

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF NOVEMBER 24, 2020

I. INTRODUCTION

Meeting was called to order at 7:00 pm by Municipal Clerk Khaled who read the following statement into the record:

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 18, 2019 where it has remained posted since that date. A legal notice appeared in the Daily Record and the Newark Star Ledger on December 23, 2019 and was forwarded by fax to other local newspapers on December 18, 2019.

A flag salute occurred followed by roll call with the following answering roll call; Council President Carifi, Council member dePierro, Council member Gragnani, Council member McCarthy and Councilmember Peterson. Other members of the administration present at the meeting; Business Administrator Frederick Carr, Township Attorney James Lott, Township Clerk Khaled Madin

D. UPCOMING MEETINGS:

1. 12/1/20 @ 7:00 p.m. Agenda Meeting
2. 12/15/20 @ 7:00 p.m. Regular Meeting

E. APPROVAL OF MINUTES

1. Agenda Meeting – 10/6/20
2. Regular Meeting – 10/20/20
3. Special Meeting – 9/9/20

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

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

II. PRESENTATION(S)/REPORTS

A. MAYOR

1. Presented a Proclamation for Small Business Saturday

- B. TOWNSHIP COUNCIL – Mr. dePierro stated that he received an email from Adam Virilo and is concerned that a developer will be tearing down Zeris restaurant and replacing it with a motel and a gas station. The Zeris is located in Mountain Lakes and so Parsippany cannot get involved; however, Mayor Soriano stated the he plans on attending the Planning Board meeting and wanted to voice concern on behalf of residents about traffic on Fox Hill road. Ms. Peterson stated that she had a couple of questions. Ms. Peterson requested an update on the cases of COVID19 in Townhall; Mr. Carr stated that he will address that during his report.
- C. TOWNSHIP ATTORNEY – no report
- D. BUSINESS ADMINISTRATOR – Mr. Carr stated that Parsippany-Troy Hills has 1349 lab confirmed cases of COVID of which there were 84 lab confirmed deaths. Included in those numbers are 17,158 negative COVID test. Regarding the Township, we still have some employees out in the downstairs area but they are open for business, and employees who are sick have been told to stay home. The Township will remain open at this point. Mr. Carr stated that many departments will be utilizing the A Team B Team approach where only certain employees will be in at designated times.

Ms. Gragnani stated that we had several cases on the main level in Town Hall and wanted to confirm that the employees who are sick are being quarantined for 2 weeks. Mr. Carr stated that the Health Department makes those calls based on the CDC guidelines. Ms. Gragnani asked if the Township is taking temperatures of the employees before they come to work and Mr. Carr stated that the Township is practicing self-evaluation. Ms. Gragnani inquired if the bathrooms are being cleaned and Mr. Carr stated daily. Ms. Gragnani asked why they are not being cleaned every couple of hours because we have men and women using the same bathroom, and also stated that she does not understand why the Township has not closed the second floor like they closed the first floor when there was a COVID infection. Mr. Carr stated that the second floor was closed because there was an outbreak and that was not the case for the first floor. Ms. Gragnani stated that she feels very strongly about Townhall being closed to the residents.

Ms. Peterson wanted to share her experience in the corporate world. Ms. Peterson stated that any reported case of COVID is treated as disaster for only one case and there is a certain cavaliness that is coming across in the lack of defenses for our employees that she finds problematic and it is our responsibility to take care of our employees. Ms. Peterson stated that the optics are terrible and we are modeling the behavior that we want to see in the residents of this town, so if we are cavalier then we can expect the residents to behave in the same manner. Ms. Peterson stated that the CDC has clear guidelines that if you have are positive you are quarantined for 10 days and if you have symptoms then you are quarantined for 10 day from the onset of your symptoms and fever free for 24 without medications and if you have been around a person who has tested positive you are to be quarantined for 14 days that means any person in an office masked or not should be quarantined for 14 days and I

do not feel confident that those three nationally mandated steps have not been taken and so we are asking you to reevaluate your protocols to bring a sense of safety to the employees. Mr. Carr stated the he respectfully disagrees as all the proper protocols have been followed.

Mayor Soriano stated that to say that the Administration has not done anything is an exaggeration as we have separated the employees and are in A and B teams to separate employees. We also have put shields up in all departments where the public interacts with employees for protection. Mayor Soriano stated that the HVAC systems are also two separate systems with filters and that should be kept in mind. So as long as employees are wearing their masks everyone will remain safe.

Ms. McCarthy asked if the public is aware that there are employees that contracted COVID. Mr. Carr stated that the public has been alerted as every door coming into Town Hall there are signs posted. Mr. Carifi suggested that the Township make is by appointment only where residents would have to make an appointment prior to coming in. Mr. Carr stated that if they close Town Hall then they would do that.

E. TOWNSHIP CLERK- no report

F. TOWNSHIP OFFICES COMMITTEES/REPORTS – no report

G. CORRESPONDENCE – none

III. BIDS

A. 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

B. To Be Taken

1. 11/18/20 – Knoll Recreation Sanitary Sewer Improvements

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

Ken Dolsky, thanked the Council for their diligent probing questions on how the pandemic being handled. Mr. Dolsky stated that he believes it is risky to rely on personal handling of people reporting systems. Mr. Dolsky stated that we should have daily updates to see what is going on and if there are any opportunities to improve the situation.

Ramakumar Sridarth, inquired about Glenmont Common Association regarding the dedication of the roads in that area. He stated the condition of the roads is not good and wanted to know who is responsible for fixing the roads in the Glenmont Common Area. The Administration stated that they are looking into this matter and will report back once they have an answer.

Vamsi Pundla, wanted to bring to items, the first is the sewer lines on Old Dover Road were not paved well and that entire area is full of potholes which are very hazardous to the residents and the vehicles. The second item is that the Administration promised they will acquire the land for Vigilante Park but nothing has been done. Mayor Soriano responded that the groundbreaking happened for the park and that it was a wonderful gift the developer gave to the Township and that the Township asked to take a soil sample of the land but the developer refused and so the Township cannot proceed as it is a park for children and the Township must take the precautionary step to take the soil sample.

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. 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 Privilege and Contract Negotiations – 1515 Route 10 Stanbery – Amendments to Stanbery Redevelopment Plan/Redevelopment Agreement/Financial (PILOT Tax Exemption) Agreement and MCIA Redevelopment Bond Financing Application**

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

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

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

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

VI. ORDINANCES

A. INTRODUCTION

1. ORDINANCE 2020:32

AMENDING AND SUPPLEMENTING CHAPTER 4, ADMINISTRATION OF GOVERNMENT, TO TRANSFER THE DIVISION OF PARKS AND FORESTRY TO THE DEPARTMENT OF PUBLIC WORKS AND ESTABLISH THE DEPARTMENT OF RECREATIONAL SERVICES

2. ORDINANCE 2020:33

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AUTHORIZING THE TOWNSHIP TO CONVEY PROPERTY VIA QUIT CLAIM DEED

3. ORDINANCE 2020:34

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, AMENDING THE REDEVELOPMENT PLAN FOR BLOCK 200, LOT 1.2 AND LOT 1.03 AND REFERRING SAID AMENDMENT TO THE PLANNING BOARD FOR REVIEW AND COMMENT IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

4. ORDINANCE 2020:35

ORDINANCE OF THE TOWNSHIP OF PARSIPPANY TROY-HILLS, IN THE COUNTY OF MORRIS AUTHORIZING THE EXECUTION OF AMENDED FINANCIAL AGREEMENTS WITH THE DISTRICT AT 1515 URBAN RENEWAL, LLC AND THE DISTRICT AT 1515 URBAN RENEWAL II, LLC, GRANTING A TAX EXEMPTION WITH RESPECT TO THAT CERTAIN PROPERTY IDENTIFIED AS BLOCK 200, LOT 1.2 AND LOT 1.03 IN ACCORDANCE WITH THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ., AND REDEVELOPMENT

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 **November 24, 2020** and that said Ordinances be further considered for second readings and final passages at a Meeting to be held on **December 15, 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 for Ordinance 2020:32 & 2020:33 by Ms. Peterson, seconded by Mr. Carifi.

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

Motion to approve the above Resolution for Ordinance 2020:34 & 2020:35 by Ms. Peterson, seconded by Mr. Carifi.

ROLL CALL-YES-Mr. Carifi, Ms. Peterson, Mr. dePierro
NO - Ms. Gragnani, Ms. McCarthy

B. SECOND READING & PUBLIC HEARING

1. ORDINANCE 2020:30

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

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than 2/3 majority of all members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. For the purpose of paying contractually required severance liabilities resulting from the retirement of employees, there is hereby appropriated the sum of \$631,671 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53(h).

SECTION 2. The authorization to finance the appropriation shall be provided for in the 2016 budget and in succeeding budgets by the inclusion of a least 1/5 of the amount authorized pursuant to N.J.S.A. 40A:4-55.

SECTION 3. The ordinance shall take effect on the later of twenty (20) days after its final passage by the Council and approval by the Mayor as provided by N.J.S.A 40:49-27.

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

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. (the "LLBL"), a municipality may acquire any interest in real property by voluntary sale; and

WHEREAS, pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1 et seq., a municipality may acquire any interest in real property by condemnation; and

WHEREAS, the Township is charged with maintaining Township streets and right of way in order to protect the health, safety and welfare of the Township and its residents; and

WHEREAS, in order to properly maintain the safety and efficacy of the street adjoining the property designated as Lots 6, 8 and 9 in Block 766, also known as 750 Edwards Road (the "Property") having an owner known as 750 Edwards Rd., L.L.C., it is necessary for the Township of Parsippany-Troy Hills (the "Township") to acquire a storm water drainage easement on a portion of the Property; and

WHEREAS, the Township Council has determined it to be in the best interests of the citizens of the Township to acquire a storm water drainage easement on the Property, by voluntary sale or by condemnation;

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:

1. The Township Council hereby authorizes the Township to acquire a drainage easement on the Property by voluntary sale or by condemnation. The Mayor and Township Clerk are hereby authorized to execute any documents necessary to effectuate the purposes of this Ordinance.

2. The Township and its officers, employees, agents, representatives and consultants are authorized pursuant to N.J.S.A. 20-3-16 to make preliminary entry onto the Property in order to make studies, surveys, tests, soundings, borings and appraisals reasonably necessary for the acquisition of the easement.
3. The Township Business Administrator is authorized subject to budgeted appropriated sums and in accordance with the Local Public Contacts Law, N.J.S.A. 40A:11-1 et seq., to hire such engineers, surveyors, appraisers, planners and environmental scientists reasonably necessary for the acquisition of the easement.
4. The form of acquisition of the drainage easement shall be acceptable to the Township Attorney or designated special counsel. The Township Attorney or designated special counsel is hereby authorized and directed to further negotiate the terms and conditions of the proposed form of agreements or condemnation proceedings. The Township Council hereby authorizes and approves any non-substantive modifications to the proposed forms of agreement or condemnation proceedings as may be recommended and approved by the Township Administrator and Township Attorney or designated special counsel prior to execution.
5. 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.
6. 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.
7. 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 October 27, 2020. The Ordinances were introduced at the October 20, 2020 Regular Meeting.

Motion to accept that Ordinances 2020:30 and 2020:31 be heard in their second and final reading 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 2020:30 and 2020:31

Motion to open the public hearing for Ordinance 2020:30 and 2020:31 by Mr. Carifi, seconded by Ms. McCarthy.

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

b. Motion to close the public hearing for Ordinance 2020:30 and 2020:31 by Mr. Carifi, seconded by Ms. Peterson.

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 ordinances be passed on final reading and that Notices 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. Gragnani

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

VII. NON-CONSENT AGENDA

A. RESOLUTIONS

None

VIII. 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. R2020-207*Authorizing a One Year Extension of Municipal Services Agreements

WHEREAS, the Municipal Services Act, N.J.S.A. 40:67-23.1 et seq., provides that a municipality, in lieu of providing certain municipal services to a qualified private community, may opt to reimburse said community for the cost of providing certain municipal services; and

WHEREAS, the Township is currently party to municipal services agreements with the following qualified private communities:

Par-Troy Condominium Association, c/o the Progressive Companies, 2 Sylvan Way, Suite 304, Parsippany, NJ 07054

Brookstone/Parsippany Homeowners Association, c/o Personal Management Services, PO Box 304, Newton, NJ 07860

Cambridge Village Condominium Association, c/o the Progressive Companies, 2 Sylvan Way, Suite 304, Parsippany, NJ 07054

Cedarbrook Condominium Association, c/o CedarCrest Property Management, 91 Clinton Road, Suite 2D, Fairfield, NJ 07004

Four Seasons Condominium Association, c/o CedarCrest Property Management, 91 Clinton Road, Suite 2D, Fairfield, NJ 07004

Mountain Club Condominium Association, c/o Corner Property Management, 2467 Route 10 East, Morris Plains, NJ 07950

Lincoln Gardens Condominium Associations, Gervin Management and Realty, LLC 1280 Route 46, Parsippany NJ 07054

Manor I Condominium Association, Gervin Management and Realty, LLC 1280 Route 46, Parsippany NJ 07054

Manor II Condominium Association, Gervin Management and Realty, LLC 1280 Route 46, Parsippany NJ 07054

Hunting Ridge Condominium Association, c/o Integra Management Group, 200 Valley Road, Suite 203, Mt. Arlington, NJ 07856

Sterling Mist Condominium Association, c/o Corner Property Management, 11 Cleveland Place, PO Box 297, Springfield, NJ 07081

Regular Meeting 11/24/21

WHEREAS, the Township Council desires to authorize a one (1) year extension of the municipal services agreements with each of the above qualified private communities for calendar year 2020 to reimburse those communities for the cost of providing certain municipal services incurred in calendar year 2019, subject to the same terms and conditions of the current agreements; and

WHEREAS, in accordance with the Act, the Township shall reimburse a qualified private community for those services at a rate not to exceed the cost that would be incurred by the Township in providing those service directly.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the Township Council hereby approves of a one (1) year extension to the municipal services agreements with the following qualified private communities for calendar year 2020 to reimburse those communities for the cost of providing certain municipal services incurred in calendar year 2019, subject to the same terms and conditions of the current agreements:

Par-Troy Condominium Association, c/o the Progressive Companies, 2 Sylvan Way, Suite 304, Parsippany, NJ 07054

Brookstone/Parsippany Homeowners Association, c/o Personal Management Services, PO Box 304, Newton, NJ 07860

Cambridge Village Condominium Association, c/o the Progressive Companies, 2 Sylvan Way, Suite 304, Parsippany, NJ 07054

Cedarbrook Condominium Association, c/o CedarCrest Property Management, 91 Clinton Road, Suite 2D, Fairfield, NJ 07004

Four Seasons Condominium Association, c/o CedarCrest Property Management, 91 Clinton Road, Suite 2D, Fairfield, NJ 07004

Mountain Club Condominium Association, c/o Corner Property Management, 2467 Route 10 East, Morris Plains, NJ 07950

Lincoln Gardens Condominium Associations, Gervin Management and Realty, LLC 1280 Route 46, Parsippany NJ 07054

Manor I Condominium Association, Gervin Management and Realty, LLC 1280 Route 46, Parsippany NJ 07054

Manor II Condominium Association, Gervin Management and Realty, LLC 1280 Route 46, Parsippany NJ 07054

Hunting Ridge Condominium Association, c/o Integra Management Group, 200 Valley Road, Suite 203, Mt. Arlington, NJ 07856

Sterling Mist Condominium Association, c/o Corner Property Management, 11 Cleveland Place, PO Box 297, Springfield, NJ 07081

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

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. R2020-208*Authorizing the Use of the Public Rights-of-Way by Planet Networks, Inc.

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of 'another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a

municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED THAT:

1) That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
- c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.

- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) That the _____ is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.'s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.

3. R2020-209*Contract for SCADA System Improvements Phase II

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Scada System Improvements Phase II on October 29, 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, NSI Neal Systems, Inc., 122 Terry Drive, Newtown, PA 18940 for the Total Base Bid Price of \$76,468.00, and

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

Water Capital Ordinance #: 2018:18 adopted September 11, 2018, entitled,
"Various Improvements".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Scada System Improvements Phase II 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.

4. R2020-210*Contract for Well Drilling and Installation Services Replacement Production Well 21-R- Rebid

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Well Drilling and Installation Services Replacement Production Well 21-R - Rebid on October 21, 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, William Stothoff Company, 110 River Road, Flemington, NJ 08822 for the Total Bid Price for Well 21-R – Rebid using Option B of \$496,950.00 and the Standby Time – Hourly Rate of \$725.00, 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 #: 2019:70 adopted December 17, 2019, entitled,
“Various Improvements”.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Well Drilling and Installation Services Replacement Production Well 21-R - Rebid be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

5. R2020-211*Tax Appeal Settlement-200 Kimball Drive, LLC, Block 735, Lot 1.04

WHEREAS, 200 Kimball Drive, LLC, the owner of the property located at 200 Kimball Drive, designated as Block 735 Lot 1.04 on the official tax map of the Township of Parsippany-Troy Hills (“Subject Property”), has filed appeals pending before the Tax Court of New Jersey to challenge the tax assessment on the Subject Property for tax years 2019 and 2020; 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:

Settlement is authorized as follows:

Tax Year: 2019

	ORIGINAL ASSESSMENT	SETTLEMENT ASSESSMENT
Land	\$ 9,016,500.00	\$ 9,016,500.00
Improvements	<u>\$10,582,000.00</u>	<u>\$10,582,000.00</u>
TOTAL	\$19,598,500.00	\$19,598,500.00

Tax Year: 2020

	ORIGINAL ASSESSMENT	SETTLEMENT ASSESSMENT
Land	\$ 9,016,500.00	\$ 9,016,500.00
Improvements	<u>\$10,582,000.00</u>	<u>\$ 9,832,000.00</u>
TOTAL	\$19,598,500.00	\$18,848,500.00

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.

6. R2020-212*Extending Major Soil Moving Permit for HMAT Associates, Inc.

WHEREAS, HMAT Associates, Inc. (“HMAT”), is the owner of land identified as Block 768, Lot 3.01 as shown on the official tax map of the Township (the “Property”); and

WHEREAS, the Township Council granted a major soil moving permit to HMAT on November 26, 2019, R 2019-209 (the “Permit”); and

WHEREAS, the ordinances regarding soil moving permits at Parsippany Code Section 350-9B provide that the term of such permits shall not exceed one year; and

WHEREAS, due to the COVID-19 pandemic, the State of New Jersey has enacted the Permit Extension Act of 2020, N.J.S.A. 4-:55D-136.7 – 136.20 (the “Act”); and

WHEREAS, the Act provides that for municipal permits such as the Permit which are in existence on March 9, 2020, the running of the period of approval is automatically suspended for the COVID-19 extension period; and the tolling provided shall extend the government approval at least six months beyond the conclusion of the COVID-19 extension period; and

WHEREAS, the COVID-19 extension period means the period beginning March 9, 2020 and continuing for as long as a public health emergency, pursuant to the “Emergency Health Powers Act,” N.J.S.A. 26:13-1 et seq., that has been declared by the Governor in response to COVID-19, is in effect.

WHEREAS, the Governor has extended the public health emergency via Executive Order No. 189; and

WHEREAS, the Township Council finds and declares that the extension of the Permit furthers the health, safety and welfare of the Township and its residents.

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 running of

the period of the Permit is automatically suspended for the COVID-19 extension period; and the tolling provided for shall extend the Permit at least six months beyond the conclusion of the COVID-19 extension period.

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.

7. R2020-213*Authorizing the Reduction of Performance Guarantee – 700 Mountain Way

WHEREAS, on August 11, 2017, 700 Mountain Way, LLC (“700 Mountain Way”) posted a performance guarantee in the form of an Irrevocable Standby Letter of Credit No. 11107 issued by Connect One Bank in the amount of \$703,409.00 (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 Block14, Lot 9 on the tax map of the Township (the “Project”); and

WHEREAS, Justin Lizza, the Township Engineer, has recommended in an interoffice memorandum dated September 21, 2020 that the total amount of the performance guarantee 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.

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 \$211,022.00, 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.

8. R2020-214*Authorizing the Reduction of Performance Guarantee – Fox Run Developers, LLC

WHEREAS, on July 13, 2012, Fox Run Developers, LLC (“Fox Run”) posted a performance guarantee in the form of an Irrevocable Letter of Credit No. 961-SB issued by Union Center National Bank in the amount of \$232,515.36 (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 Block 98, Lot 22 on the tax map of the Township (the “Project”); and

WHEREAS, Justin Lizza, the Township Engineer, has recommended in an interoffice memorandum dated September 21, 2020 that the total amount of the performance guarantee 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.

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 \$69,754.60, 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.

9. R2020-215*Third Party Billing for Ambulance Services for EMS

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Third Party Billing for Ambulance Services for EMS on October 7, 2020, and

WHEREAS, the Director of Purchasing, Purchasing Assistant and Director of EMS have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, DM Medical Billings, LLC, 88 Lakeview Drive, Gibbsboro, NJ 08026 for the percentages of collections proposed of 4.15% for collections from \$0.00 to \$250,000.99, 4.75% for collections from \$250,001.00 to \$450,000.99, 6.95% for collections from \$450,001.00 to \$750,000.99 and 8.75% for collections from \$750,001.00 to (No Limit), and

WHEREAS, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify the availability of funds at the time collections are received and billed under the following:

2020 Budget/Current Account
“Ambulance Services”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Third Party Billing for Ambulance Services for EMS be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

10. R2020-216*Rejecting All Bids for Yard Waste Transportation Disposal/Recycling Contract

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) solicited bids for Yard Waste Transportation and Disposal/Recycling in accordance with the Local Public

Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the bid solicitation sought bids for two (2) separate contracts for the transportation and disposal/recycling of mixed yard waste and leaves; and

WHEREAS, on or about October 1, 2020, the Township received and opened four (4) bids in response to its bid solicitation; and

WHEREAS, the bid amounts ranged from \$331,830 to \$742,500 for mixed yard waste and \$112,000 to \$199,200 for leaves; and

WHEREAS, the bid specifications provided that the successful bidder(s) must dispose of mixed yard waste and leaves at an approved New Jersey Department of Environmental Protection (NJDEP) Class C recycling facility; and

WHEREAS, following the issuance of the bid solicitation, the NJDEP clarified that mixed yard waste and leaves are not required to be disposed of at an NJDEP approved Class C recycling facility; and

WHEREAS, in order to promote competition, the Township desires to revise its bid specifications to not require that the successful bidder(s) dispose of mixed yard waste and leaves at an approved New Jersey Department of Environmental Protection (NJDEP) Class C recycling facility along with other changes related to bidder qualifications; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-13.2, provides that a contracting unit may reject all bids where the contracting unit wants to substantially revise the specifications for the goods or services; and

WHEREAS, upon the recommendation of the Director of Public Works and Director of Purchasing, the Township desires to reject all bids in accordance with N.J.S.A. 40A:11-13.2.

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 all bids received for Yard Waste Transportation and Disposal/Recycling are hereby rejected in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-13.2.

BE IT FURTHER RESOLVED, that the Director of Public Works and Director of Purchasing are hereby authorized to revise the bid specifications for Yard Waste Transportation and Disposal/Recycling consistent with this Resolution and re-advertise for the receipt of bids for same.

BE IT FURTHER RESOLVED, that the Township Clerk is hereby directed to send a certified copy of this Resolution to all bidders who submitted bids in response to the Township's bid solicitation for Yard Waste Transportation and Disposal/Recycling.

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

Resolution.

B. APPLICATIONS

1. R2020-217* 2021 Renewal of Licenses-Amusement Games, Entertainment, Taxi/Limousine, Tourist Accommodations

BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Licenses be renewed for the year 2021:

<u>TAXI/LIMOUSINE OWNERS</u>	<u>NUMBER OF VEHICLES</u>
Adam J Service	1
AC Limousine Service	1
Airedale Car Service	1
Air Express	2
Allert Limousine Service	1
Empire Luxury Limousine	1
Hodge Enterprises	1
Limo 4 U LLC	1
Rody Enterprise	1
Songun Limousine	1
Xcel Limousine	1

<u>TOURIST ACCOMMODATIONS</u>	<u>NUMBER OF ROOMS</u>
Hampton Inn Parsippany	152
Hilton Parsippany	354
Hyatt House Parsippany East	140
Parsippany Inn	50
Travel Lodge	92
Parsippany Courtyard by Marriott	151
Ramada Inn	72
Budget Inn	47
Days Inn	119
Embassy Suites	274
Tomac	35
Holiday Inn	184
Hampton Inn	87
Red Roof Inn	
108	

IX. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the November 25, 2020 regular and miscellaneous payroll estimated at \$1,600,000.00
2. Payment of bills from voucher list of 11/15/20 through 11/17/20 is \$2,389,743.94

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

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

X. ADJOURNMENT

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

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

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: February 16, 2021