

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS TOWNSHIP COUNCIL AGENDA MEETING OF JUNE 14, 2022

I. INTRODUCTION

A. POSTING OF NOTICE:

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 22, 2021 where it has remained posted since that date. A legal notice appeared in the *Daily Record* on December 28, 2021 and the *Newark Star Ledger* on December 27, 2021.

Note: Council Meetings are videotaped and aired on Cablevision, Public Access Channel 21, at 11:00 a.m. on Sundays and are also available for viewing at www.parsippany.net.

B. FLAG SALUTE

C. ROLL CALL

Council President dePierro, Council Member Gragnani, Council Member Carifi, Council Member Musella and Council Member Neglia. Other members of the administration present at the meeting; Mayor James Barberio, Business Administrator Frederick Carr, Township Attorney Michael Lavery and Township Clerk Khaled Madin.

D. UPCOMING MEETINGS:

- | | |
|------------------------|-----------------|
| 1. 6/21/22 @ 7:00 p.m. | Regular Meeting |
| 2. 7/5/22 @ 7:00 p.m. | Agenda Meeting |

E. APPROVAL OF MINUTES

1. Agenda Meeting – 5/3/22
2. Regular Meeting – 5/17/22

II. PRESENTATION(S)/REPORTS

A. MAYOR

Mayor stated after conversations with the auditor and CFO the budget should be ready to be presented on the agenda at June 21st meeting.

Council President dePierro stated that as long as the budget is certified by the auditor then it will be put on for June 21st.

B. TOWNSHIP COUNCIL

1. Certificate of Appreciation to Chand Palace by Justin Musella

Council President dePierro suggested a street dedication to former employee Lee Keimel who had passed away. He was a long-time employee, involved in Hazmat and also Rescue & Recovery.

C. TOWNSHIP ATTORNEY

Two ordinances on the agenda for introduction, one for Wildlife Preserves and is part of a settlement agreement from the past. They are changing it from a quick claim to bargain and sale deed.

Mr. dePierro wants to double check that the Wildlife Preserves cannot sell the property that is given to them. Mr. Lavery assured Mr. dePierro he would double check that. Mr. dePierro stated that he does not want them to be able to make money on something that was given to them.

Ordinance 2022:16 Mr. Lavery received this from the Highlands regarding concern about the land and the land use regarding ground water.

D. BUSINESS ADMINISTRATOR

1. Presentation by Dan Levin, PP, AICP-CGP&H

Mr. Levin came to answer questions from the Council regarding the Accessory Apartment Program that the Township is requested to adopt. This is another venue for Affordable Housing that was ordered by the judge. Mr. Levin and his company are the administrative agents running the program for the Township.

E. TOWNSHIP CLERK – No Report

F. TOWNSHIP OFFICES COMMITTEES/REPORT – No Report

G. CORRESPONDENCE – No Report

III. BIDS

A. Taken

1. 5/12/22 – Supply of Mannich Polymer for the Wastewater Treatment Plant
2. 5/19/22 – Well Redevelopment Services – Wells 3, 10, 4 & 4A; and Pumping System Replacements for Wells 3,10, 4 & 4A

3. 5/20/22 – Vail Water Tank Painting and Rehabilitation
4. 5/25/22 – One New Roland RTW-540 Trafficworks 54” Traffic Sign Print/Cut with
CWT 1428 Work Table and Flatbed Applicator for Parks & Forestry Department
5. 5/25/22 - Fabrication and Installation of New Wood Shutters at the Smith-Baldwin House
6. 5/26/22 – 2022 Road Resurfacing / Curb & Sidewalk Program
7. 6/2/22 – Rental of Golf Carts

B. To Be Taken

1. 6/23/22 – Ambulance Billing and Collection Services for EMS

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

1. 6/1/22 – Fireworks Display Services

IV. PUBLIC HEARING

OPEN: I'd like to entertain a motion to open the public hearing. Motion to open the public hearing by Mrs. Gragnani Seconded by Mr. Carifi ROLL CALL: with all Council Members answering YES

Judy Hernandez, reported on the Highlands Council and the completion of an ERI on the natural resources and the protection of the resources. She wanted to know the procedure of having this brought to the Planning Board.

Shenkellar Patel, 68 Ludlow Road, requested that the interest be waived from his quarterly tax bill since his payment arrived late to the Township from his bank. He says it was not his fault and he has always been on time for all the years he lived here.

Mr. Carr said that the property owner is responsible for the on-time payment of their taxes and utility bills. The third party used to pay the town (the bank) was delinquent.

Mr. dePierro stated the problem of the delinquency resides with the bank. Mr. Patel should speak with his bank. This is a precedent that the Council does not want to make going forward, as it can create many future problems.

Mrs. Gragnani also agreed with Mr. dePierro that this would set a precedent. She is sorry this happened to Mr. Patel, but they cannot reimburse him the \$9.91 amount. This is the policy of the Township and they must abide by this.

Mayor Barberio stated this is a policy not of the Township but of the State.

Mr. Lavery said he is in agreement that the bank is at fault and should reimburse Mr. Patel.

Bob Venezia, 102 Brooklawn Drive, commented on a recent *Parsippany Focus* article regarding tax appeals, that was written by the Township Tax Assessor. He had many questions regarding what affect many commercial appeals will have on the general budget. He wanted to know why the Assessor felt the need to write this article. He wanted to know who the intended audience is for the article. He also had additional questions regarding the budget and the appeals.

Mr. dePierro stated the Assessor negotiates with anyone filing an appeal. He negotiates the best deal he can, and he has been very successful through the years. He also has not heard the fund for appeals is depleted.

Ken Dolsky, 21 Winfield Drive, commented on the two properties being transferred to Wildlife Preserves. He said they are very swampy islands and he cannot see anyone wanting to buy these lands. Where he lives he wants them to take the property which will help alleviate flooding in his area. The remediation will help everyone in the area. He also spoke about the value of the ERI maps.

Nick Homyak, 26 Oneida Ave, stated that the environmental resource inventory is important. He brought up his concerns with plastic and garbage and the effects on the environment. He brought up the 2-cycle landscape equipment and the effects on the environment. He would like the Council to support the resolution that would ban these types of machines in favor of electric machinery. He also questioned why his letter was not considered correspondence. He also questioned why Mr. Neglia pulled resolution R2022-075 to vote on separately.

Mr. dePierro said that all correspondence should be sent to him as the Chair.

Laura McClusky, 136 Lake Shore Drive, stated that under the Green Team they created the Parsippany Bat Protection Program. This is to protect the bat population. They have many programs regarding the protection of the bats. Bat boxes have been placed in the parks and they are accumulating bat data.

Mr. dePierro said the bat locations should be listed on the website so that people can be aware to protect them.

Pat Simon, 4 Highland Court, spoke about a program in New Jersey called the Renewable Energy Aggregation. The Council could find a better source for energy that would be cheaper. Mr. dePierro stated that this has been brought up in the past and the reason the Council never acted on this is because the majority of the public voiced opposition to the program. It is because

everyone must be put into the program and then they have to opt out. They felt this was too much power being given to the township.

Ms. Hernandez stepped forward to say this is a different program than the one that was first introduced years ago. The Green Team will be trying to educate the public more on renewable energy for Township entities like the sewer plant and such.

Mayor Barberio stated that residents don't like being told they have to go into a program. They think big brother is stepping in.

Mr. Carifi said people wanted to opt in rather than being told they would have to opt out and go through the hassle of opting.

Mr. Dolsky said it is the law that these programs are only opt out options, they are not available as opt in.

CLOSE: I'd like to entertain a motion to close the public hearing. Motion to close the public hearing by Mr. Musella Seconded by Mr. Carifi ROLL CALL: with all Council Members answering YES

V. ORDINANCES

A. INTRODUCTION

- 1. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 225, LAND USE, SUBDIVISIONS AND SITE PLANS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS -ON***
- 2. AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILL, MORRIS COUNTY, NEW JERSEY AUTHORIZING THE CONVEYANCE OF BLOCK 765, LOTS 66 AND 81.1 TO WILDLIFE PRESERVES, INC. -ON***
- 3. ORDINANCE 2022:16**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 225, LAND USE, SUBDIVISION AND SITE PLAN, ARTICLE XVI, STORMWATER MANAGEMENT CONTROLS, 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 **June 14, 2022** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **July 19,**

2022 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. Neglia, seconded by Mrs. Gragnani. **ROLL CALL:** with all Council Members answering YES

B. SECOND READING & PUBLIC HEARING

1. ORDINANCE 2022:15

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 119, CANNABIS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS-ON*

VI. NON-CONSENT AGENDA

A. RESOLUTIONS

1. R2022-082 Approving Fireworks Display for Township of Parsippany-Troy Hills Annual 4th of July Celebration

WHEREAS, the Township of Parsippany-Troy Hills has submitted an application to conduct a firework display on July 4, 2022; and

WHEREAS, the application has been approved by the Chief of Police, the Fire Official and the Chief of Fire District No. 2;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey approves said application, a copy of which is on file in the Office of the Township Clerk, pending issuance of a Fire Safety Permit and any other required approvals.

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

ROLL CALL: with all Council Members answering YES

2. R2022-083 Authorizing an Application for Certain Grant Funds to Acquire Lands for Recreation and Conservation Purposes

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres

Program (the “State”), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Parsippany-Troy Hills (the “Township”) desires to further the public interest by obtaining a grant of Four Hundred Thousand Dollars (\$400,000.00) from the State to fund the Kosut Tract Acquisition Project No. 1429-21-028; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project.

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

1. The aforesaid recitals be and hereby are incorporated as if repeated at length herein; and
2. The Mayor and Township Clerk be and hereby are authorized to execute and attest, respectively, an application to the State and other related entities as required for the Kosut Tract Acquisition Project No. 1429-21-028, and to provide additional application information, furnish any required documentation, and act as the authorized correspondent of the Township for purposes of said application; and
3. The Mayor and Township Clerk be and hereby are further authorized to execute and attest, respectively, an agreement and any amendment thereto with the State pertaining to the Kosut Tract Acquisition Project No. 1429-21-028; and
4. The Township possesses requisite funds for a matching share, if a match is required, in the amount of Four Hundred Thousand Dollars (\$400,000.00).
5. In the event the State’s funds are less than the total project cost specified above, the Township has the balance of funding necessary to complete the Kosut Tract Acquisition Project No. 1429-21-028; and
6. The Township agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the Kosut Tract Acquisition Project No. 1429-21-028.

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

ROLL CALL: with all Council Members answering YES

3. **R2022-084 Execution of an Agreement for Fireworks Display Services**

WHEREAS, the Township wishes to have a fireworks show for its residents for the Fourth of July; and

WHEREAS, although it is not required for Extraordinary Unspecifiable Services, the Township advertised for Proposals from parties interested in providing Fireworks Display Services; and

WHEREAS, the Director of Purchasing, Purchasing Assistant and Recreation Department have reviewed the proposal received and recommend that a contract be awarded to International Fireworks Mfg. Co., 242 Sycamore Rd., Douglassville, PA 19518 for the fireworks display description proposed for a total price of \$27,000.00; and

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

“2022 Temporary Budget/Recreation O/E.”

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

(1) The Township of Parsippany-Troy Hills hereby awards and authorizes the Mayor and Township Clerk to execute the agreement with International Fireworks Mfg. Co., 242 Sycamore Rd., Douglassville, PA 19518 for Fireworks Display Services; and

(2) This contract shall be awarded pursuant to a fair and open process in accordance with N.J.S.A. 19:44A-20.5 et seq. and without competitive bid as “Extraordinary Unspecifiable Services” in accordance with N.J.S.A. 40A:11-5(1)(a).

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

ROLL CALL: with all Council Members answering YES

4. **R2022-085 Adopting an Accessory Apartment Program Policies and Procedures Manual and Authorizing Community Grants, Planning & Housing, LLC to Administer the Program**

WHEREAS, on August 19, 2019, the Township of Parsippany-Troy Hills (the “Township”) Planning Board adopted a Housing Element & Fair Share Plan, which was subsequently endorsed by the Township Council; and

WHEREAS, the Housing Element & Fair Share plan was amended on November 22, 2019, and January 27, 2020; and

WHEREAS, Section III(E) of the Housing Element & Fair Share Plan provides that the Township will provide funding for up to ten (10) accessory apartments through its Affordable Housing Trust Fund and will create and adopt an Accessory Apartment Program; and

WHEREAS, an Accessory Apartment Program has been developed and the Township desires to adopt the Accessory Apartment Program Policies and Procedures Manual, Accessory Apartment Landlord Application, and Accessory Apartment Grant Agreement that has been prepared by Community Grants, Planning & Housing, LLC (“CGP&H”) in support of this Program; and

WHEREAS, the Township desires to authorize CGP&H to administer the Accessory Apartment Program.

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

7. The aforesaid recitals be and hereby are incorporated as if repeated at length herein; and
8. The Township Council hereby approves and authorizes the adoption of the Accessory Apartment Program Policies and Procedures Manual, Accessory Apartment Landlord Application, and the Accessory Apartment Grant Agreement; and
9. The Township Council hereby authorizes CGP&H to administer the Accessory Apartment Program; and
10. Township Administration and the Township Attorney be and hereby are authorized to take any reasonable and necessary actions to effectuate the same.

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

ROLL CALL: with all Council Members answering YES

5. **R2022-086 Urging the Swift Passage of S-330 which Restores Energy Tax Receipts**

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and

used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

WHEREAS, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Parsippany-Troy Hills in the county of Morris urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded to Senator Joseph Penacchio, Assemblyman Jay Webber, Assemblyman Christian E. Barranco, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

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

ROLL CALL: with all Council Members answering YES

6. **R2022-087 Opposing A-1294/S-2103 and Urging that such Legislation Not Advance Further**

WHEREAS, local officials, because of their peculiar knowledge of local conditions, are in the best position to determine land use and zoning regulations; and

WHEREAS, this peculiar knowledge is used to develop a Municipal Master Plan, which is adopted with the goal of promoting the health, safety, and welfare of the public, and only after careful and thoughtful consideration by local officials for its compatibility and consistency with other state, county and regional plans, such as the State Development and Redevelopment Plan, the Coastal Area Facility Review Act, the Highlands Water Protection and Planning Act, the

Pinelands Protection Act, the County Solid Waste Management Plan and Water Quality Management Plan; and

WHEREAS, the Municipal Master Plan guides the determination to designate land use and zoning districts, which help effectuate the careful development plans and goals outlined within the Master Plan; and

WHEREAS, the Municipal Land Use Law lays out a comprehensive system allowing for and detailing the process in which applicants for development may seek to deviate from these careful and deliberate land use and zoning regulations through the municipal planning board's review of a variance; and

WHEREAS, consideration of a land use variance is done by local officials, taking into account the variety of circumstances including the proposed deviation's impacts on the goals of the Master Plan; and

WHEREAS, the Local Redevelopment and Housing Law provides municipalities with substantial tools to support the redevelopment of blighted sites, including the creation of site specific redevelopment plans and numerous financial incentives; and

WHEREAS, legislation, A-1294/S-2103, has been introduced that would preempt local control over land use and zoning regulations, allowing certain qualifying office park and retail center properties to be permitted, as of right, to redevelop as a mixed-use development, not requiring a use variance; and

WHEREAS, A-1294/S-2103 requires a planning board approve an application for development to convert and eligible property to a mixed-used development unless the application causes "substantial detriment to the public good" and "substantially impair[s] the intent and purposes of the zone plan and zoning ordinance", a vague standard that may be difficult if not impossible to overcome; and

WHEREAS, A-1294/S-2103 may interfere with municipalities implementing alternative visions for the redevelopment of office park and retail center properties, including as industrial sites, parkland, or sites for needed infrastructure; and

WHEREAS, A-1294/S-2103 would interfere with existing and potential Redevelopment Plans that were specifically developed to address office park and retail center properties; and

WHEREAS, A-1294/S-2103 does not take into account conditions such as flooding and future climate risk that may impact the suitability of a site for mixed-use development; and

WHEREAS, this top-down approach, eliminating local land use planning regulations undermines the recognized benefits of municipal land use regulation, without providing the appropriate review for deviation as outlined within the Municipal Land Use Law.

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Township of Parsippany-Troy Hills in the County of Morris opposes this legislation, and urges our representatives to not advance further A-1294/S-2103; and

BE IT FURTHER RESOLED, that a copy of this Resolution be forwarded to Senator Joseph Pennacchio, Assemblyman Jay Webber, Assemblyman Christian E. Barranco, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

Motion to approve the Resolution above by Mr. Musella, seconded by Mr. Neglia.

ROLL CALL: with all Council Members answering YES

VII. CONSENT AGENDA

A. RESOLUTIONS

- 2. Granting Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for the 2022 Parsippany Highway Safety Project-ON***
- 3. Certifying Volunteer First Aid, Rescue and Recovery and Ambulance Squads as Being Qualified for Emergency Medical Service Programs – Part II-ON***
- 4. Authorizing Change Order Number Three for Construction of Peracetic Acid Storage Tank and Metering Station at the Wastewater Treatment Plant-ON***
- 5. Award of a Contract for Vail Water Tank Painting and Rehabilitation Project-ON***
- 6. Award of a Contract for Supply of Mannich Polymer for the Wastewater Treatment Plant-ON***
- 7. Award of a Contract for One New Roland RTW-540 Trafficworks 54” Traffic Sign Print/Cut 1428 Work Table and Flatbed Applicator or Approved Equivalent for Parks & Forestry-ON***
- 8. Award of a Contract for Smith-Baldwin House Shutters-Rebid-ON***
- 9. Award of a Contract for 2022 Road Resurfacing/Curb & Sidewalk Program-ON***
- 10. Award of a Contract for Rental of Golf Carts-ON***
- 11. Rejecting All Proposals for Well Redevelopment Services of Wells 3, 10, 4 & 4A; and Pumping System Replacements for Wells 3, 10,4 & 4A -ON***
- 12. Cancellation and Refund of Property Taxes for Block 421, Lot 91 – 100% Permanently Disabled Veteran -ON***

13. **Amending R2022-053, Authorizing the Expenditure of Municipal Funds for the Abatement of the Nuisances, Defects or Conditions Located at 108 Longview Avenue, Block 574, Lot 17, Which Shall be a Lien Against the Premises -ON***

14. **Award of a Contract for Various Parks Court Resurfacing/Renovation Projects for the Parsippany Parks Department -ON***

B. APPLICATIONS

1. **2022-2023 Liquor License Renewals -ON***

2. **Fireworks Display for Mt. Tabor Children's Day Celebration -ON***

C. APPROVAL OF PAYROLL AND BILLS LIST

CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the 6/10/22 regular payroll estimated at \$1,600,000.00
2. Payment of bills from voucher list of 6/1/22 through 6/3/22 estimate totaling \$1,864,558.55

Motion to approve the authorization for payment above by Mrs. Gragnani, seconded by Mr. Nelia.

ROLL CALL: with all Council Members answering YES

VIII. ADJOURNMENT

Motion to Adjourn the Meeting by Mr. Carif Seconded by Mr. Neglia

ROLL CALL: with all Council Members answering YES

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: July 19, 2022