

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF AUGUST 17, 2021

I. INTRODUCTION

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

Adequate notice of this meeting has been provided in accordance with the requirements of the Open Public Meetings Law by filing the notice in the Office of the Township Clerk and by posting the meeting notice on the bulletin board at the Municipal Building on December 18, 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. 9/7/21 @ 7:00 p.m. Agenda Meeting
2. 9/21/21 @ 7:00 p.m. Regular Meeting

E. APPROVAL OF MINUTES

1. Agenda Meeting – 6/1/21
2. Regular Meeting – 6/15/21
3. Agenda Meeting – 7/6/21
4. Regular Meeting – 7/20/21

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 Township had an Indian Flag raising to celebrate the New Year. Also, the Township will be presenting a full cultural program that will be available online on August 21st. Also, we have an initiative called Stomp Out the Spotted Lantern Fly. September 6 is Labor Day and Town Hall will be closed.

- B. TOWNSHIP COUNCIL – no report
- C. TOWNSHIP ATTORNEY – no report
- D. BUSINESS ADMINISTRATOR – Mr. Carr stated that he sent to Council on the 6th of August for the extension of the timeline. Conor Schmagel, the Associate Director of Public Affairs for the NJ Food Council, requested for a further delay of the September 8th deadline of the plastic bag ordinance because a few members will not be able to comply as of the enforcement date because there is a major paper bag shortage. Mayor Soriano stated that the Food Council has had more than enough time to step up and get it done. Mayor Soriano stated that he will not endorse the request for delay.
- E. TOWNSHIP CLERK – no report
- F. TOWNSHIP OFFICES COMMITTEES/REPORTS – no report
- G. CORRESPONDENCE - none

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

Debbie Pollack, stated her concern about the garbage on the streets as a result of people not using trash cans but garbage bags. Ms. Pollack stated she is aware of a town ordinance requiring residents to use garbage cans but does not understand why it is not being enforced. Mayor stated that they will look into it.

Melissa Kuzma, Director of Parsippany Public Library, discussed the library construction bond grant to rebuild Lake Hiawatha library. Ms. Kuzma stated that the Township is required to match the funds of the grant and wanted to express the urgency of passing the bond ordinance matching the funds.

James Anderson, stated that it was discovered that his drinking water line cuts through his neighbor's yard and the Township damaged the water line. He stated that he is responsible for

fixing it. Mr. Anderson is pleading to the Township for assistance in repairing the water line as it was the Township that damaged it. Mr. Anderson states that if the Township does not assist and holds him responsible it could bankrupt his family. Mr. Anderson states that there must be some kind of concession and that he is willing to meet them halfway, but the Water Department is not willing to budge at all. Mr. Lott stated that he should file a tort claim notice against the Township.

Edward Soudit, stated his concern about the garbage on the streets as a result of people not using trash cans but garbage bags.

Bob Venezia, stated that he was interested in the \$800,000 transfers from the tax appeal reserve to the general budget and he stated he was concerned that the Township is making the same mistake that they made with the water and sewer surplus.

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. SECOND READING

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)

AN ORDINANCE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2021 PURSUANT TO (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills in the County of Morris finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 1% increase in the budget for said year, amounting to \$598,556.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Parsippany-Troy Hills shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$2,094,946.00, and that the CY 2021 municipal budget for the Township of Parsippany-Troy Hills be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

The Notice for Ordinance 2021:15 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on August 6, 2021 and introduced at the August 3, 2021 Regular Meeting.

Motion to accept Ordinance 2021:15, be heard in their second and final reading by title only, by Ms. McCarthy, seconded by Ms. Peterson.

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

a. PUBLIC HEARING

Motion to open the public hearing for Ordinance 2021:15 by Ms. Peterson, seconded by Mr. Carifi.

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

Motion to close the public hearing for Ordinance 2021:15 by Ms. Peterson, seconded by Mr. Carifi.

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 Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2021:15 by Ms. McCarthy, seconded by Ms. Peterson.

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

VI. ORDINANCES

A. INTRODUCTION

1. ORDINANCE 2021:17

ESTABLISHING WHITE COLLAR SALARY RANGES

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 17, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 21, 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. Gragnani, seconded by Mr. Carifi.

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

2. ORDINANCE 2021:18

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS AMENDING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 21, ONE-WAY STREETS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, 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 **August 17, 2021** and that said Ordinance be further considered for second reading and final passage at a

Meeting to be held on **September 21, 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. Gragnani.

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

3. **ORDINANCE 2021:19**

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE GOLF UTILITY IN AND BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$520,700 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$520,700 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

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 17, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 7, 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. McCarthy, Ms. Peterson, Mr. dePierro

4. **ORDINANCE 2021:20**

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE WATER UTILITY IN AND BY THE TOWNSHIP OF PARSIPPANY-

TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$12,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$12,700,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

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 17, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 7, 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. McCarthy, seconded by Ms. Peterson.

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

5. **ORDINANCE 2021:21**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$6,180,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,880,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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 17, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 7, 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. Gragnani, seconded by Ms. McCarthy.

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

B. SECOND READING & PUBLIC HEARING

1. 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

WHEREAS, the Township Council finds that it is in the best interest of the Township to permit mobile food vending at the Knoll Country Club at the discretion of the Knoll General Manager or his/her designee.

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

SECTION 1. Chapter 290, Article II, PARKS, RECREATION AREAS AND PUBLIC LANDS, §290-10(H), Regulation, Vending, of the Code of the Township of Parsippany-Troy Hills, is hereby deleted in its entirety and replaced as follows:

H. Vending.

(1) No person or entity shall engage in any commercial enterprise, including, but not limited to, the offering of services or the sale of any food and/or beverages or goods, wares or merchandise, within public parks or recreation areas in the Township, except that mobile food vending shall be permitted at the Knoll Country Club at the discretion of the Knoll Golf Manager, or his/her designee, provided that the person or entity has obtained a license pursuant to §180-3.

(2) A non-profit entity may sell food and/or beverages or goods, wares or merchandise within public parks or recreation areas in the Township, provided that the non-profit entity has obtained a permit pursuant to §290-8.

- (3) Any non-profit vendor operating within public parks or recreation areas within the Township or mobile food vendor operating at the Knoll County Club must comply with all applicable State and local health and licensing ordinances and regulations and are required to obtain all permits and approvals from agencies having jurisdiction.

The Notice for Ordinance 2021:16 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on August 6, 2021 and introduced at the August 3, 2021 Regular Meeting.

Motion to accept Ordinance 2021:16, be heard in their 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

Motion to open the public hearing for Ordinance 2021:16 by Mr. Carifi, seconded by Ms. Gragnani.

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

Motion to close the public hearing for Ordinance 2021:16 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 ordinance be passed on final reading and that Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2021:16 by Mr. Carifi, seconded by Ms. McCarthy.

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

VII. NON-CONSENT AGENDA

A. RESOLUTIONS

1. **R2021-135 Authorize Temporary Emergency Appropriations Pursuant to N.J.S.A. 40A:44-1 Et Seq. (The Local Budget Law)**

WHEREAS, an emergency condition has arisen with respect to emergency temporary appropriations needed in various line items and not adequate provisions have been made in the calendar year 2021 temporary budget for the aforesaid purposes;

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of emergency temporary appropriations for the purposes above mentioned;

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2021 pursuant to the provisions of Chapter 96, P.L. 1951 including this resolution total \$51,074,631.58;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 40A:4-20, emergency temporary appropriations be authorized and the same are hereby made as provided in the attachment;

BE IT FURTHER RESOLVED, that these emergency temporary appropriations be provided for in the 2021 municipal budget.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer.

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

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

2. **R2021-136 Support of the Mount Tabor Volunteer Fire Department Parsippany Fire District #1 Building Dedication and Wet Down Ceremony to be Held September 25, 2021 and Authorizing of Road Closures and Placing of “No Parking” Signs Necessary for Public Safety During the Public Celebration**

WHEREAS, under the provisions of N.J.S.A. 39:4-197, the Township of Parsippany-Troy Hills (the “Township”) has the authority to regulate the parking of vehicles on streets and portions thereof; and

WHEREAS, pursuant to §405-9 of the Township, the Police Chief of the Township may direct the posting of EMERGENCY NO PARKING signs when weather conditions, accidents, road construction, fire or public celebrations dictate; and

WHEREAS, under the provisions of N.J.S.A. 40:67-1, the Township has the authority to regulate the use of streets to assure public safety; and

WHEREAS, under the provisions of N.J.S.A. 39:4-197.3, the Township may by resolution declare that an emergent or temporary condition dictates adoption of special traffic regulation; and

WHEREAS, pursuant to §405-2A, the Police Chief may provide by regulation for the closing of any street or portion thereof to motor vehicle traffic on any day or days whenever he finds that such closing is necessary for the preservation of the public safety, health or welfare; and

WHEREAS, for the past six years, the Mount Tabor Volunteer Fire Department (“MTVFD”) and the Board of Fire Commissioners of the Township have been planning and constructing a new firehouse located on State Route 53 and Tarn Drive; and

WHEREAS, in order to celebrate the new firehouse and a new fire apparatus, Engine 13, the MTVFD and the Building Dedication & Wet Down Committee (“Committee”) will be hosting a “Building Dedication & Wet Down Ceremony” (“Ceremony”) on September 25, 2021; and

WHEREAS, in connection with the Ceremony, the MTVFD and the Committee will work with the Parsippany Police Department to regulate parking on local roads, which regulation may include “No Parking” signs on the interior portion of Moraine Road, Drumline Drive and Tarn Drive and to hand deliver letters to each resident impacted explaining and inviting them to the event; and

WHEREAS, in addition, the MTVFD and the Committee will work with the Parsippany Police Department to regulate traffic on local roads, which regulation may include the closure of Tarn Drive from Route 53 to Moraine Road and to assist with traffic control on Route 53 for approximately 4 hours; and

WHEREAS, the MTVFD and the Committee have indicated their intent to present its plan for traffic control on Route 53 to the Morris County Board of County Commissioners;

WHEREAS, the Township Council has determined that the Ceremony is a temporary condition that requires special traffic regulation and parking restrictions. The Chief of Police, or his designee, shall approve the specific special traffic regulation and/or parking restrictions necessary for the preservation of the public safety, health or welfare in connection with the Ceremony; and

WHEREAS, notice of any traffic regulation and/or parking restrictions shall be given in accordance the requirements of N.J.S.A. 39:4-197.3 and N.J.S.A. 39:4-198; and

WHEREAS, the MTVFD shall be required to obtain approval from the Morris County Board of Chosen Commissioners and/or New Jersey Department of Transportation, as appropriate, for any traffic regulation on Route 53; and

WHEREAS, the Township Council wishes to express its support for the Ceremony and congratulate the MTVFD on the new firehouse and fire apparatus.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it hereby supports the Ceremony proposed by the MTVFD, the Board of Fire Commissioners and the Committee.

BE IT FURTHER RESOLVED by the Township Council of the Township of Parsippany Troy Hills that it hereby declares the Ceremony to be a temporary condition that requires special traffic regulation and parking restrictions. The Township Council authorizes the Chief of Police, or his designee, to approve any special traffic regulation and/or parking restrictions necessary for the preservation of the public safety, health or welfare in connection with the Ceremony, Notice of any traffic regulation and/or parking restrictions shall be given in accordance the requirements of N.J.S.A. 39:4-197.3 and N.J.S.A. 39:4-198.

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 Ms. Peterson, seconded by Ms. McCarthy.

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

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

A. RESOLUTIONS

1. **R2021-131*Authorizing Execution of Settlement Agreement and Mutual Release with A. P. Construction, Inc.**

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) and A.P. Construction, Inc. (“Lessee”) are parties to a Lease Agreement for the operation of Fats, Oil and Grease Processing Facility at Sewerage Treatment Facility (“Lease Agreement”) commencing on

September 1, 2014 for a term of ten years, with a renewal option for an additional five year period; and

WHEREAS, the Lease Agreement obligates Lessee to operate and maintain a facility to process fats, oil and grease at a property containing a filter press building and immediately adjacent grounds, located adjacent to the Township's wastewater treatment facility at 139 Edwards Road; and

WHEREAS, Lessee contends that the economics of the Lease Agreement did not work out, in part due to the alleged failure of the Township to meet all of its commitments; and

WHEREAS, in December 2017, Lessee abandoned the Leased Premises and thereafter has paid no monthly rent or capital cost payments and has made no water or sewer payments since November 2017; and

WHEREAS, the Township sent Lessee a Notice of Default dated June 28, 2019; and

WHEREAS, the Township Attorney and counsel for Lessee have negotiated a settlement of the dispute over obligations arising from the Lease Agreement; and

WHEREAS, the Township Council has reviewed the terms and conditions of the proposed form of Settlement Agreement and Mutual Release with Lessee and wishes to approve same; and

WHEREAS, the Township has determined that said settlement is in the best interest of the Township and its residents and furthermore avoids the time, expense and risks associated with litigation.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, State of New Jersey that settlement of the dispute over obligations arising from the Lease Agreement for the Operation of Fats, Oil and Grease Processing Facility at Sewerage Treatment Facility with A.P. Construction, Inc. is hereby approved in accordance with the terms and conditions set forth in the proposed form of Settlement Agreement and Mutual Release. The Mayor and Township Clerk are hereby authorized to execute said Settlement Agreement and Mutual Release.

BE IT FURTHER RESOLVED, that the Township Attorney and Business Administrator are hereby authorized and directed to further negotiate the terms and conditions of the proposed form of Settlement Agreement and Mutual Release. The Township Council hereby authorizes and approves any non-substantive modifications to the proposed form of Settlement Agreement and Mutual Release as may be recommended and approved by Township Attorney and Business Administrator prior to execution.

BE IT FURTHER RESOLVED, that the Township Attorney is hereby authorized and directed to affect said settlement.

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. **R2021-132*Approving a Third Amendment to the November 10, 2015 Settlement Agreement and Release Between the Township and RD Realty, LLC**

WHEREAS, RD Realty, LLC (the "Developer") was the contract purchaser of an approximately twenty-six and sixty-four hundredths (26.64) +/-acre parcel of real property currently identified as Block 421, Lot 29 on the official Tax Map of the Township and located on the northern side of Route 46 between Waterview Boulevard and Intervale Road (the "Property"); and

WHEREAS, the Property is located in the northwest portion of the Township, bordering the Borough of Mountain Lakes, and is the western most property situated in the Township's Professional Office Development District (the "POD Zone"); and

WHEREAS, the Property is surrounded by various and diverse land uses, including office buildings to the east adjacent to the Property and continuing along Waterview Boulevard, single family homes to the north of the Property and continuing along Forest Drive, townhomes to the northwest of the Property in the Borough of Mountain Lakes, and Route 46 to the south of the Property with apartments on the other side of the highway; and

WHEREAS, in 2012 and 2013, RD Realty petitioned the Township for a zone change of the Property, to include an overlay zone to permit a mixed-use development with over one hundred ninety thousand (190,000) square feet of retail use and a seventy-six (76) townhouse multifamily housing component; and

WHEREAS, on August 20, 2013, the Township Council introduced Ordinance 2013:028 to create the aforementioned overlay zone; and

WHEREAS, after extensive public hearings with significant public comment, on September 17, 2013, the Township Council voted 3 to 2 against adoption of Ordinance 2013:028; and

WHEREAS, on November 15, 2013, RD Realty filed an Action in Lieu of Prerogative Writs in the Superior Court of New Jersey, Law Division, Morris County Vicinage, Docket No.

MRS-L3026-13 challenging the Township Council's denial of Ordinance 2013:028 (the "Complaint"); and

WHEREAS, on December 3, 2013, RD Realty filed a First Amended Complaint in Lieu of Prerogative Writs alleging, *inter alia*, violations of the New Jersey Constitution, Municipal Land Use Law ("MLUL"), Federal Fair Housing Act, and Law Against Discrimination (the "Amended Complaint"); and

WHEREAS, on February 20, 2015, the Hon. Thomas L. Weisenbeck, A.J.S.C. entered an Order granting RD Realty leave to file a Second Amended Complaint (the "Second Amended Complaint" and, together with the Complaint and Amended Complaint, the "Litigation"); and

WHEREAS, on May 18, 2015, RD Realty filed an application with the Township Zoning Board of Adjustment (the "Zoning Board") seeking preliminary and final site plan approval for one hundred twenty (120) affordable multi-family housing units on a portion of the Property (the "Board of Adjustment Application"); and

WHEREAS, on July 8, 2015, the Township filed an action in the Superior Court of New Jersey, Morris County Vicinage captioned In the Matter of the Application of the Township of Parsippany-Troy Hills for a determination of Mount Laurel Compliance, Docket No. MRS-L-1699-15 (the "Mount Laurel Action"), as well as a Motion for Temporary Immunity from the Builder's Remedy pending the outcome of the Mount Laurel Action; and

WHEREAS, on July 16, 2015, RD Realty filed a Motion to Intervene in the Mount Laurel Action and, on August 5, 2015, the Court entered an Order permitting RD Realty to intervene as a defendant therein; and

WHEREAS, on August 24, 2015, RD Realty intervened and filed an Answer in the Mount Laurel Action; and

WHEREAS, the Township denied the allegations set forth by RD Realty in the Litigation and the Mount Laurel Action; and

WHEREAS, the Parties reached a settlement to resolve their disputes, subject to certain terms and conditions set forth in the Settlement Agreement and Release, dated November 10, 2015 (the "Settlement Agreement"), and subject to further actions of the Township Council; and

WHEREAS, on December 18, 2018, the Township Council adopted R2018-188, authorizing an Amendment to the Settlement Agreement, pursuant to Section 1.2.6 of said

Agreement, to memorialize revisions to certain terms and conditions of the settlement, as well as the respective obligations of the Parties; and

WHEREAS, on August 20, 2019, the Township Council adopted R2019-175, authorizing a Second Amendment to the Settlement Agreement, pursuant to Section 1.2.6 of said Agreement, to memorialize additional revisions to certain terms and conditions of the settlement, as well as the respective obligations of the Parties; and

WHEREAS, the Parties desire to enter into a Third Amendment to the Settlement Agreement and Release, a copy of which is attached hereto as Exhibit A, pursuant to Section 8.4 of said Settlement Agreement, to memorialize further revisions to certain terms and conditions of the settlement, as well as the respective obligations of the Parties; and

WHEREAS, the Township Council finds and declares that the execution of the Third Amendment to the Settlement Agreement and Release furthers the welfare of the Township and its residents.

NOW, THEREFORE, BE IT RESOLVED 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, a Third Amendment to the Settlement Agreement and Release by and between RD Realty, LLC and the Township of Parsippany-Troy Hills in a form acceptable to the Township Conflict Attorney; and
 3. This Resolution shall take effect after final adoption as provided by law.
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3. **R2021-133*Opposing State Legislature S-3810 and A-5862**

TABLED

B. APPLICATIONS

IX. APPROVAL OF PAYROLL AND BILLS LIST

- A. CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the August 20, 2021 regular and miscellaneous payroll estimated at \$1,650,000.00.
2. Payment of bills from voucher list of 8/15/21 through 8/17/21 is \$2,666,489.54

Motion to approve the authorization for payment above by Ms. Gragnani, seconded by Ms. McCarthy.
ROLL CALL – YES- Mr. Carifi, Ms. Gragnani, Ms. McCarthy, Ms. Peterson, Mr. dePierro

X. 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: **Contract Negotiations – Renewal of the School Resource Officer (SRO) and Class III Special Officer (SLEO 3) Agreement with Parsippany-Troy Hills Township School District; Attorney Client Privileged-Litigation-Township of Parsippany-Troy Hills (State) v. George Nader-Summary Penalty Enforcement Action and Settlement Agreement of Morris County Construction Board of Appeals matters entitled in Thomas Caltabellotta (Block 25, Lot 35 – Worksite: 6 Cambridge Road, Morris Plains, NJ) v. Township of Parsippany, MC#2020-7; 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”)**

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

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

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

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

Motion to Reconvene into Open Session by Ms. Peterson, Seconded By Ms. Gragnani.

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

XI. RESOLUTION

1. **R2021-134 Ratifying the Execution of a Mutual Release and Settlement Agreement Resolving the Matter of Thomas Caltabellotta v. Township of Parsippany, MC#202-7 in the Morris County Construction Board of Appeals**

WHEREAS, on or around August 25, 2020, Thomas Caltabellotta, President of Basements & Beyond C&D LLC, 8 Whitehall Road, Unit 4, Towaco, New Jersey 07082 initiated an appeal in the Morris County Construction Board of Appeal against the Township of Parsippany-Troy Hills (the “Township”) captioned Thomas Caltabellotta (Block 25, Lot 35 - Worksite: 6 Cambridge Road, Morris Plains, NJ) v. Township of Parsippany, MC#2020-7; and

WHEREAS, Mr. Caltabellotta appealed from three Notices and Orders of Penalty issued by the Township on August 17, 2020 for alleged violations of the Uniform Construction Code relating to work performed by Mr. Caltabellotta at 6 Cambridge Road, Morris Plains, NJ also known as Block 25, Lot 35 on the Tax Map for the Township; and

WHEREAS, the Township and Mr. Caltabellotta, by way of compromise and accord, without adjudication of any issues of fact or law and without any admissions of liability, desired to resolve their disputes with respect to any claims that each party may have had against the other regarding or relating to the subject matter of Thomas Caltabellotta (Block 25, Lot 35 - Worksite: 6 Cambridge Road, Morris Plains, NJ) v. Township of Parsippany, MC#2020-7 in the Morris County Construction Board of Appeals; and

WHEREAS, Township Counsel negotiated the resolution of this dispute with Mr. Caltabellotta and the terms and conditions of the resolution were memorialized in the Mutual Release and Settlement Agreement, attached hereto, which was duly and properly executed by the Township Construction Official on behalf of the Township; and

WHEREAS, the Township Council has reviewed the Mutual Release and Settlement Agreement, and, upon the recommendation of Township Counsel, now wishes to ratify the execution of the Mutual Release and Settlement Agreement by the Township Construction Official in order to resolve the dispute in Thomas Caltabellotta (Block 25, Lot 35 - Worksite: 6 Cambridge Road, Morris Plains, NJ) v. Township of Parsippany, MC#2020-7 in the Morris County Construction Board of Appeals.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and the State of New Jersey, in consideration of the foregoing and to avoid the time and expense associated with litigation, and intending to be legally bound, that the Township Council hereby ratifies the execution of the Mutual Release and Settlement Agreement by the Township Construction Official.

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 Ms. McCarthy, seconded by Ms. Peterson.

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

XII. ADJOURNMENT

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

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

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: December 21, 2021