

## COUNCIL MINUTES

### TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF OCTOBER 19, 2021

#### I. INTRODUCTION

Meeting was called to order at 7:00 pm by Council Vice President Loretta Gragnani 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 and local radio stations on December 18, 2020.

A flag salute occurred followed by roll call with the following answering roll call; Council member Carifi, Council member Gragnani, Council member McCarthy and Council member Peterson. Other members of the administration present at the meeting; Mayor Michael Soriano, Business Administrator Frederick Carr, CFO Juan Uribe, Township Attorney James Lott, and Township Clerk Khaled Madin. Council President Michael dePierro has an excused absence.

#### UPCOMING MEETINGS:

1. 11/9/21 @ 7:00 p.m.                      Agenda Meeting
2. 11/23/21 @ 7:00 p.m.                      Regular Meeting

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

A. MAYOR – the Mayor stated that Covid cases as of the 19<sup>th</sup> of October are 4,809 which is an increase of 42 new cases in the past week. Vaccinations as of the 13<sup>th</sup> of the month; 1<sup>st</sup> dose – 83% of all eligible Parsippany residents 12 and older, 99% of all Parsippany residents 65 and over

Fully Vaccinated – 76% of all eligible Parsippany residents; 98% of all Parsippany residents 65 and over

The Mayor spoke about Breast Cancer Awareness Month and the American Cancer Society's Making Strides event. Upcoming event, Batapalooza and Green Fair on Saturday at the Main Library. Prescription Drug Take Back event at the Morris Hills Shopping Center. Trunk or Treat taking place at 8 Campus Drive on October 31<sup>st</sup>.

1. Plaque Dedication for Mayor Mimi Letts – the Mayor read a Proclamation in honor of Mayor Mimi Letts into the record. Howard Letts thanked the Mayor and Council for the dedication.

#### B. TOWNSHIP COUNCIL

**Ms. Gragnani** asked Mr. Carr about Covid protocols for employees. **Mr. Carr** inquired if the question was related to the email received, as it was, he stated the email was not totally accurate. A discussion regarding the email from the resident as well as covid protocols ensued. The Township is following the guidelines from the State regarding protocols.

**Ms. McCarthy** stated that a review of the TVNR program is needed in regards to the caregivers of cat colonies. **Mr. Madin** stated that the ordinance would be reviewed and a Cat working group would be assembled consisting of two Council members, Township Attorney, Business Administrator, the Mayor, Township Clerk, Animal Control Officer and Health Officer.

#### C. TOWNSHIP ATTORNEY

**Mr. Lott** has matters for the closed session and asked for the Pantina matter be removed as Special Counsel was not available for tonight's meeting, to be moved to the next meeting.

#### D. BUSINESS ADMINISTRATOR

##### 1. Presentation by Susan Favate regarding Zoning ordinances

**Ms. Favate** reviewed the recommended changes to the ordinances. The changes are arising from the 2020 Master Plan which included a recommendation to review the permitted uses, bulk standards and parking regulations in the business zones. This is to ensure there are no barriers to entrepreneurship, new businesses and different retail stores opening in the Township. Lack of detail in the current code for personal services.

Ordinance 2021:23 – defining personal services clearly to include the types of traditional uses both for humans and pets, separately defining recreational instruction as well as education instruction. Suggesting to allow the above in all business zones.

**Ms. McCarthy** asked about Vaping shops. **Mr. Lott** stated that would need to be looked into further.

Ordinance 2021:24 - changes to parking in the business zones; update shared parking and off-site parking; which would be subject to Planning/Zoning Board approval. Additional change recommendations include; lot coverage definition, increase in fees, expiration of use variances language change.

**Mr. Carifi** asked about impervious coverage relating to decks.

**Mr. Lott** stated the Township adopted the DEP Stormwater Management regulations closing a significant loophole which related to small projects; any impervious cover 500 sq. ft. Clarification of what constitutes coverage. Residential projects with coverage over 500 sq. ft need to include a dry well for stormwater management.

Ordinance 2021:25 - Electric vehicle charging parking spaces, state legislation adopted that supersedes local zoning. Suggesting the Township update the ordinance to be consistent.

Ordinance 2021:26 – regarding mobile food vendors. Working group consisting of the Township Attorney, Town Planner, Business Administrator, Township

Clerk, Health Dept and a Zoning Officer. Transfer these types of uses out of Zoning to the prevue of the Health Dept. **Mr. Lott** responded that there were inconsistencies in the legislation between the Zoning, Health and Clerk's office. Streamlined the process to be all under the Health Dept.

E. TOWNSHIP CLERK

**Mr. Madin** stated that on Tuesday, November 2<sup>nd</sup> is the General Election, poles open at 6am and close at 8pm. There are 39 election districts, voting locations will be posted online, there is also a ballot box outside Town Hall.

F. TOWNSHIP OFFICES COMMITTEES/REPORTS - None

G. CORRESPONDENCE - None

### 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

Vice President Gragnani 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.

**ROLL CALL** with all the Council Members answering Yes

**Mary Purzycki – 273 Marcella Road** – Parsippany Post Office lost the tax bills. Tax Collectors Office is charging \$5 for copy of a Residential Tax Bill. **Mr. Lott** responded that the ordinance is intended for entities with mortgage interest in the property; the fee is not intended for residents. **Mr. Carr** will straighten out the misunderstanding with the tax office.

**James Andersen – 56 Hedding Place** – issue regarding drinking water. Waterline to residence was damaged during beautification of Mt. Tabor, with stormwater drainage and brick pavers. Letters have been exchanged with the Township regarding issue. Waterline runs through the neighbor's property. **Mr. Carr** responded that the waterline is on private property therefore the township has no statutory authority to go on private property and fix a private waterline.

**Kim Andersen – 56 Hedding Place** – asking Township to run the waterline up the road instead of through the neighbor's property. Stated the Camp Association does not own the home. Road is

currently being repaired so the timing would be perfect to make the change. **Mr. Carr** confirmed the Camp Association owns the property, resident owns the home. Water issues need to be clarified with the Water Department and will be conveyed to the Council.

**Bob Long – 55 North Place** – attended in support of the Andersen family. **Mayor Soriano** stated that due to the historic nature of Mt. Tabor and it being its own municipality before being incorporated into Parsippany it does not follow the Townships codes.

**Doris Martin – 8 Cherry Lane** – Since August has Parsippany had Afghan refugees resettled into this Township. **Mayor Soriano** responded no, and clarified if the resident was referring to the Afghan refugees at Fort Dix.

**Marilyn Marianne – 12 Winding Way** – thanked the Council for addressing the issues that need to be addressed regarding resident responsibility maintaining the cat colonies

**Gary Wank – 9 Laurel Drive** – spoke about the concerns about the cat colony

**Bob Venezia – 102 Brooklawn Drive** – spoke about the mayoral debate and concern over some issues that were not explained in detail. Ultimate control over development within the Township is with a state appointed representative for affordable housing and not the Mayor. The other issue was in regards to the budget and he criticized the Mayor and Administration.

**Nicholas Homyak – 26 Oneida Avenue** – spoke about the mayoral debate and the Highlands Council

**James Barberio – 137 Minnehaha Blvd** – responded to comments made by the previous two residents regarding the mayoral debate

Seeing no one else come forward to speak, Vice President Gagnani 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.

**ROLL CALL** with all the Council Members answering Yes.

## **V. ORDINANCES**

### **A. INTRODUCTION**

#### **1. ORDINANCE 2021:23**

**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**

**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 **October 19, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **November 23, 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 Council Member Carifi, seconded by Council Member Peterson.

**ROLL CALL** with all Council Members answering Yes

2. **ORDINANCE 2021:24**

**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**

**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 **October 19, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **November 23, 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 Council Member McCarthy, seconded by Council Member Carifi.

**ROLL CALL** with all Council Members answering Yes

3. **ORDINANCE 2021:25**

**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**

**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 **October 19, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **November 23, 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 Council Member Peterson, seconded by Council Member Carifi.

**ROLL CALL** with all Council Members answering Yes

4. **ORDINANCE 2021:26**

**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**

**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 **October 19, 2021** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **November 23, 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 Council Member Carifi, seconded by Council Member Peterson.

**ROLL CALL** with all Council Members answering Yes

**B. SECOND READING & PUBLIC HEARING**

None

**VI. NON-CONSENT AGENDA**

**A. RESOLUTIONS**

**1. R2021-157 Special Item of Revenue in the Budget Chapter 159– ANJEC Open Space Stewardship Grant**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2021 municipal budget,

\_\_\_\_\_  
Juan B. Uribe, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2021 as referenced below:

Revenue Title: ANJEC Open Space Stewardship Grant Amount: **\$1,000.00**

Appropriation Title: ANJEC Open Space Stewardship Grant Amount: **\$1,000.00**

Local Match - Source: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**BE IT FURTHER RESOLVED**, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that

one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted this **19th day of October 2021**  
and certified as a true copy of an original.

---

Khaled Madin, Clerk

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A40A: 4-87

Motion to approve the above Resolution by Council Member Carifi, seconded by Council Member McCarthy.

**ROLL CALL** with all Council Members answering Yes

**2. R2021-158 Special Item of Revenue in the Budget Chapter 159 – 2021 Drive Sober or Get Pulled Over Grant**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2021 municipal budget,

---

Juan B. Uribe, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2021 as referenced below:

Revenue Title: **2021 Drive Sober or Get Pulled Over grant** Amount: **\$6,000.00**

Appropriation Title: **2021 Drive Sober or Get Pulled Over grant** Amount: **\$6,000.00**

Local Match - Source: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**BE IT FURTHER RESOLVED**, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that

one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted this **19th day of October 2021**  
and certified as a true copy of an original.

---

Khaled Madin, Clerk

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A40A: 4-87

Motion to approve the above Resolution by Council Member Carifi, seconded by Council Member McCarthy.

**ROLL CALL** with all Council Members answering Yes

**3. R2021-159 Special Item of Revenue in the Budget Chapter 159 – American Endowment Foundation Grant**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2021 municipal budget,

---

Juan B. Uribe, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2021 as referenced below:

Revenue Title: **American Endowment Foundation grant** Amount: **\$3,000.00**

Appropriation Title: **American Endowment Foundation grant** Amount: **\$3,000.00**

Local Match - Source: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**BE IT FURTHER RESOLVED**, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that

one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted this **19th day of October 2021**  
and certified as a true copy of an original.

---

Khaled Madin, Clerk

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A40A: 4-87

Motion to approve the above Resolution by Council Member Peterson, seconded by Council Member Carifi.

**ROLL CALL** with all Council Members answering Yes

**4. R2021-160 Special Item of Revenue in the Budget Chapter 159 – Onyx Contribution Fireworks Show**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount,

**WHEREAS**, the Treasurer certifies that the Township of Parsippany–Troy Hills has realized or is in receipt of written notification of the state or federal monies cited in this resolution, which meets all statutory requirements and will be included in the 2021 municipal budget,

---

Juan B. Uribe, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue and appropriation in the budget of the year 2021 as referenced below:

Revenue Title: **Onyx Contribution Fireworks Show** Amount: **\$75,000.00**

Appropriation Title: **Onyx Contribution Fireworks Show** Amount: **\$75,000.00**

Local Match - Source: \_\_\_\_\_ Amount: \$ \_\_\_\_\_

**BE IT FURTHER RESOLVED**, that pursuant to N.J.S.A 40A:4-87 this resolution has been duly adopted by the Mayor and governing body of the Township of Parsippany-Troy Hills and that

one (1) certified copy of this resolution be forwarded to the Division of Local Government Services.

Adopted this **19th day of October 2021**  
and certified as a true copy of an original.

---

Khaled Madin, Clerk

Approval is hereby given to the cited resolution adopted by the governing body pursuant to N.J.S.A40A: 4-87

Motion to approve the above Resolution by Council Member Peterson, seconded by Council Member Carifi.

**ROLL CALL** with all Council Members answering Yes

**5. R2021-161 Authorizing the Issuance of \$631,671 Special Emergency Notes for Expense Related to Contractually Required Severance Liabilities Resulting from Retirement of Employees**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL 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 of the Township of Parsippany-Troy Hills, in the County of Morris, New Jersey (the "Township"), authorizing a special emergency appropriation in the amount of \$631,671 for expenses related to contractually required severance liabilities resulting from the retirement of employees has been finally adopted on November 24, 2020 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 sum of \$631,671 and to issue its special emergency notes (the "Notes") in accordance with the Local Budget Law of the State 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 the 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.

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 so that all Notes and renewals thereof shall have matured and have been paid not later than the last day of the fifth year following the date of adoption 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; and

(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.

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 interest on the obligations 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. To the extent that the Notes are issued as federally tax-exempt, the Township hereby makes the following covenants and declarations with respect to Notes to be issued by the chief financial officer of the Township if issued on a federally tax-exempt basis. 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, in a timely manner not in excess of ten business days after the occurrence of the event, 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, notice of any of the following events with respect to the Notes:

- (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
- (1) 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 (15) and (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.

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.

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.

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 undertaking 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.

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 immediately.

Motion to approve the above Resolution by Council Member McCarthy, seconded by Council Member Carifi.

**ROLL CALL** with all Council Members answering Yes

**6. R2021-162 Authorize Cancellation of Balance on Unfunded Improvement Authorizations**

**WHEREAS**, in the General Capital and the Sewer Capital Funds exist unexpended balances in the amount of \$3,626,944.94 deriving from unfunded improvement authorizations;

**WHEREAS**, balances remain open when projects are completed at an amount lower than previously estimated, are cancelled or just abandoned;

**WHEREAS**, sound accounting practices recommend the cancellation of balances, which may have been dormant or inactive for a long period of time;

**WHEREAS**, the Chief Financial Officer, in conjunction with the Township Auditor and Bond Counsel investigated these unexpended balances and as a result recommend cancellation, in order to return proceeds to Capital Improvement Fund or Fund Balance, whichever applicable.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris that the Chief Financial Officer shall and is hereby authorized to cancel the unexpended balance of unfunded improvement authorizations as follows:

GENERAL CAPITAL FUND		
ORDINANCE NUM.	DESCRIPTION	UNEXPENDED OR UNFUNDED BALANCE
1991-27	Regional contribution agreement-City of Newark	453,643.69
2018-17	Multipurpose capital improvements	1,567,622.74
<b>Sub-total</b>		<b>\$ 2,021,266.43</b>
SEWER UTILITY CAPITAL FUND		
2014-24	Multipurpose sewer capital improvements	1,267,976.86
2017-12	Multipurpose sewer capital improvements	337,701.65
<b>Sub-total</b>		<b>\$ 1,605,678.51</b>
<b>Total cancellation</b>		<b>\$ 3,626,944.94</b>

Motion to approve the above Resolution by Council Member McCarthy, seconded by Council Member Carifi.

**ROLL CALL** with all Council Members answering Yes

**VII. 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 Council Member Carifi, seconded by Council Member Peterson.

**ROLL CALL** with all Council Members answering Yes

**A. RESOLUTIONS**

- R2021-151\* Authorizing the Cancellation and Refund of Property Taxes for Block 525, Lot 14 – 100% Permanently Disabled Veteran**

**WHEREAS**, N.J.S.A. 54:4-3.30 exempts 100% permanently and totally disabled veterans or surviving spouses of veterans from the payment of real estate taxes; and

**WHEREAS**, James III and Daniella Mangini, husband and wife, are the owners of the residential property assessed as Block 525, Lot 14, having an address of 34 Navajo Avenue and purchased on September 17, 2019 and

**WHEREAS**, James III Mangini has been certified by the Department of Veterans Affairs as a 100% permanently and totally wartime service connected disabled veteran effective August 16, 2021 and

**WHEREAS**, James III Mangini submitted a 100% disabled veteran exemption application with the Tax Assessor's office September 16, 2021 and the for the past 30 years the municipality has exempted residential properties for the year or partial year that the veteran applied for the exemption,

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Parsippany-Troy Hills that the 2021 real estate taxes on the above parcel are hereby exempt/canceled for the period September 16, 2021 through December 31, 2021; and

**BE IT FURTHER RESOLVED** that said 2021 taxes *paid* for the period from September 16, 2021 to December 31, 2021 be refunded to the owner of the property.

**2. R2021-152\*Authorizing 2021 ROID Grant Application**

**WHEREAS**, the Township of Parsippany-Troy Hills desires to apply for and obtain a grant from the New Jersey Department of Community Affairs through the Recreational Opportunities for Individuals with Disabilities (ROID) Grant Program for approximately \$20,000 to carry out a project that provides inclusive recreational opportunities for individuals with developmental disabilities through a partnership between the Recreation Department and the Parsippany Police Athletic League to benefit developmentally disabled individuals ages 5 to 21+;

**Be it therefore RESOLVED,**

- 1) that the **TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS** does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the **TOWNSHIP OF PARSIPPANY-TROY HILLS** and the New Jersey Department of Community Affairs; and,
- 3) the **TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS** authorizes the expenditure of the required 20% match for this grant

opportunity.

**BE IT FURTHER RESOLVED**, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

Frederick Carr

---

**(type or print name)**

Business Administrator

---

**(title)**

---

***CERTIFICATION:***

I, Khaled Madin, the Township Clerk of the Township of Parsippany-Troy Hills hereby certify that at a meeting of the Board of Directors / Governing Body held on October 19<sup>th</sup>, 2021 the above *RESOLUTION* was duly adopted.

**3. R2021-153\*Permitting Use of the Concession Stand at Smith Field Park**

**WHEREAS**, Smith Field Park, located in the center of the Township of Parsippany-Troy Hills, is used for league play for various sports from early spring until late fall; and

**WHEREAS**, Smith Field Park is encumbered by New Jersey Department of Environmental Protection's Green Acres Program restrictions; and

**WHEREAS**, the Township desires to permit the Parsippany Soccer Club, in partnership with the Par-Troy Little League East, to utilize the Concession Stand at Smith Field Park for the 2021 Parsippany Pride Tournament to be held on October 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup>; and

**WHEREAS**, the Township also desires to permit the Parsippany Police Athletic League (PAL) Fall Football League to use the Concession Stand at Smith Field Park during the football season commencing on September 12<sup>th</sup> and ending on November 21<sup>th</sup>; and

**WHEREAS**, use of the Concession Stand at Smith Field Park in connection with these activities furthers the recreation and conservation purposes of Smith Field Park; and

**WHEREAS**, the Township wishes to waive any food handler application fees and other fees required for these organizations to use the Concession Stand at Smith Field Park; and

**WHEREAS**, use of the Concession Stand at Smith Field pursuant to this Resolution shall be subject to, limited by and exercised in accordance with the Green Acres Restrictions at N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36 et seq., as may be amended and supplemented, and

Smith Field Park shall continue to be used for conservation and recreation purposes in accordance with Green Acres Restrictions; and

**WHEREAS**, these organization shall comply with all local laws, rules and regulations and shall provide the Township with all requested information, including but not limited to, the following: (1) proof of insurance coverage naming the Township and New Jersey Department of Environmental Protection as additional insureds and (2) indemnification to the Township and New Jersey Department of Environmental Protection.

**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 the Parsippany Soccer Club and PAL Fall Football League are permitted to use the Concession Stand at Smith Field Park in accordance with the terms and conditions of this Resolution. The Township shall waive any food handler application fees and other fees required for these organizations to use the Concession Stand at Smith Field Park.

**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.

4. **R2021-154\*Authorizing Change Order #1 for the Baldwin Road Sanitary Sewer Modifications**

**WHEREAS**, a change order to the contract for THE BALDWIN ROAD SANITARY SEWER MODIFICATIONS with Kulpeksa Land Improvement Corp. 248 Franklin Avenue, Rockaway, NJ 07866, is necessary to allow for the construction of the proposed sewer main resulting in an increase in total cost of the Project by an amount of \$62,611.58, and a new total contract price of \$447,666.58, with an increase in the Contract Time by 120 days; and,

**WHEREAS**, Neglia Engineering, the Township's Consulting Engineer for this Project, has recommended the modification in the propose sewer pipe alignment as outlined in Change Order # 1, to avoid conflict with the existing 10-inch water main.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it hereby approves Change Order # 1 for the BALDWIN ROAD SANITARY SEWER MODIFICATIONS Project, resulting in an increase in total cost of the Project cost by an amount of \$62,611.58, resulting in a new total contract price of \$447,666.58 and extending the Contract Time by 120 days.

**BE IT FURTHER RESOLVED** by that the Mayor is authorized to execute Change Order # 1, in the form on file with the Township Clerk.

5. **R2021-155\*Confirming the Appointment and Awarding a Contract for Professional Consulting and Engineering Services to Joseph F. Beckmeyer Consultants, LLC**

**WHEREAS**, the Township of Parsippany-Troy Hills (the “Township”) requires professional consulting services by an Engineering Consultant and S4/C4 NJDEP Sewer Collection Licensed Operator for the Township’s Wastewater Treatment Plant (the “Plant”) and Wastewater Collection System (the “System”) via a non-fair and open contract pursuant to the provisions of P.L. 2004, c.19 (N.J.S.A. 19:44A-20.5, *et seq.*); and

**WHEREAS**, professional consulting services by an Professional Engineering Consultant and S4/C4 NJDEP Sewer Collection Licensed Operator constitute an extraordinary and unspecified service pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.4 and is a limited exception to public advertising and bidding requirements by virtue of N.J.S.A. 40A:11-5(1)(bb); and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of these services may exceed \$17,500; and

**WHEREAS**, the Business Administrator and the Mayor have recommended that a one-year Contract be awarded to Joseph F. Beckmeyer Consultants, LLC for a total fee of \$181,200.00; and

**WHEREAS**, Joseph F. Beckmeyer Consultants, LLC has indicated that they will provide the services required as specified below for the Township at the rates and terms specified in the Contract; and

**WHEREAS**, Joseph F. Beckmeyer Consultants, LLC has completed and submitted a Business Entity Disclosure Certification, which Certification provides that the firm has not made any reportable contributions to candidate committees, joint candidates committees or political party committees representing the elected officials of the Township in the one year period preceding the award of the Contract, and that the Contract will prohibit the firm from making any reportable contributions through the term of the contract that would bar the award of this Agreement pursuant to N.J.S.A. 19:44A-20.5 *et seq.*; and

**WHEREAS**, the Business Entity Disclosure Certification further provides that Joseph F. Beckmeyer Consultants, LLC has not made any and will not make any contributions or solicit any contribution of money or pledge of a contribution in violation of Township Ordinance 10:02 (Municipal Code Part 1, Chapter 12); and

**WHEREAS**, Joseph F. Beckmeyer Consultants, LLC has completed and submitted a Political Contribution Disclosure Form and Stockholder Disclosure Certification, as required pursuant to N.J.S.A. 19:44A-20.26, no later than 10 days prior to entering into the contract, disclosing all reportable political contributions (more than \$300 per election cycle) made over the 12 months prior to submission to the committees of the government entities listed on the Form provided by the Township; and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills will certify to the availability of funds in the Sewer Other Expenses – 270 Consulting Services account 2021 Budget Sewer Other Expenses and that funds will be made available in the 2022 Temporary Budget Sewer Other Expenses – 270 Consulting Services account.

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

1. That the aforesaid recitals be and hereby are adopted and incorporated herein as if repeated in full; and
2. That the Township Council of the Township of Parsippany-Troy Hills hereby authorizes the Mayor to enter into a contract with Joseph F. Beckmeyer Consultants, LLC, 1795 Mill Creek Road, Manahawkin, New Jersey 08050 for professional consulting services by an Engineering Consultant and S4/C4 NJDEP Wastewater Treatment/Collection Licensed Operator for the Township's Wastewater Treatment Plant and Wastewater Collection System, for a one year total fee for services of \$181,200.00; and
3. That the Business Entity Disclosure Certification, which incorporates the provisions of Article I, entitled *Prohibitions on Contract Awards*, of Chapter 12, *Contracts*, of the Township Code; Political Contribution Disclosure Form; Stockholder Disclosure Certification; Determination of Value; and Certification of Extraordinary Unspecifiable Services be placed on file in the Office of the Township Clerk with the Contract and authorizing resolution; and
4. That this contract be awarded through a non-fair and open process and without a competitive bid pursuant to N.J.S.A. 19:44A-20.5; N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.4; and is a limited exception to public advertising and bidding requirements by virtue of N.J.S.A. 40A:11-5(1)(bb); and
5. A notice of this award will be printed in the official newspaper of the Township of Parsippany-Troy Hills in accordance with N.J.S.A. 40A:11-1 et seq.

**B. APPLICATIONS**

**1. R2021-156\*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**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 1429-33-004-002 for Chessman A NJ Corp. d/b/a Eccola Restaurant to Azzurri Parsippany, LLC, and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed, and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business

**NOW, THEREFORE, BE IT RESOLVED** that the Township of Parsippany-Troy Hills Council does hereby approve, effective October 19, 2021, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License #1429-33-004-002.

### VIII. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the October 15, 2021 regular and miscellaneous payroll estimated at \$1,600,000.00.
2. Payment of bills from voucher list of 10/15/21 through 10/17/21 is \$1,973,100.92

Motion to approve the authorization for payment above by Council Member McCarthy, seconded by Council Member Peterson.

**ROLL CALL** with all Council Members answering Yes

### IX. 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”); Attorney Client Privilege – Leasing of Public Property – Contract Negotiations-Mt. Tabor Fire District EMS Bay; Attorney Client Privilege – Threatened Litigation – Richard Pantina v. Township of Parsippany-Troy Hills et. Al – Notice of Tort Claim**

**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 Council Member Peterson, Seconded by Council Member Carifi.

**ROLL CALL** with all Council Members answering Yes

Motion to Reconvene into Open Session by Council Member Gragnani, Seconded by Council Member Peterson

**ROLL CALL** with all Council Members answering Yes

**X. ADJOURNMENT**

Motion to Adjourn the Meeting by Council Member Peterson, Seconded by Council Member McCarthy

**ROLL CALL** with all Council Members answering Yes

Respectfully submitted,

---

Khaled Madin, Township Clerk

---

Michael J. dePierro, Council President

Minutes Approved: March 15, 2022