

NOVEMBER 19, 2012

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Monday, November 19, 2012, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Schleifer, Ferramosca, Brueno and Coppola

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG

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

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public. No comments forthcoming, Member Coppola moved the public hearing be declared closed. The motion was seconded by Member Brueno and was unanimously passed.

COMMUNICATIONS:

The following communication was read and action taken as indicated:

1. Ellen Poli submission of resignation as Part-Time Deputy Court Administrator for the Hanover/East Hanover Court.

The following letter was read into the record:

“It is with a heavy heart that I would like to inform you that I am resigning from my position as Deputy Court Administrator of Hanover/East Hanover effective November 23, 2012.

I appreciate the opportunities I have been given in Hanover/East Hanover as well as your support. I wish you and the shared Court much success in the future.

Sincerely,
(signed)
Ellen Poli”

Member Brueno moved the acceptance of the resignation. The motion was seconded by Member Coppola and was unanimously passed.

**(Amend Chapter 154 of the Code
Garbage, Rubbish and Refuse related
To Unauthorized Collection of Ferrous
Recycable Metals)**

ORDINANCE: NO. 25-2012

Member Schleifer offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTIONS 154-7 AND 154-17 UNDER CHAPTER 154 OF THE CODE OF THE TOWNSHIP ENTITLED GARBAGE, RUBBISH AND REFUSE RELATED TO THE UNAUTHORIZED COLLECTION OF FERROUS RECYCABLE METALS BY SCAVENGERS”, be introduced and read by title on first reading.

The motion was seconded by Member Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

Following the reading of said Ordinance by title, Member Schleifer offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTIONS 154-7 AND 154-17 UNDER CHAPTER 14 OF THE

CODE OF THE TOWNSHIP ENTITLED GARBAGE, RUBBISH AND REFUSE RELATED TO THE UNAUTHORIZED COLLECTION OF FERROUS RECYCLABLE METALS BY SCAVENGERS", be passed on first reading.

BE IT FURTHER RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Committee of the Township of Hanover on the 13th day of December, 2012, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, in said Township of Hanover, at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in full with the Notice of Introduction thereof in the Morris County Daily Record, according to Law.

The motion was seconded by Member Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

ORDINANCE: NO. 26-2012 (Title 39 – Traffic Regulations for “The Grande at Hanover” Condominium Development)

Member Coppola offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE GRANDE AT HANOVER CONDOMINIUM DEVELOPMENT LOCATED ON NEW JERSEY STATE HIGHWAY ROUTE 10 WESTBOUND AND NORTH JEFFERSON ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND REGULATING THE USE OF SAID ROADWAYS, DRIVEWAYS, AND PARKING AREAS BY MOTOR VEHICLES”, be introduced and read by title on first reading.

The motion was seconded by Member Brueno, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

Following the reading of said Ordinance by title, Member Coppola offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO THE GRANDE AT HANOVER CONDOMINIUM DEVELOPMENT LOCATED ON NEW JERSEY STATE HIGHWAY ROUTE 10 WESTBOUND AND NORTH JEFFERSON ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND REGULATING THE USE OF SAID ROADWAYS, DRIVEWAYS, AND PARKING AREAS BY MOTOR VEHICLES", be passed on first reading.

BE IT FURTHER RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Committee of the Township of Hanover on the 13th day of December, 2012, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, in said Township of Hanover, at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in full with the Notice of Introduction thereof, in the Morris County Daily Record, according to Law.

The motion was seconded by Member Brueno, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

ORDINANCE: NO. 27-2012 (LUO Amendment Regulations for the I-B3 Zone District & Amending Various Other Provisions)

Member Coppola offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY AMENDING THE REGULATIONS FOR THE I-B3 ZONE DISTRICT, AND BY AMENDING VARIOUS OTHER PROVISIONS IN CHAPTER 166 TO BE CONSISTENT WITH THE FOREGOING AMENDMENT", be introduced and read by title on first reading.

The motion was seconded by Member Francioli, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

Following the reading of said Ordinance by title, Member Coppola offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY AMENDING THE REGULATIONS FOR THE I-B3 ZONE DISTRICT, AND BY AMENDING VARIOUS OTHER PROVISIONS IN CHAPTER 166 TO BE CONSISTENT WITH THE FOREGOING AMENDMENT", be passed on first reading.

BE IT FURTHER RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township Committee of the Township of Hanover on the 20th day of December, 2012, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, in said Township of Hanover, at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

BE IT FURTHER RESOLVED, that the Clerk be authorized and directed to advertise said Ordinance in full with the Notice of Introduction thereof, in the Morris County Daily Record, according to law.

The motion was seconded by Member Francioli, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: NO. 202-2012

Member Coppola offered the following resolution and moved its adoption:

A RESOLUTION AUTHORIZING THE RECLASSIFICATION OF JACK KOBA FROM JOB GROUP III TO JOB GROUP IV IN THE PUBLIC WORKS, BUILDINGS AND GROUNDS AND PARK MAINTENANCE DEPARTMENT AS A RESULT OF RECEIVING A COMMERCIAL DRIVER LICENSE ALL IN ACCORDANCE WITH HIS

RESOLUTION OF APPOINTMENT DATED FEBRUARY 9, 2012

WHEREAS, Jack Koba was hired by the Township as a replacement full-time park maintenance worker by resolution dated February 9, 2012; and

WHEREAS, as a condition of employment, **Mr. Koba** was required to obtain a valid Commercial Driver License with a Class "A" or "B" endorsement on or before August 1, 2012; and

WHEREAS, the resolution provided that if **Mr. Koba** obtained a Commercial Driver License by the August 1, 2012 deadline, he would be reclassified from Job Group III to Job Group IV under Salary Guide "D" at the hourly rate of \$20.50; and

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department has advised the Business Administrator/Township Clerk that **Mr. Koba** has received a valid Commercial Driver License and should be reclassified to Job Group IV effective November 13, 2012; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified the correct advancement in grade and compensation for the employee mentioned below.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover, County of Morris and State of New Jersey, that the individual named below, in accordance with Salary Ordinance No. 14-2012, shall be advanced in grade and compensation as a result of receiving a valid Commercial Driver License:

PUBLIC WORKS DEPARTMENT:

Jack Koba
Group IV

\$ 20.50 per hour
Effective: 11/13/12

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be transmitted to the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department and the Township's Chief Municipal Finance Officer for reference and action purposes.

The motion was seconded by Member Brueno, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: NO. 203-2012

Member Coppola offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING A SETTLEMENT AGREEMENT AND GENERAL RELEASE BY AND BETWEEN THE TOWNSHIP AND DENNIS SLAVIN AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE SETTLEMENT AGREEMENT AND GENERAL RELEASE

WHEREAS, on or about March 28, 2011, Plaintiff Dennis Slavin filed a complaint in the Superior Court of New Jersey which is captioned Dennis Slavin vs. Township of Hanover and Joseph A. Giorgio, and was assigned Docket No. MRS-L-884-11, which complaint alleged discrimination on the basis of age in violation of the New Jersey Law Against Discrimination (the "Civil Action"); and

WHEREAS, on or about May 11 and May 19, 2011, Defendants filed Answers to the Complaint, in which Defendants denied all of the material allegations Plaintiff asserted in his Complaint in the Civil Action; and

WHEREAS, Plaintiff and Defendants desire to resolve and settle in full any and all claims that Plaintiff may have including, without limitation, all claims and causes of action that were or could have been raised in the Civil Action; and

WHEREAS, Plaintiff and Defendants are entering into this Settlement Agreement and General Release for the purpose of avoiding the burdens and expense of additional litigation; and

WHEREAS, the Township Committee has reviewed the matter with the Township Attorney and is authorizing the execution of the Settlement Agreement and General Release.

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 authorizes the execution of the Settlement Agreement and General Release by and between Plaintiff Dennis Slavin and Defendants Township of Hanover and Joseph A. Giorgio and further authorizes and directs the Mayor and Township Clerk to execute the Settlement Agreement and General Release, a copy of which is attached hereto and made a part of this resolution as if set forth in full.

2. That certified copies of this resolution be transmitted to the Township Attorney and Chief Municipal Finance Officer for reference and action purposes.

The motion was seconded by Member Brueno, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer, Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: NO. 204-2012

Member Coppola offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING BOND REDUCTION NO. 2 BY REDUCING THE \$157,447.00 IRREVOCABLE STANDBY LETTER OF CREDIT DEPOSITED BY MICHAEL MARINO, JR. TO \$113,901.00 AND REDUCING THE 10% CASH BOND FROM \$17,494.00 TO \$12,656.00 AS A RESULT OF COMPLETING 70% OF THE ON SITE IMPROVEMENTS RELATED TO THE CREATION OF A FOUR (4) LOT RESIDENTIAL SUBDIVISION, ON PROPERTY LOCATED ON NORTH JEFFERSON ROAD AND DENNIS AVENUE IN THE WHIPPANY SECTION OF THE TOWNSHIP AND DESIGNATED AS LOT 7 IN BLOCK 9304, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, the Planning Board of the Township of Hanover granted preliminary major subdivision and tree removal approval on February 17, 2004 and subsequently final major subdivision approval on October 16, 2007 to **Michael Marino, Jr.**, as applicant and developer for the creation of four (4) new residential developable lots on property located on North Jefferson Road and Dennis Avenue in Whippany, and designated as Lots 7.01, 7.02, 7.03 and the remaining Lot 7 in Block 9304, as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, the Developer was required to install certain improvements for this project in accordance with the Planning Board approvals and the subsequent Developer's Agreement dated March 11, 2010; and

WHEREAS, in accordance with the February 17, 2004 and October 16, 2007 preliminary and final major subdivision approvals, and the Developer's Agreement dated March 11, 2010, **Michael Marino, Jr.**, has now completed 70% of the bonded site improvements; and

WHEREAS, by resolution dated July 29, 2010, the Township Committee authorized Bond Reduction No. 1 by reducing the \$215,694.00 Irrevocable Standby

Letter of Credit to \$157,447.00 and reducing the 10% cash bond from \$23,966.00 to \$17,494.00; and

WHEREAS, the Township Engineer, in a letter dated November 15, 2012, to the Township Committee has recommended a second bond reduction of the total performance guarantee in terms of the irrevocable standby letter of credit and the 10% cash bond; and

WHEREAS, the Township Engineer has attached a Schedule "A" Bond Reduction No. 2 Report to his November 15, 2012 letter which describes the percentages of reduction for the on-site improvements, and the total dollar amounts of the surety and cash performance bonds to be retained in favor of the Township.

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 the revised Irrevocable Standby Letter of Credit, No. OD09001435 and dated October 7, 2009 as issued by Valley National Bank, in the amount of \$157,447.00 is reduced to \$113,901.00. In accordance with this reduction, it shall be the responsibility of **Michael Marino, Jr.** to request Valley National Bank to submit to the Business Administrator/Township Clerk, a new Irrevocable Standby Letter of Credit in the amount of \$113,901.00 in order to guarantee the completion of the remaining on site improvements.

2. The cash performance bond of **Michael Marino, Jr.** deposited with the Township in a TD Bank Escrow Account, Account #7760845109/11718, in the amount of \$17,494.00 is hereby reduced to \$12,656.00. The Developer shall be returned a portion of the cash bond in the amount of \$4,838.00.

3. A certified copy of this resolution shall be forwarded to **Michael Marino, Jr.**, the Township Engineer, the Chief Municipal Finance Officer, and the International Department, Standby Letter of Credit Section (Attention: Ron Niewiadomski) at Valley National Bank in New York City for their reference and action.

The motion was seconded by Member Brueno, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: **NO. 205-2012**

Member Coppola offered the following resolution and moved its adoption:

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL

**ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY
PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012, which item is now available as a revenue from:

State of New Jersey:	\$ 2,951.84
Body Armor Grant Fund	

Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$2,951.84 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	\$2,951.84

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

The motion was seconded by Member Brueno, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RAFFLE APPLICATIONS:

The following applications for raffle licenses were presented to the Committee for their consideration:

1. Randolph PTO Council, 25 Schoolhouse Road, Randolph, New Jersey, an off-premise raffle to be held on 3/8/13 at the Hanover Marriott, 1401 Route 10 East, Whippany, New Jersey. Said application was assigned No. RL-2610. Identification of the application is No. 411-5-38800.
2. Randolph PTO Council, 25 Schoolhouse Road, Randolph, New Jersey, an on-premise raffle to be held on 3/8/13 at the Hanover Marriott, 1401 Route 10, Whippany, New Jersey. Said application was assigned No. RL-2611. Identification of the application is No. 411-5-38800.
3. Randolph PTO Council, 25 Schoolhouse Road, Randolph, New Jersey, an on premise 50/50 to be held on 3/8/13 at the Hanover Marriott, 1401 Route 10 East, Whippany, New Jersey. Said application was assigned No. RL-2612. Identification of the application is No. 411-5-38800.
4. Randolph PTO Council, 25 Schoolhouse Road, Randolph, New Jersey, a Tricky Tray, to be held on 3/8/13 at the Hanover Marriott, 1401 Route 10 East, Whippany, New Jersey. Said application was assigned No. RL-2613. Identification of the application is No. 411-5-38800.
5. Randolph PTO Council, 25 Schoolhouse Road, Randolph, New Jersey, an on premise raffle to be held on 3/8/13 at the Hanover Marriott, 1401 Route 10 East, Whippany, New Jersey. Said application was assigned No. RL-2614. Identification of the application is No. 411-5-38899.

Member Ferramosca moved that approval be granted to the above-mentioned applications and the licenses be issued. He further moved authorizing and directing the proper officials to sign forms LGCCC5A and LGCCC6B/4, thereby indicating this Committee's approval to the granting of said licenses. The motion was seconded by Member Schleifer and was unanimously passed.

OTHER BUSINESS:

The members wished everyone a safe, pleasant and happy thanksgiving!

Mayor Francioli again urged residents to sign up to participate and receive messages through the Township's Nixle alert / notification system.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public. No comments forthcoming, Member Ferramosca moved the public hearing be declared closed. The motion was seconded by Member Schleifer and was unanimously passed.

No further business appearing, Member Ferramosca moved the meeting be adjourned. The motion was seconded by Member Schleifer and was unanimously passed.

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

Joseph A. Giorgio,
Township Clerk