

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF OCTOBER 6, 2020

I. INTRODUCTION

Meeting was called to order at 7:00 pm by Municipal Clerk Khaled Madin 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 Council Member Peterson. Other members of the Administration present at the meeting; Business Administrator Frederick Carr, Township Attorney James Lott, CFO Juan Uribe and Township Clerk Khaled Madin

D. UPCOMING MEETINGS:

- | | |
|-------------------------|-----------------|
| 1. 10/20/20 @ 7:00 p.m. | Regular Meeting |
| 2. 11/10/20 @ 7:00 p.m. | Agenda Meeting |

E. APPROVAL OF MINUTES

1. Agenda Meeting – 9/1/20
2. Regular Meeting – 9/15/20

II. PRESENTATION(S)/REPORTS

A. MAYOR – read a Proclamation for Breast Cancer Awareness Month into the record.

B. TOWNSHIP COUNCIL – Mr. dePierro read two statements for the record:

Mr. dePierro stated that the Township had not had a water or sewer increase in over 10 years and during that time the water and sewer operating expenses have escalated at a rate of 6 to 8 percent. Additionally, funds ranging from 1.75 million to 3.2 million were transferred annually from the water and sewer funds for use as revenue in the Township's municipal budget which drastically decreased the fund balance in both utilities. Although the previous Mayor never removed more than what could be replaced by revenue every year the fund balance was still being reduced through

increasing operating expenses. The Administration and Council should have been increasing the utility rates by 2- percent every year to cover operating expenses and as a councilman for many years he shares in the blame for not recommending to the Administration that we annually increase utility rates. This drastic increase will restore the fund balance to what the rates would have been if we had been gradually increasing the rates annually.

Mr. dePierro stated that a person named Hetal Desai did not like that he did not have a mask on at a Trump Rally and acknowledged it. Mr. dePierro stated that regarding Township Council meetings that he has no problem going back to public meetings; however, the Council majority has decided to err on the side of caution and remain virtual for the month of October. His feedback from the School Board is that the schools are concerned about allowing the Council to use their facilities for public meetings. Mr. Carifi stated he has no problem going back to regular meetings whenever the Council President deems it appropriate.

Ms. Gragnani inquired about the emergency ordinance payouts and wanted to know if a portion of the payouts will be placed on the 2021 budget. Ms. Gragnani also inquired about the retirement of the law enforcement officers and wanted to know when their monies will be paid out to them and if that amount will be included in the 2021 budget. Mr. Uribe and Mr. Carr responded to Ms. Gragnani's inquires.

Ms. McCarthy commented on the plastic bag ban and stated that the CDC provides no guidance to support stopping the enforcement of plastic bag ban or restricts the use of reusable bags. Ms. McCarthy stated that other municipalities that have enacted plastic bag bans have enforced them during the pandemic. Ms. McCarthy suggested that we send communication to the retailers that they should be implementing the ban.

C. TOWNSHIP ATTORNEY –three items for closed session.

D. BUSINESS ADMINISTRATOR – Mr. Carr stated that we are still in the midst of our CFO transition; Mr. Carr stated that some Council Members expressed a concern about Juan not being fully here, but Mr. Carr stated that when Mr. Uribe was appointed, he was unable to provide notice and needed to give them the professional courtesy of notice. Mr. Carr stated that Ann Cucci should be out by October 21, 2020. Additionally, the budget meetings will begin on October 21, 2020. There is a full schedule and should be done by the end of the month. Ms. Gragnani inquired as to when the County will be giving us the emergency reserve for our COVID expenses. Mr. Carr stated that he is conversation with the County but we do not know when that will be.

D. TOWNSHIP CLERK – no report

E. TOWNSHIP OFFICES COMMITTEES/REPORT – no report

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

2020 Road Resurfacing / Curb & Sidewalk Program

Construction is substantially complete and there are only punch list items still to be addressed. Work will be completed in October. **(No Council Action Required).**

Greenbank Road Safety and Improvements Project

The project is substantially complete and only minor punch list items remain to be completed. A section of new guiderail still needs to be installed once underground utilities are moved. Closeout of the project is expected in October. **(No Council Action Required).**

Various Streets Reconstruction Project

The Various Streets Reconstruction Project is complete. **(No Council Action Required).**

New England Drive Milling and Paving Project

The New England Drive Milling & Paving Project is substantially complete and only punch list items remain. All work will be completed in October. **(No Council Action Required).**

Simpson Avenue Retaining Wall Project

The Simpson Avenue Retaining Wall Project construction is scheduled to start in a few weeks and will be completed in November. **(No Council Action Required).**

Veterans Park Culvert Replacement Project

Bids were received for the Veterans Park Culvert Replacement project and the preconstruction meeting has been scheduled. The concrete box culvert is to be ordered and construction will begin once a delivery date is identified. **(No Council Action Required).**

Sheffield Street Drainage Project

We identified eight locations where significant deformation of the large diameter corrugated metal drainage pipe created blockages that reduced flow and contributed to flooding through the rear yards along Sheffield Street. Repairs were made to the pipe and the rear yards were restored. Only minor punch list items remain to be completed. **(No Council Action Required).**

Mt. Tabor Street Improvements, Phase V

The Mt. Tabor Street Improvements, Phase V preconstruction meeting was held and work is anticipated to start the end October and continue to the end of the year. **(No Council Action Required).**

Roadway Design Projects

The following projects are in design; Puddingstone Heights Road Improvements and the Various Culvert Repair Project. These projects will be bid once design documents are finalized. **(No Council Action Required).**

Community Rating System (CRS) Program

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

Performance Bond Release – Tabor Lake, Block 18 Lot 7

All work associated with the major soil moving permit at Tabor Lake has been satisfactorily completed. This office has no objection to the release of the Performance Bond No. B1057940. **(A Resolution will need to be adopted by the Township Council)**

Performance Bond Release – Caggiano Orthodontics, Block 393 Lot 1

The developer completed all site work in accordance with the approved plans. Inspections were made during the course of construction and this office has no objection to the release of Performance Bond No. S314648. **(A Resolution will need to be adopted by the Township Council).**

Fox Run Developers, LLC, Performance Guaranty Reduction – Block 98 Lot 22

The developer has requested a reduction of their performance guaranty to reflect site work completed on the project. Inspections conducted by this office reveal that a reduction is warranted and work associated with the performance guaranty reduction has been satisfactorily completed and is in accordance with the approved plans. This office has no objection to the approval of the reduction to the Standby Letter of Credit, Reference Number 961-SB to the new amount of \$78,240.00. **(A Resolution will need to be adopted by the Township Council)**

700 Mountain Way, LLC, Performance Guaranty Reduction – Block 14 Lot 9

The developer has requested a reduction of their performance guaranty to reflect site work completed on the project. Inspections conducted by this office reveal that a reduction is warranted and work associated with the performance guaranty reduction has been satisfactorily completed and is in accordance with the approved plans. This office has no objection to the approval of the reduction to the Standby Letter of Credit, Reference Number 11107-SB to the new amount of \$211,022.00. **(A Resolution will need to be adopted by the Township Council)**

Watersedge at Parsippany, LLC, Performance Guaranty Reduction – Block 450 Lot 14

The developer has requested a reduction of their performance guaranty to reflect site work completed on the project. Inspections conducted by this office reveal that a reduction is warranted and work associated with the performance guaranty reduction has been satisfactorily completed and is in accordance with the approved plans. This office has no objection to the

approval of the reduction to the Standby Letter of Credit, Reference Number OD16002238 to the new amount of \$277,541.00. **(A Resolution will need to be adopted by the Township Council)**

III. BIDS

A. Taken

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

B. To Be Taken

1. 10/1/20 – Yard Waste Transportation and Disposal/Recycling
2. 10/7/20 – Third Party Billing for Ambulance Services for EMS
3. 10/15/20 – SCADA System Improvements – Phase II
4. 10/21/20 – Well Drilling and Installation Services-Replacement Production Well 21-R - Rebid

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

Nick Homyak, discussed the issue of trash collection on Knoll Road.

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. **PROVIDING FOR RETIREMENT PAYOUTS AND AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$631,671**

B. SECOND READING & PUBLIC HEARING

1. ORDINANCE 2020:28

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

WHEREAS, the Township of Parsippany-Troy Hills Sanitary Sewer Utility operates and maintains a 16 million gallon per day advanced wastewater treatment plant as well as approximately 370 miles of sewers and 28 pump stations; and

WHEREAS, the Township directed the Township's financial consultant, Wielkocz & Company, LCC, to perform a Sewer Rate Study and Project Fund Balance for the five year period from January 1, 2020 to December 31, 2024 in order to demonstrate the current state of the Township's Sewer Operating Fund Balance and illustrate the effect a proposed sewer rate increase would have on the fund balance; and

WHEREAS, the Township's consultant prepared the requested study dated March 31, 2020 (the "Study"); and

WHEREAS, the Study notes that the Township has not raised sewer rates since 2006; and

WHEREAS, the Study concludes that in the absence of an immediate substantial rate increase the Township Sewer Utility will be unable to generate sufficient revenues from the services it provides to fund its costs of operation, maintenance, debt service charges and other costs which its rates are mandated to recover under N.J.S.A. 40A: 26A-10.a.; and

WHEREAS, the Study also concludes that in the absence of an immediate substantial rate increase the Township Sewer Utility's Sewer Operating Fund Balance will soon be fully depleted and that the utility will be unable to maintain a surplus in accordance with N.J.S.A. 40A: 26A-10.b; and

WHEREAS, the Study recommends that the Township establish rates for the Township Sewer Utility over several years, through 2024, to spread out the impact of the rate increase necessary to provide sufficient revenues for the utility to enable it to meet the costs described above while maintaining an appropriate Sewer Operating Fund Balance; and

WHEREAS, after review of the Study and consultation with the Township professionals, the Township Council has determined to implement the sewer rate increase recommended therein for 2020; and

WHEREAS, the Study demonstrates that the proposed sewer rate is comparable to the rates of surrounding municipalities; and

WHEREAS, the Township Council wishes to amend and supplement Chapter 329, Sewers, related to sewer rates and other charges as set forth in this Ordinance.

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 329, Sewers, §329-17, Sewer Rental Fees, Subsection A(1) and (2), of the Code of the Township of Parsippany-Troy Hills, is hereby amended as follows:

- A. Connection to Township sanitary sewer system. The sewer rental fees and charges for all facilities within the Township whose waste is being treated at the Township treatment plant without regard to the ownership of the transmission lines shall be as follows:
- (1) Fees attributable to debt, billing and administrative charges. The minimum quarterly charge per unit attributable to debt service, administrative/billing cost is as follows:
 - (a) Single-family and multifamily residential dwelling: \$71 per quarter.
 - (b) Mixed uses. For each premises, building or facility used for both residential and professional or business uses, but serviced through a single meter: \$71.
- ***
- (d) All other uses, including professional, business, commercial, industrial and education: \$7.14 per 1,000 gallons or part thereof, per quarter, as recorded by the user's water meter.
- (2) Fees attributable to operation and maintenance charges.
 - (a) All users shall be subject to an additional fee attributable to operation and maintenance charges in the amount of \$4.06 per 1,000 gallons of water or part thereof as recorded by the user's water meter(s).

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.

ORDINANCE 2020:29

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

WHEREAS, the Township of Parsippany-Troy Hills Water operates and maintains a community water system; and

WHEREAS, the Township has not raised water rates since 2010; and

WHEREAS, the Township directed the Township’s financial consultant, Wielkotz & Company, LCC, to perform a Water Rate Study and Five Year Projected Fund Balance for the five year period from January 1, 2020 to December 31, 2024 in order to demonstrate the current state of the Township’s Water Operating Fund Balance and illustrate the effect a proposed water rate increase would have on the fund balance; and

WHEREAS, the Township’s consultant prepared the requested study dated March 31, 2020 (the “Study”); and

WHEREAS, the Study concludes that in the absence of an immediate substantial rate increase the Township Water Utility will be unable to generate sufficient revenues from the services it provides to fund its costs of operation, maintenance, debt service charges and other costs which its rates are mandated to recover under N.J.S.A. 40A: 31-10c(1); and

WHEREAS, the Study also concludes that in the absence of an immediate substantial rate increase the Township Water Utility’s Water Operating Fund Balance will soon be fully depleted and that the utility will be unable to establish a surplus in accordance with N.J.S.A. 40A:31-10c(2); and

WHEREAS, the Study recommends that the Township establish rates for the Township Water Utility over several years, through 2024, to spread out the impact of the rate increase necessary to provide sufficient revenues for the utility to enable it to meet the costs described above while maintaining an appropriate Water Operating Fund Balance; and

WHEREAS, after review of the Study and consultation with the Township professionals, the Township Council has determined to implement the water rate increase proposed therein for 2020; and

WHEREAS, the Study demonstrates that the proposed water rate is comparable to the rates of surrounding municipalities; and

WHEREAS, the Township Council wishes to amend and supplement Chapter 420, Water, related to water rates and other charges as set forth in this Ordinance.

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 420 entitled Water, §420-5, Water rates and charges, Subsections C, D, E and F, of the Code of the Township of Parsippany Troy Hills are hereby amended as follows:

C. Water meter measurement charges.

- (1) The minimum quarterly charge for all one-family residential dwellings with five-eighths-inch by three-fourths-inch meters shall be \$32.32 per quarter, with a minimum allowance of 10,000 gallons. Meters of all other sizes shall have their minimum charge as set forth in Subsection C(3) below.
- (2) No change.
- (3) All other classes of users shall be subject to the following minimum quarterly charges:

Size of Meter (inches)	Minimum Quarterly Quantity (gallons)	Minimum Quarterly Charge
5/8	10,000	\$32.32
1	40,000	\$238.00
1 ½	100,000	\$624.00
2	250,000	\$1,611.00
3	500,000	\$3,337.00
4	900,000	\$6,234.00
6	1,700,000	\$12,200.00
8	3,000,000	\$22,271.00
10	5,000,000	\$37,117.00
12	8,000,000	\$59,388.00

- (4) Consumption in excess of the water allowance for the minimum quarterly charge shall be as follows:

Size of Meter (inches)	Number of Gallons	Charge per 1,000 Gallons
5/8	10,001-20,000	\$3.78
	20,001-30,000	\$4.10
	30,001-40,000	\$5.30
	40,001 and up	\$6.21

Size of Meter (inches)	Number of Gallons	Charge per 1,000 Gallons
1		\$7.42
1 1/2		\$7.53
2		\$7.67
3		\$7.78
4		\$7.92
6		\$8.03
8 through 12		\$8.17

(5) and (6) No change.

D. Hydrant and sprinkler charges. Hydrant and sprinkler charges shall be in accordance with the following schedule:

- (1) Hydrant standby: \$150.00 per quarter.
- (2) Sprinkler standby, based on meter size:

Size of Meter (inches)	Charge
1	\$57.00
1 ½	\$76.00
2	\$96.00
3	\$125.00
4	\$153.00
6	\$202.00
8	\$249.00
10	\$391.00

(3) All water used in sprinkler systems shall be paid for on the basis of \$4.32 per 1,000 gallons.

E. Turning on or off water service and final meter readings.

- (1) No Change.
- (2) For each service of turning on water there shall be a charge of \$42.00.
- (3) For each service of turning off water there shall be a charge of \$42.00.

(4) For each service of taking a final water meter reading there shall be a charge of 42.00.

(5) through (7) No change.

F. Main connections.

(1) No change.

(2) Tapping charges shall be as follows (price includes one meter of equal size for each; additional meters may be purchased at their prevailing rate):

Size of Tap (inches)	Tapping Charge
3/4	\$550.00
1	\$700.00

(3) through (5) No Change.

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 September 22, 2020. The Ordinances were introduced at the September 15, 2020 Regular Meeting.

Motion to accept that Ordinances 2020:28 and 2020:29 be heard in their second and final readings by title only, by Ms. Peterson, seconded by Ms. McCarthy, **ROLL CALL- YES-** Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro.

a. PUBLIC HEARING 2020:28 and 2020:29

Motion to open the public hearing for the above ordinance by Mr. Carifi, seconded by Ms. Peterson.

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

Bob and Pat Venezia, commented on Ordinances 2020:28 and 2020:29, which increase Parsippany's sewer and water utility rates. They believe that the ordinances, as written, require improvements in several areas before the Council considers them for adoption. These areas include transparency, clarifying wording that deals with the rate effective date, and reducing the proposed rates to just what is necessary.

Regarding transparency, how can the public comment on the rate increases when the amount of increase is not even specified on the ordinance summaries that appear in the Council Meeting agenda? The ordinance summaries should clearly state that there will be a 39% increase across the board for both utilities. A rate increase of that magnitude will surely generate a lot more feedback than a standard 2% increase. In addition, the full text of the ordinances mentions several reasons why the utility rate increases are necessary, but perhaps the biggest reason is conspicuously absent. There is no mention of the almost \$18 million that has been transferred from the utility budgets to the general budget over the last ten years. They think that the public would also like to know that the proposed 39% rate increases do nothing to eliminate these transfers.

Next, they think that the wording which says that the ordinance will take place immediately upon final passage, needs to be more precise. Specifically, the wording needs to describe what will happen when part of the quarterly bill is for usage at the old rate and part at the new rate. If the entire bill will be charged retroactively at the new rate, the ordinance should make that clear. Otherwise, you might get a lot of requests for refunds.

Lastly, and most importantly, they believe that a 39% rate increase is excessive, based on the revenue that needs to be raised. To illustrate this point, \$3.4 million must be withdrawn from the sewer utility fund in order to make ends meet in the 2020 sewer budget. However, if a 39% rate increase is enacted, sewer fee revenues will increase by \$5.6 million annually. This \$5.6 million is enough to cover the \$3.4 million that is currently being withdrawn from the fund balance, with \$2 million left over. When the 39% rate increase was originally proposed by the utility consultant, at least two members of the Council objected to the size of the increase. Well, your initial reaction was warranted and is supported by the numbers. The Council should scale down the size of the rate increase to an amount that is just sufficient to cover the fund balance withdrawals, plus a little extra to cover contingencies.

Before you vote on the current version of Ordinance 2020:28 and 2020:29, thet ask that you consider their suggestions and amend the ordinances accordingly.

Nick Homyak, discussed the prior tax increase that was proposed for \$4.32 average which was meant to pay for the present water infrastructure failures that we have now. Mr. Homyak stated that his increase would have been \$8.00 more a month then it would have been under the previous propose of \$4.32. Mr. Homyak wanted to know which method is being used or is the past proposal and the new proposal one and the same. Mr. Homyak stated that the increase is not that great as it is not going to the water infrastructure. Mr. Homyak inquired about minimum users but asked that during the summer the sewer rates increase, and what is the cause of that and if your staying within a minimum water uses then why is your water and sewer bill not always the same. Mr. Carr responded stating that the tax increase has nothing to do with the sewer and water rates as these systems are self-funded utilities and their rates must support those utilities in and of themselves and that it is based on your usage, so whatever flows to the meter is what is charged to the residents. Mr. Carr stated that your rates are based on two items, which is your base rate and that is what it costs for the system physically in the underground which is the cost of doing business and having it available , so if nothing flows at all threw the meters than that is the base rate, and then there is the usage rate which is the cost of what flows threw the meter, and that is based on the average usage rate but residents can go above or below the average.

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

ROLL CALL- YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. 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 Ms. Peterson, seconded by Ms. McCarthy.

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

2. 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

VI. NON-CONSENT AGENDA

A. RESOLUTIONS

1. R2020-182 Finding and Declaring an Emergency for the Purposes of Authorizing the Immediate Enactment of Ordinances 2020:28 and 2020:29 Pursuant to N.J.S.A. 40:69A-181

WHEREAS, N.J.S.A. 40:69A-181 permits the waiver of the 20-day estoppel period for the enactment of ordinances upon the adoption of a resolution, by at least two-thirds majority of the council, declaring that an emergency exists necessitating the immediate enactment of the ordinance; and

WHEREAS, in light of the unprecedented economic impacts of the COVID-19 pandemic, an emergency has arisen affecting the health, safety or welfare of the Township of Parsippany-Troy Hills, necessitating the immediate enactment of the Ordinances 2020-28 and 2020-29 in order to establish and implement and increase to sewer and water rates and charges to allow sufficient revenues for the operation, maintenance, debt service charges and other costs which its rates are mandated to recover under N.J.S.A. 40A:26A-10a.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that an emergency exists for the reasons stated herein justifying the waiver of the 20-day estoppel period for the enactment of Ordinances 2020-28 and 2020-29. All provisions of Ordinances 2020-28 and 2020-29 shall take effect immediately upon its final adoption according to law.

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 above Resolution by Ms. Peterson, seconded by Mr. Carifi.

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

2. R2020-183 Resolution Determining the Form and Other Details of \$14,745,000 General Obligation Bonds, Series 2020, Consisting of \$13,045,000 General Improvement Bonds and \$1,700,000 Golf and Recreational Utility Bonds, of the Township of Parsippany-Troy Hill, in the County of Morris, New Jersey, and Providing for their Sale

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. The \$13,045,000 General Improvement Bonds of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"), referred to and described in the resolution adopted by the Township Council pursuant to the Local Bond Law of the State of New Jersey on October 6, 2020, and entitled, "Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Into a Single Issue of Bonds Aggregating \$13,045,000 in Principal Amount" shall be issued as "General Improvement Bonds" (the "General Improvement Bonds"). The General Improvement Bonds shall mature in the principal amounts on June 1 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$650,000	2027	\$1,300,000
2022	850,000	2028	1,300,000
2023	1,145,000	2029	1,300,000
2024	1,300,000	2030	1,300,000
2025	1,300,000	2031	1,300,000
2026	1,300,000		

Section 2. The \$1,700,000 Golf and Recreational Utility Bonds of the Township referred to and described in the resolution adopted by the Township Council pursuant to the Local Bond Law of the State of New Jersey on October 6, 2020, and entitled, "Resolution Providing for the Combination of Certain Issues of Golf and Recreational Utility Bonds of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, Into a Single Issue of Bonds Aggregating \$1,700,000 in Principal Amount" shall be issued as "Golf and Recreational Utility Bonds" (the "Golf and Recreational Utility Bonds"; and together with the General Improvement Bonds, the "Bonds"). The Golf and Recreational Utility Bonds shall mature in the principal amounts on June 1 as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
2021	\$75,000	2027	\$150,000
2022	140,000	2028	150,000
2023	145,000	2029	150,000
2024	145,000	2030	150,000
2025	145,000	2031	150,000
2026	150,000	2032	150,000

Section 3. The Bonds shall be subject to redemption prior to their stated maturity in accordance with the Notice of Sale attached hereto as Exhibit A.

Section 4. The General Improvement Bonds shall be eleven in number, with one certificate being issued for each year of maturity, and shall be numbered GIB-1 to GIB-11, inclusive. The Golf and Recreational Utility Bonds shall be twelve in number, with one certificate being issued for each year of maturity, and shall be numbered GRUB-1 to GRUB-12, inclusive.

Section 5. The Bonds shall be dated their date of issuance and shall bear interest payable semiannually on the first day of June and December in each year until maturity or prior redemption, commencing on June 1, 2021, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1%, proposed by the successful bidder in accordance with the Full Notice of Sale authorized and defined herein.

Section 6. The Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under the official seal (or facsimile thereof) affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Township Clerk.

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

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

- R2020-184 Resolution Providing for the Combination of Certain Issues of General Improvement Bonds of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, into a Single Issue of Bonds Aggregating \$13,045,000 in Principal Amount**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"), authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of General Improvement Bonds in the aggregate principal amount of \$13,045,000.

The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Bond Ordinance Number	Principal Amount of Bonds	Description of Improvement and Date of Adoption of Ordinance	Useful Life
15-22	\$350,000	Various capital improvements, finally adopted September 15, 2016.	14.85 years
16-16	\$2,870,000	Various capital improvements, finally adopted July 19, 2016.	10.31 years
18-17	\$9,825,000	Various capital improvements, finally adopted September 11, 2018.	10.59 years
TOTAL	\$13,045,000		10.64 years

The following matters are hereby determined with respect to the combined issue of Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 10.64 years.

The Bonds of the combined issue shall be designated "General Improvement Bonds" and shall mature within the average period of usefulness herein determined.

The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated:

None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded

and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

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

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

4. R2020-185 Resolution Providing for the Combination of Certain Issues of Golf and Recreational Utility Bonds of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey, into a Single Issue of Bonds Aggregating \$1,700,000 in Principal Amount

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the Bonds of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"), authorized pursuant to the bond ordinances of the Township heretofore adopted and described in Section 2 hereof shall be combined into a single and combined issue of Golf and Recreational Utility Bonds in the aggregate principal amount of \$1,700,000.

The principal amount of Bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing the Bonds described by reference to the number, the improvement description and the date of adoption, and the period or average period of usefulness determined in each of the bond ordinances are respectively as follows:

Bond Ordinance Number	Principal Amount of Bonds	Description of Improvement and Date of Adoption of Ordinance	Useful Life
20-04	\$400,000	The replacement of the irrigation system at the Knoll West Golf Course at the Golf and Recreational Utility, finally adopted February 18, 2020.	15 years
20-23	\$1,300,000	Various improvements to the Golf and Recreational Utility, finally adopted July 21, 2020.	10.93 years
TOTAL	\$1,700,000		11.88 years

The following matters are hereby determined with respect to the combined issue of Bonds:

The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average period of usefulness therein determined, is not less than 11.88 years.

The Bonds of the combined issue shall be designated "Golf and Recreational Utility Bonds" and shall mature within the average period of usefulness herein determined.

The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local Bond Law applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

The following additional matters are hereby determined, declared, recited and stated:

None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded and now remain in full force and effect as authorizations for the respective amounts of Bonds set opposite the descriptions of the bond ordinances in Section 2.

The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are all purposes for which no deduction may be taken in any annual or supplemental debt statement.

This resolution shall take effect immediately.

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

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

VII. CONSENT AGENDA

A. RESOLUTIONS

- 1. Authorizing the Reduction of Performance Guarantees-ON***
- 2. Special Item of Revenue – Target Youth Soccer Grant-ON***

3. **Special Item of Revenue – Alcohol Ed Rehab Fund – DWI-ON***
4. **Special Item of Revenue – Federal Body Armor Fund-ON***
5. **Special Item of Revenue – Donation- Spencer Savings Bank PPE Equipment-ON***
6. **Tax Appeal Settlement – US Reif Morris Property, LLC vs. Township of Parsippany-Troy Hills-ON***
7. **Contract to VNL Inc. for Klondike Booster Station Upgrades-ON***
8. **Shared Services Agreement Between the Township of Parsippany-Troy Hills and the Morris County Municipal Utilities Authority-ON***
9. **Execution of an Encroachment Agreement for Right of Way Delanco Drive, Block 306, Lot 1 (544 Allentown Road)-ON***
10. **Release of Performance Guarantee – Caggiano Properties, LLC-ON***
11. **Release of Performance Guarantee – Tabor Lake Corporation-ON***
12. **Contract for Professional Consulting and Engineering Services to Joseph F. Beckmeyer Consultants, LLC-ON***
13. **Execution of an Amendatory Agreement to Retail Water Service Agreement-ON***

B. APPLICATIONS

1. **Retail Liquor License Renewal for Licensing Term October 1, 2020 through June 30, 2021 – New Jersey Cinema Investments, LLC t/a Cinopolis Luxury Cinemas-ON***

C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the 10/2/20 regular payroll estimated at \$1,600,000 each
2. Payment of bills from voucher list of 10/1/20 through 10/3/20 estimate totaling \$1,820,846.42

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

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

VIII. EXECUTIVE SESSION

A. RESOLUTION

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

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

WHEREAS, the Township Council wishes to discuss: **Attorney/Client Privileged: State Alcohol Beverage Commission-Hotel Liquor License Regulations – PAR Miller’s Ale House; Acquisition of Property: Storm Water Drainage Easement-Corvelli-750 Edwards Road, Block 766, Lot 6; Potential Litigation: Estate of John Montefusco**

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 Mr. Carifi, Seconded By Ms. Peterson.

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

Motion to Reconvene into Open Session 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. Gragnani.

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

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: November 24, 2020