. Fiordaliso, First Energy Corp. Chief Executive Officer Charles E. Jones, JCP&L President James V. Fakult, the Governor Philip D. Murphy, and the Morris County Legislative Delegation.

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

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

2. R2020-181 – Awarding a Contract for Professional Consulting Services to Government Strategy Group

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire professionals to perform consulting services as 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, the Business Administrator has determined and certified in writing that the value of these services will not exceed \$17,500; and,

WHEREAS, the terms of this contract shall begin on September 15, 2020 and end on December 31, 2020; and

WHEREAS, Government Strategy Group with offices located at 450 Shrewsbury Plaza, #330, Shrewsbury, NJ 07702 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; 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 in writing that funds are available at the time services are rendered.

NOW THEREFORE, BE IT RESOLVED as follows:

- 1) That the Township Council of the Township of Parsippany-Troy Hills hereby awards a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Government Strategy Group with

offices located at 450 Shrewsbury Plaza, #330, Shrewsbury, NJ 07702 for professional consulting services for the 2020 year based on the agreement on file in the Office of the Business Administrator;

- 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 Business Administrator 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.

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

Discussion: Mr. dePierro stated that he wanted to make sure that the Council will receive a full report on the consulting services and the action they recommend. Mayor Soriano stated that a major part of this report has nothing to do with looking to do any layoffs but to help that departments and help the employees there. Ms. McCarthy inquired if the recommendations be implemented given that the department is overseen by the State. Mr. Carr answered in the affirmative. Ms. Gragnani stated that department is doing the best they can to get up and running due to the COVID pandemic. Mr. Carifi stated that due to the Pandemic they were overwhelmed with paperwork and permit requests and that I am sure they are doing the best they can.

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

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 Mr. Carifi, seconded by Ms. Peterson.

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

A. RESOLUTIONS

1. R2020-166*Governing Body Certification of the Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year December 31, 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and,

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Parsippany-Troy Hills, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

2. R2020-167*Approving the Corrective Action Plan for the 2019 Audit

WHEREAS, the 2019 audit was delivered on August 7, 2020 and regulations promulgated by the Single Audit Act and the Division of Local Government Services require that a corrective action plan to the annual audit be prepared within 60 days; and

WHEREAS, these regulations further require approval of that plan within 60 days of audit receipt by the Township Council; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills that the Corrective Action Plan for the 2019 audit prepared by the Chief Financial Officer dated August 23, 2020 be approved.

Corrective Action Plan for the 2019 Audit

Recommendation # 1

Description: The Township maintain a complete and accurate reconciliation and analysis of balance in the payroll account.

Analysis: During the auditor's review of payroll, it was noted that the Township does not fully reconcile the payroll account and maintain a complete and accurate analysis of the balance.

Corrective Action: In the payroll agency account, there were very old (from before 2013) balances on the balance sheet that could not be identified. Currently, the liability accounts are reconciled month to month, however the old balances remained. In 2020, the Finance staff is reconciling each liability balance in the payroll agency account and recommending a cancelation of the old balances by year end.

Recommendation # 2

Description: The fixed asset accounting and reporting system be updated annually.

Analysis: The Township has engaged an appraisal company to complete the fixed asset inventory for 2019. However, the appraisal company did not complete the report and have it available to the Township as contracted. As a result, the annual update to the fixed assets record was not available.

Corrective Action: As a result of the COVID-19 pandemic, the appraisal company was unable to access the building on a timely basis. The Finance Department made every effort to accommodate the appraisal company by providing them with all the data necessary via copies and email. The Township did receive the report on July 28, 2020 after the audit field work was complete.

Recommendation # 3

Description: Budget appropriations be periodically reviewed and transfers be made on a timely basis.

Analysis: During the course of the audit, it was noted that some transfers were not made in a timely manner.

Corrective Action: The Township will make every effort to make transfers on a timely basis. The transfer was necessary due to a misposting that was not discovered until preparing the annual financial statement.

Recommendation # 4

Description: Purchase orders are prepared and approved prior to the purchase of goods or services to ensure availability of funds.

Analysis: During the auditor's review of purchase orders, there were a few instances where purchases were made prior to the preparation and approval of purchase orders.

Corrective Action: The Township policy is that all purchases be approved prior to being procured. The procedure is an electronic request is generated through the accounting software and approved by the Department/Division head, the Purchasing Agent, Chief Financial Officer and Business Administrator.

Examples of items that are NOT pre-approved are professional services such as attorneys, planners, etc. and purchases for items that are for repairs that are in process.

Finance will reissue the purchasing policy to the Township to ensure that purchase orders are prepared and approved prior to the purchase of goods and services to ensure availability of funds.

Recommendation #5

A. Description: It is recommended that fees be collected in accordance with the fee schedule, supporting documentation be available for audit inspection and the management company at the Knoll County Club provide financial reports to the Township for review in a timely manner.

Analysis: During the auditor's review of the Golf and Recreation Utility Fund, it was noted that fees collected were not always in accordance with the fee schedule and supporting documentation was not always maintained. Additionally, it was also noted that the management company is not providing financial reporting to the Township for review on a timely basis.

Corrective Action: In 2019, the management company, Kemper Sports, was responsible for the Golf Operations with regard to charging and collecting fees. The Township was unable to reconcile the revenue and funds collected as reported by Kemper Sports with the bank during

the term of the contract. Additionally, Kemper Sports did not provide Financial Documents on a timely basis and without the help of Township personnel.

As a result, Administration and Council terminated the contract with Kemper Sports and restored Township control over the entire Golf Operations. The fee ordinance has been revised, new POS system installed, and reporting of daily cash receipts and revenues is in Township Control. Additionally, all appropriations are done through the Township where controls are in place for purchasing and expenditures.

Recommendation #6

Description: All interfund balances be liquidated on a timely basis and that every effort be made to limit interfund activity, especially those Due to Current Fund, in the future.

Analysis: There was an interfund receivable due from General Capital Fund of \$257,890 on the Current Fund Balance sheet at December 31, 2019. This interfund receivable places a restriction on the cash flow and places a restriction on fund balance of the Current Fund. It is recommended that all interfund balances be liquidated on a timely basis and that every effort be made to limit interfund activity, especially those Due to the Current Fund, in the future.

Corrective Action: The Township operates its collections and payments COMPLETELY out of the Current Fund therefore creating an interfund with 95% of all transactions. As a result, there are continuous interfund transitions through the Current Fund that must be reconciled. The interfunds are constantly changing and are analyzed and liquidated on an ongoing basis.

3. R2020-168*Cancellation of Grant Fund Receivables and Reserve Balances in the Current and Capital Funds

WHEREAS: there exists various grant fund receivables and reserves on the balance sheet of the Current Fund; and

WHEREAS: the funds creating these receivables and reserves have been investigated and determined to be overstated and uncollectable;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following list of receivables and reserves be and the same are hereby canceled:

<u>Grant</u>	<u>Receivable Balance</u>	<u>Reserve Balance</u>
<i>Current Fund:</i>		
Safe Corridors FY 2017	\$ -0-	\$ 1,861.70
Drive Sober or Get Pulled Over 2018	275.00	

Regular Meeting 9/15/20

Municipal Alliance Match 2014/2015		773.07
Municipal Alliance Match 2015/2016		8,184.14
Municipal Alliance 2017/2018	3,629.12	
Municipal Alliance 2017/2018 Ext		2,000.00
Municipal Alliance 2017/2018 Match		1,000.00
Municipal Alliance 2018/2019	28,143.00	8,143.00
Municipal Alliance 2019/2020	28,143.00	28,143.00
Municipal Alliance Match 2018/2019		7,036.00
Rutgers Watershed		1,400.19
Hazardous Discharge Site Remediation		3,940.00
Emergency Assistance 2015		5,000.00
Civil Defense-Radiation Detection		1,401.62
Storm Regulation		10,310.00
Distracted Driving Crackdown 2019	880.00	
NJ DOT Highway Safety Grant	_____	_____
Total	\$ 61,070.12	\$ 79,192.72

4. R2020-169*Contract for Clarifier Improvements

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Clarifier Improvements on August 19, 2020, and

WHEREAS, the Director of Purchasing, Purchasing Assistant, Sewer Superintendent and Consulting Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Rapid Pump & Meter Service Co., Inc., P.O. Box AY, 285 Straight Street, Paterson, NJ 07509 for the Total Bid Price of \$927,179.00, and

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

Sewer Capital Ordinance # 2020:20 adopted July 21, 2020, entitled,

“Various Improvements”.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Clarifier 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

5. R2020-170*Contract for Rescue Equipment for Parsippany Rescue and Recovery Squad

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for One (1) New 2021 16' Freightliner M2 112 Extended Cab with Crane or Approved Equivalent for the Parsippany Rescue and Recovery Squad on August 12, 2020, and

WHEREAS, the Director of Purchasing, Purchasing Assistant and Rescue and Recovery Squad have reviewed the bids received and recommend award of a contract to the lowest responsible bidder, Maintainer Custom Bodies, 1701 S. Second Avenue, Sheldon, IA 51201 for the Total Bid Price for the Vehicle of \$436,100.00, as well as the Unit Prices proposed for Alternate #'s 1 – 8 for Rescue Equipment, and.

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified to the availability of funds under 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 One (1) New 2021 16' Freightliner M2 112 Extended Cab with Crane or Approved Equivalent for the Parsippany Rescue and Recovery Squad 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.

6. R2020-171*Execution of an Amendment to Historic Preservation Easement Agreement for Smith-Baldwin House

WHEREAS, the County of Morris is authorized pursuant to N.J.S.A 13:8B-1 et seq. to acquire historic preservation easements to protect Morris County properties with historic, aesthetic or cultural significance being rehabilitated, stabilized, restored and preserved through matching grants by the Morris County Historic Preservation Trust Fund in order to assure the continued preservation of grant-assisted properties for the public benefit, and

WHEREAS, the Township of Parsippany-Troy Hills as the sole and exclusive owner of the Smith-Baldwin House as a condition of obtaining a Historic Preservation Grant from the Morris County Historic Preservation Trust Fund agreed to provide a historic preservation easement to the County of Morris; and

WHEREAS, the Township of Parsippany-Troy Hills and the County of Morris intend that the Property be preserved and maintained in accordance with a historic preservation easement.

WHEREAS, on November 13,2019, the Township of Parsippany-Troy Hills and the County of Morris executed a Deed of Historic Preservation Easement in connection with its acceptance of a 2017 grant for Exterior Rehabilitation for the Smith-Baldwin House.

WHEREAS, the Township of Parsippany-Troy Hills has accepted a 2018 grant to fund the historic preservation of additional portions of the site, Phase 2 Rehabilitation of the structure known as Smith-Baldwin House.

NOW, THEREFORE, The Easement is hereby amended to include the addition of specified portions of the site, and the structure known as Smith-Baldwin House covered by the 2018 grant.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and the State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute an Amendment to Historic Preservation Easement over Block 734, Lot 4 (Smith-Baldwin House) in the form attached hereto.

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

7. R2020-172*Authorizing a Competitive Request for Proposal for Selecting an Energy Services Company to Develop, Plan and Implement the Township's Energy Savings Implementation Program

WHEREAS, the Township of Parsippany – Troy Hills is desirous of be in compliance with the requirements of PL 2012 Chapter 55 “Energy Savings Improvement Program”; and

WHEREAS, pursuant to the Energy Savings Improvement Program Law (“ESIP Law”), P.L. 2009, c. 4, N.J.S.A. 40A:11-4.6, the Township Council may utilize Competitive Contracting in lieu of public bidding for the selection of a qualified Energy Services Company (ESCO) classified with the NJ Treasury Department Division of Property Management and Construction (DPMC) for purposes of developing a preliminary Energy Savings Plan (“ESP”) that can be implemented through a customized Energy Savings Implementation Program (“ESIP”) for the facilities identified in the New Jersey Clean Energy Program’s Local Government Energy Audits (LGEA); and

WHEREAS, the Township previously received a completed independent local government energy audit (LGEA) prepared by the New Jersey Clean Energy Program and dated June 29, 2020 in accordance with the requirements of the ESIP Law; and

WHEREAS, based on the outcome of the LGEA audit, there are identified several energy conservations measures (ECMs) that can reduce energy use and reduce overall expense to the Township. Energy conservation measures are defined as improvements that result in reduced energy use, including, but not limited to: installation of energy efficient equipment, demand response equipment, combined heat and power systems, facilities for the production of renewable energy, water conservation measure fixtures or facilities, building envelope improvements and related control systems; and

WHEREAS, in order to initiate competitive contracting, it is necessary for the Council to adopt a resolution authorizing the use of competitive contracting each time specialized goods or services enumerated in N.J.S.A. 40A:11-4.1 are desired to be contracted.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of Parsippany - Troy Hills that the Business Administrator shall be authorized to establish a Request For Proposal (RFP) for approval by the Board of Public Utilities (BPU) for purposes of selecting a qualified Energy Services Company (ESCO);

BE IT FURTHER RESOLVED that upon approval of the RFP by the BPU, the Township Council further authorizes the Business Administrator to establish such a selection committee for the purposes stated herein and is also authorized to publicly advertise said RFP for the selection of a qualified ESCO via the Competitive Contracting process as permitted pursuant to N.J.S.A. 40A:11-4.1 et seq.

8. R2020-173*Application for a Loan from the New Jersey Environmental Infrastructure Financing Program

WHEREAS, The Sewer Utility is undertaking the Pump Station Number Four Gravity Conversion Project via a gravity connection to the Troy Meadow Interceptor at an estimated construction cost of \$9,095,000; and,

WHEREAS, it has been determined that because of the cost of this Project, the use of the New Jersey Environmental Infrastructure Financing Program is the most cost-effective way to fund this project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that an application should be submitted to the New Jersey Environmental Infrastructure Financing Program for funding of this Project.

BE IT FURTHER RESOLVED by that the Mayor or Chief Financial Officer is authorized to act as the Authorized Representative to represent the Township in all matters relating to the submission of the application to the New Jersey Environmental Infrastructure Financing Program and to take all steps necessary to effectuate this Loan.

9. R2020-174*Authorizing Change Orders #1 and #2 for Laboratory Improvements at the Wastewater Treatment Plant

WHEREAS, change orders to the contract with T.N.S. Construction, LLC, 1294 Waterloo Road, Stanhope, NJ 07874 for LABORATORY IMPROVEMENTS at the WASTEWATER TREATMENT PLANT, are necessary and prudent, and after consideration of extra work, Change Order # 1 results in an increase in total cost of the Project costs by an amount of \$3,500.00 and Change Order #2 results in an increase in total cost of the Project costs by an amount of \$6,000.00, both resulting in a new total contract price of \$675,735.90; and,

WHEREAS, Architectural Design Associates, the Township's Architect for this Project, has recommended approval of Change Orders #1 and #2 for structural modifications and the installation of an eye wash as detailed therein.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, that it hereby approves Change Orders # 1 and # 2, resulting in increases in total cost of the Project by amounts of \$3,500.00 and \$6,000.00 respectively and a new total contract price of \$675,735.90.

BE IT FURTHER RESOLVED by that the Mayor is authorized to execute Change Orders # 1 and # 2, in the forms on file with the Township Clerk.

10. R2020-175*Special Item of Revenue – Smith-Baldwin Construction Documents

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 2020 municipal budget,

Ann M. Cucci, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2020 as referenced below:

Revenue Title: Smith-Baldwin Construction Documents Amount: \$39,800.00

Appropriation Title: Smith-Baldwin Construction Documents Amount: \$39,800.00

Local Match - Source: Open Space Trust Fund Amount: \$ 9,950.00

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.

11. R2020-176*Contract for Professional Accounting Services to Wielkotz & Company, LLC

WHEREAS, the Township of Parsippany-Troy Hills has a need to acquire professional accounting services as 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, the Business Administrator has determined and certified in writing that the value of these services may exceed \$17,500; and,

WHEREAS, the terms of these contracts shall begin on January 1, 2020 and end on December 31, 2020; and

WHEREAS, Wielkotz & Company, LLC., with offices located at 401 Wanaque Avenue, Pompton Lakes, New Jersey 07442 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; and

WHEREAS, this firm has completed and submitted a Business Entity Disclosure Certification, which Certification provides that the firm have 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 Contracts, and that the Contracts will prohibit the firms from making any reportable contributions through the term of the contracts that would bar the award of these Agreements pursuant to N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, this 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 firms have 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 hereby authorizes a professional services contract to, and authorizes the Mayor and Township Clerk to execute such contract with Wielkocz & Company, LLC. with offices located at 401 Wanaque Avenue, Pompton Lakes, New Jersey 07442 for professional accounting services for the 2020 year; 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 these contracts 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.

12. R2020-177*Appointing a Fund Commissioner for the Garden State Municipal Joint Insurance Fund

WHEREAS, the Township of Parsippany-Troy Hills is a member of the Garden State Municipal Joint Insurance Fund; and

WHEREAS, it is required for the Township to have representation on the Board of Commissioners; 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 effective August 31, 2020 Ann M. Cucci is replaced by Frederick C. Carr as Fund Commissioner and Keith Kazmark is

removed as an Alternate Fund Commissioner representing the Township of Parsippany-Troy Hills on the Garden State Municipal Joint Insurance Fund Board of Commissioners.

B. APPLICATIONS

1. R2020-178* Authorizing Retail Liquor License Renewals for Licensing Term, October 1, 2020 through June 30, 2021

WHEREAS, applications for renewal for licensing term, October 1, 2020 through June 30, 2021, have been filed by the following Retail Liquor Licensees, and

WHEREAS, the application forms are complete in all respects and the applicants are qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor Licenses be renewed for the licensing term, October 1, 2020 through June 30, 2021:

- | | |
|-----------------|--|
| 1429-31-035-001 | American Legion Parsippanong Post 249, trading as American Legion Parsippanong Post 249, for premises located at 91 No. Beverwyck Road, Lake Hiawatha, NJ |
| 1429-31-037-001 | Parsippany-Troy Hills BPO Elks Lodge #2078, trading as Parsippany Troy Hills Elks, for premises located at 230 Parsippany Road, Parsippany, NJ |
| 1429-31-040-001 | Lake Hiawatha Volunteer Fire Association, Inc., trading as Lake Hiawatha Volunteer Fire Association, for premises located at 39 North Beverwyck Road & Lake Shore Drive, Lake Hiawatha, NJ |
| 1429-31-041-001 | Parsippany-Troy Hills Fire Association, District No. 6, trading as Club 6, for premises located at 60 Littleton Road, Parsippany, NJ |
| 1429-31-042-001 | Rainbow Lakes Community Club, Inc., trading as Rainbow Lakes Community Club, for premises located at 20 Rainbow Trail, Parsippany, NJ |
| 1429-31-058-001 | Mount Tabor Country Club, trading as Mount Tabor Country Club, for premises located at Country Club Road, Mount Tabor, NJ |
| 1429-32-002-005 | Karmandhi Inc, trading as Basket of Cheers II, for premises located at 149 North Beverwyck Road, Parsippany, NJ |
| 1429-33-001-011 | 1515 License LLC (pocket license) |
| 1429-33-003-013 | RCSH Operations, LLC, trading as Ruth's Chris Steak House, for premises located at 1 Hilton Court, Parsippany, NJ |

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- 1429-33-004-002 Chessmen, a NJ Corporation, trading as Eccola Italian Bistro, for premises located at 1082 Route 46, Parsippany, NJ
- 1429-33-005-010 Houlihan's Parsippany, LLC, trading as Houlihan's, for premises located at 1735 Route 46 East, Parsippany, NJ
- 1429-33-007-014 Troy Hills Hospitality, LLC, trading as Mule Tavern, for premises located at 450 North Beverwyck Road, Parsippany, NJ
- 1429-33-009-006 Hoovers Tavern LLC, trading as Hoovers Tavern, for premises located at 960 Tabor Rd, Parsippany, NJ
- 1429-33-011-007 Poojaashish, Inc. trading as Sakura Hibachi Steak House, for premises located at 949 Route 46 East, Parsippany, NJ
- 1429-33-013-006 Apple Food Service of Parsippany, Inc., trading as Applebee's Neighborhood Grill & Bar, for premises located at 1057 Route 46, Parsippany, NJ
- 1429-33-015-006 Zin Morris Plains, LLC, trading as Zinburger Wine and Burger Bar, for premises located at 1900 State Route 10, Morris Plains. NJ
- 1429-33-016-007 Outback/Metropolis-1, Limited Partnership, trading as Outback Steakhouse, for premises located at 1300 Route 46, Parsippany, NJ
- 1429-33-017-008 TGI Fridays, Inc., trading as TGI Friday's, for premises located at 3835 Route 46, Parsippany, NJ
- 1429-33-018-012 Capital Grille Holdings, Inc., trading as The Capital Grille #8066, for premises located at 10 Dryden Way, Parsippany, NJ
- 1429-33-020-006 Tabor 10, LLC, trading as Tabor Road Tavern/Grato Restaurant, for premises located at 510 Tabor Road & 2230 Rt. 10, Morris Plains, NJ
- 1429-33-022-005 Rare Hospitality International Inc., trading as Long Horn Steakhouse, for premises located at 690 Route 46, Parsippany, NJ
- 1429-33-023-006 1515 License, LLC (pocket license)
- 1429-33-024-004 Keo Ku Jang, Inc., trading Keo Ku Jang Restaurant/Q Time, for premises located at 245 Route 46, Parsippany, NJ
- 1429-33-025-006 Hanover Hospitality Corp. (pocket license)
- 1429-33-028-001 Reimer, Inc. trading as The Inn Crowd, for premises located at 285 Route 46, Parsippany, NJ
- 1429-33-029-005 Reservoir Tavern, Inc., trading as Reservoir Tavern, Inc., for premises located at 92 Parsippany Boulevard, Boonton, NJ
- 1429-33-031-009 Parsippany BWW LLC, trading as Buffalo Wild Wings Grill & Bar, for premises located at 1540 Route 46 West, Parsippany, NJ

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1429-33-034-010 MC Sylvan/Campus Hospitality, LLC trading as Kate's located at Courtyard Plaza at 8 Campus Drive/7 Sylvan Way, Parsippany, NJ

1429-33-044-002 Empire Diner Liquors, Inc., trading as Empire Diner, for premises located at 1315 Route 46, Parsippany, NJ

1429-36-049-004 HST Lessee CMBS LLC, trading as Sheraton Parsippany Hotel, for premises located at 199 Smith Road, Parsippany, NJ 07054

1429-36-050-003 Promus Hotel Services, Inc., trading as Embassy Suites Hotel/Bistecca Restaurant and Bar, for premises located at 909 Parsippany Blvd., Parsippany, NJ

1429-36-051-004 I-85 Hospitality Group, LLC, trading as Holiday Inn Hotel & Suites, for premises located at 707 Route 46 East, Parsippany, NJ

1429-36-053-001 Courtyard Management Corporation, trading as Courtyard by Marriott, for premises located at 3769 Route 46 East, Parsippany, NJ

1429-36-054-002 Residence Inn by Marriott, trading as Residence Inn by Marriott, for premises located at 3 Gatehall Drive, Parsippany, NJ

1429-36-055-004 ARA/USH Chicago Tenant, LLC, trading as Hyatt House, for premises located at 299 Smith Road, Parsippany, NJ

1429-36-056-002 Remington Employers LLC, trading as Parsippany Hilton and Hampton Inn Parsippany, for premises located at 1 Hilton Ct., Parsippany, NJ

1429-36-057-002 Cambridge TRS, Inc., trading as Sonesta ES Suites, for premises located at 61 Interpace Parkway, Parsippany, NJ

1429-44-006-007 SRJJ Inc., trading as Convenience Liquors, for premises located at 1129 Route 46, Parsippany, NJ

1429-44-010-010 Sunrise ShopRite of Parsippany, LLC ., trading as Shop Rite Liquors of Parsippany/Shop Rite Wines & Spirits of Parsippany, for premises located at **808** Route 46, Parsippany, NJ

1429-44-012-007 Wine Amphorae Wines and Liquors, LLC trading as Joe Canal's Discount Liquor Outlet, for premises located at 799 Route 46 East, Parsippany, NJ

1429-44-014-005 Jai Sainath Corp., trading as Shoppers Discount Liquors/Lord Nelson's Liquors, for premises located at 65 & 69 No. Beverwyck Road, Lake Hiawatha, NJ

1429-44-033-007 Krish Parth LLC., trading as Green Hill Liquors, for premises located at 168 Parsippany Road Unit #7, Parsippany, NJ

1429-44-047-004 Summer C. Wine & Liquor, Inc., trading as Powder Mill Plaza Liquors, for premises located at 28 Gibraltar Drive, Parsippany, NJ

2. R2020-179*Person-to-Person Transfer of Plenary Retail Consumption License for 1900 Route 10 Liquor Partners, LLC from Zin Morris Plains, LLC

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1429-33-015-006 for Zin Morris Plains, LLC to 1900 Route 10 Liquor Partners, LLC t/a Tommy's Tavern & Tap.; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business

NOW, THEREFORE, BE IT RESOLVED that the Township of Parsippany-Troy Hills Council does hereby approve, effective September 15, 2020, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License #1429-33-015-006.

VIII. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the September 18, 2020 regular and miscellaneous payroll estimated at \$1,600,000.00
2. Payment of bills from voucher list of 9/15/20 through 9/17/20 is \$1,310,874.63

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

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

IX. ADJOURNMENT

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

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

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: October 20, 2020