

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
TOWNSHIP COUNCIL REGULAR MEETING**

**August 17, 2010**

Council President Grossi opened the Regular Meeting at 7:32 p.m. followed by a salute to the Flag. She advised that 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 8, 2009 where it has remained posted since that date. A legal notice appeared in both the Daily Record and the Star Ledger and was forwarded by fax to other local newspapers and local radio stations on December 17, 2009.

**PRESENT:** Council Members Cesaro, dePierro, Stanton and Grossi

**ABSENT:** Council Vice-President Fox

**OTHERS PRESENT:** Mayor Barberio, J. Lim, Business Administrator; J. Inglesino, Esq., Township Attorney; J. Silver, Township Clerk

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Council President Grossi suspended the normal order of business in order for the Council to convene in closed session to discuss collective bargaining agreement issues and pending litigation. A motion was made by Council President Grossi, seconded by Mr. Cesaro, to adopt the attached closed session resolution (Attachment No. 1).

**Roll Call:**

<b>Mr. Cesaro</b>	-	<b>Yes</b>
<b>Mr. dePierro</b>	-	<b>Yes</b>
<b>Mr. Fox</b>	-	<b>Absent</b>
<b>Mr. Stanton</b>	-	<b>Yes</b>
<b>Ms. Grossi</b>	-	<b>Yes</b>

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Upon reconvening in open session at 8:03 p.m., the Council reviewed the evening's agenda and agreed to add a resolution authorizing submission of an application for a Municipal Alliance Grant for calendar year 2011 and to consider authorizing the settlement of litigation entitled *Stitou v. Township of Parsippany-Troy Hills, et al.*

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**NOTES:**

9/14/10 @ 7:30 p.m. Agenda Meeting  
Public Invited – Public Participation

9/21/10 @ 7:30 p.m. Regular Meeting  
Public Invited – Public Participation

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**BID(S) TO BE TAKEN:**

8/24/10 @ 11:00 a.m.                      Lease of Public Property (Antennae on Township Water Storage Facilities)

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**REQUEST(S) FOR QUOTATION(S)/PROPOSAL(S)/QUALIFICATION(S):**

None

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**ORDINANCE(S):**

**Second Reading(s) and Public Hearing(s):**

**Ordinance 2010:19**

**An Ordinance Amending Chapter  
372, Municipal Taxicabs and  
Limousines**

The following resolution was offered by Mr. Cesaro, seconded by Council President Grossi:

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE AMENDING CHAPTER 372, MUNICIPAL TAXICABS AND LIMOUSINES**,” be read in title only on second reading and a hearing held thereon.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

**Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.**

**Seeing no one come forward to speak, Council President Grossi closed the public portion of the meeting.**

The following resolution was offered by Mr. Cesaro, seconded by Council President Grossi:

**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.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**Ordinance 2010:20**

**An Ordinance Establishing Salary  
Ranges for Patrolmen of the Township  
of Parsippany-Troy Hills (PBA) for the  
Years (2010-2013)**

The following resolution was offered by Mr. dePierro, seconded by Mr. Stanton:

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE ESTABLISHING SALARY RANGES FOR PATROLMEN OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS (PBA)**,” be read in title only on second reading and a hearing held thereon.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

**Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.**

**Seeing no one come forward to speak, Council President Grossi closed the public portion of the meeting.**

The following resolution was offered by Mr. dePierro, seconded by Council President Grossi:

**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.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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**Ordinance 2010:21**

**An Ordinance Establishing Salary  
Ranges for Police Superior  
Officers of the Township of Parsippany-  
Troy Hills (SOA) for the Years  
(2010-2013)**

The following resolution was offered by Mr. Stanton, seconded by Council President Grossi:

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE ESTABLISHING SALARY RANGES FOR POLICE SUPERIOR OFFICERS OF THE TOWNSHIP OF PARSIPPANY - TROY HILLS (SOA)**,” be read in title only on second reading and a hearing held thereon.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

**Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.**

**Seeing no one come forward to speak, Council President Grossi closed the public portion of the meeting.**

The following resolution was offered by Mr. Stanton, seconded by Council President Grossi:

**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.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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**Ordinance 2010:22**

**An Ordinance Establishing Salary  
Ranges for Blue Collar Employees of The  
Township of Parsippany-Troy Hills  
(2007-2010)**

The following resolution was offered by Mr. Cesaro, seconded by Mr. Stanton:

**BE IT RESOLVED** that an ordinance entitled “**AN ORDINANCE ESTABLISHING SALARY RANGES FOR BLUE COLLAR EMPLOYEES OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS**,” be read in title only on second reading and a hearing held thereon.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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**Council President Grossi opened the meeting to the public to speak on this ordinance only, noting a five-minute time limit per speaker.**

**Pat Petaccia, 182 Hawkins Avenue**, questioned if a copy of this ordinance is available for public review. The Township Clerk pointed out that copies of this ordinance are on the table in front of the dais.

**Seeing no one else come forward to speak, Council President Grossi closed the public portion of the meeting.**

The following resolution was offered by Mr. Cesaro, seconded by Ms. Grossi:

**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.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi

**ABSENT** – Council Member Fox

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**PUBLIC HEARING**

**Council President Grossi opened the meeting to the public to speak on any topic (a five-minute time limit being in effect).**

**Richard Rosenthal, 3 Cambridge Road**, agreed with the action taken by the Council at the last meeting not to waive construction permit fees in the amount of \$10,000 in connection with the installation of solar panels at school facilities. He felt that this \$10,000 is revenue for the Township and pointed out that the inspections involved with this project are time-consuming. If the fees were waived, taxpayers would not see one penny of that money as the money would have been unaccounted for by the Board of Education. This \$10,000 should rightfully come to the Township. He thanked the Council for the action it took.

Mayor Barberio agreed with Mr. Rosenthal, noting that these are trying times. That revenue is important to the municipality as revenue affects the tax levy. The less income we receive, the higher the tax levy. No disrespect to the Board of Education, but the Township needs to have the revenue, especially in light of the two-percent cap.

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**Robert Simpson, 30 Hilsinger Road**, submitted a Star Ledger news article entitled *Train Whistles Will Go Silent in Edison, N.J.'s First 'Quiet Zone'*. Mr. Simpson advised that Edison received a \$2,000 grant from the Department of Transportation and a \$250,000 grant from Middlesex County. He questioned why Parsippany is taking so much time to construct a "quiet zone" here.

Mayor Barberio advised Mr. Simpson that Mr. Lizza (Municipal Engineer) reached out to the FRA (Federal Railroad Administration), but has not received a call-back as of this date. Mr. Simpson will be invited to attend the meeting once it is scheduled.

**Seeing no one else come forward to speak, Council President Grossi closed the public portion of the meeting.**

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**CONSENT AGENDA:**

Council President Grossi noted that all items listed with an asterisk (\*) are considered to be 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. She moved the approval of the Consent Agenda, seconded by Mr. dePierro. At Mr. Cesaro's request, the resolution amending the terms of the professional services agreement with John P. Inglesino, Esq. of the firm of Inglesino, Pearlman, Wyciskala and Taylor, LLC as Township Attorney was removed from the Consent Agenda.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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**MINUTES FOR APPROVAL:**

\* Agenda Meeting of 7/13/10

\* Closed Session of 7/13/10 (Approval Only, Disclosure Upon Authorization of Township Attorney)

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**BID AWARD(S):**

\* **Lease of Public Property (Antennae on Township Water Storage Facilities)**

**WHEREAS**, the Township of Parsippany-Troy Hills (the "Township") is the owner of certain real property identified as Block 498, Lot 23 on the Tax Map of the Township of Parsippany-Troy Hills, Morris County, New Jersey ; and

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**WHEREAS**, the Township operates a water storage facility on said real property; and

**WHEREAS**, the Township desires to lease space not needed for municipal purposes on said water storage facility to providers of wireless communications services; and

**WHEREAS**, the Township solicited bids for prospective tenants of the water storage facility; and

**WHEREAS**, New Cingular Wireless PCS, LLC by AT&T Mobility submitted a complete and satisfactory bid;

**NOW, THEREFORE, BE IT RESOLVED**, as follows, that:

1. The Township Council hereby awards the lease of space on the water storage facility located at Block 498, Lot 23 to New Cingular Wireless PCS, LLC by AT&T Mobility for a first year annual rent of \$44,761.00; and
2. The Township Council hereby authorizes the Mayor and Township Clerk to execute and deliver the Lease Agreement.

**\* Reconstruction of Manito Avenue, Morton Place and Ute Avenue**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Manito Avenue, Morton Place and Ute Avenue on August 3, 2010, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Stanziale Construction LLC, P.O. Box 2597, Bloomfield, NJ 07003 for a Total Bid Price of \$577,093.14, and

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

Current Capital Ordinance #'s 2009:24 adopted June 16, 2009, 2008:13 adopted  
May 13, 2008 and 2006:08 adopted May 23, 2006, all entitled,  
"Various Improvements."

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Reconstruction of Manito Avenue, Morton Place and Ute Avenue 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.

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**\* Reconstruction of Curbs and Sidewalks at Various Locations – 2010**

**WHEREAS**, the Township of Parsippany-Troy Hills received bid proposals for Reconstruction of Curbs and Sidewalks at Various Locations-2010 on August 4, 2010, and

**WHEREAS**, the Business Administrator, Director of Purchasing and Township Engineer have reviewed the bids and recommend that the bid be awarded to the lowest responsible bidder, Arnold's Roads, Inc., 8 Dante Road, Monroe Township, NJ 08831 for a Total Bid Price of \$190,735.00, and

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

Current Capital Ordinance # 2009:24  
adopted June 16, 2009 entitled,  
"Various Improvements."

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the bid for Reconstruction of Curbs and Sidewalks at Various Locations-2010 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.

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**RESOLUTION(S):**

**\* Adoption of Morris County Multi-Jurisdictional All Hazards Pre-Disaster Mitigation Plan**

**WHEREAS**, the Township of Parsippany-Troy Hills is vulnerable to damages from natural hazard events which pose a threat to public health and safety and could result in property loss and economic hardship; and

**WHEREAS**, a Multi-Jurisdictional Hazard Mitigation Plan (the Plan) has been developed through the work of the Morris County Hazard Mitigation Planning Committee, the Township of Parsippany-Troy Hills Hazard Mitigation Working Group and interested parties within the Township; and

**WHEREAS**, the Plan recommends hazard mitigation actions that will protect people and property affected by natural hazards that face the Township, that will reduce future public, private, community and personal costs of disaster response and recovery; and that will reinforce the Township's leadership in emergency preparedness efforts; and



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**WHEREAS**, the Disaster Mitigation Act of 2000 (P.L. 106-390) (DMA 2000) and associated Federal regulations published under 44 CFR Part 201 require the Township to formally adopt a Hazard Mitigation Plan subject to the approval of the Federal Emergency Management Agency to be eligible for federal funds for hazard mitigation projects and activities; and

**WHEREAS**, public meetings were held to receive comment on the Plan as required by DMA 2000.

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

1. That the Township Council hereby adopts the Morris County, New Jersey Multi-Jurisdictional Hazard Mitigation Plan, dated July 23, 2010 as this jurisdiction's official Natural Hazard Mitigation plan and resolves to execute the actions in the Plan as an official plan of the Township of Parsippany-Troy Hills; and
2. The Township's officials identified in the Mitigation Action Plan (Section 9) are hereby directed to implement the recommended actions assigned to them. These officials will report quarterly on their activities, accomplishments, and progress to the Township's Hazard Mitigation Working Group and the Township's Municipal Engineer; and
3. The Township's Hazard Mitigation Working Group will provide annual progress reports on the status of implementation of the Plan to the Mayor. This report shall be submitted by February 1 of each year.
4. The Township's Hazard Mitigation Working Group will undertake periodic updates of the Plan as indicated in the Plan Maintenance Program (Section 10), but no less frequent than every five years.
5. Members of the Township's Local Emergency Planning Council (LEPC) shall also serve as the Township's Hazard Mitigation Working Group for purposes of the Plan.

**\* Placing a Lien on a Particular Property for Failure to Abate a Housing Violation – 32 Lake Shore Drive, Block 554, Lot 23**

**WHEREAS**, Greg Blayer is the last known owner of record for the property known as Block 554, Lot 23 located at 32 Lake Shore Drive, Lake Hiawatha, New Jersey 07034; and

**WHEREAS**, as a result of continued complaints from 2009, an inspection of the property confirmed an overgrown lawn of approximately 2 ½ feet; and

**WHEREAS**, a Notice of Violation was sent on June 2, 2010, returned unopened on June 5, 2010; and

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**WHEREAS**, attempts were made to obtain mail forwarding information from the mortgage holder, GMAC, with no success; and

**WHEREAS**, the real estate taxes and water/sewer fees have been paid; and

**WHEREAS**, the Township's Tax Collector has no mail forwarding information on file; and

**WHEREAS**, a hearing was held on July 29, 2010 at 10:10 am in the Council Chambers of Town Hall to discuss the owner's failure to abate the violations, at which time Greg Blayer failed to appear; and

**WHEREAS**, due to the lack of response and the condition of the property, the Director of Planning, Zoning and Housing has determined that this property has been abandoned; and

**WHEREAS**, in accordance with Chapter 213, Housing and Property Maintenance, §44, Municipal Intervention of the Code of the Township of Parsippany-Troy Hills, the Township Housing Department will remedy the situation by having the lawn mowed by an outside contractor at the cost of \$350.00; and

**WHEREAS**, the Township Code further allows that the expenditure of municipal funds to put the premises in proper condition may be charged against the premises as a lien and shall be added to and become and form a part of the taxes next to be assessed and levied upon the premises.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that should the mortgage holder fail to abate the housing violations, the Township Council does hereby authorize the appropriate officials to place a lien on the premises known as 32 Lake Shore Drive, Lake Hiawatha, New Jersey 07034, commonly known as Block 554, Lot 23, in the amount of \$350.00 for the purpose of collecting said unpaid charges due to the Township for abatement of Housing Violations.

**\* Placing a Lien on a Particular Property for Failure to Abate a Housing Violation – 3 Oneida Avenue, Block 514, Lot 7**

**WHEREAS**, Hameed and Frozan Sarwari are the last known owners of record for the property known as Block 514, Lot 7 located at 3 Oneida Avenue, Lake Hiawatha, New Jersey 07034; and

**WHEREAS**, as a result of a complaint received on June 7, 2010, an inspection of the property confirmed an overgrown lawn of approximately 2 ½ feet; and

**WHEREAS**, a Notice of Violation was sent on June 8, 2010, returned unopened on June 16, 2010; and

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**WHEREAS**, attempts were made to obtain mail forwarding information from the mortgage holder, Bank of America, with no success; and

**WHEREAS**, it was discovered that real estate taxes have been paid; however, there is an outstanding balance of \$348.53 in water/sewer fees; and

**WHEREAS**, the Township's Tax Collector has no mail forwarding information on file; and

**WHEREAS**, a hearing was held on July 29, 2010 at 10:00 am in the Council Chambers of Town Hall to discuss the owner's failure to abate the violations, at which time Hameed and Frozan Sarwari failed to appear; and

**WHEREAS**, due to the lack of response and the condition of the property, the Director of Planning, Zoning and Housing has determined that this property has been abandoned; and

**WHEREAS**, in accordance with Chapter 213, Housing and Property Maintenance, §44, Municipal Intervention of the Code of the Township of Parsippany-Troy Hills, the Township Housing Department will remedy the situation by having the lawn mowed by an outside contractor at the cost of \$450.00; and

**WHEREAS**, the Township Code further allows that the expenditure of municipal funds to put the premises in proper condition may be charged against the premises as a lien and shall be added to and become and form a part of the taxes next to be assessed and levied upon the premises.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that should the mortgage holder fail to abate the housing violations, the Township Council does hereby authorize the appropriate officials to place a lien on the premises known as 3 Oneida Avenue, Lake Hiawatha, New Jersey 07034, commonly known as Block 514, Lot 7, in the amount of \$450.00 for the purpose of collecting said unpaid charges due to the Township for abatement of Housing Violations.

**\* Placing a Lien on a Particular Property for Failure to Abate a Housing Violation – 49 Mohawk Avenue, Block 525, Lot 3**

**WHEREAS**, Alex Aquino is the last known owner of record for the property known as Block 525, Lot 3 located at 49 Mohawk Avenue, Lake Hiawatha, New Jersey 07034; and

**WHEREAS**, as a result of a complaint received on June 1, 2010, an inspection of the property confirmed an overgrown lawn of approximately 2 ½ feet and several dead trees; and

**WHEREAS**, a Notice of Violation was sent on June 2, 2010, returned unopened on June 16, 2010; and

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**WHEREAS**, attempts were made to obtain mail forwarding information from the mortgage holder, Bank of America, with no success, and

**WHEREAS**, it was discovered that real estate taxes have been paid; however, there is an outstanding balance of \$1,344.01 in water/sewer fees; and

**WHEREAS**, the Township's Tax Collector has no mail forwarding information on file; and

**WHEREAS**, a hearing was held on July 29, 2010 at 10:20 am in the Council Chambers of Town Hall to discuss the owner's failure to abate the violations, at which time Alex Aquino failed to appear; and

**WHEREAS**, due to the lack of response and the condition of the property, the Director of Planning, Zoning and Housing has determined that this property has been abandoned; and

**WHEREAS**, in accordance with Chapter 213, Housing and Property Maintenance, §44, Municipal Intervention of the Code of the Township of Parsippany-Troy Hills, the Township Housing Department will remedy the situation by having the lawn mowed by an outside contractor at the cost of \$350.00; and

**WHEREAS**, the Township Code further allows that the expenditure of municipal funds to put the premises in proper condition may be charged against the premises as a lien and shall be added to and become and form a part of the taxes next to be assessed and levied upon the premises.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that should the mortgage holder fail to abate the housing violations, the Township Council does hereby authorize the appropriate officials to place a lien on the premises known as 49 Mohawk Avenue, Lake Hiawatha, New Jersey 07034, commonly known as Block 525, Lot 3, in the amount of \$350.00 for the purpose of collecting said unpaid charges due to the Township for abatement of Housing Violations.

**\* Placing a Lien on a Particular Property for Failure to Abate a Housing Violation – 126 Elmwood Drive, Block 309, Lot 18**

**WHEREAS**, Khanh Ngo is the last known owner of record for the property known as Block 309, Lot 18 located at 126 Elmwood Drive, Parsippany, New Jersey 07054; and

**WHEREAS**, as a result of a complaint received on June 21, 2010, an inspection of the property confirmed an overgrown lawn of approximately 2 ½ feet and broken garage doors; and

**WHEREAS**, Notices of Violation were sent on June 22 and July 15, 2010, both returned unopened on July 1 and July 19, 2010, respectively; and

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**WHEREAS**, attempts were made to obtain mail forwarding information from the mortgage holder, Bank of America, with no success; and

**WHEREAS**, it was discovered that real estate taxes have been paid; however, there is an outstanding balance of \$479.08 in water/sewer fees; and

**WHEREAS**, the Township's Tax Collector has no mail forwarding information on file; and

**WHEREAS**, a hearing was held on July 29, 2010 at 10:30 am in the Council Chambers of Town Hall to discuss the owner's failure to abate the violations, at which time Khanh Ngo failed to appear; and

**WHEREAS**, due to the lack of response and the condition of the property, the Director of Planning, Zoning and Housing has determined that this property has been abandoned; and

**WHEREAS**, in accordance with Chapter 213, Housing and Property Maintenance, §44, Municipal Intervention of the Code of the Township of Parsippany-Troy Hills, the Township Housing Department will remedy the situation by having the lawn mowed by an outside contractor at the cost of \$250.00; and

**WHEREAS**, the Township Code further allows that the expenditure of municipal funds to put the premises in proper condition may be charged against the premises as a lien and shall be added to and become and form a part of the taxes next to be assessed and levied upon the premises.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey that should the mortgage holder fail to abate the housing violations, the Township Council does hereby authorize the appropriate officials to place a lien on the premises known as 126 Elmwood Drive, Parsippany, New Jersey 07054, commonly known as Block 309, Lot 18, in the amount of \$250.00 for the purpose of collecting said unpaid charges due to the Township for abatement of Housing Violations.

**\* Professional Services Agreement for General Engineering Services – Dewberry-Goodkind, Inc.**

**WHEREAS**, the Township of Parsippany-Troy Hills has a need to acquire professional services as 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**, the Business Administrator has determined and certified in writing that the value of these services will exceed \$17,500; and,

**WHEREAS**, the term of this contract shall begin on January 1, 2010 and end on December 31, 2010; and

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**WHEREAS**, Dewberry-Goodkind, Inc. has indicated that they will provide the services required as specified below for the Township of Parsippany-Troy Hills at the rates and terms specified in the contract; and

**WHEREAS**, Dewberry-Goodkind, Inc. has submitted a Business Entity Disclosure Certification, which Certification provides that no reportable contributions have been made that would bar the award of this Agreement pursuant to P.L. 2004, c. 19, and that no reportable contributions will be made during the term of the Professional Services Agreement to the municipal political or candidate committees of the elected officials of the Township; and

**WHEREAS**, the Business Entity Disclosure Certification further provides that Dewberry-Goodkind, Inc. 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**, Dewberry-Goodkind, Inc. has provided the disclosure of political contributions required pursuant to P.L. 2005, c.271 prior to the award of the Professional Services Agreement; and

**WHEREAS**, the Chief Financial Officer of the Township of Parsippany-Troy Hills has certified in writing that funds are available for this purpose in various previously adopted bond ordinances in the Sewer Capital.

**NOW THEREFORE, BE IT RESOLVED** as follows:

- (1) That the Township Council of the Township of Parsippany-Troy Hills authorizes the Mayor to enter into a contract for the 2010 year with Dewberry-Goodkind, Inc., 600 Parsippany Road, Parsippany, NJ 07054 for professional engineering services
- (2) The Business Entity Certificates and Disclosures, together with the Determination of Values, be placed on file with this Resolution; and
- (3) That, pursuant to N.J.S.A. 40A:11-1, et seq., this contract shall be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5 and without competitive bid as "Professional Services" in accordance with N.J.S.A. 40A:11-1, et seq. because said services are performed by persons authorized by law to practice a recognized profession; and
- (4) A notice of this award shall 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.

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**\* Accepting Form of Conservation Easement Agreement Relative to Properties Identified as Block 757, Lots 53.01, 53.02, 53.03 and 53.04**

**WHEREAS**, an application was filed before the Township of Parsippany-Troy Hills Planning Board (“Board”) by Jayanti and Rasila Dhaduk (collectively “Dhaduk”) for property located at 17 Phillip Drive, Block 757, Lot 53.02, Parsippany-Troy Hills, New Jersey (the “Property”) seeking approval to amend minor site plan and prior approvals to reflect an as-built retaining wall at the rear of their residence which deviates from the approved plans and encroaches into a conservation easement area required pursuant to prior subdivision approvals; and

**WHEREAS**, the Board considered the application (Application #08:6) at public hearings that commenced on April 5, 2009 and concluded on September 21, 2009, on which date the Board voted to approve the application with certain conditions and approvals; and

**WHEREAS**, the Board memorialized a resolution of approval (the “Resolution”) on Application #08:6 at its November 16, 2009 meeting; and

**WHEREAS**, the Resolution required, among other things, that Dhaduk prepare an acceptable form of easement document for a “conservation easement to be established under this Resolution consisting of an easement from the property owner to the Township, for the conservation easement area as it exists solely on the subject lot together with revised and certified metes and bounds descriptions, which shall match the final proposed as-built Survey and Minor Site Plan”; and

**WHEREAS**, the Resolution also required that the Applicant render assistance to obtain and record a conservation easement on Block 757, Lots 53.01, 53.03 and 53.04 (which were all originally a part of Lot 53) as required by a prior Board resolution approving the final subdivision for the larger property (Lot 53) dated September 24, 2002; and

**WHEREAS**, a single conservation easement (“Conservation Easement”) covering Block 757, Lots 53.01, 53.02, 53.03 and 53.04 was prepared for signature by the owners of each of the foregoing lots as Grantors. The Grantors are RNJ Properties, LLC (owners of Block 757, Lot 53.01), Jayanti V. and Rasila J. Dhaduk (owners of Block 757, Lot 53.02), Rajesh H. and Mita R. Pipalia (owners of Block 757, Lot 53.03) and Mansukh R. and Labhu M. Savalia (owners of Block 757, Lot 53.04). the Township of Parsippany-Troy Hills is the Grantee; and

**WHEREAS**, the Conservation Easement and associated legal descriptions have been reviewed and approved as to form and substance by the Board Attorney, the Board Planner and the Township Engineer; and

**WHEREAS**, in light of the foregoing, the Township Council of the Township of Parsippany-Troy Hills is willing to accept and execute the Conservation Easement as Grantee.

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Parsippany-Troy Hills, State of New Jersey, that the Township Council hereby accepts the approved form of Conservation Easement, and that the Mayor is authorized to execute same on behalf of the Township of Parsippany-Troy Hills.

**\* Granting an Extension of the Major Soil Moving Permit Granted to Fox Run Developers (A/K/A K & K Developers), Block 98, Lots 22 and 23**

**WHEREAS, FOX RUN DEVELOPERS (a/k/a K & K DEVELOPERS)**, was granted a major soil moving permit by Township Council Resolution adopted August 18, 2009 to remove approximately 4,623 cubic yards of material in conjunction with a project for a ten-lot subdivision at Block 98, Lots 22 and 23; and

**WHEREAS**, via a memorandum from the Planning Board dated July 27, 2010, the Township Council was advised that the Planning Board, at its regular meeting of July 26, 2010, approved a motion “to recommend to the Township Council an extension of one (1) year for the Major Soil Moving Permit for K & K Developers, Block 98, Lots 22 & 23, Fox Run, Application # 02:007 to August 18, 2011”; and

**WHEREAS**, the conditions of the original approval shall remain in effect, including the following terms:

- **Compliance with all conditions contained in the memorandum of the Township Engineer dated February 10, 2009;**
- **Receipt of escrow payment to Planning Board in the amount of \$500.00;**
- **Hours of operation from 9:00 a.m. until 4:00 p.m. on weekdays only, excluding all work on Saturdays, Sundays, and Legal Holidays;**
- **Soil movement must be accomplished using the nearest interstate highway route;**
- **The transport route is to be set forth in writing and submitted to the Township Engineer for approval;**
- **Conditions contained in approvals and permits by all governmental entities having jurisdiction of this matter.**

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that it does hereby grant an extension of the major soil moving permit issued to **FOX RUN DEVELOPERS (a/k/a K & K DEVELOPERS)** to **August 18, 2011**.



**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**\* Authorizing NJDOT Grant Application for Road and Drainage Improvements on Park Road (Second Phase) from De Hart Road to Route 53**

**WHEREAS**, the Township of Parsippany-Troy Hills is requesting a Municipal Aid grant from the New Jersey Department of Transportation for the Park Road Improvement Project, Phase II; and

**WHEREAS**, the estimated cost of the project is \$393,464.50; and

**WHEREAS**, the grant request is in the amount of \$375,000;

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

1. The Township Council supports, and authorizes the submittal of, the aforementioned electronic grant application identified as MA-2011-Parsippany-Troy Hills Township-00601 to the New Jersey Department of Transportation on behalf of the Township of Parsippany-Troy Hills; and
2. The Mayor and Township Clerk are hereby authorized to execute the grant agreement on behalf of the Township of Parsippany-Troy Hills and that their signature constitutes acceptance of the terms and conditions of the grant agreement; and
3. The appropriate officials are authorized to take whatever other steps necessary to complete the grant application and meet other grant requirements.
4. This resolution shall take effect immediately.

**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.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi

**ABSENT** – Council Member Fox

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**APPLICATION(S):**

License(s):

None

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**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**MINUTES FOR APPROVAL – NON-CONSENT:**

Mr. dePierro moved the approval of the minutes of the following meetings, seconded by Mr. Cesaro:

Regular Meeting of 7/20/10 (Absent – Grossi)

Closed Session of 7/20/10 (Absent – Grossi) (Approval Only, Disclosure Upon Authorization of Township Attorney)

**ROLL CALL: YES** – Council Members Cesaro, dePierro, and Stanton

**ABSTAIN** – Council President Grossi

**ABSENT** – Council Member Fox

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**RESOLUTION (NON-CONSENT):**

**NOTE:** Mr. Cesaro stepped out of the room.

The following resolution was offered by Council President Grossi, seconded by Mr. Stanton:

**Amending the Terms of the Professional Services Agreement with John P. Inglesino, Esq. of the Firm Inglesino, Pearlman, Wyciskala and Taylor, LLC as Township Attorney for the Remainder of the Year 2010 as Authorized by Council Resolution Adopted July 20, 2010**

**WHEREAS**, a professional services agreement with John P. Inglesino of the firm Inglesino, Pearlman, Wyciskala & Taylor, LLC with a location of 600 Parsippany Road, Parsippany, NJ 07054 to serve as Township Attorney for the remainder of 2010 was approved by resolution dated July 20, 2010; and

**WHEREAS**, it is necessary to amend the terms of said agreement by the addition of the position of Bond Counsel at the rate of \$220 per hour.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Parsippany-Troy Hills that the Professional Services Agreement with John P. Inglesino of the firm of Inglesino, Pearlman, Wyciskala & Taylor, LLC, 600 Parsippany Road, Parsippany, NJ 07054 is hereby amended to reflect the position of Bond Counsel at the rate of \$220 per hour.

**ROLL CALL: YES** – Council Members dePierro, Stanton and Grossi

**ABSENT** – Council Member Fox

**NOT PRESENT AT ROLL CALL** – Council Member Cesaro

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**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**ORDINANCE(S):**

**Introductions**

**Ordinance No. 2010:23**

**Amending Section 4-58, Public Records – Fees**

(Attachment No. 2)

The following resolution was offered by Mr. Stanton, seconded by Mr. Cesaro:

**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 17, 2010** and that said Ordinance be further considered for second reading and final passage at a Meeting to be held on **September 21, 2010** at 7:30 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.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi

**ABSENT** – Council Member Fox

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**RESOLUTION(S) - ADDITIONS TO AGENDA:**

Council President Grossi made a motion to add to the agenda a resolution authorizing submission of an application for a Municipal Alliance Grant for calendar year 2011 and to consider authorizing the settlement of litigation entitled *Stitou v. Township of Parsippany-Troy Hills, et al.*, seconded by Mr. Stanton.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi

**ABSENT** – Council Member Fox

The following resolution was offered by Mr. Cesaro, seconded by Mr. Stanton:

**Authorizing Submission of an Application for a Municipal Alliance Grant for Calendar Year 2011**

**WHEREAS**, the Mayor and Township Council of the Township of Parsippany-Troy Hills, County of Morris, State of New Jersey recognize that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Mayor and Township Council further recognize that it is incumbent upon, not only public officials, but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Township has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris;

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

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

1. That the Township Council supports and authorizes submittal of an application for the Township of Parsippany-Troy Hills' Municipal Alliance Grant for calendar year 2011 in the amount of \$28,901.00.
2. That the Township acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.
3. That the Township Council authorizes the Mayor and Township Clerk to execute the grant agreement on behalf of Township of Parsippany-Troy Hills and authorizes the appropriate officials to take whatever steps are necessary to complete the grant application and meet other grant requirements.
4. That this resolution shall take effect immediately.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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Mr. Inglesino indicated that there will be a resolution of the Township Council to settle the case of Ahmed Stitou vs. Township of Parsippany-Troy Hills and Officers Andy Van Orden, Theodore Anderson, Edward Conklin (and Richard Murphy), bearing Docket Number MRS-L-298-10, in the sum of up to \$20,000 in accordance with the terms of a letter from Gebhardt & Kiefer dated July 27, 2010. For the benefit of the public, he explained that the settlement amount will not be paid for out of the municipal budget, but by the Morris County Joint Insurance Fund, the Township's insurer. Mr. dePierro moved the motion as stated by Mr. Inglesino, seconded by Council President Grossi.

**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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Mr. Cesaro made a motion to adjourn the meeting, seconded by Mr. Stanton.

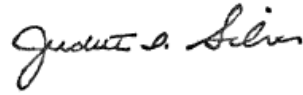
**ROLL CALL: YES** – Council Members Cesaro, dePierro, Stanton and Grossi  
**ABSENT** – Council Member Fox

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**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

The meeting adjourned at 8:24 p.m.

Respectfully submitted,



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Judith I. Silver, Township Clerk



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Ann F. Grossi Council President

Minutes approved: September 21, 2010

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

Attachment No. 1  
Page 1 of 1

**RE:      Collective Bargaining Agreement (PPE Local No. 1) and  
         Pending Litigation (Stitou; Refuse Collection Litigation; Raymond B. Webb &  
         Tracy Webb)**

**DATE:    August 17, 2010**

**TIME:    7:36 p.m.**

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**MOTION BY: Council President Grossi**

**SECONDED BY: Mr. Cesaro**

**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:

**Collective Bargaining Agreement and Pending Litigation**

**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.

<b>Roll Call:</b>	<b>Cesaro</b>	<b>-</b>	<b>Yes</b>
	<b>dePierro</b>	<b>-</b>	<b>Yes</b>
	<b>Fox</b>	<b>-</b>	<b>Absent</b>
	<b>Stanton</b>	<b>-</b>	<b>Yes</b>
	<b>Grossi</b>	<b>-</b>	<b>Yes</b>

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**MOTION TO ADJOURN CLOSED SESSION BY: Mr. Cesaro**

**SECONDED BY: Council President Grossi**

<b>Roll Call:</b>	<b>Cesaro</b>	<b>-</b>	<b>Yes</b>
	<b>dePierro</b>	<b>-</b>	<b>Yes</b>
	<b>Fox</b>	<b>-</b>	<b>Absent</b>
	<b>Stanton</b>	<b>-</b>	<b>Yes</b>

**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

**Grossi            -            Yes**

**CLOSED SESSION ADJOURNED: 7:58 p.m.**

**TOWNSHIP OF PARSIPPANY-TROY HILLS  
MORRIS COUNTY, NEW JERSEY  
ORDINANCE NO. 2010:23**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
PARSIPPANY-TROY HILLS, COUNTY OF MORRIS, STATE OF NEW JERSEY, TO  
AMEND SECTION  
4-58,  
PUBLIC RECORDS, OF THE CODE OF THE TOWNSHIP OF PARSIPPANY-TROY  
HILLS**

**WHEREAS**, the Township Council of the Township of Parsippany-Troy Hills wishes to update various fees charged pursuant to the Code of the Township of Parsippany-Troy Hills (“Code”).

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

**SECTION 1.** Section 4-58C entitled “Copies of Government Records,” of the Code of the Township of Parsippany-Troy Hills is hereby amended to read as follows:

4-58. C. (1) Standard-sized paper documents up to 8 1/2 inches by 14 inches in size shall be made available for purchase by any citizen during regular business hours according to the following schedule of fees which shall be based on the total number of pages or parts thereof to be purchased without regard to the number of separate records being copied:

- a. Less than 20 pages: no charge
- b. 20 or more pages: \$0.05 per page, starting with the first page.

**SECTION 2.** Section 4-58F entitled “Electronic Records,” of the Code of the Township of Parsippany-Troy Hills is hereby amended to read as follows:

4-58. F. Electronic Records (For security reasons, the use of recordable/writable media provided by the requestor is prohibited).

- 1) Copies of public meetings on CD, DVD, or cassette tape, whichever is available: \$0.50 per CD/DVD/cassette tape.
- 2) Copies of Police Department DVDs or CDs: \$0.50 per DVD or CD.
- 3) Audio copies of police communications on CD: \$0.50 per CD.
- 4) Copies of police mobile video DVDs: \$0.50 per DVD.
- 5) Copies of existing files to a CD in the format that currently exists: \$0.50 per CD.



**REGULAR TOWNSHIP COUNCIL MEETING AUGUST 17, 2010**

Attachment No. 2  
Page 2 of 2

**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.