

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF NOVEMBER 9, 2021

I. INTRODUCTION

Meeting was called to order at 7:00 pm by Council President Mike dePierro 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 dePierro, Council member Gragnani, Council member Carifi, Council member McCarthy and Council member Peterson. Other members of the administration present at the meeting; Mayor Michael Soriano, Business Administrator Frederick Carr, Township Attorney James Lott, CFO Juan Uribe and Township Clerk Khaled Madin

UPCOMING MEETINGS:

- | | |
|-------------------------|-----------------|
| 1. 11/23/21 @ 7:00 p.m. | Regular Meeting |
| 2. 12/7/21 @ 7:00 p.m. | Agenda Meeting |

APPROVAL OF MINUTES

1. Agenda Meeting – 8/3/21
2. Regular Meeting – 8/17/21
3. Agenda Meeting – 9/7/21
4. Regular Meeting – 9/21/21
5. Agenda Meeting – 10/5/21

II. PRESENTATION(S)/REPORTS

- A. MAYOR – Covid 19 case numbers update; total cases in Parsippany is 4,481 which is an increase of 21 new cases in the past week. Vaccinations status as of the 3rd of November; 1st Dose – 84% of all eligible residents, 99% of residents over the age of 65, Fully Vaccinated – 77% of all eligible residents, 99% of residents over the age of 65. Veterans Day ceremony scheduled for Thursday, November 11th at 11:00 am at Veterans Memorial Park. DPW has open positions in several divisions. Table of Hope is hosting a Thanksgiving food distribution at the County College of Morris

1. Plaque dedication for Councilman Vincent Ferrara

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:

1. **Attorney Client Privilege – Litigation Global Settlement-Superior Officers PBA 131A-Carifi PERC matters and Carifi v. Township of Parsippany-Troy Hills et. al (Carifi 1”)**

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 Gragnani

ROLL CALL with all Council members answering Yes except Council member Carifi who abstained

Mr. dePierro – made comments for public information regarding the resolution above. The breakdown of the one million dollars; two insurance carriers were involved and contributed as follows; one put up \$500,000 to avoid court and the other \$50,000 to absolve them of responsibility. The Township obligation is accrued sick leave and vacation days equaling \$368,000; which has been held over this time. With agreed to interest the amount equals \$400,000. The Township made up the difference with \$50,000 for a total of \$1,000,000. Total cost to the Township is \$82,000 over a ten-year lawsuit.

II. PRESENTATION(S)/REPORTS Cont.

B. TOWNSHIP COUNCIL – No Report

C. TOWNSHIP ATTORNEY – **Mr. Lott** stated he has several items for closed session with one additional item; settlement recommendation in Risollo, Addison v Township, Morris County Docket MRS-L-1834-21

D. BUSINESS ADMINISTRATOR

1. Presentation by Whippany River Watershed Action Committee – **Siva Jonnada**, Chair of the Committee and **Alison Deeb**, Facilitator spoke about the watershed. Sixteen municipalities have part of the watershed in them, including Parsippany. Water pollution is a concern. Parsippany has four rain gardens at town hall which is important to deal with standing water and mosquitos.

2. Best Practices Discussion

E. TOWNSHIP CLERK – No Report

F. TOWNSHIP OFFICES / COMMITTEES 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).**

2021 Road Resurfacing / Curb and Sidewalk Program

The annual road resurfacing / curb and sidewalk project was awarded. A preconstruction meeting was held. Due to prior work commitments our project is anticipated to begin in mid-November. **(No Council Action Required).**

Edwards Road Improvement Project

The Edwards Improvement project is complete. **(No Council Action Required).**

Puddingstone Heights Road Improvement Project, Phase I

The Puddingstone Heights Improvement project was awarded and a preconstruction meeting is scheduled. The contractor will provide a schedule at the preconstruction meeting and anticipates working into the winter as long as the weather is favorable and he can get materials. **(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 the repair work. **(No Council Action Required).**

Mt. Tabor Street Improvements, Phase VII

The Mt. Tabor Street Improvements, Phase VII project is design. We anticipate bidding this project in February 2022. **(No Council Action Required).**

No Parking Zone – Virginia Drive

This office has received a request to investigate placing a no parking zone on Virginia Drive from Union Road to the terminus in an effort to prohibit drop-off of students and the subsequent unsafe vehicular movements on this short, dead end street with no cul-de-sac. The Police Department and this office investigated this request and it was determined that parking should be prohibited on both sides of the street from Union Road to the terminus from 8:00 a.m. to 4:00 p.m., Monday through Friday from September through June. **(An ordinance must be adopted by the Township Council).**

Major Soil Moving Permit – The District at 15fifteen, Block 200 Lots 1.2 & 1.3

The Planning Board has recommended approval of a major soil moving permit in conjunction with the site plan application at 1515 Route 10 East. This office has reviewed the application and recommends the Township Council approve the permit with the conditions noted in the resolution of award and my memo to the Township Clerk dated October 4, 2021. **(We recommend the Township Council approve the permit by resolution).**

Major Soil Moving Permit – RVRSA, Block 493 Lot 1

The Planning Board has recommended approval of a major soil moving permit in conjunction with the site plan application for the Rockaway Valley Regional Sewerage Authority located at 99 Greenbank Road. This office has reviewed the application and recommends the Township Council approve the permit with the conditions noted in the resolution of award and my memo to the Township Clerk dated October 6, 2021. **(We recommend the Township Council approve the permit by resolution).**

Roadway Design Projects

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

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

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

B. To Be Taken

1. 11/19/21 – Well Redevelopment Services – Wells 13 and 21
2. 12/15/21 – Pump Station No. 4 Gravity Conversion State Loan Project

C. Quotation(s)/Proposal(s)/Qualification(s)

IV. PUBLIC HEARING

Council President dePierro 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

Judy Hernandez – 5 Moraine Road – read a statement into the record thanking Mayor Soriano and the Council for their support of the Green Team and Environmental Committee. Sustainable Jersey and Highlands recertification received which allows access to resources and grants that are economically beneficial to the municipality.

Nicolas Homyak – 26 Oneida Avenue – agreed with Ms. Hernandez’s statement and stated that Parsippany should remain in the Highlands Council. Clean-up is still a concern, debris is left behind by contractors as well as municipal employees.

Michele Gaynor – 2 Elf Court – attended in support of Ms. Hernandez and thanked Mayor Soriano and Council for conformance with Highlands and Sustainable Jersey.

Seeing no one else come forward to speak, Council President dePierro 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

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1. **AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY CLARIFYING TOWNSHIP POLICY RELATED TO RETIREE HEALTH BENEFITS – ON***

2. **AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING THE FEES FOR VARIOUS LICENSING PROVISIONS OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS – ON***
3. **AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 124, CONSTRUCTION CODES, UNIFORM, AND CHAPTER A445, FEES COMPILATION, OF THE CODE OF PARSIPPANY-TROY HILLS – ON***
4. **AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 290 PARKS, RECREATION AREAS AND PUBLIC LANDS, AND CHAPTER A445, FEES COMPILATION, OF THE CODE OF PARSIPPANY-TROY HILLS – ON***
5. **AN ORDINANCE AMENDING CHAPTER 405, VEHICLES AND TRAFFIC, SECTION 15, PARKING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY – ON***

B. SECOND READING & PUBLIC HEARING

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 – ON*

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 – ON*

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 – ON*

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 – ON*

VI. NON-CONSENT AGENDA

A. **RESOLUTIONS**

1. **R2021-163 Granting a Major Soil Moving Permit to RVRSA-Phosphorous Removal & Filtration: Block 493, Lot 1**

WHEREAS, RVRSA-Phosphorous Removal & Filtration has applied to the Township of Parsippany-Troy Hills to move approximately 3,500 cubic yards of soil as part of the proposed work at, **Block 493, Lots 1, 99 Greenbank Road**, and

WHEREAS, the Planning Board considered this application at its meeting of September 27, 2021 and recommends approval to the Township Council; and

WHEREAS, the application has been reviewed by Justin Lizza, Municipal Engineer, and his recommendations have been memorialized in a memorandum to the Township Clerk dated October 6, 2021;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant a major soil moving permit to RVRSA-Phosphorous Removal & Filtration for the moving of approximately 3,500 cubic yards of soil as part of the proposed work at, **Block 493, Lots 1, 99 Greenbank Road**, subject to the following terms and conditions:

1. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated October 6, 2021.
2. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of October 5, 2021.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

Motion to approve the Resolution above by Council member Gragnani, seconded by Council member Carifi.

ROLL CALL with all Council members answering Yes

2. R2021-164 Rejecting the Bids for Craftsman Farms Log House Kitchen Restoration & Annex Rehabilitation

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Craftsman Farms Log House Kitchen Restoration & Annex Rehabilitation on October 26, 2021, and

WHEREAS, the Director of Purchasing, Purchasing Assistant and Consulting Historic Architect have reviewed the bids received and recommend that the bids be rejected due to excessive cost.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bids received for Craftsman Farms Log House Kitchen Restoration & Annex Rehabilitation be rejected.

Motion to approve the Resolution above by Council member Gragnani, seconded by Council member Carifi.

ROLL CALL with all Council members answering Yes

VII. CONSENT AGENDA

A. RESOLUTIONS

1. **Granting a Major Soil Moving Permit to The District at 1515 Urban Renewal, LLC: Block 200, Lots 1.2 & 1.03**
2. **Special Item of Revenue Chapter 159 – Smith Baldwin House ADA Compliance**
3. **Special Item of Revenue Chapter 159 – Smith Baldwin House Shutters**

4. **Tax Appeal Settlement Shree Par Dev, LLC – Block 729, Lot 6.01**
5. **Tax Appeal Settlement 1055 Parsippany, LLC – Block 412, Lot 2**
6. **Tax Appeal Settlement RA 99 Cherry Hill Rd, LLC – Block 411, Lot 16.1**
7. **Tax Appeal Settlement RA 119 Cherry Hill Rd, LLC – Block 411, Lot 16**
8. **Approving a Developer Agreement and Stormwater Management Agreement with RRT 2 Campus LLC**
9. **Approving a Developer Agreement and Stormwater Management Agreement with 1515 Urban Renewal, LLC**
10. **Authorizing a Form Municipal Services Agreement Under the Municipal Services Act, N.J.S.A. 40:67-23.1 Et Seq.**

B. APPLICATIONS

1. **2022 Renewal of Licenses**
2. **Person-to-Person Transfer of Plenary Retail Consumption License Miller’s Ale House of Parsippany, LLC from Hanover Hospitality, Corp.**

C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the 11/12/21 regular payroll estimated at \$1,600,000.00
2. Payment of bills from voucher list of 11/1/21 through 11/3/21 estimate totaling \$2,165,920.33

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

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:

2. **Contract Negotiations-Renewal of the School Resource Officer (SRO) and Class III Special Officer (SLEO 3) Agreement with Parsippany-Troy Hills Township School District**
3. **Attorney Client Privileged-Litigation Settlement Proposal-Township of Parsippany Troy Hills (State) v. George Nader-Summary Penalty Enforcement Action**
4. **Stanbery 1515 Redevelopment Agreement-Proposed Amendment Construction of Road Improvements**
5. **Attorney Client Privilege – Threaten Litigation by Barry Ellenwood-Ajaco Towing Incident**
6. **Attorney Client Privilege-Leasing of Public Property – Contract Negotiations – Mt. Tabor Fire District EMS Bay**
7. **Attorney Client Privilege – Provision of EMS Services by Township**
8. **Attorney Client Privilege – Threaten Litigation by Rafael Flores – Knoll CC Caterers**
9. **Attorney Client Privilege-Regulation of the retail sale of tobacco and CBD**
10. **Attorney Client Privilege- Litigation-PAL Hut, LLC, John Senese v. Anthony BonavitaCola, individually and in his capacity as PAL Director, Request for Defense by Anthony BonavitaCola**
11. **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 Carifi

ROLL CALL with all Council members answering Yes

IX. NON-CONSENT AGENDA

A. RESOLUTION

1. R2021-165 Approving Settlement in All Carifi Matters

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) is a party to litigation bearing docket number James Carifi v. Township of Parsippany-Troy Hills, et. al., Docket No. MRS-L-2938-11 (the “Carifi I”); and

WHEREAS, PBA Local 131A, Superior Officers’ Association (“SOA”) filed an arbitration alleging violations of the collective bargaining agreement as it related to the provisions governing payment of unused leave balances to Mr. Carifi, which is captioned before the Public Employment Relations Commission as Township of Parsippany-Troy Hills and PBA Local 131A SOA, PERC Docket No. AR-2019-325 (the “Leave Balance Arbitration”); and

WHEREAS, the SOA filed a grievance against the Township, PERC Docket No. AR-2021-151 (“Letter of Good Standing Arbitration”) alleging that it breached the collective bargaining agreement, and well-established past practice, by refusing to provide Police Captain Carifi with a letter confirming he retired in good standing; and

WHEREAS, the SOA filed a Step 2 grievance (“Legal Fee Indemnification Arbitration”) against the Township alleging that it has refused Carifi’s request for reimbursement of his legal defense costs arising from work-related administrative and criminal charges that have been filed; and

WHEREAS, the Leave Balance Arbitration, Letter of Good Standing Arbitration and Legal Fee Indemnification Arbitration shall collectively be referred to herein as the PERC Claims; and

WHEREAS, at the direction of the Mayor and Township Council, Special Litigation Counsel for the Township and the Township Attorney have engaged in settlement negotiations with the attorney for Mr. Carifi; and

WHEREAS, said negotiations have resulted in a comprehensive settlement of all matters, including Carifi I and the PERC Claims, in exchange for a settlement amount not to exceed One Million Dollars (\$1,000,000), as allocated between the Township and the Morris County Municipal Joint Insurance Fund and Garden State Municipal Joint Insurance Fund, and their respective excess insurance carriers, and as will be more particularly set forth in a form of Release and Settlement Agreement that is substantially similar to the one attached here and will be between Mr. Carifi, the Township and the SOA, in its role as grievant in the PERC Claims; and

WHEREAS, the aforementioned settlement is contingent upon the SOA's dismissal of the PERC Claims, with prejudice; and

WHEREAS, the Mayor and Township Council have been briefed on the status of all Carifi-related matters involving litigation, insurance coverage and the like; and

WHEREAS, the Morris County Municipal Joint Insurance Fund and Garden State Municipal Joint Insurance Fund have reviewed and approved the settlement reflected in the proposed form of Release and Settlement Agreement; and

WHEREAS, the Mayor and Township Council have reviewed the settlement reflected in the proposed form of Release and Settlement Agreement and wish to approve same; and

WHEREAS, the Mayor and Township Council have determined that said settlement is in the best interest of the Township and avoids the burden, expense, delay and uncertainties of further litigation and/or the continuance of the PERC Claims.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, and State of New Jersey, that the above recitals are hereby incorporated by reference and the settlement is hereby approved in accordance with the terms set forth in the attached proposed form Release and Settlement Agreement. The Mayor and Township Clerk are hereby authorized to execute said Release and Settlement Agreement.

BE IT FURTHER RESOLVED, the Township Council hereby authorizes and approves any modifications to legal language of the proposed form of Release and Settlement Agreement as may be recommended and approved by Special Litigation Counsel for the Township and the Township Attorney prior to execution.

BE IT FURTHER RESOLVED, that Special Litigation Counsel for the Township is hereby authorized and directed to effect 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.

Motion to approve the Resolution above by Council member Gragnani, seconded by Council member Peterson.

ROLL CALL with all Council members answering Yes except Council member Carifi who is recused

X. ADJOURNMENT

Motion to Adjourn the Meeting by Council member Carifi, seconded by Council member Gragnani

ROLL CALL with all Council members answering Yes

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: January 18, 2022