

COUNCIL MINUTES

TOWNSHIP OF PARSIPPANY-TROY HILLS REGULAR TOWNSHIP COUNCIL MEETING OF AUGUST 16, 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 Public Access Channel 21, at 7:00 p.m. Sundays and Wednesdays 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, CFO Juan Uribe and Township Clerk Khaled Madin.

D. UPCOMING MEETINGS:

1. 9/6/22 @ 7:00 p.m. Agenda Meeting
2. 9/20/22 @ 7:00 p.m. Regular Meeting

E. APPROVAL OF MINUTES

1. Agenda Meeting – 7/5/22
2. Regular Meeting – 7/19/22

Motion to approve the minutes above by Mr. Neglia seconded by Mrs. Gragnani.

ROLL CALL: with all Council Members answering YES

II. PRESENTATION(S)/REPORTS

A. MAYOR

Mayor reported on lead copper rule. Mayor said there are no lead pipes in Parsippany but there are galvanized pipes and that has been included by the State. The Mayor

will meet with Mt. Tabor residents because they have galvanized pipes. He has also met with the Business Administrator and the CFO to see how they can help the residents out with the cost of replacing these pipes.

B. TOWNSHIP COUNCIL

Mr. dePierro asked about the dedication of the street for Lee Keimel. The Mayor responded to the Township Engineer and where they will be putting the sign. It will be at the exit coming out.

Mr. dePierro also spoke about the State extending the option to restaurants for outdoor dining. He would like the Township to extend outdoor dining like they had it. The Mayor responded that using the parking lot for dining becomes a problem. He said he would speak to Jen Vealey about adjusting the ordinance.

Presentation by the Lake Hiawatha Library – Melissa Kuzman gave presentation about the future of the Lake Hiawatha Library. She spoke of the reasons why there is a need for the new library construction. She also spoke about grant funding for the new construction. She presented the new proposal for a smaller building at a lesser cost but it still surpasses the budget. She spoke of the benefits of a 21st century library.

Mr. dePierro said there will be further discussions about the library and its future.

C. TOWNSHIP ATTORNEY – No Report

D. BUSINESS ADMINISTRATOR – No Report

E. TOWNSHIP CLERK – said 2 copies of the budget were available to look through and

F. TOWNSHIP OFFICES COMMITTEES/REPORTS

Mrs. Gragnani spoke of two new business openings in town.

G. ENGINEERING REPORT

Greenbank Road Safety and Improvements Project

The project is complete except for the guiderail replacement. Underground utilities could not be moved but we have received approval from the NJDEP to adjust the stream bed to allow more space for the new guiderail installation. Work will begin in the next few months once materials become available. **(No Council Action Required).**

2021 Road Resurfacing / Curb and Sidewalk Program

The annual road resurfacing / curb and sidewalk project is on hold pending negotiations with the contractor. **(No Council Action Required).**

Puddingstone Heights Road Improvement Project, Phase I

Construction on the Puddingstone Heights Improvement project is substantially complete. We anticipate all remaining punch list items to be completed in the next several weeks. **(No Council Action Required)**.

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. All vegetation within 5 feet of the wall and toe of slope is being cleared in accordance with our inspection requirements. **(No Council Action Required)**.

Traffic Signal Maintenance for Littleton Rd. & Rita Dr./Beachwood Rd. and the Jefferson Rd. & Smith Rd. Intersections

This project is for improvements and maintenance to the traffic signals located at the Littleton Road & Rita Drive/Beachwood Road intersection and the Jefferson Road & Smith Road intersection. The improvements include the replacement of various signal detection and controller equipment that have failed. Work will begin once equipment is available. **(No Council Action Required)**.

2022 Road Resurfacing / Curb and Sidewalk Program

The 2022 road resurfacing / curb and sidewalk project has bid awarded and construction will begin by the beginning of August. **(No Council Action Required)**.

Mt. Tabor Street Improvements, Phase VII

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

Lake Intervale Area Street Improvements

The first phase of the Lake Intervale Area Street Improvement project is in design. We anticipate bidding this project next month. **(No Council Action Required)**.

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
- Troy Brook Stream Cleaning

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Sylvan Way Sidewalk Improvements
River & Stream Desnagging Plans and Permits
Entin Road Traffic Study
(No Council Action Required).

Major Soil Moving Permit – Ballantine Greens, Block 181 Lot 19

The Planning Board has recommended approval of a major soil moving permit in conjunction with the site plan application for the proposed development located at 1500 Littleton Road. This office has reviewed the application and recommends the Township Council approve the permit. **(We recommend the Township Council approve the permit by resolution).**

H. CORRESPONDENCE

III. BIDS

A. Taken

1. 8/4/22 – One 2023 or Newer Freightliner S2C Medium-Duty Bus or Equivalent with Ambulatory Seats
2. 8/16/22 – Well 1A Replacement

B. To Be Taken

3. 8/17/22 – One New Trackman 4 Golf Simulator or Approved Equivalent for the Knoll West Country Club

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

IV. PUBLIC HEARING

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

Cindy Czack, 115 Redgate West, she requested that the Council think seriously about the new library and the needs to the community.

Peggy Smith, Wildwood Trail, also spoke in favor for building a new Lake Hiawatha Library and asked the Council to really consider the need for the library.

Nick Homyak, Lake Hiawatha, spoke of the de-slagging operation that took place at the Rockaway River without permits. He wanted to know if there was another updated resolution that carried the work through for the de-slagging. He spoke of the wildlife that was affected. He

wants to know if the Township is paying for something that Montville should be doing. He also wanted to know why the trees were removed.

Herb Levine, Woodstone Road, spoke in favor of the building of a new library in Lake Hiawatha.

Susan McCloughlin, Nokomis Avenue, does not want the new library to be built as it will be right against her house. She is in favor of renovating the old library.

CLOSE: I'd like to entertain a motion to close the public hearing. Motion to close the

public hearing by Mrs. Gragnani Seconded by Mr. Carifi

ROLL CALL: with all Council Members answering YES

V. BUDGET

A. SECOND READING & PUBLIC HEARING

1. ORDINANCE 2022:21

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2022 PURSUANT TO (N.J.S.A. 40A: 4-45.14)

WHEREAS, *the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,*

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

WHEREAS, *the Township Council of the Township of Parsippany-Troy Hills in the County of Morris finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,*

WHEREAS, *the Township Council hereby determines that a 1% increase in the budget for said year, amounting to \$615,291.23 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,*

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

NOW THEREFORE BE IT ORDAINED, *by the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of*

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Parsippany-Troy Hills shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$2,153,519.31, and that the CY 2022 municipal budget for the Township of Parsippany-Troy Hills be approved and adopted in accordance with this ordinance; and,

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

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

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

The Notice for Ordinance 2022:21 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on July 19, 2022 and introduced at the July 19, 2022 Regular Meeting.

Motion to accept Ordinance 2022:21 be heard in its second and final reading by title only, by Mrs. Gragnani, seconded by Mr.Neglia. **ROLL CALL:** with all Council Members answering YES

a. PUBLIC HEARING

Motion to open the public hearing for Ordinances 2022:21 by Mrs. Gragnani, seconded by Mr. Neglia.

ROLL CALL: with all Council Members answering YES

Motion to close the public hearing for Ordinance 2022:21 by

Mrs. Gragnani, seconded by Mr.Neglia.

ROLL CALL: with all Council Members answering YES

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that a Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2022:21 by Mrs. Gragnani, seconded by Mr. Neglia.

ROLL CALL: with all Council Members answering YES

B. PUBLIC HEARING ON 2022 BUDGET

OPEN: I'd like to entertain a motion to open the public hearing. Motion to open the public hearing by Mr. Carifi Seconded by Mrs. Gragnani

ROLL CALL: with all Council Members answering YES

Bernard Clarkin, 31 Flintlock Drive, said all the financial information temporary disappeared after the meeting. He said eventually some of the information reappeared. He said there is limited financial information on the site. He spoke of the prior administration and the budget. He said there was an increase in legal fees in 2021 due to the Carifi case but he says the legal fees this year have gone up 40%. He also wanted to know why there was money for health care for part time elected officials.

John VonAcken, 43 Elliot Road, made some comments on the capital improvement section of the budget. He felt the money taken from the Sewer fund should have gone to the improvements that are needed for sewer and such. He spoke of ways to save money in the budget.

Nick Homyak, Lake Hiawatha, stated that the Knoll does not contribute anything to the residents. He said that it detracts from the town. He hopes there will be no new land development in the town. He also spoke about the tax ratables. He also spoke about over doing the police department.

Mr. dePierro stated the Knoll is a utility and is all run as a utility. Mr. Carr said there is no money coming out of the Knoll.

Jean Emblar, Mt. Tabor, spoke about the crime rate going down and said hiring police officers is not necessary.

Steve Alberts, McNeil Drive, wanted to know if there are any changes coming in the next year where the taxes will not be so affected. The Mayor addressed his question in regards to the budget and the previous administrations' errors.

Steve Kamineski, Skylar Street, spoke about defunding the police and that he would like to have more police that will patrol the streets. He also spoke about not needing a new library but he would like to see a municipal pool or pickle ball courts.

Mr. Carifi spoke about crime going up and the need for more officers.

Mr. dePierro spoke about the benefits to having a library in the populated area of Lake Hiawatha.

Nancy Choffo, 5 Glenbrook Drive, said she is grateful that the town will be hiring more officers, especially now that there are more developments going up and more people coming in to town. She is in favor of more officers.

Rich Pantina, Acting Chief of Police, said that the town is at dangerous levels with the police. There are 90 officers and only 81 deployable officers. Within the next year they stand to lose 20 more officers. They need to replace officers as they leave. Crime is up, car thefts are up. Bail reform has had a tremendous effect on crime and the State of NJ is more lenient to the criminals. The department cannot go lower than where they currently are. The services the department provides are being affected. He stressed that they need to hire more officers.

George Tsempedis, SOA President, spoke about the loss of officers and services to the department. He spoke about the officers that are working hard and that bail reform has badly affected the rates of crime. The specialized units that they used to have are now defunct and crime is rising in those areas that they used to be watching such as the hotel crimes. Manpower is at a dire low.

Bob Venezia, 102 Brooklawn Drive, spoke about the transfers from utilities and how the years of transfers have drained the surpluses. He cannot believe that the town is doing it again.

CLOSE: I'd like to entertain a motion to close the public hearing. Motion to close the public hearing by Mr. Neglia Seconded by Mr. Carifi

ROLL CALL: with all Council Members answering YES

C. RESOLUTIONS

1. **R2022-125 Resolution to Amend Introduced Budget**

WHEREAS, *the local budget for the year 2022 was approved on the 19th day of July, 2022; and*

WHEREAS, *the public hearing on said budget has been held as advertised; and*

WHEREAS, *it is desired to amend said approved budgets for Current Fund, Golf Utility Fund and the Open Space, Recreation, Farmland, & Historic Preservation Trust Fund*

NOW, THEREFORE BE IT RESOLVED *by the governing body of the Township of Parsippany-Troy Hills of the County of Morris that the following amendments to the approved budget of 2022 made:*

Record Vote
(insert last name)

AYES {
{
{
{
{
{

NAYS {
{
{
ABSTAINED {
{
ABSENT {
{

From

To

CURRENT FUND BUDGET:

8 (A). General Appropriations – Operations – within “CAPS”

<i>SFSP Fire District Adjustments</i>	-0-	18,948.00
<i>(H-1) Total General Appropriations for Municipal Purposes within “CAPS”</i>	64,227,199.91	64,246,147.91
<i>(L) Subtotal General Appropriations (H-1) and (O)</i>	85,103,726.92	85,122,674.92
<i>(M) Reserve for Uncollected Taxes</i>	1,860,000.00	1,841,052.00
9. TOTAL GENERAL APPROPRIATIONS	86,963,726.92	86,963,726.92

GOLF UTILITY FUND BUDGET:

10. DEDICATED REVENUE FROM GOLF UTILITY

<i>Surplus Anticipated</i>	1,100,000.00	1,090,000.00
<i>Total Golf Utility Revenues</i>	5,153,581.03	5,143,581.03

11. APPROPRIATIONS FOR GOLF UTILITY

Statutory Expenditures:

<i>Public Employees’ Retirement System</i>	149,785.00	139,785.00
<i>Total Golf Utility Appropriations</i>	5,153,581.03	5,143,581.03

OPEN SPACE, RECREATION, FARMLAND & HISTORIC PRESERVATION TRUST FUND BUDGET:

<i>Acquisition of Lands for Recreation and Conservation</i>	310,000.00	225,417.00
<i>Interest on Bonds</i>	87,263.00	171,846.00

Motion to adopt the Resolution above by Mr. Musella, seconded by Mrs. Gragnani

ROLL CALL: with all Council Members answering YES

2. **R2022-122 Authorize the 2022 Municipal Budget to be Read by Title Only**

WHEREAS, N.J.S.A 40A:4-8 provides that the budget be read by title only at the time of public hearing, if a resolution is passed by not less than a majority of the full membership of the Governing Body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the municipal building, the local public library, and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Parsippany-Troy Hills, County of Morris that the budget shall be read by title only.

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

ROLL CALL: with all Council Members answering YES

3. **R2022-123 Resolution of the Township Council of the Township of Parsippany Adoption of the 2022 Budget**

See Attachment #1

Motion to adopt the Resolution above by Mrs. Gragnani, seconded by Mr. Neglia

ROLL CALL: Yes: Mr. Carifi, Mr. dePierro, Mrs. Gragnani, Mr. Neglia
No: Mr. Musella

VI. ORDINANCES

A. INTRODUCTION

1. **ORDINANCE 2022:22**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING CHAPTER 12, CONTRACTS, ARTICLE I, PROHIBITIONS ON CONTRACT AWARDS, OF THE TOWNSHIP CODE, AND ADOPTING THE NEW JERSEY PAY TO PLAY LAW

BE IT RESOLVED that the above Ordinance be introduced, read by title, and passed on first reading at a Meeting of the Township Council of the Township of Parsippany-Troy Hills held on **August 16, 2022** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on

September 20, 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. Carifi, seconded by Mrs. Gragnani. **ROLL CALL:** with all Council Members answering YES

2. **ORDINANCE 2022:23**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING CHAPTER 91, ANIMALS, SECTION 91-2, LICENSING OF DOGS, 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 **August 16, 2022** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 20, 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. Musella, seconded by Mr. Carifi. **ROLL CALL:** with all Council Members answering YES

B. **SECOND READING & PUBLIC HEARING**

1. **ORDINANCE 2022:20**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS, MORRIS COUNTY, NEW JERSEY AMENDING CHAPTER 4, ARTICLE VII, ADMINISTRATION OF GOVERNMENT, DEPARTMENT OF PUBLIC WORKS AND CHAPTER A445-47, FEES COMPILATION, OMNIBUS DRIVERS OF THE DEPARTMENT OF PUBLIC WORKS, OF THE CODE OF PARSIPPANY-TROY HILLS

WHEREAS, the Township finds that it is in the best interests of the Township to revise the permitting and fee provisions of the Administration of Government code and the Fees Compilation code pertaining to the Department of Public Works in order to improve the safety of the Township and to reflect the costs of these services.

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

SECTION 1. Chapter 4, Administration of Government, Article 4-22, Department of Public Works, Fees for services rendered by omnibus drivers, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

The hourly fee for weekend and evening transportation services provided by omnibus drivers of the Township Department of Public Works shall be ~~\$30~~ **\$58.**

SECTION 2. Chapter 445, Fees Compilation, Article A445-47, Omnibus drivers of the Department of Public Works, is hereby amended as follows (additions are underlined and in bold typeface and deletions are crossed out):

The hourly fee for weekend and evening transportation services provided by omnibus drivers of the Township Department of Public Works shall be ~~\$30~~ **\$58.**

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

SECTION 4. All ordinances or parts of ordinances of the Township of Parsippany-Troy Hills heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

The Notice for Ordinance 2022:20 was published in the *Daily Record*, the official newspaper of the Township of Parsippany-Troy Hills on July 25, 2022 and introduced at the July 19, 2022 Regular Meeting.

Motion to accept Ordinance 2022:20, be heard in their second and final reading by title only, by Mr. Neglia, seconded by Mrs. Gragnani. **ROLL CALL:** with all Council Members answering YES

a. PUBLIC HEARING

Motion to open the public hearing for Ordinance 2022:20 by Mr. Neglia seconded by Mr. Carifi.

ROLL CALL: with all Council Members answering YES

Motion to close the public hearing for Ordinance 2022:20

by Mr. Neglia, seconded by Mr. Carifi.

ROLL CALL: with all Council Members answering YES

WHEREAS, the above ordinance was read in title on second reading and a hearing held thereon;

NOW, THEREFORE, BE IT RESOLVED that said ordinance be passed on final reading and that Notice of Final Passage of said ordinance be published in the newspaper according to law.

Motion to approve the Resolution above for Ordinance 2022:20 by Mr. Neglia, seconded by Mr. Carifi.

ROLL CALL: with all Council Members answering YES

VII. NON-CONSENT AGENDA

A. RESOLUTIONS

1. **R2022-124 Authorizing the Planning Board of the Township of Parsippany-Troy Hills to Conduct a Preliminary Investigation of Certain Property Within the Township for Potential Redevelopment**

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of any municipality, by resolution, to have its planning board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Council of the Township of Parsippany-Troy Hills (the “Township”) considers it to be in the best interest of the Township to have the Township Planning Board conduct an investigation of certain property identified as Block 737, Lot 3 on the official Tax Map of the Township and located at 249 Pomeroy Road (the “Property”) to determine whether it should be declared a non-condemnation area in need of redevelopment; and

WHEREAS, the Township Council believes the Property is potentially valuable for contributing to, serving, and protecting the public health, safety and welfare and for the promotion of smart growth within the Township; and

WHEREAS, the preliminary investigation will be designed to evaluate the area to determine whether designation of the Property a non-condemnation “area in need of redevelopment” is appropriate and in conformance with the statutory criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, subject to the results of the preliminary investigation, the redevelopment area determination, if so made by the Township Council, shall authorize the Township to use all those powers under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*, except that such determination shall not permit the Town to exercise the power of eminent domain to acquire all or any portion of the Property.

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

1. The aforesaid recitals be and hereby are incorporated as if repeated at length; and
2. The Planning Board of the Township is hereby directed to conduct a preliminary investigation to determine whether the aforementioned Property, or any portions thereof, constitute a non-condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5; and
3. The Planning Board of the Township is hereby directed to study the area known as Block 737, Lot 3 on the official Tax Map of the Township and located at 249 Pomeroy Road to develop a map reflecting the boundaries of such proposed non-condemnation redevelopment area; to provide public notice and conduct public hearings pursuant to N.J.S.A. 40A:12A-6, and to draft a report and Resolution to the Township Council containing its findings; and
4. The results of such preliminary investigation shall be submitted to the Township Council for review and consideration in determining whether to declare the Property, or any portion thereof, a non-condemnation “area in need of redevelopment” in accordance with the provisions of N.J.S.A. 40A:12A-1, *et seq.*

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

ROLL CALL: with all Council Members answering YES

VIII. CONSENT AGENDA

BE IT RESOLVED, all items listed with an asterisk (*) are routine and noncontroversial by the Township Council and will be approved by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which case the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

Motion to approve the Consent Agenda by Mr. Carifi seconded by Mr. Musella

ROLL CALL: with all Council Members answering YES

A. RESOLUTIONS

1. **R2022-116 *Terminating the Contract with Kulpeksa Land Improvement Corporation and Authorizing Termination Fee**

WHEREAS, The Township of Parsippany-Troy Hills (“Township”) is in need of modifications to the Baldwin Road sanitary sewer system and water main.

WHEREAS, the Township advertised for bids to perform subject modifications to the Baldwin Road sanitary sewer system.

WHEREAS, Kulpeksa Land Improvement Corporation having a principal business address located at 248 Franklin Avenue, Rockaway, NJ 07866 submitted a responsive bid and was awarded the contract on April 20, 2021.

WHEREAS, on March 3, 2022, the Township and Kulpeksa Land Improvement Corporation were advised by New Jersey Department of Transportation (“NJDOT”) officials that the subject location was within an NJDOT right of way, requiring significant modifications to the work required.

WHEREAS, Kulpeksa Land Improvement Corporation advised that the modifications significantly increase the project contract price.

WHEREAS, it being determined and recommended by the Consulting Engineer that it is in the Townships best interest to terminate the contract with Kulpeksa Land Improvement Corporation.

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 Contract with Kulpeksa Land Improvement Corporation be hereby terminated.

BE IT FURTHER RESOLVED that the Township Council authorizes the termination fee of \$38,000.00 for, among other things, supplies purchased by and work done by Kulpeksa Land Improvement Corporation.

BE IT FURTHER RESOLVED, that all Township officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution

2. **R2022-117*Authorizing Award of a Contract to A.C. Schultes, Inc. for Well Redevelopment Services for Wells 10, 4, 4A & 17 and Pumping System Replacement for Wells 10, 4, 4A & 17**

WHEREAS, the Township of Parsippany-Troy Hills received bid proposals for Well Redevelopment Services for Wells 10, 4, 4A & 17 and Pumping System Replacements for Wells 10, 4, 4A & 17 on July 20, 2022, and

WHEREAS, the Director of Purchasing, Purchasing Assistant, Water Superintendent, Assistant Water Superintendent and Consulting Engineer have reviewed the bids received and recommend that a contract be awarded to the lowest responsible bidder, A.C. Schultes, Inc., 664 South Evergreen Avenue, Woodbury Heights, NJ 08097 for the Total Bid Price for Well 10 (Sum of Items 1 – 8) of \$150,375.00, the Standby Time – Hourly Rate for Well 10 of \$250.00, the Total Bid Price for Well 4 (Sum of Items 1 – 9) of \$155,230.00, the Standby Time – Hourly Rate for Well 4 of \$250.00, the Total Bid Price for Well 4A (Sum of Items 1 – 8) of \$103,230.00, the Standby Time – Hourly Rate for Well 4A of \$250.00, the Total Bid Price for Well 17 (Sum of Items 1 – 8) of \$156,542.00 and the Standby Time – Hourly Rate for Well 17 of \$250.00, and

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

Water Capital Ordinance #: 2021:20 adopted July 21, 2021, entitled,
“Various Improvements”.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the bid for Well Redevelopment Services for Wells 10, 4, 4A & 17 and Pumping System Replacements for Wells 10, 4, 4A & 17 be awarded as stated above in accordance with the terms and conditions contained in the advertising specifications and that the Mayor and Township Clerk are authorized to execute the contract.

3. **R2022-118*Granting a Major Soil Moving Permit to New York Renaissance Group, LLC: Block 199 Lot 48.1**

WHEREAS, New York Renaissance Group, LLC has applied to the Township of Parsippany-Troy Hills to move approximately 35,799 cubic yards of soil as part of the proposed work at, **Block 199, Lot 48.1, 1209 Littleton Road**; and

WHEREAS, the Planning Board considered this application at its meeting of July 13, 2022, 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 May 16, 2022;

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 New York Renaissance Group, LLC for the moving of approximately 35,799 cubic yards of soil as part of the proposed work at, **Block 199, Lot 48.1, 1209 Littleton 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 May 16, 2022.
2. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of July 21, 2022.
3. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

4. **R2022-119*Granting a Major Soil Moving Permit to Parsippany Littleton, LLC: Block 181 Lot 19**

WHEREAS, Parsippany Littleton, LLC has applied to the Township of Parsippany-Troy Hills to move approximately 35,799 cubic yards of soil as part of the proposed work at, **Block 181, Lot 19, 1500 Littleton Road**; and

WHEREAS, the Planning Board considered this application at its meeting of July 26, 2022, 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 July 20, 2022;

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 Parsippany Littleton, LLC for the moving of approximately 35,799 cubic yards of soil as part of the proposed work at, **Block 181, Lot 19, 1500 Littleton Road** subject to the following terms and conditions:

4. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated July 20, 2022.
5. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of July 26, 2022.
6. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

5. **R2022-120*Granting a Major Soil Moving Permit to 169 Johnson Road: Block 200 Lot 8**

WHEREAS, 169 Johnson Road, LLC has applied to the Township of Parsippany-Troy Hills to move approximately 19,944 cubic yards of soil as part of the proposed work at, **Block 200, Lot 8, 169 Johnson Road**; and

WHEREAS, the Planning Board considered this application at its meeting of June 6, 2022, 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 July 25, 2022;

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 169 Johnson Road, LLC for the moving of approximately 19,944 cubic yards of soil as part of the proposed work at, **Block 200, Lot 8, 169 Johnson Road** subject to the following terms and conditions:

7. The applicant shall comply with all the recommendations and requirements included in the memorandum from Justin Lizza, Municipal Engineer, dated July 25, 2022.
8. The applicant shall comply with the recommendations and requirements stipulated by the Planning Board at its meeting of June 6, 2022.
9. All inspection fees and performance guarantees shall be paid prior to the issuance of the permit.

B. APPLICATIONS

1. R2022-121*Approving and Authorizing a Retail Liquor License Renewal for Miller’s Ale House of Parsippany, LLC

WHEREAS, an application for renewal for licensing term, July 1, 2022 through June 30, 2023, has been filed by the following Retail Liquor Licensee, and

WHEREAS, the application form is complete in all respects and the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Parsippany-Troy Hills that the following Retail Liquor License be renewed for the licensing term, July 1, 2022 through June 30, 2023:

1429-33-025-007 Miller’s Ale House of Parsippany, LLC (pocket license)

IX. APPROVAL OF PAYROLL AND BILLS LIST

A. CFO Juan Uribe recommends authorization for payment:

1. Authorize payment of the August 9, 2022 regular and miscellaneous payroll estimated at \$1,650,000.00.
2. Payment of bills from voucher list of 8/15/22 through 8/17/22 is \$3,167,554.21

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

ROLL CALL: with all Council Members answering YES

Mayor Barberio responded at this time to the Parsippany Democrats’ Committee putting a press release out against him. He spoke of the lies that they spoke against him. Mayor Barberio once again spoke about the 3.3% municipal increase to the homeowners. The 14.6% is the tax levy and not what the homeowner is responsible for. He also answered Mr. Venezia’s claim about using the utility surplus monies and had been replenished by the Mayor in his past terms. Past administration depleted the surpluses, Mayor Soriano depleted the surplus in 3 years. American Rescue Plan monies had been used in the past in the budget. He also spoke about the police department and how disgusted he was that it was left in such disarray. He blamed the former police chief for his lack of responsibility to the department. He spoke about having no issue with any party disagreeing with him but he does have an issue with people calling him a liar. He also spoke about the fact that he knew he was coming into a very bad budget and he was ready to make the tough decisions to bring the township back on par.

Mr. Neglia spoke about the budget being a challenge when he ran for office. He spoke about Mayor Soriano overspending in the budget. He spoke about the cameras that were purchased to watch employees along with eye scanners for employee time. He spoke about his hiring numerous positions at high salaries and making positions that did not exist. He spoke about

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Soriano's foolish spending and how in 4 short years how he squandered funds and left the budget a mess. He said this budget starts today and the Mayor and Council will own it from this day forward.

Mr. Carifi spoke about the negligence of the previous administration and the overspending. He spoke about inexperienced people brought in at the top of the salary ranges and these salaries not budgeted for the current year. He stated that they are now working to bring the town out of the hole that was dug by the former mayor. The revenue by Soriano did not match what he was spending.

X. ADJOURNMENT

Motion to Adjourn the Meeting by Mr. Neglia Seconded by Mrs. Gragnani

ROLL CALL: with all Council Members answering YES

Respectfully submitted,

Khaled Madin, Township Clerk

Michael J. dePierro, Council President

Minutes Approved: September 20, 2022