

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF OCTOBER 5, 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. 10/19/21 @ 7:00 p.m. Regular Meeting
2. 11/9/21 @ 7:00 p.m. Agenda Meeting

E. APPROVAL OF MINUTES

II. PRESENTATION(S)/REPORTS

- A. MAYOR- Plaque Dedication for Arthur Vespignani conducted by Mayor Soriano.
- B. TOWNSHIP COUNCIL - no report
- C. TOWNSHIP ATTORNEY – no report
- D. BUSINESS ADMINISTRATOR - John Wieworka, Water Superintendent discussed the Water Main Break and Emergency Resolution
- 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 VI

The Mt. Tabor Street Improvements, Phase VI project is complete. **(No Council Action Required).**

2021 Road Resurfacing / Curb and Sidewalk Program

The annual road resurfacing / curb and sidewalk project was awarded. A preconstruction meeting is being scheduled and work is anticipated to begin by the end of the month. **(No Council Action Required).**

Edwards Road Improvement Project

The Edwards Improvement project is substantially complete. Minor punch list items will be finished in a few weeks. **(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. We recommend award of the project at the October 5th Council meeting. **(A Resolution will need to be adopted by the Township Council).**

Rockaway River Floodwall / Levee Inspection

An inspection was conducted of the Rockaway River floodwall and levee system. The report indicated the system is in good shape and recommended several maintenance and repair items that should be addressed. We are presently working with our consultant on preparing design details and a cost estimate for this work. **(No Council Action Required).**

Roadway Design Projects

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

Mt. Tabor Street Improvements, Ph VII
Drumlin Drive Stream Cleaning
Jefferson Road Drainage Improvements

No. Beverwyck Road Streetscape Improvements
Lake Intervale Area Street Improvements
Troy Brook Stream Cleaning
Sylvan Way Sidewalk Improvements
River & Stream Desnagging Plans and Permits
Entin Road Traffic Study
(No Council Action Required)

H. CORRESPONDENCE

III. BIDS

A. Taken

B. To Be Taken

1. 10/26/21 – Craftsman Farms Log House Kitchen Restoration and Annex Rehabilitation

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

Marylin Marion, requested the Council's help for removal of a cat colony that is in her neighborhood. Ms. Marion stated that they filed nuisance complaints against the animal department but case was dismissed because they had to name a specific name in the complaint. Ms. Marion stated that she needs the Council's help as this cat problem is out of control. Ms. Marion has been told that because of the Trap, Neuter and Release Program that nothing can be done. Mayor Soriano stated that the proper procedure is to name a person in the complaint without that there is nothing the Township can do. Mr. Lott stated that Council can change the law if they want. Mr. Carr stated that the problem is on the owner of the cat colony and so they must be named in the complaint. Ms. McCarthy stated that something must be done to help this resident and the responsibility should not fall on the homeowner. Mr. Madin suggested that a working group be comprised to discuss how the Township will resolve this issue.

Gary Wyck, stated that the cat problem mentioned by the previous resident is out of control and that something must be done to assist the residents in the neighborhood, and suggested that the cats be trapped and brought to the Council's neighborhood.

Seeing no one else come forward to speak, Mr. Madin entertained a motion to close the public hearing. A motion to close the public hearing was made by Council Member Carifi,

and seconded Council Member Peterson followed by a Roll Call with all the Council Members answering Yes

V. ORDINANCES

A. INTRODUCTION

1. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 225, LAND USE, SUBDIVISIONS AND SITE PLANS AND CHAPTER 430, ZONING, OF THE TOWNSHIP CODE-ON*
2. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING THE SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS, CERTAIN CHECKLIST AND ESCROW REQUIREMENT AND THE TIME PERIOD FOR EXPIRATION OF VARIANCES IN CHAPTER 225, LAND USE, SUBDIVISIONS AND SITE PLANS AND CHAPTER 430, ZONING, OF THE TOWNSHIP CODE-ON*
3. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AUTHORIZING AND ENCOURAGING ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT (EVSE) & MAKE-READY PARKING SPACES-ON*
4. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 180, RETAIL FOOD ESTABLISHMENTS, AND CHAPTER A445, FEES COMPILATION, OF THE CODE OF PARSIPPANY-TROY HILLS, TO REGULATE MOBILE FOOD VENDING ESTABLISHMENTS, AND AMENDING CHAPTER 430, ZONING TO ELIMINATE MOBILE FOOD VENDING ESTABLISHMENTS FROM THIS CHAPTER AND TO CLARIFY CERTAIN DEFINITIONS-ON*

B. SECOND READING & PUBLIC HEARING

VI. NON-CONSENT AGENDA

A. RESOLUTIONS

1. R2021-148 Approving an Emergency Agreement with Reivax Contracting Corp. for Route 46 Near New Road Water Main Break

WHEREAS, the Township Council is obligated to provide funds and ratify emergency agreements which are entered into by the Township in accordance with N.J.S.A. 40A:11-6; and

WHEREAS, an emergency condition exists with a failed township water main under State Highway Route 46 near New Road; and

WHEREAS, this condition constitutes an emergency affecting the immediate health, safety or welfare of the public; and

WHEREAS, a water main under State Highway Route 46 near New Road failed in July 2021. This failure constituted an emergency in providing water within the township. Failure to immediately repair this equipment would pose a serious threat to the health, safety and welfare of our residents; and

WHEREAS, it is necessary to invoke N.J.S.A. 40A:11-6 (emergency purchases and contracts) in order to ratify the repair of the failed water main under State Highway Route 46 near New Road. The estimated cost of furnishing the labor, materials and materials to repair the failed water main is \$467,877.50; and

WHEREAS, such an agreement was entered into between the Township and Reivax Contracting Corp., to supply labor, equipment and materials to repair the failed State Highway Route 46 near New Road water main; and

WHEREAS, the Chief Financial Officer has certified to the availability of funds; and

WHEREAS, the Water Superintendent has certified as to the existence of the emergency.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, and State of New Jersey, that a certain emergency agreement with Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater, NJ 08807 be entered into to supply labor, equipment and materials to repair the failed State Highway Route 46 near New Road water main for the estimated amount of \$467,877.50 is hereby ratified and approved.

This resolution shall take effect immediately.

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

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

2. R2021-149 Awarding a Contract to Reivax Contracting Corp., for Puddingstone Heights Road Reconstruction Program Phase I

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Puddingstone Heights Road Reconstruction Program Phase I on June 9, 2021, and

WHEREAS, the Director of Purchasing, Purchasing Assistant, Township Engineer and Sewer Superintendent have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, Reivax Contracting Corp., 68 Finderne Avenue, Bridgewater, NJ 08807 for the

Total Bid Price (Items 1 – 51) of \$1,052,062.00 and Total Alternate 1 Price (Items 52-57) of \$366,750.00, and

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

Current Capital Ordinance # 2020:24 adopted July 21, 2020 and
Sewer Capital Ordinance # 2020:20 adopted July 21, 2020, both entitled,
“Various Improvements.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Puddingstone Heights Road Reconstruction Program Phase I 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.

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

3. **R2021-150 Township Council Certification of the Annual Audit**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director Division of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the City Council of the Township of Parsippany-Troy Hills, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of compliance.

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

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

VII. CONSENT AGENDA

A. RESOLUTIONS

1. **Authorizing the Cancellation and Refund of Property Taxes for Block 525, Lot 14 – 100% Permanently Disabled Veteran-ON***
2. **Authorizing 2021 ROID Grant Application-ON***
3. **Permitting Use of the Concession Stand at Smith Field Park-ON***
4. **Authorizing Change Order #1 for the Baldwin Road Sanitary Sewer Modifications-ON***
5. **Confirming the Appointment and Awarding a Contract for Professional Consulting and Engineering Services to Joseph F. Beckmeyer Consultants, LLC-ON***

B. APPLICATIONS

1. **Authorizing a Person-to-Person Transfer of Plenary Retail Consumption License for Azzurri Parsippany, LLC from Chessman a NJ Corp. d/b/a Eccola Restaurant-ON***

C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the 10/1/21 regular payroll estimated at \$1,650,000.00
2. Payment of bills from voucher list of 10/1/21 through 10/3/21 estimate totaling \$2,809,388.02

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

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 Officers PBA 131A – Carifi PERC & Grievance Matters and Carifi v. Township of Parsippany-Troy Hills et. al (“Carifi 1”); 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 Privilege – Leasing of Public Property – Contract Negotiations-Mt. Tabor Fire District EMS Bay**

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. Gragnani.

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

Motion to Reconvene into Open Session by Ms. Gragnani, 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. Gragnani

Roll Call: 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