

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF AUGUST 3, 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. 8/17/21 @ 7:00 p.m. | Regular Meeting |
| 2. 9/7/21 @ 7:00 p.m.  | Agenda Meeting  |

#### E. APPROVAL OF MINUTES

#### II. PRESENTATION(S)/REPORTS

A. MAYOR – this weekend August 7<sup>th</sup> is National Purple Heart Day. The Mayor highlighted a resolution #2021-129 which will give the Township \$1.1 million dollars into the budget which is critical and essential for a balanced budget in 2021 and without this the 2.1% tax rate will not be possible.

B. TOWNSHIP COUNCIL – Ms. Peterson inquired about the status of the roads regarding Glenmont Commons. Mr. Carifi stated that he was hoping that we would be doing something with the budget today to know where the town is going and to allow our employees of the Township to get their cost-of-living increase. Mr. dePierro called for a special budget meeting for the following week.

C. TOWNSHIP ATTORNEY – no report

D. BUSINESS ADMINISTRATOR

1. Water System Update by John Weiworka

E. TOWNSHIP CLERK – no report

F. TOWNSHIP OFFICES / COMMITTEES REPORT – no report

G. ENGINEERING REPORT

**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).**

**Mt. Tabor Street Improvements, Phase V**

Work on the Mt. Tabor Street Improvements, Phase V project is substantially complete. Miscellaneous clean up items will be completed in August. **(No Council Action Required).**

**Mt. Tabor Street Improvements, Phase VI**

The Mt. Tabor Street Improvements, Phase VI project is nearly complete. Work will continue through the end of August. **(No Council Action Required).**

**2021 Road Resurfacing / Curb and Sidewalk Program**

The annual road resurfacing / curb and sidewalk project was awarded. Construction activities will be scheduled once the capital budget is adopted. **(No Council Action Required).**

**Various Culvert Repair Project**

The Repair of Seven Bridges project is substantially complete. Work is expected to be totally complete by the end of August. **(No Council Action Required).**

**Edwards Road Improvement Project**

The Edwards Improvement project is in construction. Work is anticipated to continue through August. **(No Council Action Required).**

**Puddingstone Heights Road Improvement Project, Phase I**

The first phase of the Puddingstone Heights Improvement project was 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. The award of the project is on hold pending adoption of the budget. **(No Council Action Required).**

**Roadway Design Projects**

The following projects are in design or proposals have been requested.

- Mt. Tabor Street Improvements, Ph VIII
  - Drumlin Drive Stream Cleaning
  - Rockaway River Floodwall Repairs
  - Jefferson Road Drainage Improvements
  - No. Beverwyck Road Streetscape Improvements
  - Lake Intervale Area Street Improvements
  - Troy Brook Stream Cleaning
- (No Council Action Required)**

H. CORRESPONDENCE

**III. BIDS**

- A. Taken
- B. To Be Taken
- 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**

**Mihir Rosa**, inquired about the hold up on the budget and why it was not yet passed. Mr. dePierro stated that the Township Council just received the budget as the Administration has been working on it for 7 months.

**Louis Valori**, stated to the Council not to raise the taxes for the residents. Mr. Valori inquired about the catering at the Knoll. Mr. Valori asked what happened to the previous caterer and what happened to the last two bids and why weren't any of the bids accepted. Mr. Valori stated that he heard there are events being held at the Knoll and the events are being catered by the Mansion.

**Nick Homyak**, stated that alcohol is present at the Knoll all the time if you check their containers. Mr. Homyak asked if any money from the Knoll assists the town in any way.

**Joseph Friedman**, stated that the transfer of money from the water and sewer fund to balance the budget is a budget gimmick and applauds the Administration for not using that money.

**Frank Neglia**, stated that the Mayor while canvassing made statements about Mr. Neglia using the School Resource Officers as a political tool for personal gain. Mr. Neglia stated that could not be further from the truth and he takes exception as no one person has the authority to make a decision on behalf of the 9-member Board of Education.

**Jamie Barberio**, stated that the State gave the Mayor a special dispensation which is enacting a rule stating that the Administration does not need to be bound by a particular behavior. Mr. Barberio stated that was what the State did with this budget regarding the cancellation of appropriations which never happens and this will result in a much higher tax rate next year no matter who the mayor is. Mr. Barberio stated if the Township is using averages that is not an accurate budget. Mr. Barberio stated that Ms., McCarthy was correct when she stated that the Township is kicking the can down the road.

**Tim Barrios**, stated that we still do not have a signed school resource officer agreement which means that come day one of school we will not have school resource officers at our schools. Mr. Barrios asked why is it taking so long to pass a budget and that there is no excuse for not carrying out their elected duties. Mr. Barrios stated they do not have a closet full of cash to fund the school resource officers.

**Steve Mandel**, commented on the budget and how the budget is manipulated on election years to ensure a 0% increase by transferring money from the water and sewer utilities. Mr. Mandel stated that Mayor Soriano has kept his promise by not utilizing money from the water and sewer utilities to manipulate the budget.

**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. BUDGET**

### **A. INTRODUCTION**

#### **1. ORDINANCE 2021:15**

**CALENDAR YEAR 2021 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**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 August 3, 2021 and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on August 17, 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 Mr. Carifi, seconded by Ms. Peterson.

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

B. RESOLUTIONS

1. **R2021-129 Authorize Cancellation of Current Fund Appropriation Reserves**

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

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

**V. ORDINANCES**

A. INTRODUCTION

1. **ESTABLISHING WHITE COLLAR SALARY RANGES**

2. **ORDINANCE 2021:16**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 290, PARKS, RECREATION AREAS AND PUBLIC LANDS TO PERMIT MOBILE FOOD VENDING AT THE KNOLL COUNTRY CLUB**

**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 August 3, 2021 and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on August 17, 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:** Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro.

B. SECOND READING & PUBLIC HEARING

**VI. NON-CONSENT AGENDA**

A. RESOLUTIONS

1. **R2021-127 Confirming the Appointment of the Director of the Department of Public Works**

**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 it does hereby advise and consent to the following appointment made by Mayor Michael A. Soriano:

- James Walsh, Director of the Department of Public Works

effective August 1, 2021 and for a term as provided by law and until the appointment and qualification of a successor.

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

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

2. **R2021-128 Authorizing Acceptance of State Funds on Behalf of the Police Department of the Township of Parsippany-Troy Hills and Participation in State Grant Program Administered by the State of New Jersey, Department of Law and Public Safety**

**WHEREAS**, under the provisions of P. L. 2020, c. 142, N.J.S.A. 40A:118.3- .5, the Attorney General Law Enforcement Directive No. 2015-1 and based on the program application, the Office of the Attorney General has awarded the Police Department of the Township of Parsippany-Troy Hills (“Police Department”) State funds as part of its SFY21 Body-Work Camera Grant Program; and

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills is the governing body having authority over the Police Department; and

**WHEREAS**, in order to participate in the State grant program, the Township Council, as the governing body of the Police Department, must submit a resolution approving its acceptance of State funds and its participation in the State grant program administered by the State of New Jersey, Department of Law and Public Safety; and

**WHEREAS**, certain information/data elements must be included in the resolution of the Township Council authorizing acceptance of the award; and

**WHEREAS**, the information required includes the following:

- The name of the recipient’s unit of government: Police Department of the Township of Parsippany-Troy Hills;
- The name of the State Grant Program: SFY21-Body-Worn Camera Grant Program;
- Award Number: 21-BWC-340
- Award Period: January 1, 2021- December 31, 2025;
- Total amount of award: State amount = \$224,180.00/\$0.00 match

**WHEREAS**, the Township Council is authorized to accept the award in the amount of \$224,180.00; and

**WHEREAS**, the Township Council wishes to authorize the acceptance of the award in the amount of \$224,180.00.

**NOW THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it hereby authorizes the acceptance of an award in the amount of \$224,180.00 on behalf of the Police Department.

**BE IT FURTHER RESOLVED** by the Township council of the Township of Parsippany Troy Hills that it hereby accepts the specific grant of funds for the purposes described in the application.

**BE IT FURTHER RESOLVED**, that the Mayor of the Township of Parsippany-Troy Hills and other Township officials are hereby authorized to execute all necessary documents, including certifications, in connection with the acceptance of the grant.

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

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

## **VII. CONSENT AGENDA**

### A. RESOLUTIONS

1. **Authorizing Execution of Settlement Agreement and Mutual Release with A. P. Construction, Inc.**
2. **Approving a Third Amendment to the November 10, 2015 Settlement Agreement and Release Between the Township and RD Realty, LLC**
3. **Opposing State Legislature S-3810 and A-5862**

### B. APPLICATIONS

None

### C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the 8/6/21 regular payroll estimated at \$1,650,000.00
2. Payment of bills from voucher list of 8/1/21 through 8/3/21 estimate totaling \$2,185,539.56

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

**Roll Call:** 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 Privilege - Litigation – Superior Officer PBA 131A – Carifi PERC matters and Carifi v. Township of Parsippany-Troy Hills et al. (“Carifi 1”) and Carifi v. Township of Parsippany-Troy Hills et. Al (“Carifi 4”); Attorney Client Privilege-Notice Appear: Local Finance Board Hearing – August 11, 2021 – Failure to Comply with July 30, 2021 Order to Introduce Budget**

**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 Ms. McCarthy.

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

**IX. ADJOURNMENT**

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

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

Respectfully submitted,

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Khaled Madin, Township Clerk

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Michael J. dePierro, Council President

Minutes Approved: December 21, 2021