

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF OCTOBER 20, 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 Council Member 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. 11/10/20 @ 7:00 p.m. Agenda Meeting
2. 11/24/20 @ 7:00 p.m. Regular Meeting

E. APPROVAL OF MINUTES

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

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

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

II. PRESENTATION(S)/REPORTS

A. MAYOR – the Mayor officially welcomed CFO Juan Uribe to the Township and wished Business Administrator, Frederick Carr, a happy birthday.

B. TOWNSHIP COUNCIL

Ms. McCarthy requested Kevin Brancato to give the Council an update on the River Friendly Program.

Kevin Brancato presented on the River Friendly Program. Mr. Brancato explained what the program is, stating that it is a certification program that is voluntary; it is a collaborative certification partnership between the NJ Water Supply Authority and golf courses. There are four river friendly programs; residents, schools, businesses, and golf courses. The Knoll Golf is working on such a program, and the program focuses on having written documents procedures regarding pesticide, fertilizer management, site maps regarding application of such items, controlling goose population, soil sample testing, etc. Currently the Knoll meets most of the standards required by this program and will be submitting their application for review to be accepted in the program.

Mr. Carifi directed Business Administrator, Fred Carr, to look into two intersections in the area as he received complaints regarding accidents at these intersections and asked Mr. Carr if he could look into the possible placement of stop signs at these intersections. Mr. Carr stated that he will look into the matter.

Ms. McCarthy welcomed CFO, Juan Uribe. Ms. McCarthy asked if Mr. Homyak's remarks regarding mowing over plastic bags and wanted to know if it was addressed. Mr. Carr stated that what Mr. Homyak was referring to was being done by a private citizen but the Township employees are instructed to always remove such objects. Ms. McCarthy also inquired about Manor Dam and the situation with Ms. Ugarte. Mr. Carr stated that they will continue maintenance on that area but will not provide her an easement on public land.

Ms. Gragnani inquired about the COVID 19 situation and wanted to know if there was a recent spike in Parsippany. Mayor Soriano stated that there has been a recent increase overall.

C. TOWNSHIP ATTORNEY – no report

D. BUSINESS ADMINISTRATOR – stated that Moody's reported on our credit rating and we are maintaining our credit rating of a Double AA.

E. TOWNSHIP CLERK – stated that with the upcoming November 3rd election, there is information on the website, the Focus and the Mayor's social media, regarding voting and polling locations. In addition, the Township has a ballot box where any resident of the County can drop off their ballots.

F. TOWNSHIP OFFICES COMMITTEES/REPORTS – No report

III. BIDS

A. Taken

1. 9/16/20 - Klondike Booster Station Upgrades
2. 10/1/20 – Yard Waste Transportation and Disposal/Recycling
3. 10/7/20 – Third Party Billing for Ambulance Services for EMS
4. 10/29/20 – SCADA System Improvements – Phase II

B. To Be Taken

1. 11/5/20 – Knoll Recreation Area Sanitary Sewer Improvements Project

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 Peterson followed by a roll call with all the Council Members answering Yes

Sumit Maybury, stated that the roads in his neighborhood need repair and temporary patchwork is not working.

Nitin Shinoy, a resident of Glenmont Commons and a neighbor of the above individual who had the same concern regarding the condition of the roads.

Suresh Emitbar, a resident of Glenmont Commons and a neighbor of the above individual who had the same concern regarding the condition of the roads.

Vijay Penshenia, a resident of Glenmont Commons and a neighbor of the above individual who had the same concern regarding the condition of the roads.

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 2020:30

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

2. ORDINANCE 2020:31

AUTHORIZING THE TOWNSHIP TO ACQUIRE STORM WATER DRAINAGE EASEMENT ON A PORTION OF LOTS 6,8 AND 9 IN BLOCK 766

BE IT RESOLVED that the above Ordinances be introduced, read by title, and passed on first readings at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **October 20, 2020** and that said Ordinances be further considered for second readings and final passages at a Meeting to be held on **November 24, 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 Ordinances.

BE IT FURTHER RESOLVED that the Clerk be authorized and directed to advertise said Ordinances with the Notices 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

B. SECOND READING & PUBLIC HEARING

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

WHEREAS, the Township of Parsippany-Troy Hills (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township is the owner of certain real property commonly known as Block 494, Lot 1 on the tax map of the Township (the “**Site**”), and located in the County of Morris, State of New Jersey; and

WHEREAS, it is necessary to provide electrical service for the use and benefit of the Knoll Recreation Area Pump Station, which is located on the Site (the “**Project**”); and

WHEREAS, such electrical service will necessitate the construction and maintenance of a utility pole and related equipment (the “**Facilities**”) on, over, under and across the Site; and

WHEREAS, Jersey Central Power and Light Company and Verizon of New Jersey, Inc. (the “**Grantees**”) have requested an easement, substantially in the form attached hereto as **Exhibit A** (the “**Easement**”), for the construction, installation, operation, maintenance, repair, and replacement of the Facilities, which will be in furtherance of the Project, and for access to the Site in connection with said Project; and

WHEREAS, the Township is desirous of conveying the Easement to the Grantees in order to effectuate the Project at the Site under the terms and conditions described therein; and

WHEREAS, pursuant to the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et seq.*, an ordinance is required to authorize and approve the attached Easement; and

WHEREAS, the Township Council finds and declares that the execution of the Easement furthers the welfare of the Township and its residents.

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

1. That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full;
 2. That the Mayor be and hereby is authorized to execute, and the Township Clerk be and hereby is authorized to attest, the Easement, by and between the Township of Parsippany-Troy Hills, and Jersey Central Power and Light Company and Verizon of New Jersey, Inc., in a form substantially similar to that attached hereto as **Exhibit A**, and as acceptable to the Township Conflict Attorney; and
 3. This Ordinance shall take effect after final adoption as provided by law.
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The Notice for the Ordinance above was published in the Daily Record, the official newspaper of the Township of Parsippany-Troy Hills on September 22, 2020. The Ordinance was introduced at the September 15, 2020 Regular Meeting.

Motion to accept that Ordinances 2020:27 be heard in its second and final reading by title only, by Mr. Carifi, seconded by Ms. Peterson.

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

a. PUBLIC HEARING 2020:27

Motion to open the public hearing for Ordinance 2020:27 by Mr. Carifi, seconded by Ms. Gragnani.

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

b. Motion to close the public hearing for Ordinance 2020:27 by Mr. Carifi, seconded by Ms. Gragnani.

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

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

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

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

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

VI. NON-CONSENT AGENDA

A. RESOLUTIONS

1. R2020-200 Adoption of the 2020 Morris County, New Jersey Hazard Mitigation Plan Update

WHEREAS, all jurisdictions within Morris County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Morris County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Morris County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Township of Parsippany-Troy Hills:

- 1) Adopts in its entirety, the 2020 Morris County Hazard Mitigation Plan Update (the “Plan”) as the jurisdiction’s Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.
- 2) Will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.
- 3) Will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.
- 4) Will continue its support of the Mitigation Planning Committee as described within the Plan.
- 5) Will help to promote and support the mitigation successes of all participants in this Plan.
- 6) Will incorporate mitigation planning as an integral component of government and partner operations.
- 7) Will provide an update of the Plan in conjunction with the County no less than every five years.

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

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

2. R2020-201 Authorizing the Sustainable Jersey Grant Application

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Parsippany-Troy Hills strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Township of Parsippany-Troy Hills is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey, Gardinier — Environmental Fund Grants Program;

THEREFORE, the Mayor and Township Council of the Township of Parsippany-Troy Hills has determined that the Township of Parsippany-Troy Hills should apply for the aforementioned Grant.

THEREFORE, BE IT RESOLVED, that the Mayor and Township Council of the Township of Parsippany-Troy Hills, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

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

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

3. R2020-202 Authorizing 2020 ROID Grant Application

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

Be it therefore RESOLVED,

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

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

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

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

4. R2020-203 Authorizing Execution of Amended Affordable Housing Contribution Agreement with Waterview Marketplace LLC and Fair Share Housing Center

WHEREAS, on July 8, 2015, the Township filed a Declaratory Judgment Complaint in the Superior Court, Law Division, Morris County, (the “DJ Action”), pursuant to *In re N.J.A.C. 5:96 and 5:97, 221 N.J. (2015) (Mount Laurel IV)*, seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Compliance Plan (the “Compliance Plan”), as to be amended as necessary, satisfies its fair share of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, with the assistance of the Special Court Master appointed by the Court, the Township and the Fair Share Housing Center (“FSHC”) engaged in negotiations regarding the Township’s affordable housing obligations and the compliance techniques necessary for the Township to satisfy its fair share of the regional need for very low-, low- and moderate-income housing; and

WHEREAS, the negotiations between the Township and the FSHC resulted in a settlement agreement between them, executed by the Township on April 11, 2019 (the “Settlement Agreement”), wherein the Township and the FSHC agreed that, through the Township’s adoption and implementation of a Compliance Plan conforming to the terms of the Settlement Agreement, it satisfies its affordable housing obligations under the Mount Laurel doctrine and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.(the “FHA”), for the Prior Round (1987-1999) and Third Round (1999-2025); and

WHEREAS, the Settlement Agreement provides, among other things, that funds in the amount of \$600,000 (the “Affordable Housing Contribution”) to be received by the FSHC from RD Realty, LLC, pursuant to a stipulation of dismissal executed by the parties in *Fair Share Housing Center v. Township of Parsippany-Troy Hills and RD Realty, LLC*, Docket No. MRS-L-220-16 (the “FSHC/RDR Settlement”), shall be paid by RD Realty to the Township’s Affordable Housing Trust Fund – specifically, \$300,000 of the Affordable Housing Contribution shall be for payment to Homeless Solutions, Inc. for the development of affordable housing in the Township, and that the remaining funds (\$300,000) shall be used for affordable housing in the Township; and

WHEREAS, a proposed Affordable Housing Contribution Agreement (the “Funding Agreement”) was presented to the Township by RD Realty, for execution by the Township with Waterview Marketplace, LLC, (“Waterview”) the successor in interest to RD Realty and FSHC; and

WHEREAS, the Funding Agreement sets forth the parties' rights and obligations with respect to the payment of the Affordable Housing Contribution to the Township as set forth in the Settlement Agreement and the schedule and timing for such payment to the Township; and

WHEREAS, the Funding Agreement was approved and signed by Waterview and FSHC; and

WHEREAS, the Township previously approved the Funding Agreement; and

WHEREAS, due to unforeseen circumstances, the Funding Agreement required revision to reflect a new schedule for the payment of the Affordable Housing Contribution to the Township as set forth in the Settlement Agreement; and

WHEREAS, the Funding Agreement has been amended to set forth the new payment schedule ("Amended Funding Agreement"); and

WHEREAS, the Amended Funding Agreement was approved and signed by Waterview and FSHC.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills hereby approves the execution of the Amended Affordable Housing Contribution Agreement with Waterview Marketplace LLC and Fair Share Housing Center.

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 Mr. Carifi, seconded by Ms. Gragnani.

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. R2020-186*Authorizing the Reduction of Performance Guarantees

WHEREAS, on November 16, 2016, Watersedge at Parsippany, L.L.C. (“Watersedge”) posted a performance guarantee in the form of a Standby Letter of Credit No. OD16002238 issued by Valley National Bank in the amount of \$832,625.00 (the “Letter of Credit”) with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey (“Township”) in connection with site work on Intervale Road, Block 450, Lots 14, 15, 16 and 17 on the tax map of the Township (the “Project”); and

WHEREAS, Watersedge also posted a performance guarantee in the form of a cash bond in the amount of \$92,513.00 with the Township in connection with the Project; and

WHEREAS, the total original amount of the performance guarantees equaled \$925,138.00; and

WHEREAS, the \$92,513.00 cash bond has been previously released by the Township; and

WHEREAS, Justin Lizza, the Township Engineer, has recommended in an interoffice memorandum dated September 1, 2020 that the total original amount of the performance guarantees be reduced by 70%, as inspections have been made regarding the Project and the work related to the Project is more than 70% satisfactorily completed; and

WHEREAS, in order to reduce the total original amount of the performance guarantees by 70%, the Letter of Credit would be reduced by approximately 67%, leaving a balance of \$277,541.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that in accordance with the requirements of N.J.S.A. 40:55D-53 and Parsippany Code §225-49, the Letter of Credit is hereby reduced so that the balance of the Letter of Credit is \$277,541.00, to be released at the time of Project completion and acceptance.

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.

2. R2020-187*Special Item of Revenue – Target Youth Soccer Grant

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: Target Youth Soccer Grant Amount: \$1,000.00

Appropriation Title: Target Youth Soccer Grant Amount: \$1,000.00

Local Match - Source: _____ Amount: \$ _____

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

3. R2020-188*Special Item of Revenue – Alcohol Ed Rehab Fund – DWI

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: Alcohol Ed Rehab Fund – DWI Amount: \$416.77

Appropriation Title: Alcohol Ed Rehab Fund – DWI Amount: \$416.77

Local Match - Source: _____ Amount: _____

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

4. R2020-189*Special Item of Revenue – Federal Body Armor Fund

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

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

WHEREAS, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 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: **Federal Body Armor Fund** Amount: **\$12,804.75**

Appropriation Title: **Federal Body Armor Fund** Amount: **\$12,804.75**

Local Match - Source: _____ Amount: \$ _____

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

5. R2020-190*Special Item of Revenue – Donation- Spencer Savings Bank PPE Equipment

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: **Donation – Spencer Savings Bank PPE Equipment-** Amount: **\$1,800.00**

Appropriation Title: Donation – Spencer Savings Bank PPE Equipment Amount: \$1,800.00

Local Match - Source: _____ Amount: _____

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

6. R2020-191*Tax Appeal Settlement – US Reif Morris Property, LLC vs. Township of Parsippany-Troy Hills

WHEREAS, US Reif Morris Property , LLC, the owners of the property located at 369-379 Interpace Parkway, designated as Block 136, Lot 36.06 on the official tax map of the Township of Parsippany-Troy Hills (“Subject Property”), have filed appeals pending before the Tax Court of New Jersey to challenge the tax assessment on the Subject Property for tax years 2016 and 2017; and

WHEREAS, the parties have engaged in discovery and settlement negotiations; and

WHEREAS, as a result of that discovery and settlement negotiations, a settlement has been reached upon the recommendation and concurrence of the Township Attorney, Township Appraiser and Township Assessor; and

WHEREAS, the taxpayer has agreed to waive all interest due on any refund providing that same is paid by the municipality within sixty (60) days from the date of entry of the Tax Court Judgment; and

WHEREAS, the Township Attorney, Special Tax Counsel, Township Appraiser and the Tax Assessor have all recommended said settlement to the Township Council; and

WHEREAS, the Township Council is of the opinion that said settlement is in the best interests of the Township of Parsippany-Troy Hills;

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

1. Settlement of the appeal for Tax Year 2016 is authorized as follows:

	<u>Original Assessment</u>	<u>Settlement Amount</u>
Land	\$17,146,400.00	\$17,146,400.00
Improvement	<u>\$10,960,600.00</u>	<u>\$ 9,960,600.00</u>
Total	\$28,107,000.00	\$27,107,000.00

2. Settlement of the appeal for Tax Years 2017 is authorized as follows:

	<u>Original Assessment</u>	<u>Settlement Amount</u>
Land	\$17,146,400.00	\$17,146,400.00
Improvement	<u>\$10,960,600.00</u>	<u>\$ 8,710,600.00</u>
Total	\$28,107,000.00	\$25,857,000.00

NOW, THEREFORE, BE IT RESOLVED, that all municipal officials are hereby authorized to take whatever action may be necessary to implement the terms of the resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey, that the settlement in this matter as set forth herein above, be and the same is approved, and Counsel if hereby authorized and directed to affect said settlement.

7. R2020-192*Contract to VNL Inc. for Klondike Booster Station Upgrades

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Klondike Booster Station Upgrades on September 16, 2020, and

WHEREAS, the Director of Purchasing, Purchasing Assistant, Water Superintendent, Assistant Water Superintendent and Consulting Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, VNL Incorporated, 158 Old Turnpike Road, Califon, NJ 07830 for the Total Bid Price of \$310,382.00, and

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

Water Capital Ordinance #: 2019:13 adopted June 25, 2019, entitled,
“Various Improvements”.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Klondike Booster Station Upgrades 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.

8. R2020-193*Shared Services Agreement Between the Township of Parsippany-Troy Hills and the Morris County Municipal Utilities Authority

WHEREAS, the Morris County Municipal Utilities Authority (MCMUA) and Township of Parsippany-Troy Hills (Township) each provide the sharing of Public Works equipment and personnel to provide Public Works services, general maintenance and related services; and

WHEREAS, the MCMUA and the Township have determined that given the State mandated budget cap and in the interest of reducing costs and maintaining critical services, it would be mutually beneficial to share certain services where each party has the available equipment, supplies, or manpower without impairing its ability to provide those services for its own needs; and

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., the Township and MUA are encouraged and authorized to enter into agreements which promote the sharing and/or consolidation of services; and

WHEREAS, the Shared Services Agreement shall commence retroactively on September 1, 2020 and be automatically renewed for a five (5) year term, subject to the cost increases and other terms and condition set forth therein, unless one or both parties terminate the Agreement no later than six (6) months prior to the end of the first term of the Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills in the County of Morris and State of New Jersey that, in accordance with the Uniform Shared Services Act, N.J.S.A. 40A:65-1 et seq., the Township Council hereby approves the shared services arrangement with the Morris County Municipal Utilities Authority for the sharing of Public Works equipment and personnel to provide Public Works services, general maintenance and related services. The Mayor and Township Clerk are hereby authorized and directed to execute the Shared Services Agreement in a form satisfactory to the Business Administrator and Township Attorney.

BE IT FURTHER RESOLVED, that the Township Attorney is hereby authorized and directed to further negotiate the terms and conditions of said agreement.

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.

9. R2020-194*Execution of an Encroachment Agreement for Right of Way Delanco Drive, Block 306, Lot 1 (544 Allentown Road)

WHEREAS, Consolacion Navarro, Rodrigo Navarro and Felix Pabalan, Jr. (“Owners”) are the owners of real property located at Lot 1 in Block 306 on the tax assessment map of the Township of Parsippany commonly known as 544 Allentown Rd. (hereinafter “the Subject Property”); and

WHEREAS, the Subject Property is improved with a residential structure, wood walk, and other appurtenant structures, including a gravel and asphalt driveway (the “Improvements”); and

WHEREAS, in accordance with N.J.S.A. 40:67-1 et seq., and Chapter 225-70 of the Municipal Code of the Township, Township has established a public street known as Delanco Drive which is adjacent to the Subject Property; and

WHEREAS, as depicted on the Location Survey of Lot 1, Block 306 dated May 12, 2015 certified by Donald P. Sweeney, P.L.S. of D.P. Sweeney & Associates, Inc., there are several encroachments from the Subject Property onto the Township's right of way of Delanco Drive, including a wood walk encroachment, a gravel and asphalt driveway encroachment, and portion of a 1 story frame dwelling encroachment, (collectively, the "Encroachments"); and

WHEREAS, there exists a need for the Township to ensure that the Encroachments are properly maintained by the Owners; and

WHEREAS, accordingly, the Township desires to enter into an encroachment agreement with the Owners to permit the Encroachments as they exist on the date of the agreement, subject to the terms and conditions set forth therein.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Township Council hereby approves of an encroachment agreement. The Mayor and Township Clerk are hereby authorized to execute an agreement in a form acceptable to the Business Administrator and Township Attorney.

BE IT FURTHER RESOLVED, that the Township Attorney is hereby authorized and directed to further negotiate the terms and conditions of said agreement.

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.

10. R2020-195*Release of Performance Guarantee – Caggiano Properties, LLC

WHEREAS, **Caggiano Properties, LLC** posted a performance guarantee in the form of a Performance Surety Bond, No. S314648, issued by NGM Insurance Company in the amount of \$375,600.24 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project located at 272 Parsippany Road, Block 393, Lot 1; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated September 21, 2020 that said performance bond be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Performance Bond, No. S314648 posted by **Caggiano Properties, LLC** be and the same are hereby released.

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

11. R2020-196*Release of Performance Guarantee – Tabor Lake Corporation

WHEREAS, **Tabor Lake Corporation** posted a performance guarantee in the form of a Performance Surety Bond, No. B1151878 aka B1057940, issued by Selective Insurance Company of America in the amount of \$10,500.00 with the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey in connection with the project located at Tabor Lake, Block 18, Lot 7; and

WHEREAS, Justin Lizza, Municipal Engineer, recommended in an interoffice memorandum, dated September 28, 2020 that said performance bond be released as the site work has been satisfactorily completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that Performance Bond, No. B1057940 posted by **Tabor Lake Corporation** be and the same are hereby released.

BE IT FURTHER RESOLVED, this resolution shall take effect immediately.

12. R2020-197*Contract for Professional Consulting and Engineering Services to Joseph F. Beckmeyer Consultants, LLC

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

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

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

WHEREAS, the Business Administrator and the Mayor have recommended that a one-year Contract be awarded to Joseph F. Beckmeyer Consultants, LLC for a total fee of \$178,500.00; and

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

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

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

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

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify to the availability of funds in the Sewer Other Expenses – 270 Consulting Services account 2020 Budget Sewer Other Expenses and that funds will be made available in the 2021 Temporary Budget Sewer Other Expenses – 270 Consulting Services account.

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

1. That the aforesaid recitals be and hereby are adopted and incorporated herein as if repeated in full; and
2. That the Township Council of the Township of Parsippany-Troy Hills hereby authorizes the Mayor to enter into a contract with Joseph F. Beckmeyer Consultants, LLC, 1795 Mill Creek Road, Manahawkin, New Jersey 08050 for professional consulting services by an Engineering Consultant and S4/C4 NJDEP Wastewater Treatment/Collection Licensed Operator for the Township's Wastewater Treatment Plant and Wastewater Collection System, for a one year total fee for services of \$178,500.00; and
3. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certification of Extraordinary Unspecifiable

Services be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and

4. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5; N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.4; and is a limited exception to public advertising and bidding requirements by virtue of N.J.S.A. 40A:11-5(1)(bb); and
5. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

13. R2020-198*Execution of an Amendatory Agreement to Retail Water Service Agreement

WHEREAS, the Southeast Morris County Municipal Utilities Authority, a body corporate and politic of the State of New Jersey, having its offices at 19 Saddle Road, Cedar Knolls, New Jersey 07927 (hereinafter referred to as “the Authority”), and the Township of Parsippany-Troy Hills (the “Township”) are parties to a certain Water Supply Agreement, dated January 21, 1977 (the “Bulk Sales Agreement”) whereby the Authority agreed to sell and the Township agreed to purchase a supply of water at the Authority's bulk sales rate as set forth in its Rules and Regulations for Water Service; and

WHEREAS, Article 1, Section B of The Bulk Sales Agreement requires the Township to purchase a minimum quantity of 30,000 gallons of water daily from the Authority (the “Minimum Purchase Requirement”); and

WHEREAS, the Authority and the Township are also parties to a certain agreement for the sale of water at retail rates dated December 3, 2019 (the “Retail Service Agreement”), which provides for the sale of water at the Authority’s retail rates to certain specified properties in the Township (the “Retail Service Properties”); and

WHEREAS, Section 11 of the Retail Service Agreement provides that “... the volume of water sold to customers at the Retail Service Properties shall count as purchased under the Bulk Sales Agreement for purposes of determining whether the [M]inimum [P]urchase [R]equirement set forth in Article 1, Paragraph B of the Bulk Sales Agreement has been met by the Township”; and

WHEREAS, there exists a need for the Township to amend the Bulk Sales Agreement to make it consistent with the Retail Service Agreement with respect to the Minimum Purchase Requirement of the Township; and

WHEREAS, accordingly, the parties have agreed to amend the Bulk Sales Agreement to make it consistent with the Retail Service Agreement with respect to the Minimum Purchase Requirement of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Township Council hereby approves of an amendatory agreement to the Bulk Services Agreement (“Amendatory Agreement”). The Mayor and Township Clerk are hereby authorized to execute an agreement in a form acceptable to the Business Administrator and Township Attorney.

BE IT FURTHER RESOLVED, that the Township Attorney is hereby authorized and directed to further negotiate the terms and conditions of said agreement.

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.

B. APPLICATIONS

1. R2020-199* Retail Liquor License Renewal for Licensing Term October 1, 2020 through June 30, 2021 – New Jersey Cinema Investments, LLC t/a Cinepolis Luxury Cinemas

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 License be renewed for the licensing term, October 1, 2020 through June 30, 2021:

1429-33-026-007 New Jersey Cinema Investments LLC, trading as Cinepolis Luxury Cinemas for premises located at 3165 US Highway 46, Parsippany, NJ

VIII. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Ann Cucci recommends authorization for payment:

1. Authorize payment of the October 16, 2020 regular and miscellaneous payroll estimated at \$1,600,000.00
2. Payment of bills from voucher list of 10/15/20 through 10/17/20 is \$4,293,876.65

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

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: 1515 Route 10 – Stanbery Redevelopment Plan and Redevelopment Agreement**

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. Gragnani.

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. Peterson.

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

Respectfully submitted,

Khaled Madin, Township Clerk

Regular Meeting 10/20/20

Michael J. dePierro, Council President

Minutes Approved: December 15, 2020