

FEBRUARY 13, 2020

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, February 13, 2020, at 8:00 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Deputy Mayor Ferramosca and Members
Gallagher, Cahill and Mihalko

ABSENT:

STATEMENT BY PRESIDING OFFICER:

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by posting written notices and agenda of the meeting on the bulletin board in the Municipal Building, 1000 Route 10, Township of Hanover and by hand delivering, mailing or faxing such notice and agenda to the following newspapers:

**HANOVER EAGLE
MORRIS COUNTY'S DAILY RECORD
THE STAR LEDGER**

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

OPENING PRAYER

Almighty God, we ask that you bless this governing body with an abundance of wisdom and understanding so that every deliberation will result in actions which will promote the common good and the general welfare for all of the people of Hanover Township...AMEN

OPEN TO THE PUBLIC

Terri Baird, 180 Parsippany Road, Whippany: I have some questions in reference to the agenda, I would like to know in the resolution part what G and H are about. They are resolutions as a consent agenda G is approving a municipal services act agreement between the Township and Whippany Crossing and further authorizing the Mayor and Township Clerk to execute the agreement.

Mr. Giorgio: G pertains to a condominium development which is located at the corner of Whippany Road and Park Avenue and under state law which is known as the Municipal Services Act we are required to enter into an agreement to provide certain basic services such as sanitation pick up, snow removal and also to cover to cost of electricity for the street lights. That is what that is all about.

Ms. Baird: So our Town is going to pick up their garbage and plow their roads

Mr. Giorgio: That is correct.

Ms. Baird: Some of the agreements (interrupted)

Mr. Giorgio: What happens Terri if they plow the roads themselves, we have a reimbursement formula based on how much it costs us to plow our roads and we pay them based on that formula. So this is all required by state law which is known as the Municipal Services Act. And then H (interrupted)

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Ms. Baird: I was wondering how much we are accepting this time for the grant.

Mr. Giorgio: \$172,000 that is for the continuation of Phase III of the trail.

Ms. Baird: Right, and also I have some issues with the current newspaper that came out, and I see that there are some things that are in there that seem to be somewhat erroneous I think, so I wanted some clarification as to the newspaper article. The first article about the time running out for Pine Plaza it states that the Township Committee last year had voted to condemn under eminent domain only the Midas Muffler Shop at the eastern portion of the property. In my recollection is that you didn't just single out Midas it was the entire Pine Plaza and the reason why I bring this up is that because in the editorial it says "...and now it is down to it's last 8 tenants, three of those a pizza place a karate studio and a breakfast restaurant have been Pine Plaza's most successful stores over the past several years, a fourth Midas is condemned under eminent domain." Is Midas Muffler condemned?

Mr. Semrau: That's a newspaper article. The Governing Body clearly, my recollection is the ordinance for redevelopment was non condemnation so and there is no condemnation that is permitted by law under that redevelopment area designation and there is no plans for any type of condemnation even with respect to the Midas because it is my understanding that the Midas is about to go under contract with the actual developer purchaser of the Pine Plaza shopping center. So there is none.

Ms. Baird: I just didn't want people to think that Midas is condemned and closed when and not go there.

Mr. Semrau: If there was a condemnation there would be an ordinance we don't have the authority because what we did last summer as a Governing Body but there would be an ordinance introduced and an appraisal and all of that and none of those steps have been taken and it has not been condemned and it is not eligible.

Ms. Baird: Also Mr. Semrau and the other time running out article it says that there is about 28 acres on the Pine Plaza site that probably won't ever be developed according to Township Attorney Fred Semrau.

Mr. Semrau: I do not know the context of that article.

Audience: You said that last year.

Mr. Semrau: 28 acres on the Pine Plaza site?

Mayor: 28 acres is the site.

Mr. Ferramosca: That site isn't that large.

Ms. Baird: I know so there is, my reference to this is that there is no area that of the entire Pine Plaza site that won't be developed like the entire thing is going to be developed there is no set aside of.

Mr. Semrau: Well one of us is wrong and I hope it's not me. But I think the point is that there is an agreement for certain residential housing on the Pine Plaza site and it said there would be no more on the Pine Plaza site and the redevelopment that no matter what any other attributes of that development it is maxed out as far as residential development.

Ms. Baird: Thank you.

Jeff Basile, 21 Washington Avenue: So at the December meeting I was here and we were talking about the land right next to my home or right behind my home the land with the junk yard and the truck depot and you guys said that you pulled off that introduction that it may be coming back up in the future if you can't find any other land you also made a comment that the land you were looking for was land that you didn't

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really want to be developed, that was what the Mayor has said then and I remember you saying that overlay zones you really don't want them to really be developed. Wondering why that land keeps getting brought up when we are 100% sure that it would be developed? We know that Mr. Kitchell is willing to sell and I'm sure you guys know that and I know who the builder would be Mr. Mayor I'm sure you know who that it he contributed to your last campaign. So my question is why are we going to reintroduce this, you had the town speak out already against this and understanding that there is other situations and other things I do want to know why this keeps coming up?

Mayor: Let me take the last part of your comment first, I have no business relationship with this developer on any inuendo that you just made suggest that I do, I do not. He was free to contribute to my campaign and he did so and the campaign accepted it. Beyond that I have no communication with Mr. Forgione and I have not spoken to Mr. Forgione with these dealings, yet you insist on trying (interrupted)

Mr. Basile: I made no insist I made no mention of names.

Mayor: No, it's called inuendo's sir and you know quite well what you are doing.

Mr. Basile: I made a statement.

Mayor: Having said that these zones are being looked at by the Township Committee, they are being reexplored as was said at the last meeting for alternatives to removing them from those areas and I can't comment beyond that but I will turn once again to counsel if you would like to make a further comment Fred to make any comment where we are with this to satisfy this gentleman's question.

Mr. Semrau: Nobody is bringing that property back up we were not able to get formally to decide to put it away, because there was an agreement that included that property to be the overlay and when you said the words and I understand what you are saying about that we didn't think that would be developed. The feeling was that it was more remote and that would be developed verses some of the other projects that were going forward because there was, well with respect to that property it was sort of attractive from the standpoint that it has wetlands, powerlines, it has property that would necessitate likely some type of clean up based on the use, but what the committee proposed that night and what we have been working diligently on is to see if in fact we can change, cause we are contractually bound by it to meet our obligation if we can change that location for another parcel in town that would sort of meet those similar objectives that may that would be remote for that to happen and just a way of fact the Fair Share Housing which has settled with a majority of municipalities in Morris County they really haven't, they have not changed an overlay type of zone from their agreement because they don't really want to get into start to move these around, but I do want to say that we are working diligently to see if that can occur or exhaust that option and I know that does not give you all the answers but if I say here tonight exactly where we are I can tell you some of the parties that we are negotiating with it will affect the outcome, I think we are really trying to resolve that it's limited.

Mr. Basile: I agree and the one thing that the residents asked for were some studies to be done, some traffic studies, some school system studies if we could actually handle the volume for it. Have we done any? I can tell you from Washington Avenue where this would be a threw street now there has not been a traffic study because they would actually have to put that out there.

Mayor: You can continue sir.

Mr. Basile: So, I mean that we have asked the counsel to do due-diligence has that been done or are we starting that before we reintroduce this?

Mr. Semrau: Well traffic studies would occur if and when there was ever an application to develop that property otherwise, we would have to do separate traffic studies through out the Township. I think right now one of the things we have been charged with is to see if there are alternatives to that site and to see if we can get the

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legal agreement in place to see if we can either one of a few things, eliminate those two zones which hasn't really happened throughout the county as far as I can tell what Fair Share is saying and put them someplace else which we are working on, or eliminate one of the zones or it would be to reintroduce but I can tell you that to say whether there are studies done would almost be at the moment not as pressing of as if the committee heard that residents were against it. So, traffic studies or no traffic studies the charge that I had was to see if there are some options available, so that is where we are.

Mr. Basile: Absolutely, and I appreciate that but before we reintroduce, I would say maybe possibly putting that out there would be great for everybody I think.

Mr. Mihalko: I have a question. You said there is a 100% chance that Pioneer Trucking would be sold.

Mr. Basile: No not 100%, I mean we know that he has tried to develop the land.

Mr. Mihalko: How do you know this? Have you spoken to him? Give us information.

Mr. Basile: No, I'm just sure that there were points in the past that there has been offers to the business to the landowners that were in that area that were contract shared, I know that (interrupted)

Mr. Mihalko: Contracts?

Mr. Basile: Yes contracts.

Mayor: Michael what he is talking about is there were offers in the past offers to that landowner not by this one particular developer that they are focusing on, but other developers who make offers to many open sections of land in Hanover Township

Mr. Mihalko: I didn't know if you knew something that we did not know.

Mr. Basile: We can have a conversation if you like, you can give me a ring at any time.

Mr. Cahill: No, what I heard is what is that you know that Dick Kitchell wants to sell that is why we are curious because our understanding is that he has no interest in selling so quite frankly I am shocked to hear that he is interested in selling and I would like to know how you know that.

Mr. Mihalko: Exactly, I would like you to clarify. Again, we are trying to make a decision here and (interrupted)

Ms. Baird: I'm sorry, I just can't let it go on. I myself spoke with Dick Kitchell when you introduced the ordinance about the overlay zone I took a copy of it down to him, I met with him in his office, he took it apart, he made copies of it and he said I've been waiting for this for a long time. I want to sell. I heard it from his mouth to my ears. So, know you know.

Mayor: I think we are getting a combination of comments and hear says here, these gentlemen have been meeting with the property owners ongoing, ongoing so they are hearing directly from them, so if Mr. Kitchell intends to sell at some point, we have not heard that what we have heard is that his business Pioneer intends to stay and grow where he is so unless there is another comment (interrupted)

Mr. Cahill: That is the direct comment that we heard, very specifically and very nicely.

Mayor: I have not had any contact with Dick and you gentleman have spoken to him (interrupted)

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Mr. Mihalko: I spoke to him four hours ago and he did not indicate quite the opposite.

Ms. Baird: I am not going to disclose the reason why because it is personal.

Mr. Mihalko: I don't know I don't think that he was interested.

Ms. Baird: Very interested.

Doug Emann, 48 Washington Avenue, Whippany: Good Evening, thank you again for all of your service and all the criticism that you take in the public eye I appreciate that. Just to add onto that, I would like to sometimes put myself into someone else's shoes knowing that potentially a zoning change right would go through if I told you that I would never sell knowing that zoning change would significantly increase the value of my property, not saying that is at play here but it very well could be so when you are being told one thing it very well could be Dick just wants the zoning change on his property because it will triple in value versus what it is today. So when other people hear it not up there not making the decision I have no reason to believe that Terri is lying but it could purely be dollars and cents so I just wanted to make that point and the potential impact that taking someone's word for it there are risks with that. My question is along the court time line that was posted on ecourt and the February 28th next conference session I believe at that point either a decision needs to be made on new overlay zones or putting back the overlay zones I guess a third remote option would be same we are going to do neither and put the settlement at risk, if that time line is correct I'm assuming at the March meeting the ordinance would be introduced for that decision and before that time any homeowners would be notified before that time?

Mr. Semrau: We just have to get back to the Court in this process and the court has been very accommodating to give us more time, so right now that is the bench mark if the most expeditious way would be yes somewhere in March if there was a direction we are not bound by it but if we said to the Court look the Committee is going to consider either the overlays of something as an alternative for the settlement whatever it is the court is going to want that process to start at one of the March meetings. If there was a rezoning as the governing body has pointed out and you know that there would be personal notice to everyone within 200 feet of whichever property that is impacted, so that is what we have.

Mr. Emann: And that is 10 days the notice would be 10 days (interrupted)

Mr. Semrau: Before the final hearing not the first hearing.

Mr. Emann: Not the introduction, tens days before the vote.

Mr. Semrau: Correct, and it would be listed on the agenda for introduction that is not a public hearing but it still would be listed on the agenda that is something that would be put on in advance of the meeting.

Mr. Emann: Most likely in March

Mr. Semrau: Right now, the Court has been great because we were supposed, it comes to this, we were supposed to have everything completed by the end of November so we have been getting additional time demonstrating that the Township continues to look at alternatives and work with all the parts, so we may get additional time if that happens or there may be some type of an announcement or direction but it would start around there at this point.

Mr. Emann: I just want to throw something out there as an option seeing other towns doing it it's come up in past meetings, I know part of the heated debate over the proposed overlay zones is Tompkins property, Grasso and the open space those are three components that really enrages the public and we had a large turnout at the last meeting over that, any consideration to just doing the overlay on the actual developed trucking depot and the junk yards I believe that would be about 10 acres the density of

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10 to 11 units per acres that would get us at 100 units and if the town took the leap into building it's own affordable housing I believe these overlays were going to be for senior affordable housing that it could be a nice win for the town especially for our seniors in town to have the town step forward and actual build and develop that 10 acre lot as an all senior affordable housing unit similar to what we are seeing being done in East Hanover. I think that would ease some of the public tension for that area and would achieve the number of affordable units if that were the requirement, right it's not the market rate units that's the requirement for fair share housing it's the number of affordable units, I believe it was around 100 and if we did the market rate it was going to come out to be 500 total units for that, so if you went that route you will still preserve the open space you would not have the overlays on the Grasso's and Thompkins's properties and I think that would be more welcome by the public in my opinion.

Lastly, I won't speak later if I can get this last one in I know I've gone over four minutes the possibly as the last resort as options come up would the committee consider putting up as a referendum for vote on one, two possibly three different options for the public that can be voted on at the June primary? Let the public decide on what they want those options to be at that point it takes some of the blame off of your shoulders and it resides on the public. I thought you might like that one right, so the public would have to live with what the public decides and I don't know if the court would give us enough time to do that but I thought that would be an option that would work out there and I did have one more comment; I know you brought up the clean up at the truck depot and those lots I do want to point out that River Park, Pine Plaza both had clean up and unfortunate those clean ups also lead to those developments partly and all part on the residential piece being PILOT so I would caution that just because there are clean up on those lots that it does not preclude it from being developed, I would say that based on past practice it only lends itself to potentially going towards PILOT so I wouldn't want to hear from the environmental issues as being a detraction point on those. Those are my comments thank you for letting me go over my time. Appreciate that.

Mayor: I think the Township Committee would have to confer with counsel as you know if we wanted to go to a referendum on any of this, we all know we are under a great deal of pressure from the courts and our legislators on this fair share housing business it's the talk of every community around the area. I need to sit here and say that we are, none of us on this Committee are pleased with the obligations that have been put upon us, none of us, we are trying our very best I think you know we are trying the very best to accommodate this in any way if there were ways to remove the overlays zones from the areas that affect your neighborhoods and your neighbors we are looking at those options we are exploring options counsel has given us some options, the Township Committee has not had an opportunity yet to fully vent those and discuss it and I can not sit here representing them and tell you that something has been selected. I think that at our last meeting we made a commitment to you that in advance of it that we would notify a broad range of the neighbors as best that we could, am I out of place on that Joe that we would go beyond what is "only required of us for notification" and keep all involved we will do our utmost to do that knowing the sensitivity of this all and that is where we are.

Mr. Semrau: I am going to try to respond to this because I think everyone is aware that there is only so much we can say right now in the negation, to the idea of essentially breaking up one of the parcels, the only latitude potentially that I can share at this point is to break up the zones and make one stay in and one go out, part of the overlay was the fact that it was going to include as they have been mapped out and if we were to take out certain parcels, first of all our calculations we would not be able to have the same density and second of all we tried this discussion and it's I can only say it this way, that we talked about it and it's not going to work, the most we can do is separate and perhaps get one moved and one stay there and I'm not saying that is what is going to happen but I am just trying to break down a little bit of the discussion to the point he made with respect to a referendum the problem there is first of all generally they have been in November because if we do it in the Primary I don't think you can, but from a legal standpoint it's more of a policy decision right now the Governing body cause there is a settlement out there and so if you had a binding referendum and to

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vote on something that would breach a settlement and a court order would probably ensue all kinds of different difficulties or hurdles and the senior site a portion of the site 2/3 of the site was for senior restricted for senior and to your point about the PILOT I think you are correct when it comes to River Park it was a clean up and there is a PILOT, Pine Plaza not aware of the significant clean up and also we also have to be mindful that Pine Plaza is more generated towards to the fact that it was all senior much like East Hanover but in East Hanover that site I think it was called Nike site it was deeded from the Federal Government so the land was already there and if East Hanover does not have a developer they are going to have to fund the cost for that development, but I think that also have about 100 senior units but we do have the seniors at the Pine Plaza. But to break it out is something that we tried to talk about but it gets complicated and its almost like then we are cherry picking it's all or nothing, we did get an option where perhaps we can move one site and not have to move the other and that is all I can say to that and I can not say there is any direction but that is one of the things, cause we need Fair Share Housing to approve this, we need the Special Master to approve this and we also need to find the appropriate suiter and it really has to be part a party that is already part of this third round plan it's not like we can go outside of it and that is just the way that the settlement and the rules work and then we need the courts approval and so there is a lot of steps involved to that point. But something like you suggested which was a good suggestion is something even if we wanted it which was tried a little bit we need everybody's approval and the signal is we are not going to get that as the best I can say right now.

Mr. Emann: Just for my own knowledge and everyone else's knowledge here or anyone that watches on YouTube or on Channel 21, Fair Share Housing is not a government agency, right? Their position in this is strictly to expand affordable housing throughout the state so if I'm hearing you correctly Fair Share Housing is now concerned particular lots that would seem to go against what their mission is of purely expanding affordable housing, so why is it of so much concern to Fair Share Housing that all of these lots that were originally proposed be included in this settlement? I can't say for certain it's hearsay but why hearsay that developers fund Fair Share Housing, so it would lead me to believe if Fair Share Housing is hunkered in on certain zones that there is someone behind Fair Share Housing that wants those zones because their goal is to expand affordable housing, nor specific overlay zones not specific properties but to expand affordable housing so if you could subdivide that lot and get 75 or 60 on that lot and you can get 50 more affordable on another lot somewhere else in town that would fulfill Fair Share Housing's requirement and I would say I can't tell you what to do you're the attorney you are there in the Court room I would make that point that this we are negotiating with Fair Share Housing whose agenda is to spread affordable housing not hand pick certain zones and if we can give them what we agreed to on the number of units especially when it's not an overlay especially when if it's going to be a zone that has more likely to be developed I don't know what the court would not agree with those options I would say it's becoming more and more apparent that Fair Share Housing is not willing to budge on these overlay zones that there is another reason behind it and I would be curious to who is funding it and who is pulling the strings on the other side of Fair Share Housing that they are hunkered in on these zones. I just took it from what you said.

Mayor: They are not hunkering on these zones, I understand the terminology we have been given an allocation it's not as though Fair Share Housing is hunkered in on this zone or Washington Street etc., we have been given an allocation started at 1000 L&M units which nearly 5000 total units in market unit etc., you know that Doug, so it's kind of unfair is their a lobbying group behind Fair Share Housing, possibly is, I don't know I'm not down at Trenton to see who is driving that but all I can do is try to tell you that the deal that Hanover has and the years that we worked at it with professionals who have looked at this who made these recommendations these gentleman did not make these recommendations in a vacuum they have reports, they have planners recommendations, all pointing to these areas to try and accommodate Fair Share who says located these many houses Hanover that's where we are Fred.

Mr. Semrau: Well at this point and I think you will understand I am really not at a position where I can respond to that because I don't want to affect the relationship with

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whatever is out there but at some point I think some of those things I would really like to answer but this.. there is a big change since 2015 when this hit the courts it's not like it's a whole history here and all of the municipalities and the residents are feeling this change and there is a change in the dynamics and it's unlike any type of litigation that I have been involved in and any attorney will tell you that because of the different aspects of the playing field and that is the best I can say right now but I understand your logic, and what you are saying.

Mr. Mihalko: Mr. Emann I do have a question for you though, again we are still trying to vet all of this out and a lot of stuff is coming and would your preference be if we were to move this and to imminently guarantee 500 more condos high density or leave it where it is and potentially in my opinion a much slighter chance of it being developed, which would your preference be?

Mr. Emann: Tell me the lot, give me a sample lot. Hypothetically.

Mr. Cahill: The moral of the question is (interrupted)

Mr. Emman: You have to give me a hypothetical sample lot, these overlays are on residential properties and open space, open space when it's gone it's gone. Property next to Bayer empty parking lot give me the units at Bayer.

Mr. Cahill: I think we are trying to get to is that there has been a lot of concern expressed about Police and schools and traffic and we are saying that there may be a very slight chance that whatever the solution we come to may result like Mike said 500 units being built much sooner than any of us ever planned and these are the sorts of things getting to why we don't do studies and why we don't do all these things because we are still influxes as far as how amount of units are going to be, Mike I'm sorry, there is a potential that might happen and that is going to impact schools and police and all the things that this community talked about that night when everybody was here I wasn't just about Washington Ave it was about the community at large and the question is are you concerned enough about those 500 units impacting the entire community maybe not near Washington street yup maybe some other lot somewhere else in town or if we are able to somehow convince you that we are convinced that perhaps that overlay zone might not necessarily happen and if it did it wouldn't be for many years what would your preference be?

Mr. Emann: I would, Bayer property develop our own affordable housing for the affordable housing you don't need the market units I understand we have (interrupted)

Mr. Cahill: I agree with that, I'm saying with the two choices (interrupted)

Mr. Emman: Ut um, you are black or white I'm looking for a solution that is in the middle that works for everyone and that is what I try to do, right, so you are pigeon hole me into one solution a lot of towns a lot of smart towns they are building their own affordable housing for this exact reason, for the exact reason why you are trying to get me to say we should take the 500, Madison, Harding the list is long, they are building their own affordable housing, we have done it ourselves okay, alright, that is the most logical option, will we have to put some money out I know we have our cigar box budget that is the best option as a whole, it does not disrupt open space it does not put overlays zones on residential properties it doesn't lets rolls the dice and hope that Dick Kitchell doesn't sell his property.

Mr. Mihalko: So where would you suggest?

Mr. Emann: We build 100 units (interrupted)

Mr. Mihalko: Where?

Mr. Emann: For me I would put junk yard and the truck lot, whatever we could get in there for senior units that is what I would put on that lot and we are short 30 units find another small little lot to put an overlay zone where we could do 30 units and if it

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has to have market rates units then it have market rates, you are going to have two things happen, I appreciate the time to speak here, alright, so lets say you have to do 100 units that is 100 affordable, we say we get 80 there on your junk yard and the truck lot, that's 80, so let's say we needed 130 total (interrupted)

Mr. Mihalko: So, we have to buy the junk yard and the truck lot?

Mr. Emman: Sure

Mr. Cahill: And clean it up.

Mr. Mihalko: So, we are in about \$10 million

Mr. Emann: Sure, sure sure... I believe at your last campaign you said you were not afraid of debt when you campaigned.

Mr. Mihalko: For the right cause (inaudible)

Mayor: My lord my lord

Mr. Emman: I'm just saying I've done the research Mike and at your last campaign you said don't be afraid of debt, okay, debt is cheap now a days okay very very cheap.

Mayor: Your taxes would double Doug and if that is what we want in the town with the lowest taxes and best services your taxes would double. If you are talking about buying high density property and options to buy that property in the future and by the way use is very noble and I would love to meet with the other Mayors including Mayor Penullo and Mayor Conolley on the matter and find out how they accomplished it with their senior housing, did they take HUD money did they take federal money did they get grants issued anything you touch there (interrupted)

Mr. Emann: I agree on all points

Mayor: ...is going to be your senior housing my friend, it's going to be senior housing for whom ever could use it. Having said all of that.

Mr. Mihalko: We have to buy the properties build (interrupted)

Mayor: We would have to buy the property at the high-density price in other words

Mr. Mihalko: Build the units (interrupted)

Mr. Emann: You know you are helping my argument why Dick Kitchell is going to sell

Mr. Mihalko: Then we have to operate

Mr. Emann: You are actually helping my argument on why Dick Kitchell is going to sell high density housing 10 million hang on Dick Kitchell all of a sudden has a 10 million lot, he's not going to sell for 10 million? You are arguing against yourself here.

Mr. Mihalko: Probably not.

Mr. Emann: Come on I don't want to be rude but seriously you are arguing against yourself here, you are telling me how much the lot would be and exactly why we can't afford it and yet Dick Kitchell wouldn't take tenfold profit on his property overnight, that is why he will tell you he won't sell it, I'll tell you the same thing if I knew I could sell my property for ten times the next day don't be silly, don't be silly. Very very naïve to sit here and listen that Dick Kitchell will not sell his property (interrupted)

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Mr. Mihalko: I don't think Dick Kitchell is going to sell for 10 million but you are talking about buying out three businesses so that's what I pulled it, I estimate that his property is probably worth about six, so let's say six

Mr. Emann: Sure

Mr. Mihalko: The Government takes a third off the top

Mr. Emann: Sure

Mr. Mihalko: we are at four

Mr. Emann: Sure okay

Mr. Mihalko: Okay, he has three children in the business, he is not going to sell them out and walk away with that

Mr. Emann: So are we buying his whole lot

Mr. Mihalko: We would have to I guess

Mr. Emann: Okay if we are getting his whole lot, I don't know (interrupted)

Mr. Mihalko: I don't know, (inaudible back and forth)

Mr. Emann: Great open debate but if we are buying this whole lot maybe we forgo the turf field and we take the million bucks out of open space

Mr. Mihalko: And now it's a million dollars to clean it up

Mr. Emann: and we use that to preserve the open space in the back

Mr. Mihalko: He is getting three million dollars to build it...

Mr. Emann: Know we are down to two million

Mr. Ferramosca: Gentleman, please out of respect to the people who are involved who own this property let us not communicate anymore information as to what they may or may not do it's an interesting conversation I would love to have it (interrupted)

Mr. Emann: I think I proved my point.

Mr. Ferramosca: I love to have it and I would love to continue that but it is unfair if they are not here to represent themselves so let us answer questions that you have as opposed to engaging in subjective debate because that is where we are going here.

Mr. Emann: I believe I won that debate thank you I will be running for President.

Mr. Ferramosca: Congratulations

Christopher Mattistish, 32 Sunset Drive, Whippany: I am going try and lighten the mood and share a story, back when I was in high school I tried walking from my friend's place behind Whippany Park High School to Black Brook and I went through the woods that goes along the airport and I hit the Whippany River and I couldn't get there, so we just jumped in and swam and we came up behind PC Richards and then we continued on and we got to the park and we were really wet and the reason I bring this up and I'm looking at the township circulation map and there is a frame work plan for bike trails throughout town and see that part of that same trail that I blazed myself was marked here going through the black mode preserve and Hanover meadows as part of the future bike path system and I spoke with the Township Engineer last week about the bike trail system and the status as to where we are at and I think it would be beneficial to put some attention to that and try to continue developing that. I got a couple of

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opinions they are my opinion but riding through town is kind of disjointed there is currently there is a lot of sidewalks a lot of road crossings and very few places where you can get on and ride for a while, same with dog walking you have to cross a lot of streets and everything. That section that I described seems to be a very long straight continuous section which is off the roadway so it is safe for everyone and I think another spot, I noticed in today's agenda section H we have a 2019 trail construction grant that's focused on the Bee Meadow Park area to make the trail systems around the ponds, I'm wondering if part of that funding could be applied towards the trail system that we have shown here as an off road mixed use path going through the same area, it crosses between pond one and two over the corrugated metal bridge and then extends I think what is up the right a way for the power lines to Parsippany Road and then crosses over that and comes out down by Veteran's Park, I think that would also be very important because right now it is hard to get from the whole Troy Hills area to where we are on bike you have to either go down Route 10 or Parsippany Road which aren't good for biking there are no sidewalks or take a long detour down Bee Meadow Parkway and then connecting back to some of the recent stuff that was online the Route 24 area I see that there is a section marked on that also to be turned into a mix use bike path so I guess my question is what can we do to get this more continuous.. (interrupted)

Mayor: Maybe I can help and Deputy Mayor Ferramosca can answer this, we have very comprehensive Connectivity Plan, if you go back a little bit with us it used to be called Patriot's Path we added to it considerably as bike trails we have connected from Morris County Mall as you probably know we have done some improvements from Morris County Mall through the river area out to Cedar Knolls Road, the cross of the obscene bunch of barriers that we have on the bridge there and then goes over to Jefferson and it was totally done as you can see the surface has been done for the trails and for biking and it goes to Central Park cuts through Central Park using the trail that already exists and goes out to Eden Lane designated trail goes up Eden Lane to MetLife Whippany Road, I believe MetLife has completed portion of the trail, Bayer has accepted portions of the trail so on that note John do you want to add?

Mr. Ferramosca: Yes I applaud your thoughts on the trail system, Hanover has been a big advocate of a trail system clearly we brought this to the attention of the County, the county for many years was not recognizing the desirable components that could be provided to a community of having trails its great for our residents its great for enthusiasts who want to get out and cycle, it's great for people who just want to walk, it's great for businesses through connectivity to allow them to go from building A to building B within the town major corporations, based upon this municipality we were able to drive an issue on the ballot that was supported by nearly two thirds of people in Morris County, that public referendum ballot allowed us to tap into what is called the fifty five million dollars in money that previously could not be used for trails that were on and off road they were exclusively off road trails so what we have done was we worked very closely with engineering Mr. Maceira has worked very closely with the county parks system as well as Hanover Township's Recreation Department trying to map out opportunities to expand the trails we really want to expand the trails it's something that we see as a real benefit and a real great amenity for our community and I know Mr. Mihalko can speak to it but he has a vision and his vision is to allow enable just what you said to be able to get on a bike from this parking lot almost and be able to ride safely to Bee Meadow Park to do that connection.

So with all of that said what I suggest is why don't we outside of this meeting have a discussion with Mr. Maceira and let's map out the idea and then lets bring it forward to recreation and let them way in on it so to see if we can accomplish that but totally endorse the idea and thank you for bringing it up.

Mayor: I can say that for Hanover over the years through Planning Board, we also had a requirement that if on some of our approvals that if some of these rights of ways are easements can be acquired through those lands to be connected at all we wanted to take them and we have done that so successfully we have met all of the rights of ways and easements for Patriot's Path through the town we are adding to it through connectivity trail but we have done an aggressive job of putting all together lands, now comes the capital side, pave it, improve it, make it happen, some of the

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areas are wet and some of them have to be treated differently but be assured that part of parks and recreation and part of what we are doing in the environmental area is try and get these trails in.

Motion to close made by Member Ferramosca and second by Member Gallagher and unanimously passed.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of January 9, 2020 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Gallagher moved that the Minutes be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Cahill and was unanimously passed.

COMMUNICATIONS:

Letter of Resignation from Part-Time Violations Clerk Kayla Wrigley effective February 21, 2020

Motion to accept letter made by Member Gallagher and seconded by Mayor Francioli.

PUBLIC HEARING IN ACCORDANCE WITH N.J.A.C. 13:2-7.6:

Proposed Person-to-Person Transfer of Pocket Plenary Retail Consumption License No. 1412-33-002-011 from KL Marcheale, LLC Formerly Trading as The Melting Pot at 831 Route 10 (Pine Plaza Mall) in Whippany to Inner Views Liquor 10, LLC.

Mr. Giorgio: Normally with the approval of a transfer of liquor licenses we do not have public hearings except in the case when an objection has been filed on a transfer and in this case an objection had been filed by the attorney representing Pine Plaza in that the allocation was the KL Marcheale formally trading as the Melting Pot had not paid the rent. The objection was to see if a lien can be placed on the liquor license as Township Attorney has provided me with counsel the only entity that can place a lien on a liquor license is the internal revenue service and that is why this is set forth for a public hearing to hear any objection from the attorney representing Pine Plaza but I was informed this morning that there was an out of court settlement with the Melting Pot and Pine Plaza so there is no need for a hearing at this point, however because we listed it I will open it up and ask if there is any person wishing to go on record objecting to the transfer.

Seeing none and hearing none. A resolution will be approved this evening approving the transfer.

Proposed Person-to-Person Transfer of Pocket Plenary Retail Consumption License No. 1412-33-002-011 from KL Marcheale, LLC Formerly Trading as The Melting Pot at 831 Route 10 (Pine Plaza Mall) in Whippany to Inner Views Liquor 10, LLC.

PUBLIC HEARING AND ADOPTION OF ORDINANCE:

ORDINANCE NO. 1-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 125-4. ENTITLED "RECREATION DEPARTMENT FEES" UNDER CHAPTER 125 OF THE CODE OF THE TOWNSHIP ENTITLED FEES WITH THE INCLUSION OF NEW RESIDENT AND

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NON-RESIDENT POOL MEMBERSHIP FEES FOR THE YEAR 2020 BEE MEADOW SWIMMING POOL SEASON AND NEW FEES RELATED TO VARIOUS RECREATION AND PARK ADMINISTRATION DEPARTMENT PROGRAMS AND ACTIVITIES

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 1-2020 appeared in full in the January 15, 2020 issue of the Daily Record in accordance with the law.

Motion to open public hearing made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

Motion to close public hearing made by Member Francioli and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 125-4. ENTITLED "RECREATION DEPARTMENT FEES" UNDER CHAPTER 125 OF THE CODE OF THE TOWNSHIP ENTITLED FEES WITH THE INCLUSION OF NEW RESIDENT AND NON-RESIDENT POOL MEMBERSHIP FEES FOR THE YEAR 2020 BEE MEADOW SWIMMING POOL SEASON AND NEW FEES RELATED TO VARIOUS RECREATION AND PARK ADMINISTRATION DEPARTMENT PROGRAMS AND ACTIVITIES,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

Mr. Gallagher has made the motion for adoption and seconded by Member Mihalko and unanimously passed.

So Adopted.

ORDINANCES FOR INTRODUCTION:

ORDINANCE NO. 2-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ESTABLISHING A NEW ARTICLE XXXVIII UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE TR STERLING HANOVER (A/K/A STERLING PARC AT HANOVER) PROPERTY LOCATED BETWEEN RIDGEDALE AVENUE AND ELM PLACE, AND ALSO KNOWN AS LOT 23 IN BLOCK 2701 AND LOT 6 IN BLOCK 2503 IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND REGULATING THE USE OF SAID ROADWAYS, DRIVEWAYS, AND PARKING AREAS BY MOTOR VEHICLES ON SAID PROPERTY

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

That TR Sterling Hanover (aka Sterling Parc at Hanover) has filed a written request with the Township to have the provisions of Subtitle 1 of Title 39 of the Revised Statutes of New Jersey be made applicable to the subject property for enforcement of the motor vehicle laws. The Township Engineer conducted a field investigation and found that the site located on property between Ridegdale Avenue and Elm Place, known as Block 2503, Lot 6 and Block 2701, Lot 23 in the Cedar Knolls Section of the Township is in conformance with Planning Board approvals, Application No. 01-1-1 and Application No. 17-6-7, and is recommended for approval. The following regulations shall be enforceable on the property set forth above:

Section 1. General Parking:

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- A. All vehicles must park in designated areas and between the lines provided as designated on the approved site plans.
- B. No person shall stop or stand a vehicle upon any areas designated as a Fire Lane and areas covered by other parking restrictions.

Section 2. Handicapped Parking:

- A. All handicap stalls shall be in accordance with ADA Standards for Accessible Design as shown on the approved site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the Handicapped Parking Permit by the Motor Vehicle Commission.

Section 3. Through Streets and Stop Intersections:

- A. Through Streets: The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near side of each street intersecting the through street except where Yield signs are provided.

<u>Name of Street</u>	<u>Limits</u>
Glen Drive	From Ridgedale Avenue to Elm Place

- B. Stop Intersections – The following described intersections are hereby designated as Stop Intersections and also those internal site Stop locations as noted above.

<u>Intersection</u>	<u>Stop Sign On</u>
Ridgedale Avenue And Glen Drive	Glen Drive
Elm Place And Glen Drive	Glen Drive
Elm Place And Sterling Parc Senior Housing Exit Driveway	

Section 4. Speed Limits:

- A. The speed limit for both directions of travel on all roads and parking lots on the subject property shall be 15 M.P.H.
- B. Regulatory and warning signs shall be erected and maintained to affect the above designated speed limits duly authorized.

Section 5. Tow-Away Zones:

- A. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, fire lanes, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

Section 6. Regulatory Signs and Markings:

- A. All regulatory signs, posts, striping, and markings or other necessary materials shall be installed and permanently maintained by the applicant. All regulatory signs, including but not limited to Stop, Speed Limit, Do Not Enter, and turn prohibition signs, markings and striping shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

Section 7. Violations and Penalties:

- A. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of this article or any

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supplement thereto shall be liable to a penalty of not more than \$200 or imprisonment for a term not exceeding 15 days or both.

Section 8. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 9. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 10. This ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 3-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ESTABLISHING A NEW ARTICLE XXXIX UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE WHIPPANY CROSSING CONDOMINIUM ASSOCIATION FOR PROPERTY LOCATED BETWEEN PARK AVENUE AND WHIPPANY ROAD, AND ALSO KNOWN AS LOT 29 IN BLOCK 4701 IN THE WHIPPANY SECTION OF THE TOWNSHIP AND REGULATING THE USE OF SAID ROADWAYS, DRIVEWAYS, AND PARKING AREAS BY MOTOR VEHICLES ON SAID PROPERTY

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

That Whippany Crossing Condominium Association has filed a written request with the Township to have the provisions of Subtitle 1 of Title 39 of the Revised Statutes of New Jersey be made applicable to the subject property for enforcement of the motor vehicle laws. The Township Engineer conducted a field investigation and found that the site located on property between Park Avenue and Whippany Road, known as Block 4701, Lot 29 in the Whippany Section of the Township is in conformance with Planning Board approvals, Application No. 15-12-18, and is recommended for approval. The following regulations shall be enforceable on the property set forth above:

Section 1. General Parking:

- C. All vehicles must park in designated areas and between the lines provided as designated on the approved site plans.
- D. No person shall stop or stand a vehicle upon any areas designated as a Fire Lane and areas covered by other parking restrictions.

Section 2. Handicapped Parking:

- B. All handicap stalls shall be in accordance with ADA Standards for Accessible Design as shown on the approved site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the

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designated parking areas for persons who have been issued the Handicapped Parking Permit by the Motor Vehicle Commission.

Section 3. Through Streets and Stop Intersections:

- C. Through Streets: The following streets or parts of streets are hereby designated as Through Streets. Stop signs shall be installed on the near side of each street intersecting the through street except where Yield signs are provided.

<u>Name of Street</u>	<u>Limits</u>
Monroe Court	From Park Avenue to Whippany Road

- D. Stop Intersections – The following described intersections are hereby designated as Stop Intersections and also those internal site Stop locations as noted above.

<u>Intersection</u>	<u>Stop Sign On</u>
Park Avenue And Monroe Court	Monroe Court
Whippany Road And Monroe Court	Monroe Court

Section 4. Speed Limits:

- A. The speed limit for both directions of travel on all roads and parking lots on the subject property shall be 15 M.P.H.
B. Regulatory and warning signs shall be erected and maintained to affect the above designated speed limits duly authorized.

Section 5. Tow-Away Zones:

- B. Any vehicle parked or standing as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, fire lanes, any grassy area, pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

Section 6. Regulatory Signs and Markings:

- A. All regulatory signs, posts, striping, and markings or other necessary materials shall be installed and permanently maintained by the applicant. All regulatory signs, including but not limited to Stop, Speed Limit, Do Not Enter, and turn prohibition signs, markings and striping shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

Section 7. Violations and Penalties:

- B. Unless another penalty is expressly provided by New Jersey statute, every person convicted of a violation of this article or any supplement thereto shall be liable to a penalty of not more than \$200 or imprisonment for a term not exceeding 15 days or both.

Section 8. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 9. If any word, phrase, clause, section or provision of this ordinance shall be found by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable

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from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 10. This ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved. **ORDINANCE NO. 4-2020**

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) ROCK CLIMBING WALL FOR INSTALLATION AT THE BEE MEADOW SWIMMING POOL AND FURTHER APPROPRIATING THE SUM OF \$30,000.00 FROM THE SWIMMING POOL ENTERPRISE FUND – CAPITAL ACCOUNT FOR 2020 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT

WHEREAS, in order to provide a variety of amenities for the enjoyment of patrons who are members of the Bee Meadow Swimming Pool, the Board of Recreation Commissioners has included, as part of its 2020 capital improvement program, the purchase and installation of a rock climbing wall; and

WHEREAS, the Superintendent of the Recreation and Park Administration Department has conferred with the safety consultant of the Morris County Municipal Joint Insurance Fund (MCMJIF) to determine if the rock climbing wall was in conformance with the safety standards and guidelines established by the MCMJIF and if the rock climbing wall would be eligible for insurance coverage through the self-insurance fund; and

WHEREAS, the Superintendent of the Recreation and Park Administration Department advised the Business Administrator that the proposed rock climbing wall conformed to the MCMJIF's safety standards and qualified for insurance coverage; and

WHEREAS, the Township Committee has reviewed the proposed rock climbing wall project and agrees that its installation would offer pool members a challenging outdoor activity during the swimming pool season.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. The governing body hereby authorizes and approves the purchase of a new rock climbing wall to be installed at the Township's Bee Meadow Pool swimming pool facility located at Bee Meadow Park.

Section 2. In accordance with the requirements of the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq., the Township Engineer and/or Assistant Township Engineer are hereby authorized and directed to prepare the necessary plans and specifications in soliciting the receipt of formal competitive bids or competitive quotations depending on the estimated cost of the rock climbing wall.

Section 3. The governing body further authorizes the Township Engineer and/or Assistant Township Engineer to retain the services of a licensed professional engineer to prepare the plans and specifications if such services are required by the Engineering Department.

Section 4. The Township Committee hereby appropriates the sum of \$30,000.00 from the 2020 Swimming Pool Enterprise Fund – Capital Account and all

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prior years for the purchase and installation of the rock climbing wall and all related appurtenances described in Section 1. above.

Section 5. This ordinance shall take effect in accordance with law.

So Introduced

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 5-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A ONE (1%) PERCENT INCREASE IN THE APPROPRIATION LIMIT OF THE TOWNSHIP'S CALENDAR YEAR 2020 CURRENT FUND BUDGET AND FURTHER ESTABLISHING A CAP BANK, ALL IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq. provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget 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 Committee of the Township of Hanover in the County of Morris and State of New Jersey finds it advisable and necessary to increase its Calendar Year 2020 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 governing body hereby determines that a 1% increase in the budget for said year, amounting to \$202,091.12 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Committee hereby determines 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.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That a majority of the full authorized membership of this governing body affirmatively concurring, that, in the Calendar Year 2020 budget year, the final appropriations of the Township of Hanover shall, in accordance with this ordinance, and N.J.S.A. 40A: 4-45.14, be increased by the 3.5%, amounting to \$707,318.92, and that the Calendar Year 2020 municipal budget for the Township of Hanover be approved and adopted in accordance with this ordinance.

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2. 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 (2) succeeding years.

3. 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.

4. That a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within five (5) days after such adoption.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 6-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 267-43. SCHEDULE XIII: PARKING PROHIBITED AT ALL TIMES UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP ENTITLED VEHICLES AND TRAFFIC WITH THE INCLUSION OF PARKING RESTRICTIONS ON EASTMANS ROAD

WHEREAS, the parking of tractor trailers at all times of the day and night on both sides of Eastmans Road in the Whippany Section of the Township is creating a serious line-of-sight restriction in the inability of motorists to safely ingress and egress the many commercial driveways on the road in question; and

WHEREAS, in the interest of motorist safety, and in order to increase the sight distance for vehicles exiting driveways, the Engineering Department has recommended the adoption of restricted no parking regulations at all times on both sides of Eastmans Road.

NOW, THEREOFRE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. In accordance with provisions of Section 267-17. entitled "Parking Prohibited At All Times.." under Chapter 267 of the Code of the Township entitled Vehicles and Traffic, Section 267-43. Schedule XIII: Parking Prohibited At All Times is hereby amended and supplemented with the inclusion of the following:

"For the purposes of this Ordinance, Eastmans Road, in the Whippany Section of the Township shall be considered to extend in a north-south direction.

Eastmans Road. No person shall park a vehicle at any time within twenty-five (25) feet of a driveway from the boundary line of the Township of Parsippany-Troy Hills to its terminus, approximately 1,560 feet southerly."

Section 2. Upon final passage and publication, the Public Works Department, in coordination with the Township Engineer, shall erect and maintain the necessary regulatory signs prohibiting parking at all times on the east and west sides of Eastmans Road as set forth herein pursuant to N.J.S.A. 39:4-198, and in conformance with the Manual on Uniform Traffic Devices.

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Section 3. All ordinances of the Township of Hanover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 7-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING SECTION 166-35, RULES; FILING OF DOCUMENTS; COMPLETE APPLICATION, IN ARTICLE VI, HEARINGS; ARTICLE XII, SUBDIVISION PLAT AND SITE PLAN DETAILS; AND ARTICLE XVIIIA, CHECKLISTS FOR APPLICATIONS FOR DEVELOPMENT, OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, IN ORDER TO AMEND THE SUBMISSION REQUIREMENTS FOR DEVELOPMENT APPLICATIONS TO BE DETERMINED COMPLETE

WHEREAS, the New Jersey Municipal Land Use Law requires, at N.J.S.A. 40:55D-10.3 that in order for a development application to be determined complete, it must contain the information contained in a checklist adopted by ordinance and provided to the applicant; and

WHEREAS, Chapter 166 of the Township Code currently contains ten such checklists for different categories of applications; and

WHEREAS, many of the existing checklists are unnecessarily duplicative and should be condensed into a fewer number; and

WHEREAS, applicants and the reviewing boards would benefit from updating the checklists to clarify certain requirements and to add and eliminate certain submission requirements;

NOW, THEREFORE, BE IT ORDAINED by Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey as follows:

Section 1. Paragraph (1) in Subsection B of Section 166-35, *Rules; filing of documents; complete application*, in Article VI, *Hearings*, is hereby amended to read as follows:

- (1) An application for development shall be complete for purposes of commencing the applicable time period for action by a municipal agency when so certified by the municipal agency or its authorized committee or designee. In the event that the agency, committee or designee does not certify the application to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period unless:

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- (a) The application lacks information required in Article XII or Article XVIIA of this chapter, as applicable; and
- (b) The municipal agency or its authorized committee or designee has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application.

Section 2. Article XII, *Subdivision Plat and Site Plan Details*, consisting of Sections 166-81., *Subdivision concept plan*, 166-82., *Site plan concept plan*, 166-83., *Minor subdivision plat*, 166-84., *Preliminary plat*, 166-85., *Final plat*, 166-86., *Preliminary site plan*, 166-87., *Final site plan*, 166-88., *Conditional use site plan*, and 166-89., *Use variance*, is hereby retitled as “*Submission Requirements for Applications for Subdivision or Site Plan Approval*,” Sections 166-84. through 166-89. are deleted; and Sections 166-81., 166-82. and 166-83. are amended to read as follows:

ARTICLE XII

Submission Requirements for Applications for Subdivision or Site Plan Approval

§ 166-81. Application form.

For purposes of completeness review only, three copies of the application form(s), completed and signed, shall be submitted. Thereafter, if the application is determined to be complete, the applicant shall submit 17 additional copies, for a total of 20 copies, of the appropriate application form(s), completed and signed. The application form shall be available in the office of the Land Use Administrator/Secretary of the Planning Board and Board of Adjustment. If the applicant believes that any item on the form is not applicable to the application, it shall be so indicated on the application form(s) by the words "not applicable," "none" or other appropriate language.

§ 166-82. Development plans.

All plans submitted with applications for subdivision and/or site plan approval shall comply with the following requirements and contain the following information. The applicant may request that one or more of the plan requirements be waived in accordance with §166-35.

- A. Number of copies. For purposes of completeness review only, three copies of the proposed plan(s) shall be submitted. Thereafter, if the application is determined to be complete, the applicant shall submit 17 additional copies, for a total of 20 copies, of any proposed plan(s).
- B. Who may prepare. Any plan submitted as part of an application to a Township agency shall be prepared by an individual pursuant to the regulations in N.J.A.C. 13:27., 13:40., and 13:41., as amended, provided that the owner of a single-family detached or two-family dwelling may prepare the plan for his or her property involving such dwelling. The preparer of the plan, whether professional or owner, shall be identified on the plan and the plan preparer's signature and seal included on the plan.
- C. Reference/record and regulatory information. The following reference, record and regulatory information shall be included on the development plans:
 - (1) Name(s) and address(es) of the applicant and owner.
 - (2) Name, address, signature and seal of plan preparer.
 - (3) Existing lot and block numbers of the property based upon the current Township tax maps.
 - (4) Existing street address of the property.
 - (5) Date(s) the plans were prepared and date(s) of all plan amendments.
 - (6) An index of all of the sheets comprising the plans, including the latest date of such sheets, located on the cover sheet or first sheet of the plan set.
 - (7) A blank rectangular area at least 4 inches wide by 2.25 inches high on the first sheet of the plan set. This space shall be reserved for the Township's standard signature block for the Chairman and Secretary of the Board.

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- (8) A reference note indicating the title, date and preparer of any previous survey and/or plan upon which the current plans are based.
- (9) Scale of plans. All plans shall be drawn to scale, which shall not exceed 40 feet to the inch in the case of site plans and subdivisions, or 16 feet to the inch in the case of architectural plans; provided that the Board or its completeness designee(s) may permit a greater scale in exceptional situations.
- (10) North arrow.
- (11) Zone district within which the property is located, as well as the zone district of all adjacent properties.
- (12) Information sufficient to demonstrate compliance with all applicable Township development regulations.
- (13) To the extent relevant to the development application, a zoning chart/table indicating, at a minimum, the applicable requirements for lot area, lot width, lot depth, building height, yard depths (setbacks) for buildings and paved areas, floor area ratio, building coverage, improvement coverage, and number of required parking spaces, as well as the proposed condition for each of the foregoing.
- (14) If the application is for a conditional use, a list of the conditional use regulations for the use and the proposed compliance with each regulation.
- (15) A map of the properties located within 200 feet of the property being developed.
- (16) Municipal boundary line(s), if any, crossing or abutting the subject property.
- (17) Existing boundaries of the site(s) in question, with bearings and dimensions.
- (18) Location, nature and width of existing easements or rights-of-way on or abutting the subject property, including but not limited to streets, utility and drainage easements, sight easements, access easements, slope easements and conservation easements.
- (19) The required building envelope for the lot, showing graphically and by dimension the required minimum front, side and rear yard setbacks for the principal building.
- (20) Any airport safety zones or subzones for the Morristown Airport affecting the property, as indicated on the Zoning Map.
- (21) To the extent relevant to the development application, the location of any portion of the property that is not within a sanitary sewer service area. This information may be obtained from the Hanover Sewerage Authority or other sewerage authority having jurisdiction.

D. Environmental information.

- (1) Location of streams, ponds and other water bodies, along with any regulated riparian buffers or zones.
- (2) The location and elevation of any one-hundred-year flood hazard areas and the location of floodways on the property. Such flood hazard areas and floodways shall be based upon the most recent Flood Insurance Rate maps prepared by the Federal Emergency Management Agency, as determined by the Township Engineer. If the development is subject to the Flood Hazard Area Control Act Rules, (N.J.A.C. 7:13), the location and elevations of the flood areas as determined by the N.J.D.E.P. regulations shall be shown.
- (3) When freshwater wetlands and/or required wetland transition areas as regulated by the N.J.D.E.P. are present or suspected to be present on the property, one or more of the following:
 - (a) A letter of interpretation from the N.J.D.E.P. indicating the presence or absence of freshwater wetlands, verifying the boundaries of freshwater wetlands, and classifying the wetlands by resource value.

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- (b) A letter of exemption from the N.J.D.E.P. certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act and the wetland regulations.
 - (c) A copy of any application made to the N.J.D.E.P. for any permit concerning a proposed regulated activity in or around freshwater wetlands.
 - (d) Other documentation, as determined to be sufficient by the Board or its completeness designee(s), demonstrating that no wetlands or wetland transition areas exist on the subject property, and demonstrating that no wetlands exist on adjacent property that would affect or limit the proposed development.
- (4) If the subject property contains known or suspected soil and/or groundwater contamination, the location and description of such contamination, to the extent known, and the status of any cleanup or mitigation efforts.
- E. Proposed lot numbers, street address, lot lines, easements and rights-of-way.
- (1) If the existing lot boundaries are proposed to be changed, the proposed boundaries of the lot(s) in question, with bearings and dimensions of each boundary.
 - (2) The proposed number of each new and reconfigured lot. New and reconfigured lots shall be assigned a new lot number, which shall be based upon the original lot number with a number added as a subscript. For example, if an original lot numbered "3" is subdivided into two lots, the proposed lot numbers shall be 3.01 and 3.02, unless these numbers are already assigned to other lots, in which case the new lots shall be 3.03 and 3.04, and so forth.
 - (3) The existing and proposed street address of the property.
 - (4) For all subdivisions to be recorded by plat, information as required by the Title Recordation Act, 46:26A-1. et seq., 46:26B-1. et seq. and 46:26C-1 et seq.
 - (5) The location, nature and width of existing and proposed easements or rights-of-way on or abutting the subject property, including but not limited to streets, utility easements, drainage easements, sight easements, access easements, slope easements and conservation easements, if such easements may affect or be affected by the proposed development, as determined by the Board or its completeness designee(s).
- F. Existing and proposed improvements and related information.
- (1) Location of existing and proposed buildings on the property, with existing and proposed setbacks from property lines dimensioned on the plan.
 - (2) Location of existing buildings, paved areas, fences and walls, other improvements and trees on adjacent properties, if the same may affect, or be affected by, the proposed development.
 - (3) For new buildings and additions to existing buildings, or when required to determine compliance with floor area ratio and/or parking requirements, floor plans for existing and proposed buildings showing the use and layout of all building floors, along with the horizontal dimensions of all exterior walls.
 - (4) For new buildings and additions to existing buildings, facade elevations showing the extent and nature of the construction, including the wall and roof materials, colors and design.
 - (5) The vertical height of new buildings or additions, measured between the roof peak and the finished floor elevation of the building.
 - (6) If improvements (e.g., driveway openings, utility service connections, drainage pipes and other drainage structures, road widening, striping, curbing, walkways) are proposed within the street right-of-way, or if improvements located outside the street right-of-way are proposed to connect to existing improvements within the street right-of-way, or adjacent to the

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right-of-way, then the location, dimensions and nature of existing improvements located within the street right-of-way shall be shown.

- (7) The location and design of any proposed streets or street modifications, including the proposed width, slopes, manhole and drainage inlet elevations, curbing, pavement specifications, striping, signage, street trees and signalization. When determined necessary by the Township Engineer, roadway profiles and/or cross-sections shall be provided.
- (8) Location of existing and proposed paved areas on the property, including parking areas, driveways, walkways, etc., showing the design of such areas. When relevant to the application, the dimensions of such areas and their setback from property lines shall be shown.
- (9) The location and nature of existing and proposed utility services, including water supply, sanitary sewers, septic systems, gas, electric, telephone and cable television service, and any above-ground and underground fuel tanks. Such information shall include, but not be limited to, pipe sizes, materials, manhole locations and elevations, as applicable. When determined necessary by the Township Engineer, utility profiles shall be included.
- (10) The location of fire hydrants which serve and/or are intended to serve the development.
- (11) If buildings, impervious areas and/or substantial regrading are proposed, the location and nature of existing and proposed storm drainage improvements and drainage calculations. Such information shall include, but not be limited to, pipe sizes, slopes, materials, manhole and invert/outfall locations and elevations, as applicable, which shall be sufficient to demonstrate compliance with applicable stormwater runoff, water quality and groundwater recharge requirements. When determined necessary by the Township Engineer, drainage profiles shall be included.
- (12) Location and description of existing and proposed street trees, shade trees and other landscaping. Information for proposed plantings shall include plant names, number of plants and planted size.
- (13) Location and quantity of existing trees on the subject property. Applications for development that propose to remove regulated trees as set forth in §166-131E shall provide the information required by §166-110.1A.
- (14) The location and design, including at least the height and materials, of existing and proposed fences and walls.
- (15) The location and design of walkways, steps, ramps, patios, decks and similar improvements.
- (16) Existing and proposed exterior lighting fixtures, to the extent relevant to the proposed development. If lighting is proposed, the height and location of the fixture(s), type of fixture(s), pole material, design of any shielding, shall be included on the plan. The manufacturer's isocandela diagram and/or an illumination grid shall be superimposed upon the site plan. The proposed illumination levels at the property lines shall be provided. Manufacturer's details of proposed light fixtures shall be submitted.
- (17) If a sign or signs are proposed, the number, location, height, area, materials, color, design and illumination of such sign(s) shall be provided.
- (18) Existing and proposed topographic contours, both for the property and for adjacent areas affecting or affected by the development. Contour intervals shall not exceed the following: up to 5% grade, one foot; over 5% grade, two feet. Contour elevations shall be referenced to the New Jersey State Plane Coordinates in NAD 83 and NAVD 88 elevations, unless waived by the Township Engineer.
- (19) If regrading near existing buildings or paved areas is proposed, proposed spot grades at the corners of all buildings and in appropriate pavement locations, and the finished floor elevations of buildings.

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- (20) A soil erosion and sedimentation control plan, showing the limits of disturbance, any soil stockpiling, construction routes, silt fencing and other controls, unless waived by the Township Engineer.
- (21) The location and design of areas to be used for the storage of refuse and/or recyclable materials. The storage and recycling of recyclable materials shall be required to comply with Chapter 154 of the Township Code, and all other applicable law.
- (22) The nature, location, and design of any outdoor storage of vehicles, equipment or materials.
- (23) The location, size and height of any exterior heating, ventilating or air-conditioning equipment and any exterior generators, whether mounted at grade level, on the roof of buildings, or in other exterior locations.
- (24) Construction details and specifications sufficient to illustrate the nature of proposed site improvements, including but not limited to the following: paving, curbing, walls, fences, utility and storm drainage structures, soil erosion control structures, tree protection devices, light fixtures and standards, signs, planting and staking details, and barrier-free access design.

§ 166-83. Supplemental documents and information.

All applications for subdivision and/or site plan approval shall include the following fees, deposits, and supplemental documents and information. The applicant may request that one or more of the requirements be waived in accordance with §166-35.

- A. The survey upon which the development plans are based. In the event that the survey does not accurately portray current conditions, an updated survey may be required.
- B. Application fees and initial deposits for professional services, as applicable, as set forth in this chapter.
- C. Certification from the Tax Collector indicating that all taxes, assessments and sewer bills for the subject property are paid up to and including the most recent collection period.
- D. Certification from both the Board of Adjustment and the Planning Board indicating the nature and date of prior actions, if any, by the respective Boards affecting the subject property, as disclosed by the available records of such Boards. If there is a question concerning whether or not such prior action(s) may affect the proposed development, a copy of the resolution concerning such prior action(s) shall be submitted.
- E. Certification from the Construction Official indicating the nature of any site plan exemption application actions, if any, by the Site Plan Exemption Committee, related to existing uses and improvements on the property.
- F. A statement from the Zoning Officer of any pending enforcement actions related to zoning violations on the subject property.
- G. If the Zoning Officer has issued a letter of denial for the proposed development, a copy of such letter.
- H. If there are any covenants and/or deed restrictions that affect or are affected by the proposed development, a copy of such documents.
- I. If the proposed development is restricted by any prior permits and/or other approvals from other governmental entities or public utilities, whether local, regional, County, State, or Federal, a copy of such permits and/or other approvals including said restrictions.
- J. When required by Chapter 162 of the Township Code, a hazardous substance questionnaire.
- K. A certified list of current property owners and utilities located within 200 feet of the development property. The list is to be obtained by the applicant from the Deputy Township Clerk.

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Section 3. Article XVIII, *Checklists for Applications for Development*, consisting of Sections 166-106.1., *Subdivision concept plan*, 166-106.2., *Site plan concept plan*, 166-106.3., *Minor subdivision*, 166-106.4., *Preliminary major subdivision*, 166-106.5., *Final major subdivision*, 166-106.6., *Preliminary site plan*, 166-106.7., *Final site plan*, 166-106.8., *Conditional use site plan*, 166-106.9., *Bifurcated use variance site plan*, and 166-106.10., *Variance application for single-family or two-family dwellings*, is hereby retitled as "*Submission Requirements for Variance Applications*;" Sections 166-106.4 through 166-106.10. are deleted and Sections 166-106.1., 166-106.2. and 106.3. are amended to read as follows:

ARTICLE XVIII

Submission Requirements for Variance Applications

§ 166-106.1. Application form.

For purposes of completeness review only, three copies of the application form(s), completed and signed, shall be submitted. Thereafter, if the application is determined to be complete, the applicant shall submit 17 additional copies, for a total of 20 copies, of the appropriate application form(s), completed and signed. The application form shall be available in the office of the Land Use Administrator/Secretary of the Planning Board and Board of Adjustment. If the applicant believes that any item on the form is not applicable to the application, it shall be so indicated on the application form(s) by the words "not applicable," "none" or other appropriate language.

§ 166-106.2. Development plans.

All plans submitted to the Board of Adjustment with applications for variance approval, which development also requires subdivision or site plan approval, whether or not the application for one or more variances are bifurcated from the subdivision or site plan application, shall comply with the requirements and contain the information set forth in Article XII of this chapter. The applicant may request that one or more of the plan requirements be waived in accordance with §166-35.

All plans submitted to the Board of Adjustment with applications for variance approval, which development does not also require subdivision or site plan approval, shall comply with the following requirements and contain the following information. The applicant may request that one or more of the plan requirements be waived in accordance with §166-35.

- A. Number of copies. For purposes of completeness review only, three copies of the proposed plan(s) shall be submitted. Thereafter, if the application is determined to be complete, the applicant shall submit 17 additional copies, for a total of 20 copies, of any proposed plan(s).
- B. Who may prepare. Any plan submitted as part of an application to a Township agency shall be prepared by an individual pursuant to the regulations in N.J.A.C. 13:27., 13:40., and 13:41., as amended, provided that the owner of a single-family detached or two-family dwelling may prepare the plan for his or her property involving such dwelling. The preparer of the plan, whether professional or owner, shall be identified on the plan and the plan preparer's signature and seal included on the plan.
- C. Reference/record and regulatory information. The following reference, record and regulatory information shall be included on the development plans:
 - (1) Name(s) and address(es) of the applicant and owner.
 - (2) Name, address, signature and seal of plan preparer.
 - (3) Existing lot and block numbers of the property based upon the current Township tax maps.
 - (4) Existing street address of the property.
 - (5) Date(s) the plans were prepared and date(s) of all plan amendments.
 - (6) An index of all of the sheets comprising the plans, including the latest date of such sheets, located on the cover sheet or first sheet of the plan set.

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- (7) A blank rectangular area at least 4 inches wide by 2.25 inches high on the first sheet of the plan set. This space shall be reserved for the Township's standard signature block for the Chairman and Secretary of the Board.
- (8) A reference note indicating the title, date and preparer of any previous survey and/or plan upon which the current plans are based.
- (9) Scale of plans. All plans shall be drawn to scale, which shall not exceed 40 feet to the inch for the variance plan, or 16 feet to the inch in the case of architectural plans; provided that the Board or its completeness designee(s) may permit a greater scale in exceptional situations.
- (10) North arrow.
- (11) Zone district within which the property is located, as well as the zone district of all adjacent properties.
- (12) Information sufficient to demonstrate compliance with all applicable Township development regulations.
- (13) To the extent relevant to the development application, a zoning chart/table indicating, at a minimum, the applicable requirements for lot area, lot width, lot depth, building height, yard depths (setbacks) for buildings and paved areas, floor area ratio, building coverage, improvement coverage, and number of required parking spaces, as well as the proposed condition for each of the foregoing.
- (14) Municipal boundary line(s), if any, crossing or abutting the subject property.
- (15) Existing boundaries of the site(s) in question, with bearings and dimensions.
- (16) Location, nature and width of existing easements or rights-of-way on or abutting the subject property, including but not limited to streets, utility and drainage easements, sight easements, access easements, slope easements and conservation easements.
- (17) The required building envelope for the lot, showing graphically and by dimension the required minimum front, side and rear yard setbacks for the principal building.
- (18) Any airport safety zones or subzones for the Morristown Airport affecting the property, as indicated on the Zoning Map.
- (19) To the extent relevant to the development application, the location of any portion of the property that is not within a sanitary sewer service area. This information may be obtained from the Hanover Sewerage Authority or other sewerage authority having jurisdiction.

D. Environmental information.

- (1) Location of streams, ponds and other water bodies, along with any regulated riparian buffers or zones.
- (2) The location and elevation of any one-hundred-year flood hazard areas and the location of floodways on the property. Such flood hazard areas and floodways shall be based upon the most recent Flood Insurance Rate maps prepared by the Federal Emergency Management Agency, as determined by the Township Engineer. If the development is subject to the Flood Hazard Area Control Act Rules, (N.J.A.C. 7:13), the location and elevations of the flood areas as determined by the N.J.D.E.P. regulations shall be shown.
- (3) When freshwater wetlands and/or required wetland transition areas as regulated by the N.J.D.E.P. are present or suspected to be present on the property, one or more of the following:
 - (a) A letter of interpretation from the N.J.D.E.P. indicating the presence or absence of freshwater wetlands, verifying the boundaries of freshwater wetlands, and classifying the wetlands by resource value.
 - (b) A letter of exemption from the N.J.D.E.P. certifying that the proposed activity is exempt from the Freshwater Wetlands Protection Act and the wetland regulations.

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- (c) A copy of any application made to the N.J.D.E.P. for any permit concerning a proposed regulated activity in or around freshwater wetlands.
 - (d) Other documentation, as determined to be sufficient by the Board or its completeness designee(s), demonstrating that no wetlands or wetland transition areas exist on the subject property, and demonstrating that no wetlands exist on adjacent property that would affect or limit the proposed development.
- (4) If the subject property contains known or suspected soil and/or groundwater contamination, the location and description of such contamination, to the extent known, and the status of any cleanup or mitigation efforts.
- E. Proposed easements and rights-of-way.
- (1) The location, nature and width of any proposed easements or rights-of-way on or abutting the subject property, including but not limited to streets, utility easements, drainage easements, sight easements, access easements, slope easements and conservation easements.
- F. Existing and proposed improvements and related information.
- (1) Location of existing and proposed buildings on the property, with existing and proposed setbacks from property lines dimensioned on the plan.
 - (2) Location of existing buildings, paved areas, fences and walls, other improvements and trees on adjacent properties, if the same may affect, or be affected by, the proposed development.
 - (3) For new buildings and additions to existing buildings, or when required to determine compliance with floor area ratio and/or parking requirements, floor plans for existing and proposed buildings showing the use and layout of all building floors, along with the horizontal dimensions of all exterior walls.
 - (4) For new buildings and additions to existing buildings, facade elevations showing the extent and nature of the construction, including the wall and roof materials, colors and design.
 - (5) The vertical height of new buildings or additions, measured between the roof peak and the finished floor elevation of the building.
 - (6) If improvements (e.g., driveway openings, utility service connections, drainage pipes and other drainage structures, road widening, striping, curbing, walkways) are proposed within the street right-of-way, or if improvements located outside the street right-of-way are proposed to connect to existing improvements within the street right-of-way, or adjacent to the right-of-way, then the location, dimensions and nature of existing improvements located within the street right-of-way shall be shown.
 - (7) The location and design of any proposed street modifications, including the proposed width, slopes, manhole and drainage inlet elevations, curbing, pavement specifications, striping, signage, and street trees, to the extent relevant to the proposed development.
 - (8) Location of existing and proposed paved areas on the property, including parking areas, driveways, walkways, etc., showing the design of such areas. When relevant to the application, the dimensions of such areas and their setback from property lines shall be shown.
 - (9) The location and nature of existing and proposed utility services, including water supply, sanitary sewers, septic systems, gas, electric, telephone and cable television service, and any above-ground and underground fuel tanks. Such information shall include, but not be limited to, pipe sizes, materials, manhole locations and elevations, as applicable.
 - (10) If buildings or impervious areas are proposed, the Township Engineer may require the plan to show the location and nature of existing and proposed storm drainage improvements and may require the submission of drainage calculations (may not be required for all applications).

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- (11) Location and description of existing and proposed street trees, shade trees and other landscaping. Information for proposed plantings shall include plant names, number of plants and planted size.
- (12) Location and quantity of existing trees on the subject property. Applications for development that propose to remove regulated trees as set forth in §166-131E shall provide the information required by §166-110.1A.
- (13) The location and design, including at least the height and materials, of existing and proposed fences and walls.
- (14) The location and design of walkways, steps, ramps, patios, decks and similar improvements.
- (15) Existing and proposed exterior lighting fixtures, to the extent relevant to the proposed development. If lighting is proposed, the height and location of the fixture(s), type of fixture(s), pole material, design of any shielding, shall be included on the plan. The manufacturer's isocandela diagram and/or an illumination grid shall be superimposed upon the site plan. The proposed illumination levels at the property lines shall be provided. Manufacturer's details of proposed light fixtures shall be submitted.
- (16) If a sign or signs are proposed, the number, location, height, area, materials, color, design and illumination of such sign(s) shall be provided.
- (17) Existing and proposed topographic contours, both for the property and for adjacent areas affecting or affected by the development. Contour intervals shall not exceed the following: up to 5% grade, one foot; over 5% grade, two feet. Contour elevations shall be referenced to the New Jersey State Plane Coordinates in NAD 83 and NAVD 88 elevations, unless waived by the Township Engineer.
- (18) If regrading near existing buildings or paved areas is proposed, proposed spot grades at the corners of all buildings and in appropriate pavement locations, and the finished floor elevations of buildings.
- (19) A soil erosion and sedimentation control plan, showing the limits of disturbance, any soil stockpiling, construction routes, silt fencing and other controls, unless waived by the Township Engineer.
- (20) The nature, location and design of any accessory buildings or roofed accessory structures (e.g., gazebos, trellises, pergolas, arbors, etc.), swimming pools, play equipment, and other similar structures and equipment.
- (21) The nature, location, and design of any outdoor storage of vehicles, equipment or materials.
- (22) The location, size and height of any exterior heating, ventilating or air-conditioning equipment, exterior generators, pool filters or similar equipment.
- (23) Construction details and specifications sufficient to illustrate the nature of proposed site improvements, including but not limited to the following: paving, curbing, walls, fences, utility and storm drainage structures, soil erosion control structures, tree protection devices, light fixtures and standards, signs, planting and staking details, and barrier-free access design.

§ 166-106.3. Supplemental documents and information.

All applications submitted for variance approval, which development also requires subdivision or site plan approval, whether or not the application for one or more variances are bifurcated from the subdivision or site plan application, shall submit the information, documentation and payments set forth in Article XII of this chapter. The applicant may request that one or more of the plan requirements be waived in accordance with §166-35.

All applications submitted to the Board of Adjustment for variance approval, which development does not also require subdivision or site plan approval, shall include the following fees, deposits, and supplemental documents and information. The applicant may request that one or more of the requirements be waived in accordance with §166-35.

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- A. The survey upon which the development plans are based. In the event that the survey does not accurately portray current conditions, an updated survey may be required.
- B. Application fees and initial deposits for professional services, as applicable, as set forth in this chapter.
- C. Certification from the Tax Collector indicating that all taxes, assessments and sewer bills for the subject property are paid up to and including the most recent collection period.
- D. Certification from both the Board of Adjustment and the Planning Board indicating the nature and date of prior actions, if any, by the respective Boards affecting the subject property, as disclosed by the available records of such Boards. If there is a question concerning whether or not such prior action(s) may affect the proposed development, a copy of the resolution concerning such prior action(s) shall be submitted.
- E. A statement from the Zoning Officer of any pending enforcement actions related to zoning violations on the subject property.
- F. If the Zoning Officer has issued a letter of denial for the proposed development, a copy of such letter.
- G. If there are any covenants and/or deed restrictions that affect or are affected by the proposed development, a copy of such documents.
- H. If the proposed development is restricted by any prior permits and/or other approvals from other governmental entities or public utilities, whether local, regional, County, State, or Federal, a copy of such permits and/or other approvals including said restrictions.
- I. A certified list of current property owners and utilities located within 200 feet of the development property. The list is to be obtained by the applicant from the Deputy Township Clerk.

Section 4. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 6. This ordinance shall take effect in accordance with the law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 8-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, IN ORDER TO CREATE A NEW RM-5 ZONE DISTRICT AND REGULATIONS AND TO AMEND THE PU ZONE DISTRICT REGULATIONS

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WHEREAS, the Township Planning Board has adopted a report on the reexamination of the master plan and development regulations; and

WHEREAS, the reexamination report recommends that the zoning map and regulations be amended to create a new RM-5 zone district to recognize the existing Waterview housing development located off American Road; and

WHEREAS, the reexamination report also recommends that the PU zone district regulations be amended to remove the multifamily housing development option in the zone; and

WHEREAS, the land use and housing plan elements of the master plan adopted by the Township Planning Board are consistent with the above reexamination report recommendations.

NOW, THEREFORE, BE IT ORDAINED by Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey as follows:

Section 1. Section 166-107., *Enumeration of districts*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended to read as follows:

§ 166-107. Enumeration of districts.

For the purposes of this Chapter, the Township of Hanover is divided into various zone districts, known as:

R-40 Single Family Residence District
R-40N Single Family Residence District
R-30 Single Family Residence District
R-25 Single Family Residence District
R-21 Single Family Residence District
R-15 Single Family Residence District
R-10 Single Family Residence District
R-10A Residence District
R-M Residence District
RM-2 Residence District
RM-3 Residence District
RM-4 Residence District
RM-5 Residence District
RM-6 Residence District
AH-1 Affordable Housing Overlay District
B Business District
B-P2 Business and Professional District
B-10 Highway Commercial District
WC Whippany Center District
D-S Designed Shopping Center District
O-S Office-Services District
OB-RL Office Building and Research Laboratory District
OB-DS Office Building - Designed Shopping Center District
OB-RL3 Office Building and Research Laboratory District
I Industrial District
I-2 Industrial District
TC Town Center District
I-4 Industrial District
I-5 Industrial District
I-P Industrial Park District
I-P2 Industrial Park District
I-B2 Industrial-Business District
I-B3 Industrial-Business District

I-R Industrial - Recreation District
I-7 Industrial Overlay District
A Airport District
PU Public Use District

Section 2. Subsection A of Section 166-108., *Map, schedule and appendices*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended to read as follows:

- A. The Zone Map delineating the zone districts within the Township, entitled “Zoning Map, Township of Hanover,” dated March 2020, is hereby declared to be a part of this chapter.

Section 3. Subsection C of Section 166-115., *Multiple principal buildings on the same lot; multiple principal uses within the same building*, in Article XIX, *General Provisions*, is hereby amended by adding and inserting a new Paragraph (22), both to read as follows:

(22) In the RM-5 Zone as set forth in Article XXIXD2.

Section 4. Section 166-143., *Signs in the RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts*, in ARTICLE XX, *Signs*, is hereby amended by changing the title of the section and by revising Subsection A of the section to read as follows:

§ 166-143. Signs in the RM, RM-2, RM-3, RM-4, RM-5, RM-6 and AH-1 Zone Districts.

- A. In the RM, RM-2, RM-3, RM-4, RM-5, RM-6 and AH-1 Zone Districts, each multifamily or townhouse development shall be entitled to one freestanding sign at each vehicular entrance to the development, provided that such signs comply with the following requirements; provided, further, that if the RM or RM-2 Zone is developed for residential use other than multifamily housing, the provisions of § 166-142. shall apply.

- (1) The area of each sign shall not exceed eight square feet.
- (2) The height of each sign shall not exceed six feet.
- (3) All such signs shall be set back at least 10 feet from any street right-of-way.
- (4) Said sign shall be an identification sign only, limited to the name of the development or project on site.
- (5) The design and location of all such signs shall be subject to the review and approval of the Planning Board.

Section 5. Chapter 166, *Land Use and Development*, is hereby amended by adding and inserting a new Article XXIXD2, entitled “RM-5 Residence District,” to read as follows:

ARTICLE XXIXD2
RM-5 Residence District

§ 166-180.18.7. Purpose and intent.

The RM-5 District is intended to recognize and promote continuation of the existing townhouse development within the zone district.

§ 166-180.18.8. Permitted principal uses.

The following principal uses and structures shall be permitted in the RM-5 Zone District:

- A. Townhouses.
- B. Multifamily residential buildings.
- C. Any use permitted in all zone districts or in all residential zone districts by this chapter or by other applicable law.

§ 166-180.18.9. Permitted accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the permitted principal use in the district. These may include, but are not limited to:

- A. Community center/clubhouse.

- B. Outdoor recreational facilities for the exclusive use of the residents in the zone district and their guests.
- C. Off-street parking areas.
- D. Fences, walls, gazebos, mail kiosks and other street furniture.
- E. Signs in accordance with § 166-143. of this Chapter.

§ 166-180.18.10. Density, tract, bulk and other regulations.

In addition to any other applicable requirements of this chapter, the following requirements shall apply to development within the RM-5 Zone District:

- A. Minimum tract area. The minimum tract area shall be 5 acres.
- B. Maximum tract density. The maximum density shall not exceed 12 units per gross acreage of the tract.
- C. Maximum building coverage: 25% of the lot area.
- D. Maximum improvement coverage: 55% of the lot area.
- E. Maximum height of principal buildings: three stories and 48 feet. Any equipment mounted on the roof shall not be permitted to exceed a height of 48 feet above the average ground level at the base of the building, or to exceed 12% of the actual building height, whichever is less. Such equipment shall be screened from the view of streets and residential properties.
- F. Minimum depth of front yard: 50 feet.
- G. Minimum depth of side and rear yards: 15 feet.
- H. Minimum distance between buildings. The following minimum dimensions shall separate principal buildings; in case of uncertainty as to the definition of "front," "rear," or "end/side" walls, or in case the angle of the walls facing each other makes interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply:
 - (a) Front wall facing front wall: 65 feet.
 - (b) Front wall facing rear wall: 50 feet.
 - (c) Front wall facing end/side wall: 40 feet.
 - (d) End/side wall facing end/side wall: 25 feet.
 - (e) End/side wall facing rear wall: 30 feet.
 - (f) Rear wall facing rear wall: 50 feet.
- I. Minimum distance between buildings and roadways, driveways and parking areas: 12 feet between buildings and roadways and driveways, and 10 feet between buildings and parking areas; provided, however, no separation shall be required between a garage and a driveway that provides direct access to the garage. If said driveway is designed or intended for parking of motor vehicles, the length of the driveway between the garage and the adjacent roadway shall be at least 20 feet.
- J. Minimum dwelling unit gross floor area:

Type of Unit	Minimum Dwelling Unit Gross Floor Area (square feet)
Efficiency unit	600
One-bedroom unit	750
Two-bedroom unit	900
Three-bedroom unit	1,050

- K. Parking areas, driveways and other paved areas shall be located at least 10 feet from any lot lines; provided, however that no setback shall be required in the locations where driveways and walkways connect with a public street.
- L. Signs shall be subject to the provisions of § 166-143. In addition, all other provisions of this chapter applicable to signs shall be complied with.
- H. Accessory buildings and structures.

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- (1) Accessory buildings and structures shall comply with the minimum setbacks from tract boundaries and principal buildings applicable to principal buildings, except as may be specifically provided otherwise herein.
- (2) Maximum height. Accessory buildings shall not exceed a height of 17 feet.

Section 6. Section 166-211.1., *Permitted principal uses*, in Article XXXVIII, *PU Public Use District*, is hereby amended to read as follows:

§ 166-211.1. Permitted principal uses.

The PU Public Use District is intended to recognize and accommodate various large-scale public or quasi-public uses in the Township, including county and Township buildings, schools, parks and open space and major utility operations, as well as certain quasi-public, institutional and similar uses. The following principal uses shall be permitted in the PU Zone District, except as may be otherwise prohibited by this chapter:

- A. Offices of municipal, county and federal government.
- B. Governmental public order and safety establishments, including but not limited to police, fire and first-aid establishments.
- C. Governmental facilities designed for the installation, maintenance and repair of public improvements, including but not limited to roadways and bridges, utilities, buildings, parks, athletic facilities and other open space improvements, etc.
- D. Facilities of the United States Postal Service.
- E. Utility facilities of the Hanover Sewerage Authority, Southeast Morris County Municipal Utilities Authority, Town of Morristown and other public utility facilities.
- F. Parks, arboreta, athletic fields and open space facilities.
- G. Institutional uses as defined by § 166-4A. and as permitted by § 166-138.4.
- H. State-licensed nursing homes and independent/assisted living facilities as defined by § 166-4A.
- I. Child-care centers.

Section 7. Subsection C. in Section 166-211.4., *Required conditions*, in Article XXXVIII, *PU Public Use District*, is hereby deleted.

Section 8. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. This ordinance shall take effect in accordance with the law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 9-2020

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE HANOVER TOWNSHIP LITTLE LEAGUE, INCORPORATED FOR THE OPERATION OF THE BLACK BROOK PARK CONCESSION STAND COMMENCING APRIL 4, 2020 THROUGH

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AUGUST 31, 2020

WHEREAS, the **Hanover Township Little League, Incorporated** is a nonprofit organization which has requested permission from the Board of Recreation Commissioners and the Township Committee to operate the Black Brook Park Concession for the benefit of the public generally during the 2020 Little League Baseball season which begins on April 4, 2020; and

WHEREAS, the **Hanover Township Little League, Incorporated** agrees to comply with the Township's Specification which sets forth in full the standards and criteria for the proper operation of the Black Brook Park Concession Stand; and

WHEREAS, the Township Committee of the Township of Hanover believes it to be in the public interest that a lease agreement for ONE (\$1.00) DOLLAR be entered into with the **Hanover Township Little League, Incorporated** upon commencement of the baseball season on April 4, 2020 through August 31, 2020.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover, Morris County, New Jersey, as follows:

SECTION 1. The Mayor and Township Clerk are hereby authorized to enter into a lease agreement, a copy of which is attached hereto and made a part of this Ordinance, with the **Hanover Township Little League, Incorporated**, a nonprofit organization, for the nominal sum of ONE (\$1.00) DOLLAR commencing on April 4, 2020 through August 31, 2020 for the purpose of having the **Hanover Township Little League, Incorporated** operate the concession stand at Black Brook Park in serving the public generally.

SECTION 2. The Superintendent of the Department of Recreation and Park Administration is hereby designated as the officer of the Township to enforce the operational terms of the Lease Agreement.

SECTION 3. Prior to the inception of the lease, the **Hanover Township Little League, Incorporated** shall submit to the Hanover Township Business Administrator, proof of continuance of the tax-exempt status of the said non-profit organization pursuant to both State and Federal law.

SECTION 4. This ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 10-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER CREATING NEW SECTIONS 267-11.1 ENTITLED "STOP FOR PEDESTRIAN LOCATIONS" AND 267-38.1. "SCHEDULE VIII A: STOP FOR PEDESTRIAN LOCATIONS". UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP ENTITLED VEHICLES AND TRAFFIC WITH THE INCLUSION OF AN IN-STREET PEDESTRIAN CROSSING RIGHT-OF-WAY SIGN ON ELM PLACE

WHEREAS, in accordance with Title 39:4-36 of the New Jersey Statutes, the driver of a vehicle shall stop and remain stopped to allow a pedestrian to cross the roadway within a marked crosswalk, when the pedestrian is upon, or within one lane of,

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the half of the roadway, upon which the vehicle is traveling or onto which it is turning;
and

WHEREAS, there is a marked mid-block crosswalk on Elm Place between Boulevard Road and Ridgedale Avenue; and

WHEREAS, in the interest of pedestrian safety the Engineering Department and the Police Department have recommended enhanced signage at the marked mid-block crosswalk on Elm Place to alert drivers that they are required by State law to stop for pedestrians in accordance with Title 39:4-36 at this location; and

WHEREAS, in accordance with Title 39:4-8, a municipality or county may, without the approval of the New Jersey Commissioner of Transportation, and consistent with the current standards prescribed by the Manual on Uniform Traffic Control Devices for Street and Highways, by ordinance, resolution, or regulation, regarding any street under its jurisdiction, install or place an in-street pedestrian crossing right-of-way sign at a marked crosswalk or unmarked crosswalk at an intersection.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. In accordance with provisions of newly created Sections 267-11.1. entitled “Stop for Pedestrian Locations.” and the newly created Section 267-38.1. “Schedule VIII A: Stop For Pedestrian Locations” under Chapter 267 of the Code of the Township entitled Vehicles and Traffic, the following is added:

Elm Place Marked Mid-Block Crosswalk Adjacent to 20 Elm Place and also Designated as Block 2503, Lot 6.01 as Set Forth on the Tax Map of the Township.

Section 2. Upon final passage and publication, the Public Works Department, in coordination with the Township Engineer, shall erect and maintain the necessary regulatory sign covering the stopping requirement set forth herein pursuant to N.J.S.A. 39:4-198, and in conformance with the Manual on Uniform Traffic Control Devices.

Section 3. This Ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

ORDINANCE NO. 11-2020

AN ORDINANCE OF TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REDUCING THE TWO CENT (\$.02) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DEDICATED OPEN SPACE TRUST FUND TAX RATE TO ONE AND ONE-HALF CENT (\$.015) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DURING CALENDAR YEAR 2020 ONLY AND FURTHER AUTHORIZING THE TOWNSHIP’S CHIEF MUNICIPAL FINANCE OFFICER TO COLLECT THE ONE AND ONE HALF CENT (\$.015) DEDICATED TAX

WHEREAS, on November 2, 1999, by a vote of almost two to one in favor, the voters of Hanover Township approved a binding referendum question concerning the creation of an Open Space Trust Fund for the Township; and

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WHEREAS, the binding referendum asked the voters whether the Township should adopt an ordinance establishing an “Open Space and Parkland and Facilities Preservation Trust Fund” and if so, should the Trust Fund be funded through the collection of local property taxes in the amount of two cents (\$.02) for each one hundred (\$100.00) dollars of assessed valuation; and

WHEREAS, the creation of the Open Space Trust Fund would complement any other available funding sources to be used exclusively for the purchase of property or easements within the Township, for the preservation of resource open space and/or the maintenance and improvement of the Township’s existing parkland and related facilities for outdoor recreation purposes; and

WHEREAS, the Township Committee, on December 9, 1999, adopted Ordinance No. 32-99 which established an Open Space and Parkland and Facilities Preservation Trust Fund and the Open Space and Parkland and Facilities Preservation Advisory Committee (OSAC); and

WHEREAS, the ordinance also established for the year 2000 and subsequent years, a two cent (\$.02) per hundred (\$100.00) dollar valuation tax which would be specifically dedicated for the acquisition of property for open space and recreational purposes and the maintenance and improvement to the Township’s parkland and related facilities; and

WHEREAS, the two cents (\$.02) dedicated tax is shown as a separate line item on each property owners tax bill and not as part of the municipal tax rate in that the tax was established as a dedicated tax for the purposes described above; and

WHEREAS, since its inception in the year 2000, the two cent (\$.02) dedicated tax rate was reduced by the governing body from two cents (\$.02) to one (\$.01) cent in 2009, 2010 and 2011; and

WHEREAS, subsequently, in 2012, 2013, 2014, 2015 and 2016, the governing body reduced the dedicated open space tax rate from two cents (\$.02) to one-half cent (\$.005); and

WHEREAS, in 2017, the governing body increased the dedicated open space tax rate to one (\$.01) cent; and

WHEREAS, as with calendar years 2018 and 2019, the Township Committee proposes to decrease the two (\$.02) cent dedicated open space tax rate and maintain it at one and one-half (\$.015) per hundred dollars of assessed valuation in 2020 only; and

WHEREAS, although the dedicated open space tax is not computed as part of the municipal tax rate which supports municipal operations and services, the reduction in the open space tax rate will help to minimize the impact of the property taxpayers’ total 2020 tax bill.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. That the Open Space Trust Fund dedicated tax rate, as established by Ordinance No. 32-99, and codified under Chapter 50 of the Code of the Township entitled Open Space, Parkland and Facilities Preservation Trust Fund Advisory Committee, shall be reduced from two cents (\$.02) per hundred (\$100.00) dollars of assessed valuation to one and one-half cent (\$.015) per hundred (\$100.00) dollars of assessed valuation for calendar year 2020, the same as in calendar year 2019.

Section 2. That the Township’s Chief Municipal Finance Officer is hereby authorized and directed to collect the one and one half cent (\$.015) per hundred dollars of assessed valuation for calendar year 2020 only. The funds derived from this

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dedicated tax shall continue to be maintained in a separate account and shall only be utilized for the purposes described in Ordinance No. 32-99 which established the Open Space and Parkland and Facilities Preservation Trust Fund.

Section 3. That certified copies of this ordinance shall be transmitted to the Division of Local Government Services, the Township’s Chief Municipal Finance Officer and members of the Township’s Open Space Advisory Committee.

Section 4. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 6. This ordinance shall take effect in accordance with the law.

Ordinance will be further considered for Public Hearing on March 12th at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member Francioli and unanimously approved.

So Introduced

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 25-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER PROMOTING ISAAC RAYMOND TO THE POSITION OF FULL-TIME DESIGN ENGINEER/PROJECT MANAGER IN THE ENGINEERING DEPARTMENT FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MARCH 2, 2020 AND ENDING SEPTEMBER 2, 2020 AND ESTABLISHING HIS COMPENSATION AT \$95,000.00 PER ANNUM UNDER JOB GROUP CLASSIFICATION X OF SCHEDULE “B” AND SALARY RANGE GUIDE “C” OF SALARY ORDINANCE NO. 17-2019

WHEREAS, the Engineering Department is responsible for preparing, managing and implementing many capital improvement and infrastructure projects including other day-to-day assignments; and

WHEREAS, in order to keep pace with the heavy volume of work, the Township Committee, during its September 26, 2020 personnel conference work session agreed, to increase the authorized strength of the Department by approving the employment of a design engineer/project manager based on the recommendation of the Township Engineer; and

WHEREAS, in accordance with the job application process, the Township received six (6) applications for the above referenced position; and

WHEREAS, of the six (6) candidates, the Township’s HR Specialist and Township Engineer interviewed three (3) individuals on January 15, 2020; and

WHEREAS, as a result of the interviews, the Interview Committee unanimously agreed that **Isaac Raymond**, who currently serves as the Engineer/CAD

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Operator is uniquely qualified to assume the responsibilities of Design Engineer/Project Manager as a result of his expertise, skills and abilities in his current position; and

WHEREAS, Mr. Raymond has been employed by the Township in his current position since December 14, 2015; and

WHEREAS, in a memorandum dated January 22, 2020, Township Engineer Gerardo Maceira recommends that **Isaac Raymond** be appointed to the position of full-time Design Engineer/Project Manager.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That **Isaac Raymond** residing at 315 Canal Road in South Bound Brook, New Jersey 08880 is hereby promoted to serve as the Township's full-time Design Engineer/Project Manager for a six (6) month probationary period commencing on Monday, March 2, 2020 and ending on Wednesday, September 2, 2020.
2. In accordance with Job Classification X under Schedule "B" and Salary Range Guide "C" in Ordinance No. 17-2019, **Mr. Raymond** shall be compensated at \$95,000.00 per annum as an exempt employee as that term is defined by law. As an exempt salary employee, **Mr. Raymond** shall not be entitled to receive overtime pay. However, pursuant to Township policy, **Mr. Raymond** shall be entitled to receive the annual cost of living adjustments that may be granted to non-union civilian employees of the Township and to receiving a satisfactory job evaluation by the Township's Business Administrator. In addition, **Mr. Raymond** shall be entitled to accrue compensatory for night time-outs.
3. **Mr. Raymond** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 61-18. of Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies. At least twenty (20) working days prior to the end of the probationary period, it shall be the responsibility of the Business Administrator to complete a written Job Performance Evaluation. In the event that **Mr. Raymond** receives an unsatisfactory evaluation during the probationary period, **Mr. Raymond** shall be returned to her former position as full-time Deputy Court Administrator.
4. That certified copies of this resolution shall be transmitted to **Mr. Raymond**, the Township Engineer, the Township's Human Resource Specialist and Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO.26-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING MATTHEW J. GARRISON AS A NEW PROBATIONARY PATROLMAN FOR A ONE (1) YEAR PERIOD COMMENCING MONDAY, MARCH 2, 2020 THROUGH TUESDAY, MARCH 2, 2021 AT A BASE SALARY OF \$58,970.00 AT STEP 1 OF THE SALARY GUIDE SET FORTH IN ORDINANCE NO. 18-2019 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING SATISFACTORY MEDICAL AND PSYCHOLOGICAL EXAMINATIONS, A NEGATIVE DRUG TEST AND COMPREHENSIVE BACKGROUND INVESTIGATION)

WHEREAS, the authorized strength of the Hanover Township Police Department consists of thirty-two (32) superior officers and patrolmen; and

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WHEREAS, with the resignation of Edwin Sanchez effective October 7, 2019, a need exists to replace the vacant patrolman position; and

WHEREAS, in accordance with the Township's job search process, an Interview Committee consisting of Chief Mark Roddy, Captain White and Lieutenant Look interviewed the candidate mentioned below who appeared best qualified and matched the Township's job description for patrolman; and

WHEREAS, as a result of the interview, the Interview Committee recommends that **Matthew J. Garrison** is qualified and meets the Township's hiring standards and criteria in performing the duties and responsibilities of a patrolman; and

WHEREAS, except as otherwise provided by State Statute, Section 53-11.1 of Chapter 53 of the Code of the Township entitled Police Department describes the minimum educational background a candidate must have in order to be considered for the rank of patrolman; and

WHEREAS, based on the recommendation of the Interview Committee, **Matthew J. Garrison** shall serve as a probationary patrolman for a one (1) year period commencing Monday, March 2, 2020 and ending on Tuesday, March 2, 2021:

Matthew J. Garrison
26 Hillock Avenue
Hawthorne, New Jersey 07506; and

WHEREAS, as a conditional offer of employment, **Mr. Garrison** must receive satisfactory medical and psychological examinations, a negative drug test, and a negative background investigation; and

WHEREAS, it is the intention of the Township Committee to accept the recommendation of the Interview Committee and appoint **Mr. Garrison** as a probationary patrolman.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That **Mr. Matthew J. Garrison** residing at 26 Hillock Avenue in Hawthorne, New Jersey 07506 is hereby appointed to serve as a probationary patrolman effective Monday, March 2, 2020. **Mr. Garrison** will serve in a probationary capacity for a one (1) year period which shall end on Tuesday, March 2, 2021.
2. In accordance with Salary Ordinance No. 18-19 and the current 2018-2021 Collective Bargaining Agreement between the Township and the Hanover Township Patrolmen's Benevolent Association, PBA Local #128, **Probationary Patrolman Matthew J. Garrison** shall receive a base salary of \$58,970.00 at Step 1 of the Patrolmen's Step Classification Guide.
3. As a conditional offer of employment, **Mr. Garrison** must receive satisfactory medical and psychological examinations, a negative drug test, and a negative background investigation. In the event **Mr. Garrison** fails any of the examinations set forth above, the conditional offer of employment may be withdrawn immediately.
4. During the probationary period, **Probationary Patrolman Garrison**, as a newly appointed patrolman, does not retain any type of permanent status within the Police Department and may be dismissed at the discretion of the Township Committee only after proper preliminary notice has been given an opportunity for a hearing afforded the patrolman. This condition of employment is in conformance with

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Section 53-9.D.1 set forth under Section 53-9. Entitled "Qualifications for Appointment." Pursuant to Chapter 53 of the Code of the Township entitled Police Department.

5. That certified copies of this resolution shall be transmitted to the Captain of Police, the Township's Chief Municipal Finance Officer and **Probationary Patrolman Garrison** for reference and information purposes.

RESOLUTION NO. 27-2020

APPOINTING DEBRA-ANN HALIK AS THE REPLACEMENT TECHNICAL ASSISTANT TO THE CONSTRUCTION OFFICIAL/ZONING OFFICER/PROPERTY MAINTENANCE OFFICER FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MARCH 2, 2020 AND ENDING SEPTEMBER 2, 2020 AND ESTABLISHING HER COMPENSATION AT \$31.87 PER HOUR, OR IF ANNUALIZED \$58,000.00 UNDER JOB GROUP IV IN ACCORDANCE WITH SCHEDULE "B" AND SALARY RANGE GUIDE "C" OF SALARY ORDINANCE NO. 17-2019 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION AND CRIMINAL HISTORY BACKGROUND CHECK)

WHEREAS, with the promotion of Karen Soltis on December 2, 2019 to the position of Senior Account Clerk/Payroll Clerk in the Finance Department, the position of Technical Assistant to the Construction Official/Zoning Officer/Property Maintenance Officer is vacant; and

WHEREAS, the Construction Official wishes to bring staffing up to its current authorized strength by filling the vacant position described above; and

WHEREAS, the position of Technical Assistant to the Construction Official/Zoning Officer/Property Maintenance Officer is classified as a Job Group IV under Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 17-2019; and

WHEREAS, a total of twelve (12) applications were received by the Township for the above referenced position; and

WHEREAS, in accordance with the Township's job application process, the Construction Official and the Township's Human Resource Specialist interviewed four (4) candidates; and

WHEREAS, the applicants were rated on their prior employment experience and their overall skills and abilities to perform the job of Technical Assistant to the Construction Official/Zoning Officer/Property Maintenance Officer; and

WHEREAS, on January 16, 2020, the Business Administrator and Construction Official conducted a second interview with the two (2) finalists; and

WHEREAS, as a result of the second interview, the Business Administrator and Construction Official believe that **Debra-Ann Halik** residing at 5 Mountain Trail in Sparta, New Jersey 07871 possesses the necessary work experience, expertise and job qualifications matching the Township's job description for Technical Assistant to the Construction Official/Zoning Officer/Property Maintenance Officer and should be employed to fill the position; and

WHEREAS, Ms. Halik shall commence employment on March 2, 2020 and serve in a probationary capacity for a six (6) month probationary period ending on September 2, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

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1. That **Debra-Ann Halik** residing at 5 Mountain Trail in Sparta, New Jersey 07871 is hereby employed to serve in the position of full-time **Technical Assistant to the Construction Official/Zoning Officer/Property Maintenance Officer** for a six (6) month probationary period commencing on Monday, March 2, 2020 and ending on Wednesday, September 2, 2020. In accordance with Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 17-2019, **Ms. Halik** shall be compensated at \$31.87 per hour, or if annualized, \$58,000.00 under Job Group IV.
2. **Ms. Halik** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 61-18. of Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies. At least twenty (20) working days prior to the end of the probationary period, it shall be the responsibility of the Construction Official to complete a written Job Performance Evaluation. In the event that **Ms. Halik** receives an unsatisfactory evaluation during the probationary period, **Ms. Halik** shall be terminated at the conclusion of the probationary period or sooner, whichever is applicable.
3. Pursuant to Section 61-14.C. entitled "Health Benefits Coverage" under Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies, **Ms. Halik** shall be required to pay a minimum of 25% of the total monthly premium cost for health insurance/medical benefits coverage under any one (1) of the three (3) health insurance plans offered by the Township.
4. This offer of employment is conditional and subject to **Ms. Halik** receiving a satisfactory medical examination and a negative criminal history background information check, all in accordance with the Township's Personnel Policies and Procedures.
5. **Ms. Halik** shall be entitled to 5 vacation days during calendar year 2020 in accordance with Section 61-10.C. and D. of Chapter 61 of the Code but shall not be permitted to utilize the 2.5 vacation days until he has completed his six (6) month probationary period and received a satisfactory job performance evaluation. In addition, **Ms. Halik** shall be eligible to earn and accrue .5 sick leave days per month up to six (6) sick leave days in each calendar year of service pursuant to Section 61-11.A. (3) of Chapter 61. Here again, **Ms. Halik** is not permitted to take any paid sick leave until she has a satisfactory completed his probationary period.
6. That certified copies of this resolution shall be transmitted to **Ms. Halik**, the Construction Official and Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 28-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE EMPLOYMENT OF LAWRENCE ALLOCCO AS A PART-TIME DIAL-A-RIDE DRIVER AT THE RATE OF \$14.28 PER HOUR IN ACCORDANCE WITH JOB GROUP I UNDER SCHEDULE "B" AND SALARY RANGE GUIDE "D" AS SET FORTH IN SALARY ORDINANCE NO. 17-2019 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL AND EYE EXAMINATIONS, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY BACKGROUND CHECK)

WHEREAS, in order to assist in the performance of various services offered by the Recreation and Park Administration Department, the Superintendent of

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the Department recommended to the Board of Recreation Commissioners that a part-time Dial-A-Ride driver be employed; and

WHEREAS, the Superintendent of the Department and the Township's Human Resource Specialist interviewed candidates for the following part-time position:

Dial-A-Ride Driver

WHEREAS, based on the recommendation of the Superintendent and the Board of Recreation Commissioners, in a memorandum dated January 16, 2020 to the Business Administrator and Township Committee recommend that **Lawrence Allocco** be employed to serve as a Dial-A-Ride Driver effective Monday, **March 2 , 2020**; and

WHEREAS, as **Mr. Allocco** does not have a CDL License, he will be assigned to only drive the Township's other Dial-A-Ride vehicles; and

WHEREAS, in accordance with the recommendation of the Superintendent of the Recreation and Park Administration Department, the governing body hereby concurs with the nomination set forth above.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. **Mr. Lawrence Allocco** residing at 24 Deerfield Road in Whippany, New Jersey 07981 is hereby appointed to serve as a Part/Time Dial-A-Ride Driver. **Mr. Allocco** shall not work more than twenty-nine (29) hours a week depending on need. Under no circumstances, shall **Mr. Allocco's** hours exceed twenty-nine (29) hours per week. He shall only drive Dial-A-Ride vehicles not requiring a CDL license.
2. **Mr. Allocco** shall be paid at the rate of \$14.28 per hour under Job Group I of Schedule "B" and Salary Range Guide "D" set forth in Salary Ordinance No. 17-2019.
3. This offer of employment is subject to **Mr. Allocco** receiving satisfactory medical and eye examinations, a negative drug test and a negative criminal history background check.
4. Pursuant to Township policy, **Mr. Allocco** shall not be eligible to receive health and dental benefits, holiday pay or earn and accrue paid vacation and sick leave of any kind whatsoever.
5. The appointment set forth above shall take effect on **March 2, 2020**.
6. That certified copies of this resolution shall be transmitted to the Superintendent of the Recreation and Park Administration Department, the Township's Human Resource Specialist and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 29-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING CHRISTOPHER D. MATTESSICH AS A MEMBER OF THE TOWNSHIP'S GREEN TEAM DURING CALENDAR YEAR 2020

WHEREAS, in order to achieve Sustainable Jersey Municipal Certification, the Township Committee established a Green Team as an important component of the Township's Environmental Commission; and

WHEREAS, the Township of Hanover is committed to becoming a sustainable community by optimizing the quality of life for its residents by ensuring that

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their environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the goal of the Township is to create a sustainable model with the implementation of green community initiatives that are easy to replicate and affordable to execute in protecting our natural resources and the environment, and by improving working and living conditions to build a community that is sustainable economically, environmentally and socially as a community that will thrive well into the 21st Century; and

WHEREAS, the Green Team consists of a group of dedicated men and women drawn from a cross section of the Hanover Township community that are dedicated to improving and protecting our environment and quality of life; and

WHEREAS, Christopher D. Mattessich, a resident of the Township and an Alternate member of the Township's Economic Development Advisory Committee has expressed interest in developing "green projects" that will assist residents in going green, controlling costs and saving taxpayer dollars in sustaining our quality of life; and

WHEREAS, it is the recommendation of Committeeman John L. Ferramosca, a member and Liaison to the Environmental Commission and Green Team that **Christopher D. Mattessich** be appointed to serve as a member of the Green Team during calendar year 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. In accordance with the recommendation of Committeeman John L. Ferramosca, **Christopher D. Mattessich** residing at 32 Sunset Drive in the Whippany Section of the Township is hereby appointed to serve as a member of the Township's Green Team during calendar year 2020.
2. This appointment shall take effect immediately upon approval of the resolution and expire on December 31, 2020.
3. That a certified copy of this resolution shall be transmitted to the Chairmen of the Environmental Commission and Green Team.

RESOLUTION NO. 30-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A FIVE (5) YEAR SHARED SERVICES AGREEMENT WITH THE HANOVER TOWNSHIP BOARD OF EDUCATION CONCERNING THE USE AND MAINTENANCE OF THIRTEEN (13) COMBINATION BOARD OWNED BASEBALL, SOFTBALL, SOCCER AND FOOTBALL FIELDS FOR RECREATIONAL PURPOSES BY THE TOWNSHIP, BEGINNING APRIL 1, 2020 THROUGH MARCH 31, 2025, ALL IN ACCORDANCE WITH PROVISIONS OF THE SHARED SERVICES ACT, N.J.S.A. 40A:65-4. ET SEQ.

WHEREAS, the Hanover Township Board of Education is the owner of thirteen (13) combination baseball, softball, soccer and football fields at various locations within the Township; and

WHEREAS, since July 1, 1991, the Township of Hanover and the Board of Education have entered into Interlocal Services Agreements for the purpose of permitting the Township's Parks and Recreation Department to utilize the fields in connection with various sports activities; and

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WHEREAS, in accordance with the provisions of the Shared Services Act, at N.J.S.A. 40A:65-4. et seq., the Township and the Board desire to renew the former Interlocal Services Agreement whereby the Township, in lieu of rental payments to utilize the athletic fields, will continue to provide field maintenance; and

WHEREAS, the arrangement between the Township and the Board has worked very well for twenty-seven (27) years, and it is the intention of the Township Committee and the Board of Education to continue with the shared use and service arrangement for an additional five (5) year period commencing April 1, 2020 and ending on March 31, 2025; and

WHEREAS, in accordance with the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., a copy of the Shared Services Agreement is attached hereto and made a part of this resolution as if set forth in full.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. Pursuant to the provisions of the Shared Services Act, N.J.S.A. 40A:65-4. et seq., the governing body authorizes the Mayor and Township Clerk to execute a five (5) year Shared Services Agreement with the Hanover Township Board of Education for the use and maintenance of thirteen (13) Board owned combination baseball, softball, soccer and football fields.
2. The term of the Agreement shall be for a five (5) year period commencing April 1, 2020 and ending on March 31, 2025.
3. A copy of the Agreement, prepared by the Township, is attached hereto, and made a part of this resolution, as if set forth in full and is available for public inspection in the office of the Business Administrator/Township Clerk.
4. A certified copy of this resolution shall be transmitted to the Business Administrator/Board Secretary of the Hanover Township Board of Education and the Superintendents of the Township's Recreation and Park Administration Department and Public Works, Buildings and Grounds and Park Maintenance Department for reference and information purposes.

RESOLUTION NO. 31-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING A MUNICIPAL SERVICES ACT AGREEMENT BETWEEN THE TOWNSHIP AND WHIPPANY CROSSING AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT

WHEREAS, in accordance with the Municipal Services Act, N.J.S.A. 40:67-23.1 et seq., the Township Committee has conducted good faith negotiations with the **Whippany Crossing Condominium Association** (hereinafter referred to as the "**Association**") for the purpose of determining reimbursements to the **Association**, and in providing certain municipal services to the homeowners and residents of the multi-family residential development known as **Whippany Crossing**.; and

WHEREAS, the Municipal Services Act requires that condominium associations in New Jersey enter into written agreements with the municipality in which they are located in order to obtain reimbursement and/or certain services; and

WHEREAS, the Township Committee and representatives of the **Association** have reduced their findings and determinations in writing in the form of a Municipal Services Act Agreement which is annexed hereto and made a part of this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of

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the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The governing body hereby approves a Municipal Services Agreement by and between the Township and **Whippany Crossing Condominium Association, Inc.** in performing certain municipal services and/or reimbursement to the homeowners of the multi-family condominium development.
2. The Mayor and Township Clerk are further authorized and directed to execute the Agreement, a copy of which is attached hereto and made a part of this resolution as if set forth in full.
3. The Municipal Services Act Agreement shall take effect immediately upon signature of all the parties, and shall continue in perpetuity unless notice is given by either party to modify the terms and conditions of the Agreement. No revision to the Agreement shall be valid and binding unless it is amended by resolution of the Township Committee and an Amendatory Agreement is executed by the authorized officers of both the Township and the **Association**.
4. A certified copy of this resolution shall be forwarded to **Whippany Crossing Condominium Association, Inc.**, Associa Community Management Corporation, the Township Engineer, the Township's Chief Municipal Finance Officer and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department.

RESOLUTION NO. 32-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ACCEPTING A 2019 TRAILS CONSTRUCTION GRANT THROUGH THE MORRIS COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND PROGRAM FOR THE CONSTRUCTION OF A NEW BEE MEADOW POND NATURE TRAIL IN THE WHIPPANY SECTION OF THE TOWNSHIP AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE GRANT AGREEMENT

WHEREAS, the Morris County Board of Chosen Freeholders created the Morris County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund, hereinafter referred to as the "Morris County Preservation Trust Fund" or "Trust Fund," in accordance with P.L. 1997, c.24 (N.J.S.A. 40:12-15.1 et seq.), and any subsequent amendments thereto; and

WHEREAS, the County of Morris established the Morris County Trails Construction Grant Program (hereinafter referred to as the "Program" and the Trails Construction Grant Program Advisory Committee hereinafter referred to as the "Advisory Committee") to review, prioritize and make recommendations on the funding of projects; and

WHEREAS, the Township of Hanover filed an application ("Application") with the Program on July 31, 2019 for financial assistance in fiscal year 2019 under the Trails Construction Grant Fund for the construction of the Bee Meadow Pond Nature Trail – Phase III, 2,540 feet in length along the ponds at Bee Meadow Park, and such Application is annexed hereto as Schedule "C"; and

WHEREAS, the Township of Hanover has submitted the Application in accordance with the current Rules and Regulations of the Trust Fund; and

WHEREAS, the Advisory Committee has reviewed the Township's Application and found it to be in conformance with the scope and the mission of the Program, and recommended to the Morris County Board of Chosen Freeholders that the project entitled "Bee Meadow Pond Nature Trail – Phase III" for the continued

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extension of a new Trail along the Bee Meadow Ponds on Lot 9 in Block 8401 as set forth on the Tax Map of the Township of Hanover be awarded a Trails Construction Grant in the amount of \$172,331.50; and

WHEREAS, the Morris County Board of Chosen Freeholders confirmed the findings of the Advisory Committee and approved the project entitled “Bee Meadow Pond Nature Trail - Phase III,” hereinafter referred to as the “Approved Project,” for funding; and

WHEREAS, the Township of Hanover has agreed to hold and use the Approved Project in compliance with the Rules and Regulations of the Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The governing body hereby approves the acceptance of a fiscal year 2019 Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Grant for the construction of the Phase III Bee Meadow Pond Nature Trail along the Ponds at Bee Meadow Park which Trail shall be constructed on Lot 9 in Block 8401 as set forth on the Tax Map of the Township of Hanover. The Project is designated as the “Bee Meadow Pond Nature Trail – Phase III.”
2. In consideration of the grant award, and in accordance with the Application heretofore filed, and hereby incorporated into this Agreement as Schedule “C”, the County and the Township of Hanover agree to abide by the terms and conditions set forth in the Grant Agreement, hereinafter referred to as “Agreement.”
3. That the Mayor and Township Clerk are hereby authorized and directed to execute the 2019 Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Grant Agreement on behalf of the Township.
4. A certified copy of this resolution shall be transmitted along with the signed Agreement to the Program Administrator, Director of Park Planning and Development at the Morris County Park Commission, the Township’s Chief Municipal Finance Officer, Township Engineer and Chairperson of the Township’s Open Space Advisory Committee.

RESOLUTION NO. 33-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF A LIMITED EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT WITH THE LAND CONSERVANCY OF NEW JERSEY FOR THE PERFORMANCE OF VARIOUS OPEN SPACE PRESERVATION TECHNICAL SERVICES AT THE RATE OF \$125.00 PER HOUR AND A TOTAL COST NOT TO EXCEED \$8,000.00 DURING THE PERIOD BEGINNING MARCH 1, 2020 AND ENDING FEBRUARY 28, 2021, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(ii), N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the Pay-to-Play provisions of the Non-Fair and Open Process at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township Committee and the Township’s Open Space Park Land and Facilities Preservation Trust Fund Advisory Committee (hereinafter referred to as “OSAC”) are in need of retaining the services of an open space preservation consultant whose staff members have technical expertise and experience in the field of open space conservation; and

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WHEREAS, during the past eighteen (18) years, the Morris Land Conservancy, and now known as **The Land Conservancy of New Jersey** (hereinafter referred to as the "**Conservancy**") has served as the technical advisor to the Township Committee and the OSAC in assisting the Township with a variety of tasks and activities related to the preservation and conservation of open space within the Township; and

WHEREAS, based on its past performance and service to the Township, the Township Committee believes that the staff of the **Conservancy** has the technical expertise, demonstrated knowledge and experience to continue assisting the Township Committee, the Open Space Advisory Committee and the Township's professional staff, with essential open space services; and

WHEREAS, as with the 2019-2020 EUS Agreement, the Township desires to execute a limited "project specific" extraordinary, unspecifiable services agreement with **The Land Conservancy of New Jersey** which scope of services shall be limited to: (a) assisting the Township in the preparation of materials to keep the Township's Green Acres Planning Incentive Grant up to date; (b) to assist the Township in developing up to two (2) Grant applications to be submitted to the Morris County Open Space Preservation Trust Fund during 2020; (c) to provide on-going communication and coordination with State and County agencies responsible for land preservation and (d) to attend up to three (3) Township or County meetings to discuss issues with the Township's Open Space Advisory Committee or to assist in the presentation of the Township's grant applications before the Morris County Open Space Committee; and

WHEREAS, in the event the Township requires the preparation of maps or the performance of other services related to specific special projects not included under this EUS Agreement, the **Conservancy** shall submit a separate proposal(s) and quotation(s) only when such proposals are requested by the Township Committee; and

WHEREAS, the services of the **Conservancy** fall under the category of an Extraordinary, Unspecifiable Services, N.J.S.A. 40A:11-5 (1)(a)(ii), which services are specialized and qualitative in nature and requiring expertise, extensive training and a proven reputation of successful activities in the area of open space conservation; and

WHEREAS, it is the intention of the Township Committee to renew a limited Extraordinary, Unspecifiable Services Agreement with the **Conservancy** for the performance of various technical open space services to be performed at the rate of \$125.00 per hour and a total cost not to exceed \$8,000.00 during the period commencing March 1, 2020 and ending February 28, 2021; and

WHEREAS, the Township's Business Administrator, acting in his capacity as the Qualified Purchasing Agent, has determined and certified in writing that the value of the open space preservation consultant services for the period beginning March 1, 2020 and ending on February 28, 2021 will not exceed \$17,500.00 and therefore, the filing of a Business Entity Disclosure Certification, the Chapter 271 Political Contribution Form and the Stockholder Disclosure Certification by the **Conservancy** with the Township pursuant to N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. will not be necessary; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Township's Open Space Trust Fund Account, Line Item No. 254-3509-499 to fund this award, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. In accordance with the Extraordinary, Unspecifiable Services provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii), **The Land Conservancy of New Jersey**, with offices located at 19 Boonton Avenue in Boonton, New Jersey 07005, is hereby retained to provide the Township Committee, the Open

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Space Park Land and Facilities Preservation Trust Fund Advisory Committee, and the Township's professional staff with a limited, project specific scope of services agreement which services are enumerated in the Extraordinary, Unspecifiable Services Contract.

2. **The Land Conservancy of New Jersey** shall be paid at the rate of \$125.00 per hour for the performance of the scope of services outlined in the Extraordinary, Unspecifiable Services Agreement during the period commencing March 1, 2020 and ending February 28, 2021. The total contract amount shall not exceed \$8,000.00 during the twelve (12) month period.

3. In the event the Township requires mapping and/or other special project services to be performed by the **Conservancy**, the Township's Business Administrator shall request the submission of a written proposal and quotation from the **Conservancy**. If the governing body authorizes the performance of additional services, said services will be billed separately and apart from the EUS Agreement.

4. The Mayor and Township Clerk are hereby authorized to execute a limited EUS Agreement on behalf of the Township Committee.

5. This contract is awarded without competitive bidding as an "Extraordinary, Unspecifiable Service", in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because it is essential that the governing body obtain the guidance and assistance of individuals possessing the technical expertise, demonstrated knowledge and proven ability to assist the Township with those issues and subjects directly related to open space conservation and preservation.

6. That a certified copy of this resolution shall be transmitted to the, the OSAC, the Chief Municipal Finance Officer and **The Land Conservancy of New Jersey** for reference and information purposes.

7. That a brief notice of this award shall be published in the February 19, 2020 issue of the Daily Record as required by law.

RESOLUTION NO. 34-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING AND SUPPORTING THE SUBMISSION OF A SUSTAINABLE SOIL BACKYARD COMPOSTING PROGRAM TO THE SUSTAINABLE JERSEY PROGRAM

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Township of Hanover strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the **Township of Hanover** is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, creating a grant program called the Sustainable Jersey Small Grants Program; and

WHEREAS, the Township's Environmental Commission and Green Team, in collaboration with the Township's Farm and Garden Advisory Committee, seeks to establish a **Sustainable Soil Pilot Backyard Composting Program** to help divert a

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significant amount of organic waste from landfills and provide nutrient rich soil for the Township's gardens and community; and

WHEREAS, the Township Committee, the governing body of the Township of Hanover fully supports, endorses and authorizes the submission of a small grant application to the Sustainable Jersey Program.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The governing body hereby endorses, supports and authorizes the submission of a Sustainable Jersey Small Grant Application in the amount of \$10,000.00 for the purpose of establishing a Sustainable Soil Pilot Backyard Composting Program in Hanover Township as specifically described in the Township's application. The Township will provide an in-kind contribution in the implementation of the Pilot Program.
2. That a certified copy of this resolution shall be submitted along with the Township's application to the Sustainable Jersey Program.

RESOLUTION NO. 35-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING A PERSON-TO-PERSON TRANSFER OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1412-33-002-011 FROM KL MARCHELE, LLC, FORMERLY D/B/A THE MELTING POT TO INNER VIEWS LIQUOR 10, LLC

WHEREAS, Inner Views Liquor 10, LLC, a limited liability company, has applied to the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, for a person-to-person and place-to-place transfer of pocket Plenary Retail Consumption License Number 1412-33-002-011 held by **KL MarcheLe, LLC**, a Limited Liability Company; and

WHEREAS, Inner Views Liquor 10, LLC, the applicant, has deposited along with the application, a person-to-person transfer fee of \$203.00 made payable to the Township of Hanover, a \$200.00 application fee made payable to the Division of Alcoholic Beverage Control; and

WHEREAS, the Township has received from the Division of Taxation in the New Jersey Department of the Treasury, the Tax Clearance Certificate for transfer purposes for **Inner Views Liquor 10, LLC** which Certificate is on file in the Township Clerk's Office; and

WHEREAS, in connection with the above, the applicant has filed Affidavits of Publication with the Township Clerk as proof that the proper legal notice of the proposed pocket liquor license transfer was published in the Daily Record on January 27, 2020 and February 3, 2020, in accordance with regulations prescribed under N.J.A.C. 13:2-2.5 and 13.2-2.9; and

WHEREAS, an objection was filed with the Township Committee in correspondence dated November 22, 2019 and December 9, 2019 from Day Pitney LLP on behalf of its client Pine Plaza Associates, L.L.C (Pine Plaza); and

WHEREAS, Pine Plaza has filed a lawsuit in the Superior Court of New Jersey alleging that **KL MarcheLe, LLC** owes Pine Plaza for unpaid rent and other charges; and

WHEREAS, it was the position of Pine Plaza that the sale of the license cannot go forward unless **KL MarcheLe, LLC** commits to make Pine Plaza whole or depositing the proceeds of the sale with the Court; and

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WHEREAS, on the day of the hearing, the attorney representing Inner Views Liquor 10, LLC advised the Business Administrator/Township Clerk that the lawsuit filed against **KL MarcheLe, LLC** had been settled; and

WHEREAS, as the hearing had already been advertised, the Township Committee, in accordance with N.J.A.C. 13:2-7.6, convened the hearing during its February 13, 2020 regular meeting; and

WHEREAS, as no one appeared during the public hearing to voice an objection, the Township Committee closed the public hearing and approved the application to transfer Pocket Plenary Retail Consumption License No. 1412-33-002-011 from **KL MarcheLe, LLC**, formerly doing business as **The Melting Pot**, to **Inner Views Liquor 10, LLC** on the basis that the application was deemed complete and in order.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

1. The application of **Inner Views Liquor 10, LLC**, for a person-to-person transfer of Pocket Plenary Retail Consumption License No. 1412-33-002-011 from **KL MarcheLe, LLC** is hereby approved effective immediately.

2. That certified copies of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control, Craig W. Alexander, Esq. and the Hanover Township Police Department for reference and information purposes.

RESOLUTION NO. 36-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING A PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1412-33-011-010 FROM HANOVER HOSPITALITY CORPORATION TO SEASONS 52 HOLDINGS, LLC D/B/A SEASONS 52 #4555

WHEREAS, **Seasons 52 Holdings, LLC d/b/a Seasons 52 #4555**, a limited liability corporation, has applied to the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, for a person-to-person and place-to-place transfer of Plenary Retail Consumption License Number 1412-33-011-010 held by **Hanover Hospitality Corporation**, a Limited Liability Company; and

WHEREAS, **Seasons 52 Holdings, LLC** is currently under construction and will be situated at 1402 Route 10 in Hanover Township with a Parsippany-Troy Hills mailing address; and

WHEREAS, **Seasons 52 Holdings, LLC**, the applicant, has deposited along with the application, a person-to-person and place-to-place transfer fee of \$406.00 made payable to the Township of Hanover, a \$200.00 application fee made payable to the Division of Alcoholic Beverage Control; and

WHEREAS, the Township has received from the Division of Taxation in the New Jersey Department of the Treasury, the Tax Clearance Certificate for transfer purposes for **Seasons 52 Holdings, LLC** which Certificate is on file in the Township Clerk's Office; and

WHEREAS, in connection with the above, the applicant has filed Affidavits of Publication with the Township Clerk as proof that the proper legal notice of the proposed liquor license transfer that was published in the Daily Record on January 30, 2020 and February 6, 2020, in accordance with regulations prescribed under N.J.A.C. 13:2-2.5 and 13.2-2.9; and

WHEREAS, as no objections were filed with the Township Clerk by

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February 13, 2020, N.J.A.C 13:2-7.7 states that the issuing authority may approve the application without a hearing; and

WHEREAS, it is the intention of the Township Committee to approve the application to transfer the Pocket Plenary Retail Consumption License set forth herein from Hanover Hospitality Corporation to **Seasons 52 Holdings, LLC, d/b/a Seasons 52 #4555**, which application is deemed complete and in order.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, as follows:

1. The application of **Seasons 52 Holdings, LLC, d/b/a Seasons 52 #4555** for a person-to-person and place-to-place transfer of Plenary Retail Consumption License No. 1412-33-011-010 from Hanover Hospitality Corporation is hereby approved effective immediately.
2. That certified copies of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control, Post Polak, P.A., Hanover Hospitality Corporation and the Hanover Township Police Department for reference and information purposes.

RESOLUTION NO. 37-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RETAINING THE SERVICES OF GOVDEALS, TO CONDUCT VIA THE INTERNET THE PUBLIC SALE OF TOWNSHIP PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE AND THE SALE OF TANGIBLE PERSONAL PROPERTY FOUND OR RECOVERED BY THE POLICE DEPARTMENT ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-36 AND 40A:14-157. OF THE LOCAL PUBLIC CONTRACTS LAW AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN ON-LINE AUCTION CONTRACT

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-36. entitled "Sale or Other Disposition of Personal Property." provides that any contracting unit by resolution of its governing body may authorize, by sealed bid or public auction, the sale of its personal property not needed for public use and, in accordance with N.J.S.A. 40A:-14-157, the public sale of tangible personal property found or recovered by the Police Department; and

WHEREAS, the State of New Jersey recommends that municipalities sell personal property through an approved on-line auction system to broaden the market area for increased revenue; and

WHEREAS, although the Township has been successful in selling its personal property through the conventional method of advertising through the local official newspapers and on the Township's web site, the Township desires to expand its method of sale by utilizing an approved on-line auction vendor; and

WHEREAS, the Township is a member of Sourcewell, formerly known as The National Joint Powers Alliance Cooperative Purchasing Program; and

WHEREAS, in accordance with N.J.S.A. 52:34-6.2(3), the Township intends to participate in the Sourcewell National Cooperative Procurement Service by utilizing the surplus auction services of GovDeals conducting an on-line public auction of Township personal property no longer needed for public use, and tangible personal property found or recovered by the Hanover Township Police Department, pursuant to N.J.S.A. 40A:11-36 and N.J.S.A. 40A:14-157; and

WHEREAS, **GovDeals** was awarded a contract by Sourcewell under NJPA Contract No. 041316-GDI for the period beginning June 22, 2016 through June 22, 2020; and

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WHEREAS, GovDeals, with its principal place of business located at 100 Capitol Commerce Boulevard #110 in Montgomery, Alabama 36117 will conduct the on-line public sale of Township personal property no longer needed for personal use and, tangible personal property found or recovered by the Police Department; and

WHEREAS, it is the intention of the Township Committee to retain the services of **GovDeals** to conduct the auction of Township personal property and tangible personal property via the internet.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That **GovDeals**, with its principal place of business at 100 Capitol Commerce Boulevard #110 in Montgomery, Alabama 36117 is hereby authorized to conduct the public sale of Township personal property no longer needed for public use all in accordance with N.J.S.A. 40A:11-36 and the sale of tangible personal property found or recovered by the Police Department pursuant to N.J.S.A. 40A:14-157 by auction via the internet.
2. The Mayor and Township Clerk are hereby authorized and directed to execute **GovDeals'** "Contract for On-Line Auction", a copy of which is attached hereto and made a part of this resolution as if set forth in full.
3. That a certified copy of this resolution shall be transmitted to **US GovDeals**, the Township's Chief Municipal Finance Officer and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department for reference and information purposes.

RESOLUTION NO. 38-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING GOVDEALS TO CONDUCT AN ON-LINE PUBLIC SALE AUCTION VIA THE INTERNET OF TOWNSHIP PERSONAL PROPERTY NO LONGER NEEDED FOR PUBLIC USE AND THE PUBLIC SALE OF TANGIBLE PERSONAL PROPERTY FOUND OR RECOVERED BY THE POLICE DEPARTMENT COMMENCING ON SUNDAY, FEBRUARY 23, 2020 AND ENDING ON SUNDAY, MARCH 1, 2020, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-36 AND N.J.S.A. 40A:14-157

WHEREAS, in accordance with N.J.S.A. 40A:11-36., it is the desire of the governing body to authorize the public sale of Township personal property no longer needed for public use and the public sale of tangible personal property found or recovered by the Police Department pursuant to with N.J.S.A. 40A:14-157; and

WHEREAS, in order to broaden the market area for the disposition of the Township's personal property and the tangible personal property found or recovered by the Police Department, it is the intention of the Township to conduct a public sale by auction over the internet; and

WHEREAS, the Township has selected **GovDeals**, to conduct the on-line auction of the vehicles and other property listed below; and

WHEREAS, since the estimated fair market value of the property to be sold exceeds the threshold of \$2,500.00 in any one sale, as stipulated in N.J.S.A. 40A:11-36.(1), and N.J.S.A. 40A:14-157, it is the desire of the Township Committee to offer the Township personal property described below to the highest bidders by public auction via the Internet; and

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WHEREAS, by resolution dated February 13, 2020, the Township Committee retained the services of **GovDeals** located at 100 Capitol Commerce Boulevard, #110 in Montgomery, Alabama 36117 to conduct the on-line public auction of the Township's personal property and tangible personal property found or recovered by the Police Department; and

WHEREAS, **GovDeals** was awarded a contract by Sourcewell under NJPA Contract No. 041316-GDI for the period beginning June 22, 2016 through June 22, 2020; and

WHEREAS, the on-line public auction via the Internet will commence on Sunday, February 23, 2020 and end on Sunday, March 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. In accordance with N.J.S.A.40A:11-36 and N.J.S.A. 40A:14-157, **GovDeals** is hereby authorized and directed to sell to the highest bidders the following Township personal property no longer needed for public use, and tangible personal property found or recovered by the Police Department through an on-line public auction via the Internet:

TOWNSHIP PERSONAL PROPERTY AS FOLLOWS

DESCRIPTION OF VEHICLES AND PHONES MILEAGE CONDITION:

2007 Ford Crown Victoria VIN 2FAHP71W07X101003	124,450	Good
1995 GMC Top Kick Truck VIN 1GDP7H1J8SJ506099	66,200	Fair
1996 Volvo Sanitation Truck VIN 4V5JCBME5TR851868	141,600	Fair
1996 GMC Top Kick Truck VIM 1GDP7H1JTJ505706	63,500	Fair
Apple Iphone 6		Good
Samsung Galaxy S8 phone		Good

TANGIBLE PERSONAL PROPERTY FOUND OR RECOVERED BY THE POLICE DEPARTMENT:

DESCRIPTION AND COLOR:

Group 1 - Electronic Console and Games:

- Ipod Touch (32 GB)
- Wii Model RVL-001 game console
- Wii Video games
- XBOX 360 video games

Group 2 – Binoculars:

- Nikon Action 10x50 6.5 Binoculars with case

Group 3 – Jewelry:

- 2001 United We Stand twin towers silver pin
- Silver colored cross marked "Matthew, Mark, Luke, John"
- Gold color liberty bicentennial quarter pendant
- Silver colored women's hanging earring
- Silver colored men's wedding band

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- Silver/Gold color neck pendant w/chain
- Small size silver colored necklace
- Medium size silver colored necklace
- Thick rope style silver colored necklace

Group 4 – Watches:

- Skagen watch with “Northwestern” logo
- Men’s wedding band silver in color
- Black “DK” cloth jewelry bag containing a pearl like bracelet
- “Swiss Gold” watch w/yellow band
- “CTNY” men’s watch w/tan colored band
- “Charter Club” women’s watch w/woven band white stone
- “Winder Green” watch w/orange band and stones around the face
- Gold colored “Premier Design” women’s watch & a maroon rectangular box

Group 5 – Watches and Related Items:

- Xanadu watch w/band consisting of round balls of blue and copper colored material
- “Sheffield” pocket watch and a brown Fantasia box
- “Juicy Couture” jewelry box containing a “Movado” women’s watch, a “Ebel” women’s watch and a “Michele” women’s watch
- Movado box containing 2 Movado watches
- Macy’s jewelry box containing a pair of silver colored tear drop style earrings and a silver colored necklace w/ clear stones
- White jewelry pouch containing four bracelets and one ring
- Kohl’s jewelry box containing a pearl necklace
- Bora watch
- Citizen watch
- Two Guess watches

Group 6 – Watches:

- Silver color “Bulova” women’s with black rectangular face
- “Fossil” women’s watch w/silver band and a pick face in a Fossil watch box.
- ESQ Swiss watch
- Raymond Weil watch
- Men’s Movado watch
- Wittnauer digital display watch
- Croton automatic stainless steel men’s watch w/black rubber strap
- Gold/Silver color watch marked “Rolex” believed to be a knock off

NOTICE TO BUYERS: Brand names and materials (i.e. gold, silver, etc.) groups 3 - 6 have not been authenticated by a jewelry professional. Seller does not make any claim regarding authenticity of brand names and materials used to describe the above items.

2. The on-line public auction via the Internet will open on Sunday, February 23, 2020 at 9:00 a.m. and will close on Sunday, March 1, 2020 at 7:00 p.m. on the web site www.govdeals.com
3. Any person wishing to inspect the items listed in paragraph 1 above may do so on Monday, February 24, 2020 and Tuesday, February 25, 2020 as follows:

The vehicles may be inspected at the Township’s DPW Complex located at 25 North Jefferson Road in Whippany between 10:00 a.m. to 3:00 p.m.

The two (2) Iphones may be inspected at the Township’s Municipal Building, Department of Administration, located at 1000 Route 10 in Whippany between 10:00 a.m. to 3:00 p.m.; and

The jewelry, watches and related items may be inspected in the Police Department’s Detective Bureau located at 1000 Route 10 in Whippany between 3:00 p.m. to 7:00 p.m.

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The dates and times noted above are the only time when the items may be inspected.

- 4. The 2020 Terms and Conditions for an On-Line Auction by **GovDeals** is on file in the Business Administrator/Township Clerk's office and available for public inspection on any weekday between the hours of 8:00 a.m. and 4:00 p.m., Mondays through Thursdays and on Fridays between 8:00 a.m. and 12:30 p.m. except legal holidays.
- 5. That a notice of the date, time and place of the public sale by auction via the internet together with a description of the items to be sold and the conditions of sale shall be published in the Daily Record on Friday, February 14, 2020, all in accordance with N.J.S.A. 40A:11-36(3).

RESOLUTION NO. 39-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO SA FOOD ASSOCIATES, LLC, IN OPERATING THE TOWNSHIP'S BEE MEADOW POOL CONCESSION STAND DURING THE YEAR 2020 POOL SEASON BASED ON ITS BID TO PAY THE TOWNSHIP \$6,200.00 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH SERGIO F. FRANCISCO, THE OWNER OF SA FOOD ASSOCIATES, LLC

WHEREAS, the Bee Meadow Pool facility located on Pond Road includes a Concession Stand owned by the Township of Hanover; and

WHEREAS, the Board of Recreation Commissioners believe that in order to provide concession stand services to the Pool's members, the Concession Stand should be deriving some revenues in order to help offset the total costs to operate the Bee Meadow Pool facility; and

WHEREAS, on January 17 and 22, 2020, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for the receipt of competitive quotations in the Daily Record for the operation of the Township's Bee Meadow Pool Concession Stand during the period commencing Memorial Day weekend, May 22, 2020 through Labor Day, September 7, 2020; and

WHEREAS, the Township's Request For Proposal and the Specification stipulate that the Township Committee will award a contract to the person, firm, corporation or partnership which submits the highest bid for the operation of the Concession Stand; and

WHEREAS, in accordance with the January 17 and 22, 2020 Notice to Bidders, two (2) sealed bid was received by the Township's Bid Reception Committee during the February 11, 2020 Bid Reception Committee meeting as follows; and

SA Food Associates, LLC
Sergio F. Francisco
1231 Beech Avenue
Mountainside, New Jersey 07092.....\$6,200.00;

Mimi's Too
 27 Reynolds Avenue
 Whippany, New Jersey 07981.....\$6,001.00; and

WHEREAS, SA Food Associates, LLC submitted the highest bid at \$6,200.00 on the Township's "Proposal Form" as the amount to be paid the Township for the operation of the Concession Stand in accordance with the Township's written

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Specification; and

WHEREAS, the Business Administrator has carefully examined the two (2) Bid Proposals submitted by **SA Food Associates, LLC** and Mimi's Too which are attached hereto and made a part of this resolution, and recommends that the governing body award a contract to **SA Food Associates, LLC** as the highest responsible and responsive bidder; and

WHEREAS, in accordance with the Township's Specification, **SA Food Associates, LLC** shall pay the Township the sum of \$6,200.00 in two (2) equal installments of \$3,100.00 each which payments shall be deposited in the Township's Swimming Pool Enterprise Fund - Miscellaneous Account by the Township's Chief Municipal Finance Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. That a contract is hereby awarded to:

SA FOOD ASSOCIATES, LLC
Sergio F. Francisco, the Owner
1231 Beech Avenue
Mountainside, New Jersey 07092

for the operation of the Township's Bee Meadow Pool Concession Stand during the period commencing Memorial Day weekend commencing May 22, 2020 through Labor Day, September 7, 2020.

2. As remuneration to the Township for the operation of the Concession Stand, **SA Food Associates, LLC** shall pay the Township one half (1/2) the sum of \$6,200.00 or \$3,100.00 in cash or certified check at the time the signed contract is submitted to the Business Administrator/Township Clerk.

3. On or before Monday, May 4, 2020, **SA Food Associates, LLC** shall deliver to the Business Administrator/Township Clerk in cash or certified check, the second one half (1/2) payment in the amount of \$3,100.00.

4. Pursuant to the Local Public Contracts Law at N.J.S.A. 40A:11-15, the Township reserves the right to extend the contract of **SA Food Associates, LLC** for one (1) additional pool season, that is the 2021 Bee Meadow Pool Season provided that the terms and conditions of the 2020 contract remain the same and that **SA Food Associates, LLC** shall pay the Township 2% above the amount paid to the Township for the 2020 pool season. The extended contract shall be awarded by resolution of the Township Committee upon a recommendation by the Superintendent of the Recreation and Park Administration Department certifying that during the 2020 pool season the services were performed in accordance with the Township's Specification.

5. The Township's Chief Municipal Finance Officer, upon receipt of the payments from the Business Administrator/Township Clerk, shall deposit the payments in the Township's Swimming Pool Enterprise Fund - Miscellaneous Account by the Township's Chief Municipal Finance Officer.

6. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Sergio F. Francisco, the Owner of SA Food Associates, LLC**.

7. A certified copy of this resolution shall be forwarded to the Superintendent of the Recreation and Park Administration, the Township's Chief Municipal Finance Officer and, **SA Food Associates, LLC** for reference and action purposes.

RESOLUTION NO. 40-2020

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A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO RAY PALMER ASSOCIATES, INC., THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$54,275.00 FOR THE PURCHASE AND INSTALLATION OF A REPLACEMENT DUAL FLUME SLIDE AT THE BEE MEADOW SWIMMING POOL IN WHIPPANY, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY

WHEREAS, the Hanover Township Board of Recreation Commissioners has included in its Capital Improvement Budget certain improvements and amenities to the Bee Meadow Swimming Pool located at Bee Meadow Park in Whippany; and

WHEREAS, in accordance with N.J.S.A. 40A:11-4. of the Local Public Contracts Law, the Township of Hanover advertised for the receipt of sealed competitive bids concerning the purchase and installation of a replacement dual flume slide at the Bee Meadow Swimming Pool; and

WHEREAS, notice of the Township's intention to receive sealed competitive bids appeared in the January 14, 2020 issue of the Daily Record and the January 17, 2020 issue of The Star-Ledger; and

WHEREAS, acting in conformity with the Local Public Contracts Law, the Township's Bid Reception Committee met on Tuesday, February 4, 2020 to receive and open two (2) sealed competitive bids; and

WHEREAS, the two (2) competitive bids received out of four (4) prospective bidders were as follows:

Ray Palmer Associates, Inc.
95 King Street
Dover, New Jersey 07801
Base Bid for the Dual Slide.....\$ 54,275.00
Supplemental Bid Item S-1 for the Rock Climbing Wall...\$ 25,800.00

RJR Engineering Company, Inc.
P.O. Box 355
Califon, New Jersey 07830-0355
Base Bid for the Dual Slide.....\$ 66,152.00
Supplemental Bid Item S-1 for the Rock Climbing Wall...\$ 22,575.00; and

WHEREAS, this resolution only governs the award of a contract for the purchase and installation of the one new replacement dual flume slide and does not govern the award of a contract for the rock climbing wall which was advertised as a supplemental bid item; and

WHEREAS, the Township Committee reserves the right to award the supplemental bid item for the rock climbing wall at its March 12, 2020 regular meeting subject to the availability of sufficient funds through Capital Improvement Ordinance No. 4-2020; and

WHEREAS, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for the purchase and installation of one new replacement dual flume slide at the Bee Meadow Swimming Pool and has determined that the lowest competitive bid submitted by **Ray Palmer Associates, Inc.** is in total conformance with the Township's Specification and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

WHEREAS, in a letter dated February 10, 2020 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the replacement dual flume slide described herein to **Ray Palmer Associates, Inc.** which

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bidder submitted the lowest competitive bid for the dual flume slide in the amount of \$54,275.00; and

WHEREAS, sufficient funds have been appropriated and are available for the dual flume slide through Swimming Pool Enterprise Fund Capital Improvement Ordinance Nos. 13-2017, 14-2019 and 30-2019, Line Item #220-5658-499, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. A contract is hereby awarded to:

Ray Palmer Associates, Inc.
95 King Street
Dover, New Jersey 07801

for only the purchase and installation of one new replacement dual flume slide at the Bee Meadow Pool in the Whippany Section of the Township, all in accordance with the Specification and Supplementary Specification prepared by Suburban Consulting Engineer, Inc. and dated January, 2020 which was utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$54,275.00.

2. The Township Committee reserves the right to award the supplemental bid item for the rock climbing wall at its March 12, 2020 regular meeting subject to the availability of sufficient funds through Capital Improvement Ordinance No. 4-2020.

3. Upon commencement of the dual flume slide work at the Bee Meadow Pool, **Ray Palmer Associates, Inc.** shall be responsible in providing sufficient personnel, and to continue in completing the installation in an expeditious fashion, all in accordance with requirements of the Township's Specification and Supplementary Specification. In addition, **Ray Palmer Associates, Inc.** shall be required to submit a satisfactory work or progress schedule to the Township Engineer.

4. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Swimming Pool Enterprise Fund Capital Improvement Ordinance Nos. 13-2017, 14-19 and 30-19, Line Item No. #220-5658-499 in the amount of \$54,275.00 for the dual flume slide purchase set forth in this resolution.

5. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Ray Palmer Associates, Inc.** in an amount not to exceed \$54,275.00.

6. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **Ray Palmer Associates, Inc.** for their reference and information.

RESOLUTION NO. 41-2020

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN WINFIELD PROPERTIES, LLC (WHIPPANY VILLAGE) AND THE TOWNSHIP AS IT RELATES TO THE CONSTRUCTION OF A PLANNED COMMERCIAL DEVELOPMENT CONSISTING OF RETAIL AND RESIDENTIAL UNITS IN THE WHIPPANY SECTION OF THE TOWNSHIP AND DESIGNATED AS LOT 2.01 IN BLOCK 7402, AND LOTS 1.01 AND 10 IN BLOCK 7501, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF VARIOUS FEES, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE DEVELOPER'S AGREEMENT

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WHEREAS, by resolution adopted on August 13, 2019, the Planning Board granted preliminary and final site plan approval to **Winfield Properties, LLC**, as Applicant/Developer, to construct a planned commercial development designated as Phase III containing a mixed-use building having 17,080 square retail floor area on the ground floor and 46 residential units on the second and third floors on property located on Route 10 westbound in the Whippany Section of the Township; and

WHEREAS, Winfield Properties, LLC was also granted preliminary site plan approval for the layout only of a retail building to be designated as Phase IV located at 476 Route 10 West and set forth on the Tax Map of the Township of Hanover. This development is located at Lot 2.01 in Block 7402 and Lots 1.01 and 10 in Block 7501 as set forth on the Tax Map of the Township of Hanover in the WC Whippany Center Zone District; and

WHEREAS, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval to said site plan is contingent upon the Developer having completed all such improvements within and without Block 7402, Lot 2.01 and Lots 1.01 and 10 in Block 7501, in accordance with the requirements of said preliminary and final approvals or furnishing performance guarantees in lieu thereof to be approved by the Township and conditioned upon satisfactory completion by the Developer of all such improvements as provided in N.J.S.A. 40:55D-53 and the execution of this Agreement; and

WHEREAS, the Developer desires to improve said Site in accordance with all applicable requirements, including those set forth in this agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement by and between the Township of Hanover and **Winfield Properties, LLC** to construct a planned commercial development designated as Phase III containing a mixed-use building having 17,080 square retail floor area on the ground floor and 46 residential units on the second and third floors on property located on Route 10 westbound in the Whippany Section of the Township. In addition, **Winfield Properties, LLC** was also granted preliminary site plan approval for the layout only of a retail building to be designated as Phase IV located at 476 Route 10 West and set forth on the Tax Map of the Township of Hanover. This development is located at Lot 2.01 in Block 7402 and Lots 1.01 and 10 in Block 7501 located in the WC Whippany Center Zone District. However, the Mayor and Township Clerk shall not execute the Developer's Agreement until the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given."

2. The Developer will deposit security with the Township Clerk to guarantee completion of all public improvements. Such security shall require the posting of a performance bond or Irrevocable Standby Letter of Credit in the amount of \$190,314.00 and the sum of \$21,146.00 in cash or certified check. The total performance guarantee is \$211,460.00.

3. In accordance with paragraph 5(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall deposit with the Township Clerk at or before the signing of the Developer's Agreement the sum of \$41,385.00 to cover the cost of Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer. However, in accordance with N.J.S.A. 40:55D-53.h. the Developer, has the option to pay the \$41,385.00 in four

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(4) installments. The first installment would be \$10,346.00. When the balance on deposit drops to 10% of the required amount, the Developer shall make an additional installment deposit.

4. The Developer shall also be required to pay to the Township the sum of \$50,000.00 to cover the cost of the Hanover Sewerage Authority's engineering review, inspection and supervision of the sanitary sewer facilities and improvements required for this project subject to the provisions of N.J.S.A. 40:14A-40.; and

5. **Winfield Properties, LLC** is subject to payment of a Mandatory Development Fee for Affordable Housing pursuant to N.J.S.A. 40:55D:8.1-8.7 and shall pay a development fee of 2.5% of the equalized assessed value of the land and improvements for the non-residential construction as determined by the Township's Tax Assessor as applicable.

6. In addition, in accordance with paragraphs 22 and 23 of the Developer's Agreement, **Winfield Properties, LLC** shall be subject to all of the regulations promulgated by the New Jersey Council on Affordable Housing, the Uniform Housing Affordability Controls, Chapter 166 of the Code of the Township and all other rules and regulations that apply to the affordable housing units, specifically Section 166-186.18E(2) of the Township's Land Use and Development regulations.

7. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover and the Hanover Sewage Authority as "an additional insured", all in accordance with paragraph 16 of the Developer's Agreement.

8. In accordance with paragraph 5€ of the Developer's Agreement, the Developer upon satisfactory completion of the improvements, shall provide the Township Engineer with a Two (2) Year Maintenance Guarantee which represents 15% of the cost of the installation of all bonded improvements and the installation of the following private site improvements: storm water management basins, in-flow and water quality structures within the basin and the out-flow pipes and structures of the storm water management systems which cost shall be determined by the Township Engineer. Prior to the release of the Two (2) Year Maintenance Guarantee, the Township Engineer shall conduct a final inspection. If, the Township Engineer determines that all of the improvements have been satisfactorily constructed, this resolution authorizes the Township Engineer to release the Two (2) Year Maintenance Guarantee.

9. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".

10. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the guarantees and any other fees as required at the time of signing, and the conveyance of any applicable deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any construction activities.

11. That certified copies of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer, the HSA Executive Director and **Winfield Properties, LLC** for reference and action purposes.

RESOLUTION NO. 42-2020

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A LIMITED SITE IMPROVEMENT AGREEMENT BY AND BETWEEN 101 WHIPPANY ROAD, LLC (CARE ONE AT HANOVER) AND THE TOWNSHIP CONCERNING SITE

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WORK WHICH SHALL INCLUDE THE DEMOLITION OF CERTAIN EXISTING IMPROVEMENTS, CLEARING AND ROUGH GRADING OF THE PROPERTY, AND INSTALLATION OF ALL UNDERGROUND UTILITIES (NOT INCLUDING THE SANITARY SEWER SYSTEM) AND INSTALLATION OF ALL BUILDING FOOTINGS AND FOUNDATIONS ON PROPERTY LOCATED AT 101 WHIPPANY ROAD, IN WHIPPANY AND DESIGNATED AS LOT 6 IN BLOCK 5801, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO RECEIPT OF THE REQUIRED ENGINEERING REVIEW, INSPECTION AND SUPERVISION FEE

WHEREAS, 101 Whippany Road, LLC (Care One at Hanover), hereinafter referred to as the Developer, made application to the Zoning Board of Adjustment (Board of Adjustment Case #1660R-3) of the Township of Hanover for Amended Preliminary and Final Site Plan approval and variances with an extension to March 1, 2020 to expand the previously approved Phase II Building for the Care One facility on property located at 101 Whippany Road and designated Lot 6 in Block 5801 on the Tax Map of the Township of Hanover (the "Property"), in the R-25 Residential Zone District; and

WHEREAS, this resolution authorizes a Limited Site Improvement Agreement for the proposed expansion of the Care One building from 50,972 square feet to 54,044 square feet as Phase II; and

WHEREAS, the limited site work shall be in accordance with the site plans prepared by Langan Engineering and Environmental Services last revised through September 9, 2019 as well as the architectural drawings prepared by Pomarico Design Studio Architecture, PLLC dated July 25, 2018; and

WHEREAS, the Limited Site Improvement Agreement shall include the demolition of certain existing improvements clearing and rough grading of the property, installation of all underground utilities (not including the sanitary sewer system), and installation of all building footings and foundations; and

WHEREAS, the Developer shall execute a Developer's Agreement prior to the commencement of the future expansion of the building and related site improvements; and

WHEREAS, under State law, Township Ordinances, and Zoning Board of Adjustment rules, regulations and requirements, the granting of final approval is contingent upon the Developer having completed all such improvements within and without the Property, in accordance with the terms of the aforesaid approvals or furnishing performance guarantees in lieu thereof to be approved by the Township and conditioned upon satisfactory completion by the Developer of all such improvements as provided in N.J.S.A. 40:55D-53.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Limited Site Improvement Agreement by and between the Township of Hanover and **101 Whippany Road, LLC (Care One at Hanover)**, the Developer, regarding certain aspects of site work which includes the demolition of certain existing improvements clearing and rough grading of the property, installation of all underground utilities (not including the sanitary sewer system) and installation of all building footings and foundations located at 101 Whippany Road in the Whippany Section of the Township and also designated as Lot 6 in Block 5801 as set forth on the Tax Map of the Township of Hanover. However, the Mayor and Township Clerk shall not execute the Limited Site Improvement Agreement only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject

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to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given."

A. In accordance with paragraph 5(a) of the Limited Site Improvement Agreement, and the Township Engineer's Schedule "A", the Developer shall pay the sum of \$1,500.00 to cover the cost of Township engineering review, inspection and supervision of all improvements.

B. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 11 of the Limited Site Improvement Agreement.

C. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Limited Site Improvement Construction Agreement and Schedule "A".

D. The Limited Site Improvement Agreement shall not be signed by the Mayor and Township Clerk until the Developer has deposited the \$1,500.00 fee governing Engineering Review, Inspection and Supervision fees and, if applicable, any pertinent documents, drawings and plans needed by the Engineering Department prior to the commencement of the limited site work.

2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer and the Attorney representing **101 Whippany Road, LLC** for reference and action purposes.

RESOLUTION NO. 43-2020

A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONEYS TO AN OUTSIDE LIENHOLDER CONCERNING 96 PARSIPPANY ROAD

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 2, 2019, a lien was sold on Block 8701, Lot 3 also known as 96 ParsIPPany Road, Whippany, New Jersey 07981, for 2018 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate 2019-07, was sold to M&P Retirement Plan for a 0% redemption fee and a \$26,100.00 premium paid and,

WHEREAS, Elmer & Margaret Hendershot, on behalf of the owner, has affected redemption of Certificate 2019-07 in the amount of \$7,474.27.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$7,474.27, payable to M&P Retirement Plan, P.O. Box 2051, Morristown, New Jersey 07962, for the redemption of Tax Sale Certificate 2019-07.

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$26,100.00 (Premium) to the aforementioned lien holder.

RESOLUTION NO. 44-2020

A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONEYS TO AN OUTSIDE LIENHOLDER CONCERNING 4 ERNA PLACE

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WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 2, 2016, a lien was sold on Block 4505, Lot 2 also known as 4 Erna Place, Whippany, New Jersey 07981, for 2015 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate 2016-10, was sold to EB 1EMINJ, LLC for a 0% redemption fee and a \$1,300.00 premium paid and

WHEREAS, Craig Norman, on behalf of the owner, has affected redemption of Certificate 2016-10 in the amount of \$1,749.32.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$1,749.32, payable to EB 1EMINJ, LLC, P.O. Box 278, Rye, New York 10580, for the redemption of Tax Sale Certificate 2016-10.

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$1,300.00 (Premium) to the aforementioned lien holder.

RESOLUTION NO. 45-2020

A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONEYS TO AN OUTSIDE LIENHOLDER CONCERNING 166 VISTA DRIVE

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 2, 2019, a lien was sold on Block 1502, Lot 21 also known as 166 Vista Drive, Whippany, New Jersey 07981, for 2018 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate 2019-01, was sold to M&P Retirement Plan for a 0% redemption fee and a \$100.00 premium paid and

WHEREAS, Ira Sieken, on behalf of the owner, has affected redemption of Certificate 2019-01 in the amount of \$763.00.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$763.00, payable to M&P Retirement Plan, P.O. Box 2051, Morristown, New Jersey 07962-2051, for the redemption of Tax Sale Certificate 2017-01.

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$100.00 (Premium) to the aforementioned lien holder.

RESOLUTION NO. 46-2020

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

BE IT RESOLVED, by the Township Committee, of the Township of Hanover, County of Morris and State of New Jersey, that the following tax overpayments, as certified by Silvio Esposito, Collector of Taxes, be and are hereby refunded:

<i>BLOCK</i>	<i>LOT</i>	<i>QUAL. #</i>	<i>NAME</i>	<i>AMOUNT</i>
103	10		Tom Sheung 53 Poplar Drive Morris Plains, NJ 07950	\$2,796.78
4402	14	C4204	Fulton Bank Loan Ops East Peter PO Box 647 East Petersburg, PA 17520-9957	

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Attn: Escrow
RE: 4204 Boxwood Ct \$521.72

Motion made by Member Ferramosca to accept and approve all resolutions as a consent agenda. Motion was seconded by Member Gallagher and unanimously passed by the Governing Body.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$8,588,348.39** for the payment of all bills as of this Regular Township Committee Meeting. A copy of the "Bills Payment List – by Vendor" is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Francioli and seconded by Member Cahill and unanimously passed.

A copy of the Bill Payment List – by Vendor has been incorporated in the Supplemental Minute Book – Payment of Bills which is on file in the Township Clerk’s office.

RAFFLE APPLICATIONS:

- RL-3259 – Xavierian Guild of St. Elizabeth – on premise raffle**
- RL-3260 - Xavierian Guild of St. Elizabeth – 50/50 on premise**
- RL-3261 – Xavierian Guild of St. Elizabeth – Tricky Tray**
- RL-3262 - Seton Hall Prep Mothers Aux. – off premise raffle**
- RL-3263 - Morristown Area Fortitude Found - Tricky Tray**
- RL-3264 – Morris Catholic High School - 50/50 on premise**
- RL-3265 – Morris Catholic High School - Tricky Tray**
- RL-3266 - Employment Horizons – 50/50 on premise**
- RL-3267 - Employment Horizons – 50/50 on premise**
- RL-3268 - Grand Chapter Order Eastern Star of NJ – 50/50 on premise**
- RL-3269 - Grand Chapter Order Eastern Star of NJ – 50/50 on premise**
- RL-3270 – Montclair Drifters, Inc. – Tricky Tray**
- RL-3271 - Xavierian Guild of St. Elizabeth – Arm Chair Horse Race**
- RL-3272 - St. John the Baptist – Bingo**
- RL-3273 – St. John the Baptist – Tricky Tray**
- RL-3274 - St. John the Baptist -50/50 on premise**

Motion for approval of raffle applications made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

OPEN TO THE PUBLIC

Motion made by Member Ferramosca to Open to the Public and seconded by Member Gallagher and unanimously passed.

Linda Oaks, 39 Cortright Road, Whippany: I am actually have a problem that Mayor you and I talked about like two years ago with my utility wires in front of my house being under thirteen feet specially the communication line, we talked about you kind enough to have the engineer out the engineer had all the utilities out the next day, guess what happened... nothing the wires are still low they are lower now. I can't get any deliveries in my driveway and my husband is seriously going to have a cow. So I came tonight because he is angry, who can we call? Who can help us? What can we do? So this has been going on since we moved here six years ago.

Mayor: You know I can tell you right here from this new list that we are about to put out on whom to call for various agencies.

Ms. Oaks: Well I have called all of them and I even called the police when I moved in.

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Mayor: The municipality reached out and I also had Tom Quirk our emergency management take a look at that.

Ms. Oaks: It's the communication line, it's not the electric or anything it's the bottom rungs so it's all the communications line.

Mayor: Cable company?

Ms. Oaks: It's cable, Verizon, it's whoever else is on the bottom rung of wires.

Mayor: Linda I'm going to make you a copy of this list and I'm going to give it to you and if you don't get any satisfaction you are going to get back to us and then one of us is going to make a call.

Ms. Oaks: That would be great because I can't get anything delivered without an extra fee.

Mayor: I didn't realize this was going on all this time.

Ms. Oaks: 6 years we had our movers move us from the street because they could not get into our driveway when we moved in.

Mayor: Did you finish the kitchen?

Ms. Oaks: The rest of the house but not the kitchen.

Mayor: We will make you a copy of this and give it to you.

Ms. Oaks: I appreciate it because it's just getting ridiculous, so thank you and I appreciate your help 2 years ago as well.

Mayor: I wished it was more successful.

Ms. Oaks: You and me both, just a couple quick comments on the overlay, I think everyone has some great points but why can't we overlay, I mean from just listening, why can't we overlay over the Morris County Mall in the woods, why can't we overlay over defunct car dealerships and the economy hotels that have a thousand police calls a minute, I think there are a lot of think out of the box and I'm sure there are rules and regulations as to why or why not but I think we should look at repaving parking lots and not repaving trees, and I just also think it is great that we are putting in bike paths and doing stuff like that, even with children I think turf fields are really only limited to a certain amount of people in town so I would much rather see some space go to open space where it's free woods and that. I guess my only other concern with the pond property that the idea is nobody would see and we have some private families that own lots that they have expressed that they don't want to sell, and you guys have no interest in taking it in any way shape or form, but fast forward five years from now what happens if there are different faces up here or there is a different time or different pressures from the court now you put this overlay in and now you are being pressured to eminent domain or do something else or to condemn or doing something else to these peoples property that you never had the intention of doing and that is why it was the perfect spot like I just wonder how far down the path you really thought it out. So those are my two sense on it and I think it all has been debated so we don't need to go back and forth but I just wanted to put it out there for more food for thought.

Mayor: I will tell you that there isn't a square inch of Hanover Township in my opinion and I have not been privy to a lot of the study work that has been handled by my colleagues that hasn't been examined for best use to satisfy this fair share.

Mr. Semrau: We continue to look at all of these suggestions and that is what we have done and like an example the hotel was sold and that in this process that makes it less attractive to an overlay zone because they just completed a transaction, that is certainly would be high on the list and it was discussed and that does not mean that's

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going to be a one for one type trade off but something like that was discussed even early on and again as we revisited this issue, it's hurdles like that, but rest assure we see your point.

Ms. Oaks: There are plenty of empty buildings in town so we have that entire Mondoleze property on Route 10 that could fit in a lot of nice condos and be part of the whole Route 10 exciting town center, so there are all sorts of other things so I just wanted to say that we also need to keep trees. Thank you guys for everything I appreciate you all.

Doug Emann: Mr. Giorgio, just a question current municipal bond rate for triple A no debt township (interrupted)

Mayor: I might tell you we are not rated, we would have to buy a rating but go ahead.

Mr. Emman: No debt I'm presuming making a presumption here that we would be triple A rated (interrupted)

Mayor: At least

Mr. Giorgio: We consider ourselves triple A rating because we have no debt.

Mr. Emman: Exactly,

Mr. Giorgio: Good question Doug.

Mr. Eman: Fair presumption. What is the current municipal bond rate Triple A? I just did a quick look. 2 something right?

Mayor: Doug we would be guessing.

Mr. Emman: I think it's 2 something I saw Union Township Municipal is upstanding like us Triple A or would be triple A so they were in the 3's, so Mike you mentioned the 6 million sales price get a kick in from the state, some HUD money we get it down to 4 million I just want to stick to the facts here no scare tactics that our taxes will double, 30 year municipal bond rate 2.7 yield, monthly payments \$16,223.90 a month it's a \$194,686 a year, 5,000 estimating if I remember right about 5000 units paying taxes in town it's \$38.80 per year in taxes, nowhere near double, not that big of a hit, it's a very doable project building it ourselves, it is not a huge financial hit it would be a win for the town and for the seniors in the town it is something I strongly encourage you to look at, do not be scared off by the numbers I just ran it myself. You can check the numbers.

Mr. Mihalko: I don't doubt your numbers you are a very intelligent man, that buys the property but what if we bought the property and put it into our open space? I would rather not develop it.

Mr. Emann: Well you already have a developed junk yard and lot right.

Mr. Mihalko: We would also have to get (interrupted)

Mr. Emann: I don't want to get into that debate I brought up, I would not develop that entire lot I agree, and I mentioned taking the money out of the open space fund and instead of using some of that money to supplement it to save the tax payers money, or forgo a turf field but we can preserve that back half of that property as open space, Chris talked about an outstanding trail system John you mentioned it outstanding trail system the residents love it, it would make a phenomenal trail system back there to be able to preserve that back half of Dick Kitchell's property, I would even recommend that we call it Francioli Woods if I could get some buy in here. We can get a nice plaque at the end of Wilson Way, I'll buy the sign for you Mayor.

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Mayor: I think they are going to name a fire hydrant after me.

Mr. Emann: Nope, I'll buy the sign and get your name on it okay I'm trying to get some brownie points here work with me okay, but if you take that money out and put it towards it it is a doable project. Roll the sleeves up I just gave you the numbers it is a very doable project where there is a will there is a way, this would be a win for the Town you would have a majority of the residents on your side and since I've been involved I can't say that has been the case it would be a very nice win for you.

Mayor: The use of bonding, philosophically over Hanover's 300 years or so has not been attractive, we have no bonded debt, we have no debt on that reason we don't have a bond rating. Is that a good thing in some areas yes, did we do short term notes to do some improvements in this town, yes, including this building which was 7 million dollars and we did the improvements in the mid 1977 so we are not adverse to looking at tools of funding, let me couch that way, if we were to form a housing authority and by the way strongly recommend that and as a matter of fact we have some programs that I would like to share with this Township Committee in future weeks regarding that. It required a short term funding for construction that is a good investment okay, bonding for anything that is short term not a good investment, that is my position that may not be shared by my colleagues but that's where I stand.

Mr. Emann: I agree, I have been debt free my whole life except like most of us a mortgage, work since I had a paper route paid off school debt from the day I graduated I'm not a believer in debt I totally get it, I do my own cigar box budgeting. Now a days debt is so cheap I opted to have a mortgage rather than not have it, I can make more money elsewhere and have a mortgage, right? Why not take out a car loan at 0% interest, debt is not a bad thing. I will make the additional point on this if we were to build it as all senior and not have the market rate you also have to factor in the additional savings from not having students from those market rate units, right, so there is a other cost savings aspect of having this debt. Debt 30, 40 years ago municipal debt 10% higher in the 80's significantly higher, 2% debt a 2% interest rate on a municipal bond rating is nothing you are talking about \$16,000 a month principal and interest...(interrupted)

Mayor: Doug, turn to the camera and say that again, about debt for Hanover

Mr. Emann: No problem, I have no problem I'll campaign on this alright so we will see what happens.

Mayor: We are not being facetious but there is a (interrupted)

Mr. Mihalko: Fred, would Fair Share even ...

Mr. Semrau: Well a couple of things about this and there are towns that have undertaken there own affordable housing programs and Harding is one of them and their obligation and Town is significantly different they still have some projects that they are wrestling with. I think in this scenario though one thing I would ask is I understand the format but so this is about 10% of our entire obligation if you take a look at it so if we are this far along there is a part of me that thinks wouldn't we just want to finish this by if we can put these units somewhere that they have somewhat of a remoteness and I'm not saying on this site even on another site or even another site that is already has some development we avoid that cause Doug if we rezone this property to your point it's going to be worth a lot more, if we don't rezone the property both of these overlays they are worth less and they are more affordable for open space and preservation that is sort of the vicious circle to this. There is sort of, I hear your thought, if we do the overlay and then we buy these which is something that has been discussed about first refusal and things of that nature, but if we do that overlay we are to your point doubling or tripling the value and we are going to have to pay for it.

Mr. Emann: Which is why I would recommend amending the overlay over to the developed portion of the truck lot, right?

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Mr. Semrau: But Fair Share (interrupted)

Mr. Emann: but ut so if I can make one more point...so on the total annual cost of the debt this is not just interest so it's not the service on the debt but the principal repayment \$185,000 I'm rounding this on 2.7% on a \$4million dollar loan, alright, if you take out the market rate units and I'm being low here I'm using the Town's number of .07 per unit on the market rates that's 25 students we know that it costs about \$15,000 per student cost so if you take \$15,000 times the 25 students I'm rounding down it would be 28 students but make my math easier here for me so you have 25 students at \$15,000 that comes out to a \$375,000 annual cost to support the students from the market rate units if we let that go through are debt is only \$195,000 by developing just the senior affordable housing units we have saved \$180,000 for the town, does it make sense in this case for debt yes it makes sense in this case for debt for the whole public turn on channel 21 and YouTube, debt makes sense in this case. Mike you campaigned on it on your last campaign debt makes sense in certain cases, I just proved a case that debt makes sense in this case.

Mr. Ferramosca: I would ask the Prosecutor to go back and reevaluate (interrupted)

Mr. Emann: Case closed.

Mr. Ferramosca: reevaluate some of his numbers in terms of the costs associated with the incremental cost for education, are you assuming that all that are incremental costs or are you going to assume that some of that cost is not? So therefore we need to reassess whether are numbers are correct.

Mr. Emann: Fair enough Mr. Ferramosca.

Terri Bair, 180 Parsippany Road, Whippany: I have some different concerns in reference to the potential overlay zones returning because the overlay zones are on both sides of me and because they become overlay zones that I would anticipate that if they were not developed within a certain period of time that the state would come in in the 2025 would come in and say why haven't you pursued this and very likely the Township Committee or the Planning Board could start the process of an area of need of redevelopment with or without condemnation like they did with Pine Plaza and therefore I would be like Niko's cause my property bordered on both sides of those overlay zones, so thereby the virtue of being next door my property could be included in that area of need of redevelopment am I wrong in that assumption that potentially could happen?

Mr. Semrau: I don't see how the State could come in and do anything and as far as any property being for a study in the future that could happen for any property in that aspect I actually think just in a vacuum there is some advantage of having it part of a plan in an overlay because you really can't go back in and start rezoning a property that is part of an affordable housing plan without going through the gyrations we are trying to go through now. There are certain so to speak protections from any change, one of the things that we talked about even with some of the land owners is that we also said we said there was no condemnation and that there was never any condemnation and that we were looking at ways if it was to every proceed to put that right in the ordinance, the ordinance not just a verbal there is no condemnation there is nothing that the Township would have to do beyond the rezoning, so to your point could the state come in or the Town could change it? If the town came in to change the density or the zoning it would have to go back and it would still have to get that approval from Fair Share Housing and the Court in other words it has to be left alone, the way that settlement would work.

Ms. Baird: But if there is a larger potential for that to be developed then Fair Share Housing is going to be chomping at the bid to get that affordable housing piece in in my opinion.

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Mr. Semrau: But there would be an agreement Terri, such like for one of the zones it's 20% senior that is not very desirable for a developer because it's all senior there is going to be 20% set asides so you don't have those market units so to say that somehow that would be, the Town would not be legally obligated to do anything more to say hey how about a higher density, we are locked in if it were to happen that way we are locked in, just as much as Fair Share is saying you can change zones without some give or take the Township has the same right to say no we don't have to do anything more than what we promised in that agreement and that is to rezone the property so we would not have to. We will always have the risk any property owner that at a future round something else can happen whether you are in or not I think the brunt of all of this for so many reasons is going to be behind many municipalities so I understand your concern but I do think that issue and I have given that a lot of thought there is a certain amount of boundaries that are established if it were there and one is not to say that the Township could just go ahead and rezone the property without or could Fair Share so that is an advantage.

Ms. Baird: It's very uncomfortable from my standpoint being the property owner in between because my property is listed on the vacant land list as a yes so that alone is rather problematic in my mind. When you come to all of these other things when you are going to be doing these affordable housing things, I mean in East Hanover they are even giving veteran's first choice in places.

Mr. Semrau: Well that is in the law, that is already discussed during the negotiations and I wasn't aware that East Hanover but one of the things we went back and confirmed with River Park is that there is going to be a 90 day preference for Veteran's and that is the maximum the law provides that they would have an opportunity to obtain those units and then by law you can not hold them anymore. But that we already discussed and I followed up on that within the last week to make sure that they were going to do that and they confirmed with me that they were, Pine Plaza I can not say that was discussed but that different type of project but River Park I think that is something that was discussed and I received confirmation on that and I can confirm that cause the Governing Body talked about that and I don't know if it made its way necessarily in the agreement but the law provides for it and River Park confirmed that they would do that, so I'm actually raised that.

Ms. Baird: Also, I need to clarify something that the Mayor said in reference to that many particular developer trying to buy all of our properties it has been one particular developer that has not many developers (interrupted)

Mayor: Terri it could be, but whatever the issue is and I understand it believe me, I'm a big boy this developer has been doing a lot of work in this town we all know it and by the way in defense of him, pretty quality stuff. That aside he made offers to a lot of properties that come up for sale, other developers do the same I can name a lot of them Blanchard etc., so it may very well be that the offer to the Pioneer property came from Mr. Forgione okay, I'm confident that it might have that's what he does (interrupted)

Ms. Baird: It did; and to all of us to all of us underneath the overlay zone and myself we have all been approached by the same particular developer

Mayor: But if you are not accepting his offer you are not selling your property.

Ms. Baird: But it seem ironic that you are putting the overlay zone in an area (interrupted)

Mayor: We are trying to connect the overlay zones to this developer? Let's be blunt, is that what you are trying to do?

Ms. Baird: I am not saying that (interrupted)

Mayor: Yes, you are.

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Ms. Baird: but as a homeowner in between it is rather upsetting when you keep seeing the same name and (interrupted)

Mr. Semrau: Maybe I can just say a couple of quick points on that, we did meet with the property owners and Mayor they all indicated that they had been approached maybe it was years ago, but I believe it was by that particular developer to buy that property,

Mr. Mihalko: 11 years ago

Mr. Semrau: They did confirm and that is why it raised a concern, and then there are two other things one is I assure you thought Terri that no where in this agreement if it were or had it gone forward with those overlays was there ever a discussion with that developer or was there an opportunity for condemnation there is no provision there was for the Midas for a certain a very specific reason but that didn't even come to fruition because we thought that Midas might be part but there was no other condemnation that was proposed or obligated from that stand point and in our discussions regarding the Pine Plaza property I think Mr. Giorgio asked him point blank not that means anything cause the point is everything can change tomorrow but there is no condemnation and yet the property owners did indicated to us at the meeting that it was sort of unnerving that years ago they were approached, but at this point we don't have anything there has been no discussions no developer even the court has asked me if any developer approached us because the court is concern was if there was a developer that approached are we going to get in the way now of certain peoples potential rights that may have come forward? And we represented no one has approached us.

Ms. Baird: I have one slight correction, okay when you are saying eleven years ago it was not eleven years ago.

Mr. Mihalko: That's what Mr. Kitchell told me.

Ms. Baird: Maybe his was 11 years ago but somebody was this past fall as well as his neighbor this past fall and I mean I still have I brought it with me tonight I still have my contract signed by him.

Mr. Mihalko: When was that?

Ms. Baird: Mine was made right after my son died so I guess he thought he could get my property cause I was at a low point in my life at the time so was mine was in December of 2011 but I had put him off the two week after my son died in June until that time before I met with him. So that is why I feel that this is rather discerning and upsetting to me that this same developer has been to my two neighbors north of me this past year the fall of 2019 not years and years ago and ironically these overlay zones are in the same places for land that was supposedly said was pretty crappy and any time the planning board anytime I go see the planning board anytime that these area of need of redevelopment plans and stuff like that they keep saying things like there hands are tied behind their backs that they can't do anything and they just pass it through without discussion in the meetings anyway, and I sit through EDAC one of the members keep saying we will just take it, we will just take that property.

Mr. Ferramosca: Just take the property?

Mayor: You are making a great deal of accusations I might add right here, I understand that you are not supportive of growth and development that is a broad statement and I appreciate that I think that this Township Committee has done a great job and committees before us in good balance in Hanover Township. Let's talk to the issues, our parks systems are the best 900 plus odd acres of open space another 60-70 acres that we are trying to add to the Route 24 right-away trail systems that we are putting in money's that we are throwing into recreation for our youngsters who well deserve it etc., we are doing all the right things and we are keeping the taxes the lowest

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in Morris County, we have no debt we are looked at as a model in the county if not the state, I don't know what else any of us up here (interrupted)

Ms. Baird: It's not that I have a problem with it it's just smart development (interrupted)

Mayor: You know I used an expression with Len Fariello fondly and Len knows it that when he sat on here there wasn't anything that we would approve that had a stick on it, he wanted dirt roads and tee-pees was my expression and he that's how he wanted Hanover to stay listen shortly they are going to get rid of me, I don't stand in the way of anything that they want to do here as far as development is concerned, I take a lot of the shots for it granted but I am very proud over the years where we have evolved for Hanover Township still very proud of it and that's my two cents.

Ms. Baird: I can understand what you are saying but please try to understand my situation, I am the sandwich in between these two potential overlay zones and I can become a section 3 and it just seems that the same name keeps coming up and the overlay zones wind up in the same spot it's just it's just very upsetting.

Mayor: No one here and no one that we have been involved in on a private sector has created, designed or recommended those zones, they were recommended by a professional planning firm, Joe Burgis, you probably got the reports you OPRA about everything that we got, you probably got those reports, those are the recommendations we follow the direction of the professionals we try to listen to our community if we have issues with what the professionals say we challenge it but this is where we are, and it has nothing to do with Mr. Forgione buying overlay zones or not and had nothing at all to do with that and that is what your trying to go with this thing. You have a very short memory but now that we are opening discussing this thing you don't remember too long ago when your Dad was alive and Mr. Fariello was looking to condemn your property for open space do you remember?

Ms. Baird: My father was not going to condemn it he was going (interrupted)

Mayor: You came forward to this Township Committee and you pleaded for us to back the hell off, you know what this Mayor said at this time? Yes we will back the hell off it's not for us to do, but nobody is after your property for condemnation again I refer to the fact that we have a lot of professional input that led us to this point we got legal counsel who has guided us for years to this point and these are the recommendations, can we find other alternatives for you we are not turning a deaf ear to that, we have three options on the board that this Township Committee will be looking at, I don't know the results of that will be we haven't had discussions yet, but please because this one individual develops in this town and that is his business to buy properties come into the Township looking at the zoning that we have and look at to what he can put into those zones, you are condemning him as this, you are condemning him in your comments that he has some over bearing influence on planning and zoning on this town, he does not. He does not. It is just my opinion.

Ms. Baird: It is just his name comes up all around me and it's scary because (interrupted)

Mayor: What would you like to say, would you like to say that (interrupted)

Ms. Baird: I would like to have assurances that the properties will not be condemned.

Mayor: Are you proposing something where this developer is concerned?

Mr. Semrau: Mayor that we have tried to address the settlement and as well as if in fact that there was an ordinance it would have in it that there would be no condemnation to effectuate this ordinance and the other thing Terri to your concern is that these overlays were chosen as the Mayor said with the planner going through all the open space and part of the attractiveness was high tension wires, wetlands, existing

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nonconforming use that would be very difficult to sort of untangle and clean up overnight so the prospect was if we put a 20% set aside and senior housing it's not that attractive to even the developer you mentioned because if somebody else was involved a developer was guiding us they would have pressed us for concessions and things like that and this was done strictly because we thought it was more remote we are hearing that there are concerns that maybe it's not as remote as everybody feels or there is some uncertainty so the committee went back to see what they could do. But I can tell you that and hopefully it helps you understand and feel better that when it came up Blais Brancheau had listed for the committee so many properties and the committee did not want a property that you could just snap your finger and develop because that is the first plan that we had to address these were overlays and we hoped that it was either way far from now or a remote chance, so you may think it's not as remote and we heard a lot of comments that of concern that it may not be as remote so the Committee is looking but I can at least tell you one thing that there was not any particular developer on the overlays that were contacted myself or Mr. Brancheau, any of them, not even the existing ones that we are having to work out agreements with that said I have said I have my eyes on this property, because if that were the case I know I would have said to the committee well here is one we really don't want to look at at this point in time. Just to try to address that one issue and there is no condemnation that would be afforded in this agreement and if a developer came in and said I really can't make this work without a PILOT no obligation to do so, I can't make this work without condemning access a different way, we can sit here and say we are compliant as a municipality, can't say that if the first part of the plan the Pine Plaza's but you can say it for the overlays. I still understand there is some concern about it could still happen and that is why the committee is looking but I want to let you know that at no time did anybody say to us, you know how Blais works he looked at every property there was and ran reports and went into detail about and it looked a little bit attractive because of the short comings that this probably wont happen overnight because it will only fit very certain way with high tension wires, setbacks, wetlands and with that being said there is a real full court press to see if it could be someplace else.

Ms. Baird: Ok, thank you.

Mr. Cahill: Terri while you are up there, can I ask you a really quick question it's only because when you last up there you caught me by surprise was something that you said and I didn't capture it in my notes. Your discussion with Mr. Kitchell where he said to you that he wanted to sell when and where did that occur?

Ms. Baird: The date that you introduced the Ordinance and you could print it online I printed it out and I drove it down to his office and I went into his office and he made a copy of it and we had the discussion while he was making the copy.

Mr. Cahill: Thank you I just wanted to have that in my notes.

Mr. Ferramosca: One other point of clarification, EDAC is an advisory group they have no power to take anybody's property. They don't have a vote in terms of Fair Share Housing plan that the Township Committee. Mr. Gallagher and I represent the Sub-Committee for this Township Committee for nearly two years looking at every available option with one goal trying to provide Hanover Township with the best solution given the cards that we have been dealt EDA does not get a vote in that, what EDAC does do though is that they make recommendations to this committee, they are anticipating that there is going to be an influx in population in Hanover Township as a result of this and they are trying to advance thoughts and recommendations to the Township Committee to preserve the quality of life which we have so they are thinking about things like that but I can assure you they can not take anybody's property. They can not do that cause they are an advisory group.

Ms. Baird: Ok, thank you.

Mayor: Let me piggy back something Committeeman Cahill brought up, the moment that our report was ready on Fair Share Housing including these templates, I don't think that report was out 24 hours when my phone rang and the party on the other

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end Mr. Kitchell said why are you condemning my land, that is what he said to me and he was told outright by yours truly that was never the intent and that isn't the intent and to respond to that inuendo that's the answer where it started from here. Thank you.

Motion to close made by Member Francioli and seconded by Member Ferramosca.

OTHER BUSINESS

Mr. Gallagher: A couple of things I received a few calls lately about the Emerald Ash Borer and how to treat it and I'm in the business so I have to be careful but I do not remove trees so I'm kind of safe to advise, if you have ash trees now that are dying they are done. We heard for a very long time that the Emerald Ash Borer is coming it's been here for a very long time. We have been taking them down for two and a half years now. If somebody tries to sell you a treatment although they can't insist they give you some type of guarantee or percentage of what they can guarantee because if they are treating them now it's done, they are just making money and when they start dying we are going to see in the spring that there are a lot of trees with no leaves they start dropping material. It takes 8 lbs of pressure to break a collar bone so a decent size twig, stick or limb that comes down can really hurt somebody or damage something. We spent a lot of money doing a solid inventory on our municipal properties and our parks and right-a-ways around town and we budgeted money to take down 130 ash trees so if you do have ash trees and are concerned and want a professional opinion there are a lot of great tree companies out here but make sure they are licensed and make sure insured and if you get an estimate get it in writing, don't pay with cash pay with a check so you have a record of the transaction and the best way in a small town to get a company is to get references because everybody knows who is good and everybody knows who's not, so be careful. It doesn't hurt to get more than one price. Ash trees this spring is going to be a big deal because people are going to go outside and say oh that tree has no leaves on it, 9 times out of 10 its an ash and it's done.

A couple of other things that are very important to me and our families is the New Jersey League of Municipalities featured this month, February the New Jersey Coalition for Education and Positive Choices and I'm glad Officer Prach is here because he has been helping us and part of us as is many people in Hanover Township PD, the article was written by Carol Giorgio and Joe is not here to mention Carol she is a beautiful writer and a dear friend and also it was edited by Robin Dente who an incredible writer and editor. We have too many people in Hanover Township to list we now have 20 towns and cities and 19 Police Chiefs with us and I'm going to tell you something very interesting I went to a seminar on Tuesday night and I thought I was starting to learn a little bit about this cause people do think I know what I'm talking about and I don't but they listed 24 products and devices, I wrote down all 24 in my phone and you know how many of that 24 I knew what they were? Three. The guy said how many people have no idea what I just said? Nobody raised their hand I'm kind of embarrassed but I don't make believe I know very much to be honest with you, but he said you know why you don't know why these products are cause your over 25 years old. The children have their own language today and you are not supposed to know what you are talking about. So I spoke to Mike Cockran who is the Public Safety Director in Morristown he was the former Deputy Chief of West Orange PD, when I told him he said send me that list, I'll get you information on every single one of those items we will share them on all of our social media accounts and our website and we make sure our families know what they are and they can start to understand this language. So my point being we have a lot of work to do and we are doing it but the best sentence of the whole night at that presentation besides the fact that I think learning is stimulating at my age he said we have to come up with a better way to transfer this information to our families because there is only 50 people in this room that is the whole thing NJ Coalition does is shares information through the vehicles we have in our hands all day long so if you haven't checkout our website yet or any of our events check us out. We have a big drug summit at the Jets training facility at the end of March and it's going to be for civil leaders, coaches and we have some beautiful people including Orange County Chopper working with us, but the big event week 7 of Friday Nights at Mennen Arena but our big event is February 28th Law Enforcement Night. Yes Hanover Township is right in the

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middle of all of it. So if you want to come meet some of our heroes and see many police departments from around this area get pictures taken with them wear some of the equipment please come Mennen Arena Friday night February 28th.

Joe I missed it I thanked Carol for her great writing on the League of Municipalities article and you took off right at that point. The only other thing I want to say is we worked very hard on our budget this year and I want to thank Silvio Esposito, last year all his great work we actually didn't see him at the end of the session and we left without thanking him and saying goodbye so Silvio I want to publicly thank you for your great work, we take the credit for the low increase but all we do is drive Silvio nuts for two or three weeks and we have them back all day on Saturday so Silvio thank you great work.

Member Cahill: So I will be brief, I just want to start with Hanover you may have read in the paper they did on Monday an accreditation team from NJ State Association of Police Chief's came to the Department on February 10th to verify that the department meets the associations best practices standards so it is an in depth all day type of thing it requires that they meet all the practices in standards in administration, personnel operations, investigative as well as detainee functions, so it was pretty thorough and in addition to that they also took comments from employees in the Department in the Municipality itself as well as comments from the public. So from what I have been hearing it went pretty well, although we won't have any official word on the results until about March or so.

Moving on to a couple of important events coming up Saturday upon where you live the fire district elections are coming up, so Whippany Fire District 2 couple of things going on there two candidates running for one commissioner seat and this years budget will adjust the tax rate from .067% to .072% per hundred dollars which raises to a little over \$1.8 million dollars. Voting will take place at the Fire Commission Building which is right next to the fire house and that is 2pm-9pm. Cedar Knolls we have three candidates buying in for two seats; District proposal there are to adjust the rate from .087% to .089% per one hundred which would raise the total budget to up a little over \$1.3 millions dollars and voting there will take place at the Cedar Knolls Fire House also from apm-9pm.

Hanover Sewerage Authority had their reorganization meeting on February 5th basically they voted the slate if you will, Denise Detrick remains the Chairman, Bill Kuhner remains the Vice Chairman and Bill Byrne remains the Secretary.

And last but not least the Hanover Township Landmark Commission just put out their latest and greatest tour of historic sites you can probably find some of these out in the lobby, this was first published in 2016 it was just updated this is the second edition it's very good its short it's a very quick read but a lot of pictures and it really highlights a lot of very interesting parts of this town that are unfortunately long forgotten but generally there is some out in the lobby and if not we will make sure they get there.

Member Mihalko: Good evening, I am going to start with the Veteran's there was an article out in the paper and I want to clarify things a little bit, yes I am chairing it but I am not certainly not doing it alone. We have a lot of people that are helping us the Veteran's Alliance is still very integral in helping, Mike Legore and his crew are still really are working off of their template and I want to point out George Coppola is also helping us with that and he kind of got missed in the paper but George Coppola is chairing one section; George, Gary Keyser, Ace and Brian are also chairing a section of it, in addition to Mr. Francioli and Mr. Ferramosca so we are all chipping in and I want to thank them for it. It just became the time the Veteran's needed some help and it takes and they needed some help so we are all stepping up and there may be a time when I reach out to the public to get a few more hands in to help out with that. We are definitely having a parade on Memorial Day. Hopefully it should be a good one.

Senior Citizens we have our monthly meetings they meet twice a month the first and third Wednesday, the socializing starts around 10:00 and meeting at 12 and if you are of age please come out they are very active group they are just shy of 300 members

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and again they have an April trip coming up Win Creek Casino and May trip is to Westchester Broadway Theater of Cinderella and every month they are going somewhere again a very active good group get involved. I also want to say congratulations again to Ken Oxley who is the new President. George Coppola stepped down to Vice and the rest of the crew stayed the same. He will do a terrific job again if you are of age come on out.

Recreation; always busy at recreation. We have a couple of trips coming up just so you know but unfortunately they are closed but our traveling teens because there is no school on Monday they put a program together to go out to Aquatopic out in Pennsylvania so the kids and gives them something to do for the day, unfortunately it is already closed and there is always stuff to do, check out the website. There is a trip going to Atlantic City March 22nd still seats available reach out for that. Our April trip to Papermill Playhouse is already closed it's already sold out Sister Act is the play and they all go to Charlie Brown for dinner but again look at the website there is always stuff going on.

Several events coming out and I can't stress enough we have the Pat Sages Memorial Basketball on March 14th it's going to be three on three basketball tournament you can sign up as a team or you can sign up as an individual and they will put you on a team, it's for Pat, he passed away and was part of the Board of Recreation, he was a very active member he loved basketball and baseball and this was just a tournament they put together, the proceeds from the tournament are going to purchase and upkeep of ADD's throughout the parks again if you are interested or just want to sponsor check out the website the information is there. Please come out and support that.

Mark your calendars March 28th "Hoping Down The Bunny Trail" at the community center 2-4pm the bunny will be coming out for the youngsters put that on the calendar too. One more thing and I think you have all read the ordinances and resolutions coming up believe it or not it's pool time coming up, registrations will be coming out soon and we got some improvements that we are looking forward to, the slide is being replaced with a dual flume slide and we have high hopes, engineering is going to come through for us, we hope to have a rock wall that we are working on putting it in, looks like a lot of fun I'm looking forward to having that so we are making some improvements. We did have a minor adjustment to the rates we went up \$5.00, sorry, but we did also put in a corporate rate, so if there are people who work in town you can get a corporate rate and your family could meet you at the pool and you can come at lunch time, after lunch there are noodle nights, DJ nights, Teen nights all kind of stuff, it's a lot of fun and a lot of stuff goes on and a lot of credits to the guys and gals who put all that together. So keep you eye out, if you have been involved in the pool before you will get your application soon if you have not reach out to the recreation center and they will get you signed up it's a great place to go.

Member Ferramosca: Planning update after almost 20 years we got some news on Whippany Village, Whippany Village is now showing signs of life. Planning Board heard and reviewed and approved the application for Starbucks so that is approved number one. Number two the Planning Board will be hearing an application in March for what you know as the old PNC Bank building that will be in March and the big news is that the Planning Board finalized the elements of what they called the developers agreement for Whippany Village itself and the two remaining elements that the Planning Board worked on what was called the landscape plan as well as the open area plan, because the design of the concept I know it's been so long was for it to be pedestrian friendly environment for there to be areas where there would be some seating so there will be areas so when you went through and went shopping and wanted to take a break you can walk along the trail so we were very encouraged and it is a very nice design it fits the overall architectural manic of which the Planning Board established. So good news from Planning.

From and EDAC standpoint economic development in anticipation of what they see as increase growth fueled a large part in our town by affordable housing they are working on strategies to improve quality of life and one of the strategies which they are working on is called a business improvement district, so they have gone out and they

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have done a tremendous amount of research for us on how that works what towns are doing and they just went through their initial presentation and will be bringing that information shortly to the Township Committee for review.

The next important element is what is called the transportation improvement plan, that plan really is something that Hanover is forced to take a lead position in Morris County because it is not being done by the higher level county level. Hanover sees the traffic onslaught we experience it we live it day in and day out, we are blessed and cursed by the instate road system that traverse our community. What we are trying to do from an economic development standpoint is to work with multiple communities to determine what can be done in terms of intersection improvements, what can be done in terms of transportation so this is a big project that they are working on in an advisory sense and we appreciate the work that they are bringing to us.

Environmental standpoint the Green Team is launching a new speaker series in conjunction with the Library and there are some fun things going on here. They are going to kick off their series on March 10th at our Library at 6:30 with something called the ABC's of Lawn Care, so lets say you have a lawn that is predominantly good but there are some areas that are not so good and you want to learn what to do there is going to be an expert coming to us from Rutgers to discuss that with you. So I think that is a good initiative. Their second one will be education about the Whippany River that will be in June, clean up opportunities as well with some corporations in our municipalities that want to advance that. I want to call out one other one tonight in our resolutions, tonight we had a resolution that supported a initiative of the green team called composting so this is brought to us by our newest Green Team Member Chris Mattittish, and we thank Chris and his idea has gone from concept to tonight a resolution for submission for the grant so it's good news and we hope to get that grant money to allow us to implement a task within our Township to support this environmentally friendly initiative.

Mayor: Chris we thank you the Stoney Brook Farm will take the benefit of the composting that we are looking at and the grant that you are looking into right now that would be wonderful just working hand and glove with what we are doing at the Community Farm. We appreciate that very much. We have some exceptional news tonight, Hanover Township has once again taken the lead on something of critical nature, you heard Committeeman Ferramosca speak about the traffic situations in this area its been a plaquing problem for all of our municipalities not getting any easier and Hanover Township has become the beneficiary of a lot of traffic from outside of Hanover Township people who come through here to use our highways etc., and always use the comment that all you need to do is stand on one of our roads at 3:30 like Cedar Knolls Road, Jefferson Road and tell me where the traffic is coming from, Florham Park, Madison and downward that way that come up to your highways, so to that end this past November both Deputy Mayor and I made a presentation to the League of Municipalities and the Mayors down there on a resolution that we would hope they would adopt and that resolution was to make the traffic impacts caused by developers in this particular case contributions to mass transit and other types of solutions and other moving traffic and improving transportation throughout the area. That resolution went to them for consideration back in November we stayed with it and followed it and we did some lobbying, we received a phone call a few weeks ago that it was going to be considered the Senate Community and Urban Committee for consideration to go before the Senate, we received word today through Senator Cody's office that it was approved. So it will now be taken to a second stage that second stage and I don't want to give anyone misinformation and by the way, many people to be thanked and they will be shortly on this, the Bill will now be seconded and referenced to the Senate Appropriation Committee for another hearing after that it will have to be voted on by the full Senate and Assembly and then it will be introduced as their own Bill. After which this will then be given to the Governor for his approval and signature and I hope that the Governor gives us all do consideration when he considers all the impacts that we suburban areas are taking with the Fair Share Housing obligations that have been put on us. So we are very proud of Hanover to be the sponsor of this Bill S-368 a lot of people to thank, Doug appreciate you getting on board with this and social networking as well, Terri supported it as well a lot of people have come forward and made phone calls and reached out and

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in any event you were heard and Mr. Cody's office said that they were inundated so you definitely were heard and the Committee was heard, so know we will follow it to the next stage we are not out of the woods yet so to speak and I think we should keep the pressure up and the Deputy Mayor and I will probably come together to design a letter to send out to all of the other Mayor's of the State asking them to get behind this as well and gain some momentum from them so when it finally gets to his Honor Governor's office it's ready for signature. I thank you all, John I thank you for all of your support on this. It was a long day in Trenton but we got there. Thank you all.

ADJOURNMENT

Motion made to close at 10:19 p.m. was by Member Ferramosca and unanimously passed.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

Joseph A. Giorgio, Township Clerk