

COUNCIL AGENDA

TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 1, 2021

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, 2020 where it has remained posted since that date. A legal notice appeared in the Daily Record and the Newark Star Ledger on December 22, 2020 and was forwarded by fax to other local newspapers on December 18, 2020.

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. 6/15/21 @ 7:00 p.m. | Regular Meeting |
| 2. 7/6/21 @ 7:00 p.m. | Agenda Meeting |

E. APPROVAL OF MINUTES

II. PRESENTATION(S)/REPORTS

A. MAYOR – Read Proclamation for National Gun Violence Awareness

B. TOWNSHIP COUNCIL – Ms. Gragnani made a statement on the 5-million-dollar ordinance. Ms. Gragnani stated that Council did not have sufficient information to vote on that ordinance. Ms. Gragnani stated that the 5 million dollars was included in the budget at the April meeting, and the Council learned that the DCA did not approve the application for special emergency funds because the Township did not comply with the requirements. The Council agreed to allow the Township to borrow the funds but 2.3 million instead of the 5 million to provide the necessary cash flow relief the Township needs, but there is still is a 2.8-million-dollar deficit that the Township must address.

C. TOWNSHIP ATTORNEY – no report

D. BUSINESS ADMINISTRATOR

1. Cannabis Presentation by Susan Favate

E. TOWNSHIP CLERK – stated that the primary election is on June 8th and reminded the residents that polls open at 6AM and close at 8PM.

F. TOWNSHIP OFFICES / COMMITTEES REPORT – none

G. ENGINEERING REPORT – Mr. Carifi read the following report into the record:

Greenbank Road Safety and Improvements Project

The project is complete except for the guiderail replacement. Coordination with the underground utility company is ongoing and the new guiderail will be installed once underground utilities are moved. **(No Council Action Required).**

Veterans Park Culvert Replacement Project

The Veterans Park Culvert Replacement project is substantially complete. Punch list items and minor cleanup work still remains but the park is open and accessible. **(No Council Action Required).**

Mt. Tabor Street Improvements, Phase V

Work continues on the Mt. Tabor Street Improvements, Phase V project. We anticipate the project will be substantially complete by the middle of June. **(No Council Action Required).**

Mt. Tabor Street Improvements, Phase VI

The Mt. Tabor Street Improvements, Phase VI project is under construction and work will continue through September. **(No Council Action Required).**

2021 Road Resurfacing / Curb and Sidewalk Program

The annual road resurfacing / curb and sidewalk project was awarded and the construction schedule is being prepared. Construction activities are planned to begin in late June and will continue through the beginning of October. **(No Council Action Required).**

Various Culvert Repair Project

The Repair of Seven Bridges project was bid in March and a preconstruction meeting was held. Construction activities are scheduled to begin in July and will continue through the beginning of November. **(No Council Action Required).**

Edwards Road Improvement Project

The preconstruction meeting for the Edwards Improvement project is scheduled for the beginning of June. Construction work is planned to begin in mid to late June and will continue through the end of October. **(No Council Action Required).**

Puddingstone Heights Road Improvement Project, Phase I

The first phase of the Puddingstone Heights Improvement project is out to bid. This project is for the reconstruction of the roads in this development including drainage improvements, construction of curbs and the installation of a sanitary sewer system. Construction work is planned to begin in July and will continue through the end of the year. **(No Council Action Required).**

Community Rating System (CRS) Program

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

Performance Bond Release – Parsippany Hanover Realty, LLC (Capital Grille), Block 202 Lot 6.04

The developer completed all work for the off-site sanitary sewer improvements associated with the development of the referenced site. Site inspections indicate that the sanitary sewer work has been constructed in accordance with the approved plans and was approved and accepted by this office and the Sewer Utility. This office has no objection to the release of Performance Surety Bond No. 107119766. **(A Resolution will need to be adopted by the Township Council).**

H. CORRESPONDENCE

III. BIDS

A. Taken

1. 4/22/21 – Craftsman Farms White Cottage Phase I Rehabilitation
2. 5/5/21 – Supplying Various Materials for Various Township Departments
3. 5/13/21 – Lease of Public Property
4. 5/19/21 – Construction of Peracetic Acid Storage Tank and Metering Station

B. To Be Taken

1. 6/9/21 – Puddingstone Heights Road Reconstruction Program Phase I

2. 6/10/21 – Various Parks Court Resurfacing/Renovation Projects for Parsippany Parks Department-Rebid
- C. Quotation(s)/Proposal(s)/Qualification(s)
1. 5/19/21 – Fireworks Display Services
 2. 5/28/21 – Operation of Catering/Banquet, Restaurant and Tee House Facilities and
Provision of Related Services at Knoll Country Club

IV. PUBLIC HEARING FOR PUDDINGSTONE PARK PROJECT

OPEN: I'd like to entertain a motion to open the public hearing on the application to the 2021 funding round of the NJ DEP Urban Parks Grants Program for Park Development, Puddingstone Park Project. Motion to open the public hearing by Carifi Seconded by Ms. Peterson.

Roll Call: Yes – Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro.

CLOSE: I'd like to entertain a motion to close the public hearing on the application to the 2021 funding round of the NJ DEP Urban Parks Grants Program for Park Development, Puddingstone Park Project. Motion to close the public hearing by Mr. Carifi, Seconded by Ms. Peterson.

V. 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

Amanda Terpstra, stated that her company will be applying for a license for a retail dispensary and is here supporting the Township's decision to allow cannabis in the township.

Bob Venezia, stated that his position on cannabis is that the Township should not allow retail but can allow the remaining classes of licenses.

Nick Homyak, stated that bringing marijuana to town will help with the ratables but he finds it absurd that people are upset about marijuana but no one is addressing the small liquor bottles.

James Barberio, commented on the 2.3 million special appropriation and wanted to know how the Township will be paying that money back. Mr. Barberio asked if the 2.3 million will balance

the budget and keep the proposed 2.1% budget. Mr. Barberio asked Mayor Soriano if there will only have a 2% increase. Mr. Barberio asked if the Township will have to borrow more money for next year. Mr. Soriano commented on the sewer treatment plant stating that it is not true as he left it with a 10-million-dollar surplus. Mr. dePierro stated if the council approves the 2.3million dollars it is on the condition that it is paid back from the pandemic recovery money that we will receive in 2022.

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

VI. BUDGET

A. SECOND READING & PUBLIC HEARING

1. **ORDINANCE 2021:09 – Ms. Gagnani made a motion to vacate this ordinance, seconded by Ms. Peterson with all the council members answering in the affirmative.**

SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$5,000,000 CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES SET FORTH IN N.J.S.A. 40A:4 53(L) AND/OR N.J.S.A.40A:4-53(M)

The Notice for Ordinance 2021:09 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on April 26, 2021. The Ordinance was introduced at the April 20, 2021 Regular Meeting.

B. INTRODUCTION

1. **ORDINANCE 2021:12**

AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF NOT TO EXCEED \$2,300,000, OR SUCH OTHER LESSER AMOUNT AS CERTIFIED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES, FOR THE PURPOSES SET FORTH IN N.J.S.A. 40A:4-53(L) AND/OR N.J.S.A. 40A:4-53(M), IN AND BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **June 1, 2021** and that said

Ordinance be further considered for second reading and final passage at a Meeting to be held on **June 15, 2021** at 7:00 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township, at which time all persons interested shall be given an opportunity to be heard concerning said Ordinance.

BE IT FURTHER RESOLVED that the Clerk be authorized and directed to advertise said Ordinance with the Notice of Introduction thereof being published in the official newspaper according to law.

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

Roll Call- YES – Mr. Carifi, Ms. Gragnani, Ms. Peterson, Ms. McCarthy, Mr. dePierro.

C. RESOLUTIONS

1. **R2021-097** Authorizing the Chief Financial Officer to Submit an Application to the Director of the Division of Local Government Services for Approval of a Special Emergency in the Amount of \$2,300,000

BE IT RESOLVED BY THE TOWNSHIP COMMISSIONERS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than a majority of all members thereof affirmatively confirming) AS FOLLOWS:

Section 1. The Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township") hereby approves the application prepared by the Chief Financial Officer of the Township in the form attached hereto as **Exhibit A**, seeking the approval of the Director of the Division of Local Government Services (the "Director") of a special emergency in the amount of not to exceed \$2,300,000, or such lesser amount certified by the Director, for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m).

Section 2. The Township hereby further authorizes and directs the Chief Financial Officer of the Township to submit said Application to the Director by no later than December 1, 2021. If necessary, the Township hereby further authorizes the Chief Financial Officer of the Township to submit to the Director a written request for an extension of the December 1, 2021 deadline and to file such Application on or prior to such extended deadline.

Section 3. This resolution shall take effect in accordance with applicable law.

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

Roll Call- YES – Mr. Carifi, Ms. Gragnani, Ms. Peterson, Ms. McCarthy, Mr. dePierro.

2. **2021-098** Authorizing the Issuance of Special Emergency Notes in an Amount Equal to the Special Emergency Appropriation

BE IT RESOLVED BY THE TOWNSHIP COMMISSIONERS OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. An ordinance authorizing a special emergency appropriation of not to exceed \$2,300,000, or such lesser amount as certified by the Director of the Division of Local Government Services (the "Authorized Amount"), by the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township") for the purposes set forth in N.J.S.A. 40A:4-53(l) and/or N.J.S.A. 40A:4-53(m) has been finally adopted by the Township Commissioners of the Township, and a copy thereof has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey (the "Director").

Section 2. (a) In order to finance the special emergency appropriation described in Section 1 of this resolution, the Township is hereby authorized to borrow the Authorized Amount and to issue its special emergency notes (the "Notes") therefor in accordance with the Local Budget Law of New Jersey (N.J.S.A. 40A:4-55) (the "Local Budget Law").

(b) The Notes authorized by this resolution may be issued in amounts and denominations not exceeding in the aggregate the amount of Notes authorized herein, as determined by the Chief Financial Officer of the Township pursuant to this resolution.

(c) The Township may finance the special emergency appropriation from surplus funds available or may borrow money in a manner prescribed herein. Where an appropriation is financed from surplus funds available, at least one-fifth of the amount thereof shall be included in each annual budget until the appropriation has been fully provided for, beginning in the year after the year in which the resulting deferred charge appears in the Township's unaudited financial statement.

Section 3. The following matters in connection with the Notes are hereby determined:

(a) All Notes issued hereunder and any renewals thereof shall mature at such time as may be determined by the Chief Financial Officer within the limitations of the Local Budget Law, provided however, that at least one-fifth of all such Notes and the renewals thereof shall mature and be paid in each year, beginning in the year after the year in which the resulting deferred charge appears in the Township's unaudited financial statement, so that all Notes and renewals shall have matured and have been paid not later than the last day of the sixth year following the date of this resolution;

(b) All Notes issued hereunder shall bear interest at such rate or rates as may be determined by the Chief Financial Officer;

(c) The Notes shall be in the form determined by the Chief Financial Officer and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination;

(d) The Township shall apply for any financial assistance that may be available to the Township from the federal government, the State of New Jersey, and other sources to offset any operating deficit directly attributable to COVID-19, and any such financial assistance obtained by the Township shall be utilized to offset any operating deficit or, if applicable, to payment of the Notes issued hereunder. The amount of Notes authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 4. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Notes not determined by this or a subsequent resolution and the Chief Financial Officer's signature upon the Notes shall be conclusive as to such determination.

Section 5. The Chief Financial Officer is hereby authorized to sell the Notes from time to time at public or private sale in such amounts as such officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 6. Any instrument issued pursuant to this resolution shall be a general obligation of the Township. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the Notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is authorized and directed to report in writing to this governing body at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the Notes sold, the price obtained and the name of the purchaser.

Section 8. The Township hereby makes the following covenants and declarations with respect to Notes to be issued by the Chief Financial Officer of the Township on a tax-exempt basis, if any. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Notes. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue Notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described herein. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 9. Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Notes are not exempt from the Rule and provided that the Notes are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Notes remain outstanding (unless the Notes and any renewals thereof have been wholly defeased), the Township shall provide for the benefit of the holders of the Notes and the beneficial owners thereof:

(a) Not more than 270 days following the close of the fiscal year, beginning with the fiscal year following the issuance of the Notes, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial

information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Notes, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) Modifications to the rights of holders of the Notes, if material;
- (8) Bond calls, if material, and tender offers;
- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Notes, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;
- (13) The consummation of a merger, consolidation or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Notes, if material; and
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

(c) Notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

(d) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(e) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of Notes prior to their offering. Such Chief Financial Officer is hereby authorized to enter into written contracts or undertakings to implement this resolution and is further authorized to amend such contracts or undertakings as needed to comply with the Rule or upon the advice of Bond Counsel.

(f) In the event that the Township fails to comply with this resolution or the written contract or undertaking, the Township shall not be liable for monetary damages, remedy of the holders or beneficial owners of the notes being hereby specifically limited to specific performance of the covenants contained in this resolution or the written contract or undertaking.

Section 10. A copy of this resolution as adopted shall be filed with the Director.

Section 11. This resolution shall take effect upon the latter of (i) the date determined by applicable law or (ii) the earlier of (a) the date the Director approves in writing the application submitted by the Chief Financial Officer of the Township (the "Application") and (b) the date that is 45 days (or the first business day following such 45th day, if applicable) following the date the Chief Financial Officer submits the Application to the Director.

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

Roll Call- YES – Mr. Carifi, Ms. Gragnani, Ms. Peterson, Ms. McCarthy, Mr. dePierro.

A. INTRODUCTION

1. **AMENDING AND SUPPLEMENTING CHAPTER A445, FEES COMPILATION, OF THE CODE-ON**
2. **ESTABLISHING CHAPTER 77 RELATED TO CANNABIS REGULATION AND AMENDING CHAPTER 430, ZONING, TO CONDITIONALLY PERMIT CERTAIN CANNABIS ESTABLISHMENTS IN DESIGNATED ZONE DISTRICTS-ON**

B. SECOND READING & PUBLIC HEARING

None

VIII. NON-CONSENT AGENDA

A. RESOLUTIONS

None

IX. CONSENT AGENDA

A. RESOLUTIONS

1. **Authorize Temporary Emergency Appropriations -ON***
2. **Confirming the Appointment and Award of Contracts with Connell Foley, LLP and Trenk Isabel, PC as Special Legal Counsel-ON***
3. **Agreements with Verizon Wireless and Dish Wireless, LLC for Lease of Space on Township Water Towers-ON***
4. **Agreement for Fireworks Display Services to International Fireworks MFG. Co.-ON***
5. **Contract for Craftsman Farms White Cottage Phase I Rehabilitation-ON***
6. **Contract for Construction of Peracetic Acid Storage Tank and Metering Station-ON***
7. **Contracts for Supply of Various Materials for Various Township Departments-ON***
8. **Settlement Agreement with Knoll West Country Club, LLC-ON***

9. **Supporting State House Commission Final Application to NJDEP Green Acres Program for Installation of Replacement Well No. 20-ON***
10. **Release of Performance Guarantee – Parsippany Hanover Realty, II, LLC Block 202, Lot 6.04-ON***
11. **Approving a Developers Agreement and Stormwater Management Agreement with 1H7H Lanidex, LLC and 8H9H Lanidex, LLC-ON***

B. APPLICATIONS

1. **2021-2022 Liquor License Renewals-ON***
2. **Fireworks Display Township for Parsippany-Troy Hills-ON***
3. **Fireworks Display for Mt. Tabor Children’s Day Celebration-ON***

C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the 6/25/21 regular payroll estimated at \$1,650,000.00
2. Payment of bills from voucher list of 6/1/21 through 6/3/21 estimate totaling \$1,347,957.65

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

Roll Call- YES – Mr. Carifi, Ms. Gragnani, Ms. Peterson, Ms. McCarthy, Mr. dePierro.

X. ADJOURNMENT

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

Roll Call- YES – Mr. Carifi, Ms. Gragnani, Ms. Peterson, Ms. McCarthy, Mr. dePierro.

Agenda Meeting 6/1/21

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: August 17, 2021