

SEPTEMBER 13, 2012

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, September 13, 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 Ferramosca,
Brueno and Coppola

ABSENT: Member Schleifer

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

**A MOMENT OF SILENCE WAS OBSERVED IN REMEMBRANCE OF THE 11TH
ANNIVERSARY OF THE SEPTEMBER 11, 2001 ATTACK ON THE UNITED STATES
OF AMERICA**

**PROCLAMATION CONGRATULATING MORRISTOWN MUNICIPAL AIRPORT ON
ITS 70TH ANNIVERSARY AND DM AIRPORT, LTD. ON THE 30TH ANNIVERSARY OF
THE MANAGEMENT AND OPERATION OF THE AIRPORT**

Mayor Francioli, on behalf of the Township Committee, presented the following proclamation to a representative of the Airport.

RESOLUTION: NO. 165-2012

Member Francioli offered the following resolution and moved its adoption:

A PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER CONGRATULATING MORRISTOWN MUNICIPAL AIRPORT ON THE OCCASION OF ITS 70TH ANNIVERSARY AND UPON THE 30TH ANNIVERSARY OF DM AIRPORT, LTD IN MANAGING AND OPERATING THE AIRPORT ON BEHALF OF THE TOWN OF MORRISTOWN

WHEREAS, Morristown Municipal Airport stands at the crossroads of Morris County as a leading economic pillar in directly contributing to the economic health and vitality of the County and the North Jersey Region; and

WHEREAS, Morristown Municipal Airport located totally within the boundaries of Hanover Township, began operations in 1942 at the height of World War II; and

WHEREAS, the Airport played a paramount role in serving as a test site and training facility for Bell Laboratories and was considered to be one of the most desirable airport locations in the East with regard to the defense of the Atlantic Seaboard; and

WHEREAS, in August, 1945, at the conclusion of World War II, the Federal Government turned operations back to the Town of Morristown with the **Airport** becoming a public use facility; and

WHEREAS, between 1946 through 1960, Morristown Municipal Airport experienced gradual development with the influx of companies and commercial expansion in Morris County. However, with increased jet flights and the need to accommodate Fortune 500 companies in the pharmaceuticals, health care and financial industries, the **Airport** underwent rapid growth in the late 1960's and early 1970's requiring the lengthening of Runway 5/23, the reconfiguration of taxiways, construction of an air traffic control tower and additional hangars; and

WHEREAS, encompassing 638 acres, Morristown Municipal Airport is designated as a General Aviation Reliever Airport, and is the third busiest airport in the State of New Jersey; and

WHEREAS, it is important for the public to understand the correlation between the Airport and aviation and their economic impact and contributions to the local economy of Morris County. Based on a recent economic impact assessment of the Airport, Morristown Municipal Airport supports over 1,150 jobs, contributes over \$243.6 million to the economic vitality of the region and pays over \$13.3 million in State and local taxes.

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. As **Morristown Municipal Airport** celebrates the occasion of its 70th anniversary as an integral general aviation facility in Morris County, and upon the 30th anniversary of DM Airports, Limited in managing and operating the **Airport** as of May 1, 1982, the governing body offers its sincere congratulations and best wishes to the **Airport** and DM Airports, Limited as they continue to be important corporate members of the Hanover Township community.

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

AYES: Mayor Francioli, Members Ferramosca, Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

**PRESENTATION: RECOGNITION OF SERVICE ON RETIREMENT –
MICHAEL LOIA**

The Township Committee presented an American Eagle figurine to Michael Loia in recognition of his dedicated service to the United States and the Hanover Township community upon his retirement. Mike has been a school crossing guard and an employee of the Department of Public Works and Park Maintenance for more than 20 years.

PUBLIC SERVICE ANNOUNCEMENT – NIXLE PROGRAM

Mayor Francioli announced that the Township has available a public service announcement (PSA) program, specifically the Nixle Program which residents who own a cell phone can subscribe to. The Mayor urged residents to sign up for this service. Subscribers will automatically receive public service announcements from the Police Department.

At this time, the Mayor advised that the Health Department has posted a PSA announcement providing the dates and times flu shots will be available to the public.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public.

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

APPROVAL OF MINUTES:

Mayor Francioli stated that the Minutes of the Regular Meeting of July 26, 2012, had been presented to the members of the Committee prior to this meeting by the Clerk.

Member Brueno moved that the Minutes of the Regular Meeting of July 26, 2012 be accepted and approved as presented by the Clerk. The motion was seconded by Member Ferramosca and was unanimously passed.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Violations	E.Vitellaro	Month Ending 6/30/12
Violations	E.Vitellaro	Month Ending 7/31/12
Violations	E.Vitellaro	Month Ending 8/31/12
Property Maintenance	E.DeSimoni	Month Ending 8/31/12
Property Maintenance	E.DeSimoni	Month Ending 9/30/12
DPW	B.Foran	Month Ending 8/31/12
Parks	B.Foran	Month Ending 8/31/12
Treasurer's Report	S.Esposito	Month Ending 7/31/12
Treasurer's Report	S.Esposito	Month Ending 8/31/12

ENGINEER'S PAPPYMENT LETTER:

Gerardo Maceira, Township Engineer, presented the following reports:

1. Advising that Jo-Med Contracting Corporation, has completed the Litchfield Drive Asphalt Path Project and recommending First Payment/Final in the amount of \$6,530.00 to be paid from Capital Fund, Ordinance No. 5-12, Line Item No. 410-5612-499 and Construction of Sidewalks, Line Item No. 122-0051-341.
2. Advising that Jo-Med Contracting Corporation, has completed the Storm Sewer Inlets & Manholes – Bid No. 9 repairs and recommending First Payment/Final in the amount of \$14,780.00 to be paid from Installation of Storm Drainage, Line Item 122-0046-326.

**(LUO- Revising Definitions of Floor
Area & Floor Area Ratio –
Chapter 166)**

ORDINANCE: NO. 17-2012

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 REVISING THE DEFINITIONS OF FLOOR AREA AND FLOOR AREA RATIO be read by title on second reading and a hearing held thereon.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance, as published in the August 20, 2012 issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received..

In addition, the Township Clerk stated that the ordinance was submitted to the Planning Board for review and recommendation in accordance with Municipal Land Use Law. The ordinance was also filed with the County Department of Planning & Development and submitted to contiguous municipalities.

The following letter dated August 21, 2012, from Robert Nardone, Vice-Chairman of the Township of Hanover Planning Board was read into the record:

At its August 14, 2012 meeting, the Planning Board reviewed and discussed Ordinance 17-12 which has been referred by the Township Committee as required by the Municipal Land Use Law at N.J.S.A. 40:55D-26a, which reads,

“Prior to the adoption of a development regulation, revision, or amendment thereto, the Planning Board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provision in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate.”

Ordinance 17-12 proposed to revise the definitions of “floor area” and “floor area ratio” in the Land Use Ordinance, Chapter 166 of the Code. This is merely for purposes of clarification, and not as a substantive change in policy.

In comparing Ordinance 17-12 with the master plan, the Planning Board has determined that Ordinance 17-12 is not inconsistent with the master plan. The ordinance only clarifies how these requirements are calculated, and the master plan does not contain any recommendations on these definitions or how floor area and floor area ratio are calculated.

The Board has no additional comments or recommendations on Ordinance 17-12.

Thank you for the opportunity to comment on Ordinance 17-12.

Very truly yours,
(signed)
Robert Nardone, Vice-Chairman
Township of Hanover Planning Board.

Mayor Francioli opened the meeting to the public for discussion of the proposed Ordinance. No comments forthcoming, Member Ferramosca moved the public hearing be declared closed. The motion was seconded by Member Coppola and was unanimously passed.

Member Ferramosca 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 REVISING THE DEFINITIONS OF FLOOR AREA AND FLOOR AREA RATIO be passed on final reading and that notice of the final passage of said Ordinance be published in the September 20, 2012 issue of the Morris County Daily Record.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

ORDINANCE: NO. 18-2012

**(LUO Changing Zone Classification
Of Block 920 Lot 15 on Tax Map, aka
62-66 N. Jefferson Rd. from R-40 to
New RM-5 Zone District)**

(Carried from August 23, 2012 Meeting)

Mayor Francioli announced that at this time the Township Committee plans to acknowledge an e-mail that is being circulated regarding the proposed Zone change to set the record straight. He requested that Member Ferramosca, Director of Planning address the concerns listed in said e-mail.

Deputy Mayor Ferramosca explained that the North Jefferson Road parcel which is being rezoned is the parcel commonly referred to as the slaughter house property. The recommendation was made by the Planning Board, he said, following an assessment of the surrounding area. The Deputy Mayor then proceeded to address the following ten concerns:

1 & 2). Zone Change & Density:

Explanation – the zone change to RM-5 will allow construction of 34 town house units on the 4 acre parcel which equates to 9.2 units per acre, probably the lowest RM density within Morris County.

3. No Guarantees as to Type of Units to be Built:

Explanation – Statement is not true. There are plans for town houses on file which the Planning Board will review.

4. Will Allow 45 Foot High Structures – Higher Than Any Building in the Township:

Explanation- The average residential building height is 35 feet. The town house structures, comprised of a ground level garage and two living area floors, would be 41 feet high.

5. Insufficient Room for Emergency, etc. Vehicles to Maneuver:

Explanation – An Assessment will be submitted to the Planning Board by emergency service departments – Police, Fire, Sewer Authority, indicating that conditions are safe.

6. Parking:

Explanation – There will be ample parking as each unit will have a garage and driveway. On-street parking will be prohibited.

7. 102 Additional Cars Daily on North Jefferson Road:

Explanation – No significant impact.

8. No Recreation Area:

Explanation – This is consistent with town house developments.

9. Recommend Single Family Homes:

Explanation – It is a matter of profitability – probably would not be economically feasible.

10. Twp. Will be Known as The Condo Capital of Morris County?

Explanation – Not true.

Mayor Francioli opened the meeting to the public.

The following individuals addressed the Township Committee expressing their concerns with the proposed zone change and recommending the parcel be rezoned to single family residential use rather than RM-5 which would allow town houses.

1. Father Roman Mirchuck, Pastor of St. John's Ukrainian Catholic Church, which Church abuts the parcel in question.
2. Michael Mihalko of 36 Legion Place who is building a single family home adjacent to the parcel.
3. Michael Perdue of 68 North Jefferson Road
4. Resident residing at 8 Windemere Court
5. Resident residing at 114 Appleton Way
6. Resident residing at 72 North Jefferson Road
7. Resident residing at 135 Park Avenue
8. Resident residing at 45 Windemere Court

9. Resident residing at 2 Briarwood Court
10. Resident residing at 6 Briarwood Court
11. Resident residing at 35 Windemere Court
12. Resident residing at 9 Briarwood Court

No further comments forthcoming, Member Brueno moved the public hearing be declared closed. The motion was seconded by Member Ferramosca and was unanimously passed.

Member Ferramosca requested that the developer provide commentary at this time.

Developer Joseph Forgione provided background information regarding the location of various single family home sites and town houses that his firm constructed in Hanover Township since 1984. In addition he noted that he donated several newly constructed ball fields to the Township.

At 10:20 PM, due to the fact that those in attendance remained opposed to the zone change, Member Ferramosca moved that the governing body convene in executive legal session to discuss the matter prior to taking action. The motion declaring a recess was seconded by Member Brueno and was unanimously passed.

The recess concluded at 10:35 PM. Mayor Francioli announced that it is the recommendation of the Township Committee to defeat Ordinance No. 18-2012 and return the matter to the Planning Board for further consideration. The Mayor urged those present to attend upcoming Planning Board meetings.

Member Coppola made a motion to defeat Ordinance No. 18-2012. The motion was to defeat was seconded by Member Ferramosca and was passed by the following roll call vote:

AYES: Mayor Francioli, Members
Ferramosca, Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 166-2012

Member Ferramosca offered the following resolution and moved its adoption:

A PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER PROCLAIMING THE WEEK OF SEPTEMBER 17 THROUGH 23, 2012 AS CONSTITUTION WEEK IN THE TOWNSHIP

WHEREAS, September 17, 2012, marks the two hundred twenty-fifth anniversary (225th) of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; and

WHEREAS, it is fitting and proper to officially recognize the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through the 23rd as Constitution Week.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey by virtue of the authority vested in the governing body of the Township of Hanover does hereby proclaim the week of September 17th through the 23rd as Constitution Week in Hanover Township.

BE IT FURTHER RESOLVED, the Township Committee asks our residents to reaffirm the ideals held dearly by the Framers of the Constitution in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 167-2012

Member Ferramosca offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE
ADVANCE PAYMENT OF MONEYS IN ACCORDANCE WITH N.J.S.A.**

**40A:5.16.1 TO THOSE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP
ATTENDING THE NOVEMBER 13 TO 15, 2012 NEW JERSEY LEAGUE
OF MUNICIPALITIES CONVENTION IN ATLANTIC CITY IN AN AMOUNT
NOT TO EXCEED \$350.00**

WHEREAS, N.J.S.A. 40A:5-16.1 states that the governing body of any municipality, may, by Resolution, provide for and authorize payment of moneys to the elected officials, board members and employees of that municipality toward their expenses for authorized official travel and expenses related to travel to an authorized meeting or conference; and

WHEREAS, any such Resolution shall provide for the verification and adjustment of any such expenses and advances, and the repayment of any unused moneys advanced to those elected officials, board members and employees; and

WHEREAS, the Statute also requires that within ten (10) days after the completion of the travel and attendance at that meeting or conference, the elected officials, board members or employees shall submit a detailed and itemized listing of expenses together with any receipts, and shall certify upon the municipality's standard voucher the exact expenditure of public funds; and

WHEREAS, any excess moneys advanced which are not used shall be repaid to the Township within (10) days after the completion of travel for which an advance was made; and

WHEREAS, it is the policy of the Township to permit an expenditure of One Hundred Sixteen (\$116.67) Dollars and Sixty Seven Cents per day and not to exceed Three Hundred (\$350.00) Dollars for attendance and participation at the New Jersey League of Municipalities Convention to be held between November 13 through November 15, 2012 in Atlantic City; and

WHEREAS, the Township Committee desires to permit the advancement of funds for travel and attendance at the various League meetings and conferences to be held at the Atlantic City Convention Center between November 13 and 15 in accordance with N.J.S.A. 40A:5-16.1.

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

1. Pursuant to the requirements of N.J.S.A. 40A:5-16.1 the governing body hereby authorizes the advancement of One Hundred Sixteen (\$116.67) Dollars and Sixty Seven Cents per day and not to exceed \$350.00 to those elected officials, board members and employees who attend and actively participate in the various meetings and conferences sponsored at the New Jersey League of Municipalities Convention to be held in Atlantic City between November 13 through November 15, 2012.

2. In accordance with the requirements of N.J.S.A. 40A:5-16, each elected official, board member and employee attending and participating at the Convention shall complete and certify a Township of Hanover Voucher providing a detailed and itemized listing of expenditures. The Voucher shall be presented to the Business Administrator and CMFO within ten (10) days after the Convention for verification and approval.

3. Within ten (10) days after attending the Convention, it shall also be the responsibility of each elected official, board member and employee to make repayment to the Township of any moneys advanced which have not been utilized for legitimate Convention purposes.

4. That a certified copy of this Resolution shall be transmitted to all Convention participants and the Township's Chief Municipal Finance Officer for their reference and information.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 168-2012

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE DECLARING A VACANCY IN THE SEAT OF ENVIRONMENTAL COMMISSION MEMBER DANIEL MIHALKO IN NOT ATTENDING SIX (6) SUCCESSIVE REGULARLY SCHEDULED MEETINGS OF THE BOARD, ALL IN ACCORDANCE WITH SECTION 5-1. OF CHAPTER 5 OF THE CODE OF THE TOWNSHIP ENTITLED BOARDS AND COMMISSIONS, VACANCIES ON

WHEREAS, on January 1, 2011, Daniel Mihalko was reappointed to serve as the Alternate 1 member on the Environmental Commission for a three (3) year term of office which term of office is set to expire on December 31, 2013; and

WHEREAS, members of Boards, Commissions and Committees are required to attend all meetings unless they are granted an excused absence for a legitimate reason; and

WHEREAS, according to the 2012 attendance record compiled by the Secretary to the Environmental Commission, Daniel Mihalko has not attended any regular meetings of the Board; and

WHEREAS, Section 5-1. entitled "Declaration of Vacancy by Township Committee." under Chapter 5 of the Code of the Township entitled Boards and Commissions, Vacancies On states that the Township Committee is authorized by the adoption of a resolution to declare a vacancy in the seat of any nonelected member of the Environmental Commission who has failed to attend three (3) successive regularly scheduled meetings of the Board; and

WHEREAS, Mr. Mihalko did not attend the regularly scheduled meetings of the Environmental Commission on January 9, February 6, March 5, April 2, May 7, and June 4, 2012; and

WHEREAS, in accordance with Section 5-1. of Chapter 5 of the Code, it is the intention of the Township Committee to declare a vacancy of Mr. Mihalko's seat on the Environmental Commission.

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 seat of Daniel Mihalko on the Environmental Commission is hereby declared vacant as a result of Mr. Mihalko's failure to attend regularly scheduled meetings of the Board during the months of January, February, March, April, May and June, 2012. Mr. Mihalko has missed six (6) successive regularly scheduled meetings of the Board which is contrary to the provisions of Section 5-1. Entitled "Declaration of Vacancy by Township Committee." under Chapter 5 of the Code of the Township entitled Boards and Commissions, Vacancies On.
2. In accordance with Section 22-2. entitled "Terms of Office.", under Chapter 22 of the Code of the Township entitled Environmental Commission, the Township Committee may appoint a successor to Mr. Mihalko's vacant seat for the unexpired term of office which shall end on December 31, 2013.

That a certified copy of this resolution shall be transmitted to the Secretary of the Environmental Commission for reference and information purposes.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 169-2012

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN RED BULL NEW YORK, INC. AND THE TOWNSHIP REGARDING THE CONSTRUCTION OF A SOCCER TRAINING FACILITY AND RELATED SITE IMPROVEMENTS FOR THE NEW YORK RED BULL'S PROFESSIONAL SOCCER TEAM ON PROPERTY LOCATED AT 24 MELANIE LANE AND ALSO KNOWN AS LOT 12 IN BLOCK 6601, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE DEVELOPER'S AGREEMENT

WHEREAS, the Planning Board of the Township of Hanover granted Preliminary and Final Site Plan approval, to **Red Bull New York, Inc.**, as Developer, for the purpose of constructing a soccer training facility and related site improvements for the New York Red Bull's professional soccer team on property located at 24 Melanie Lane and designated as Lot 12 in Block 6601 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, **Red Bull New York, Inc.** will utilize the site by the Red Bull's first and reserve teams for practice and training sessions as well as occasional soccer matches for the Red Bull's Academy Teams and Reserve Teams; and

WHEREAS, the Developer's Agreement describes the improvements to be constructed on the property listed above; 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 6601, Lot 12, located in the Township of Hanover in accordance with the requirements of said preliminary and final site plan approval 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 signing of this agreement; and

WHEREAS, Hartz Mountain Square with offices located in Secaucus, New Jersey is the property owner of the subject site; and

WHEREAS, 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 the Developer's Agreement by and between the Township of Hanover and **Red Bull New York, Inc.**, the Developer, concerning the construction of two (2) grass soccer fields, an artificial turf soccer field, four (4) buildings and a paved parking lot and related site improvements on property located at 24 Melanie Lane in the Whippany Section of the Township and also designated as Lot 12 in Block 6601, as set forth on the Tax Map of the Township of Hanover. 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:"

A. The Developer shall be responsible in submitting a total performance guarantee of \$1,222,683.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$122,268.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 5(a) of the Developer's Agreement. And, submission to the Township Clerk of a Surety Performance Bond or Irrevocable Standby Letter of Credit in the amount of \$1,100,415.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 5(a) of said Agreement.

B. In accordance with paragraph 5(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$24,454.00 to compensate the Township for all Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer.

C. The Developer shall also be required to pay to the Township of Hanover the sum of \$20,000.00 to cover the cost of the Hanover Sewerage Authority's engineering review, inspection and supervision of all the sanitary sewer facilities and improvements and observation of environmental conditions required for this project, and

as more specifically set forth in the Township Engineer's Schedule "A".

D. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 13 of the Developer's Agreement.

E. 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".

F. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, 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.

2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, HSA Executive Director, the Township's Chief Municipal Finance Officer and **Red Bull New York, Inc.** for reference and action purposes.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 170-2012

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING IN AN AMOUNT NOT TO EXCEED \$10,000.00 TO CHIEF RAYMOND J. HAYDUCKA, JR. FOR EXPERT SERVICES AND TESTIMONY IN CONNECTION WITH LITIGATION, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i)

WHEREAS, there exists a need for expert services and testimony to be rendered to the Township of Hanover in connection with litigation entitled Yanovak vs. Township et al, Docket No. MRS-L-542-12; and

WHEREAS, the Township wishes to retain the services of Chief Raymond J. Hayducka, Jr.; and

WHEREAS, sufficient funds have been appropriated and are available in the 2012 Current Fund Budget, Administration & Executive Account, Line Item No. 122-0001-052 to retain the services of Chief Hayducka; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) requires that the resolution authorizing the award of contracts for “professional services” without competitive bidding, and the contract itself must be made available for public inspection.

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 Raymond J. Hayducka, Jr. residing at 11 Liberty Drive in Dayton, New Jersey 08810 is hereby retained to provide the Township with expert services and testimony in connection with issues pertaining to the recent promotional process for sergeant in the Hanover Township Police Department and central to the adjudicatory hearing process and the litigation entitled Yanovak vs. Township of Hanover et al, Docket No. MRS-L-542-12.
2. Chief Hayducka shall be paid a non-refundable retainer of \$1,500.00 in advance of the start of services covering ten (10) hours of case work. In addition, he shall be compensated at an hourly rate of \$150.00 for consulting services which includes the examination of records and preparation of a written report to the Township. For attendance at a deposition or trial and providing expert witness testimony, Chief Hayducka shall be compensated at a fee of \$600.00 per half day. The total amount of the contract for services to be rendered by Chief Hayducka shall not exceed \$10,000.00. Any additional costs shall require the prior written approval of the Township Committee.
3. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement by and between the Township and Chief Hayducka in an amount not to exceed \$10,000.00.
4. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq.

5. Notice of this action shall be published in the September 20, 2012 issue of the Daily Record.
6. That a certified copy of this resolution shall be transmitted to the Chief of Police, the Township's Chief Municipal Finance Officer and Chief Hayducka for reference and information purposes.

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

AYES: Mayor Francioli, Members Ferramosca, Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 171-2012

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO ANTHONY MARUCCI, A LAND SURVEYOR LICENSED BY THE STATE OF NEW JERSEY AND THE FIRM OF MARUCCI ENGINEERING ASSOCIATES, LLC, IN THE PERFORMANCE OF LAND SURVEYING SERVICES AT THE RATE OF \$110.00 PER HOUR, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i)

WHEREAS, the Township of Hanover seeks to retain the services of a land surveyor licensed by the State of New Jersey for the purpose of reviewing survey documents submitted to the Township as they relate to applications for development pending before the Planning Board and Zoning Board of Adjustment; and

WHEREAS, on July 17, 2012, the Township Engineer sent a written Request for Proposal and Quotation to seven (7) licensed land surveyors and/or professional engineering firms; and

WHEREAS, prospective bidders were asked to submit their written proposals and quotations to the Township on or before 4:00 p.m. on August 16, 2012; and

WHEREAS, three (3) of the seven (7) prospective bidders submitted proposals and quotations by August 16, 2012; and

WHEREAS, Anthony Marucci, a land surveyor licensed by the State of New Jersey submitted the lowest written quotation in the amount of \$110.00 per hour for the scope of services described in the Township's RFP; and

WHEREAS, the Township Engineer, acting within his authority and in conformity with the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq. has carefully examined the three (3) written proposals including all relevant documentation that was required as part of the RFP solicitation and has determined that the proposal of **Anthony Marucci** is in total conformance with the Township Engineer's RFP and does not include any exceptions, deviations or deficiencies; and

WHEREAS, in a memorandum dated September 10, 2012 to the Business Administrator/Township Clerk, the Township Engineer recommends that a professional services agreement be awarded to **Anthony Marucci**, a licensed land surveyor, professional engineer and professional planner licensed by the State of New Jersey and the firm of **Marucci Engineering Associates, LLC**; and

WHEREAS, in accordance with Article VII, Section 166-48.B. and C. under Chapter 166 of the Code of the Township entitled Land Use and Development Legislation, **Mr. Marucci** and the firm of **Marucci Engineering Associates, LLC** shall receive payment for the performance of land surveying services from the respective individual escrow accounts established for applicants; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) requires that the resolution authorizing the award of contracts for "professional services" without competitive bidding, and the contract itself must be made available for public inspection.

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 the Township Engineer as set forth in his memorandum dated September 10, 2012 to the Business Administrator/Township Clerk, the governing body hereby awards a professional services contract to **Anthony Marucci**, a land surveyor licensed by the State of New Jersey, and the Firm of **Marucci Engineering Associates, LLC** with offices located at 116 Whippany Road in Whippany, for the review of land survey documents submitted to the Township by applicants to the Planning Board and Zoning Board of Adjustment.
2. Based on an hourly rate of \$110.00 per hour as quoted by **Mr. Marucci** in his August 16, 2012 proposal and quotation, **Mr. Marucci** shall perform the land surveying scope of services as described in full in the Township's professional services agreement and as set forth in the July 17, 2012 Request for Proposal.

3. The term of the contract shall commence on October 1, 2012 and expire on December 31, 2012.
4. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement by and between the Township and **Anthony Marucci** based on an hourly rate fee of \$110.00 per hour.
5. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq.
6. Notice of this action shall be published in the September 20, 2012 issue of the Daily Record.
7. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and **Mr. Marucci** for reference and information purposes.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 172-2012

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A TWELVE (12) MONTH, ONE TIME EXTENSION OF THE HEATING, VENTILATING AND AIR CONDITIONING PREVENTIVE MAINTENANCE AND REPAIR SERVICES CONTRACT BY AND BETWEEN THE TOWNSHIP AND RAMAS CLIMATE AND REFRIGERATION, LLC BASED ON THE SAME PRICING AND TERMS AND CONDITIONS AS THE ORIGINAL CONTRACT FOR THE PERIOD COMMENCING OCTOBER 1, 2012 AND ENDING ON SEPTEMBER 30, 2013, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-15

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Committee, during its September 22, 2011 regular meeting

approved a resolution awarding a contract to **Ramas Climate and Refrigeration, LLC** for the performance of preventive maintenance and repair services for the heating, ventilation and air conditioning systems located at the Municipal Building, the Multi-Purpose Community Center, Monroe Hall and the Public Works Department Garage; and

WHEREAS, Ramas Climate and Refrigeration, LLC, was the lowest responsible and responsive bidder who submitted a bid in the amount of \$6,500.00 for preventive maintenance services, and repair services, based on the vendor's hourly rates when such repair services are required by the Township; and

WHEREAS, the contract period began on October 1, 2011 and shall end on September 30, 2012; and

WHEREAS, N.J.S.A. 40A:11-15 provides that municipalities may enter into contracts for the furnishing of materials, supplies or services for a period not to exceed twenty-four (24) consecutive months; and

WHEREAS, the Local Public Contracts Law also provides that the governing body, may by resolution, extend a service contract for no more than one, two (2) year, or two, one (1) year extensions, subject to certain limitations; and

WHEREAS, the Township Engineer has determined that **Ramas Climate and Refrigeration, LLC** has performed in an effective and efficient manner during the twelve (12) month contract period, that is, from October 1, 2011 through September 30, 2012 and recommends that the contract be extended for an additional twelve (12) month period commencing October 1, 2012 through September 30, 2013; and

WHEREAS, on September 5, 2012, **Ramas Climate and Refrigeration, LLC** advised the Township's Business Administrator that it agrees to extend the contract through September 30, 2013 based on the same terms, conditions and pricing as set forth in the original contract executed in October, 2011; and

WHEREAS, based on the recommendation of the Township Engineer and the consent of **Ramas Climate and Refrigeration, LLC**, the Township Committee wishes to extend the heating, ventilating and air conditioning HVAC Preventive Maintenance and Repair Services contract for the twelve (12) month period commencing October 1, 2012 and ending September 30, 2013.

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:11-15, the governing body hereby extends the HVAC Preventive Maintenance and Repair Services contract awarded to **Ramas Climate and Refrigeration, LLC** for one twelve (12) month extension of time commencing October 1, 2012 and

ending September 30, 2013. The prices for preventive maintenance services, and the hourly labor rates for repair services, when necessary, and all other terms and conditions, shall remain the same as those prices stipulated in the October, 2011 written contract by and between the Township and **Ramas Climate and Refrigeration, LLC** as follows:

- | | |
|---|---------------------------|
| <u>Preventative Maintenance Services:</u> | \$6,500.00 Lump Sum; |
| <u>Hourly Labor Rates for Repair Services:</u> | |
| A. Regular Hourly Labor Rate:
Monday to Friday
8:30 a.m. to 4:30 p.m. | \$60.00 per man hour; |
| B. Weekday Overtime Labor Rate:
Monday to Friday after 4:30 p.m. &
All Day Saturday | \$90.00 per man hour; and |
| C. Overtime Labor Rate:
Sunday and Holidays | \$120.00 per man hour. |
2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and **Ramas Climate and Refrigeration, LLC** for reference and information purposes.

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

AYES: Mayor Francioli, Members Ferramosca, Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: **NO. 173-2012**

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5(s), AND THE PAY-TO-PLAY LAWS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A.19:44A-20.26 ET SEQ. TO S. ROTONDI & SONS, INC., IN AN AMOUNT NOT TO EXCEED \$101,880.00 BASED ON ITS QUOTATION OF \$8.49 PER CUBIC YARD FOR THE REMOVAL AND RECYCLING OF THE TOWNSHIP'S FRESH, UNCOMPOSTED LEAVES FOR THE PERIOD BEGINNING OCTOBER 9, 2012 AND

ENDING JANUARY 2, 2013

WHEREAS, pursuant to the provisions of the Non-Fair and Open Process of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Department of Public Works is in need of recycling its un-composted leaves at an approved mulching/compost facility which leaves are presently located at the Public Works Complex located on Stoney Brook Road in Whippany; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-5(s) provides an exception to the public advertising and competitive bid requirements of the Local Public Contracts Law for the marketing of recyclable materials; and

WHEREAS, pursuant to the requirements of the Non-Fair and Open process of the Pay-to-Play Legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Township's Business Administrator, in his role as the Township of Hanover's Qualified Purchasing Agent, has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated contract for leaf composting services has an anticipated value in excess of \$17,500.00; and

WHEREAS, although N.J.S.A. 40A-11.5(s) does not require the public advertising for bids for compost materials, the Business Administrator, in accordance with the Local Public Contracts Law, mailed a Request for Proposal to five (5) vendors on August 14, 2012, seeking quotations for the removal and recycling of an estimated 12,000 cubic yards of leaves; and

WHEREAS, the Township's Specification required that the successful vendor, in addition to loading, removing and recycling the Township's un-composted leaves must also provide the Township with one or more roll-off containers in the event that the Township finds it necessary to temporarily store the leaves to prevent odors; and

WHEREAS, of the five (5) vendors solicited, only two (2) written quotations were received by the Business Administrator by the deadline date of August 28, 2012 as follows:

1. S. Rotondi & Sons, Inc.....\$8.49 per cubic yard for loading, transporting and recycling of leaves. In addition, if requested the Township's DPW, Rotondi will provide 30 cubic yard containers for the temporary storage of leaves at a cost of \$270.00 per container.
2. Nature's Choice Corporation....\$8.95 per cubic yard for loading, removal and recycling the leaves. The container is included if necessary; and

WHEREAS, after carefully reviewing the two (2) written competitive quotations, the Business Administrator recommends that the Township Committee award a contract to **S. Rotondi & Sons, Inc.**, P.O. Box 1407 located in Summit, New Jersey 07902 for the loading, removal and recycling of approximately 12,000 cubic yards of uncomposted leaves based on **S. Rotondi & Sons, Inc.'s** quotation of \$8.49 per cubic yard; and

WHEREAS, the Township's Business Administrator believes that the \$8.49 per cubic yard quotation is in the best interest of saving taxpayer dollars, and that the written commitment of the vendor to remove the leaves on a daily basis should an odor condition arise, be accepted as a good faith commitment by the vendor to comply with the Township's needs; and

WHEREAS, the cost for the loading, transporting and recycling of leaves shall be charged to the Township's Tree Fund Account which has sufficient funds to meet the needs of this award; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Township's Tree Fund Account, Line Item No. 254-3508-499 for the purpose of removing and recycling approximately 12,000 cubic yards of fresh, un-composted leaves.

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 be awarded to:

S. Rotondi & Sons, Inc.
P.O. Box 1407
Summit, New Jersey 07902

for the purpose of loading, removing and recycling approximately 12,000 cubic yards of un-composted leaves stored at the Township's Public Works Complex located on Stoney Brook Road.

2. The vendor, **S. Rotondi & Sons, Inc.** will be required to remove all of the Township's un-composted leaves between October 9, 2012 and January 2, 2013, or until all leaves collected and temporarily stored at the Township's Recycling Center during the 2012 leaf collection season have been removed and recycled.

3. The Mayor and Township Clerk are hereby authorized to execute a contract with **S. Rotondi & Sons, Inc.** in an amount not to exceed \$101,880.00 based on **Rotondi's** quotation of \$8.49 per cubic yard, all in accordance with the vendor's written proposal and quotation received on August 28, 2012.

4. The Township Committee believes that a rational nexus exists between the use of Tree Fund Account moneys for the removal and recycling of the Township's un-composted leaves as the leaves are the product of trees located throughout the Township on public and private properties.

5. In accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Business Disclosure Entity Disclosure Form, the Chapter 271 Political Contribution Disclosure Form and the Stockholder Disclosure Certification submitted by **S. Rotondi & Sons, Inc.** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his role as the Township's Qualified Purchasing Agent, is also attached hereto and made a part of this resolution as if set forth in full.

6. A certified copy of this resolution shall be forwarded to the Superintendent of Public Works, the Township's Recycling Coordinator, the Chief Municipal Finance Officer and to **S. Rotondi & Sons, Inc.** for reference and action purposes.

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

AYES: Mayor Francioli, Members Ferramosca, Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: NO. 174-2012

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE SUBMISSION OF A YEAR 2013 MUNICIPAL ALLIANCE GRANT FROM THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE THROUGH THE COUNTY OF MORRIS AND FURTHER AUTHORIZING THE BUSINESS ADMINISTRATOR TO SUBMIT THE GRANT APPLICATION

REVISED RESOLUTION REFLECTING ADDITIONAL DEDR FUNDING

WHEREAS, the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the governing body further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

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

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

1. The Township Committee does hereby authorize submission of an application for the Hanover Township Substance Awareness Committee Municipal Alliance grant for a year 2013 Municipal Alliance allocation as follows:

A. Alliance DEDR Total.....	\$12,672.00
B. Cash Match.....	\$ 3,168.00
C. In-Kind Match.....	<u>\$ 9,504.00</u>
Total Alliance Budget.....	\$25,344.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

3. That a certified copy of this resolution along with the Grant Application shall be submitted to the Governor's Council on Alcoholism and Drug Abuse, the co-chairs of the Township's Substance Awareness Council and the Chief Municipal Finance Officer for reference and action purposes.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: **NO. 175-2012**

Member Ferramosca offered the following resolution and moved its adoption:

**A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER
TO CANCEL SPEF IMPROVEMENT AND AUTHORIZATIONS**

BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that the amounts listed in the following items be and they are hereby cancelled:

ORDINANCES:
Capital Account:

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
09-12	Improvements – Bee Meadow Pool 1. Repair Perimeter Edge Deck 2. Reroofing Maintenance Building	\$4,795.85

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the Township’s CMFO for his information and action.

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: **NO. 176-2012**

Member Ferramosca 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 I.

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: \$4,400.00
2012 - Drive Sober or Get Pulled Over
Crackdown Grant

Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$4,400.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":
State and Federal Programs Offset by Revenues: \$4,400.00
Drive Sober or Get Pulled Over: OE

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 Coppola, was passed and the resolution adopted by the following roll call vote:

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RESOLUTION: **NO. 177-2012**

Member Ferramosca offered the following resolution and moved its adoption:

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:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL. #</u>	<u>NAME</u>	<u>AMOUNT</u>
501	26		Gopakumar Gopalakrishnan 66 Poplar Drive	

			Morris Plains, NJ 07950	\$2542.52
601	4	C0203	Maureen Harris 203 Viera Drive Cedar Knolls, NJ 07927	\$132.57
1204	42		Colin & Judith Kelley 10 Gristmill Road Cedar Knolls, NJ 07927	\$2025.45
1402	12		John & Sue Ann Wohlgemuth 31 Summit Avenue Cedar Knolls, NJ 07927	\$2376.58
1502	21	C0151	Title Source 662 Woodward Ave Detroit, MI 48226 RE: Landolfi/251 Vista Dr	\$1073.32
3002	7.39		Titles of New York 750 Lexington Ave – 4 th Floor New York, NY 10022 RE: Lee/3 Windemere Ct	\$2683.66
4301	2	C1602	Chase Attn: Refunds 1 Corelogic Drive Westlake, TX 76262 RE:1602 Northcrest Terr/Liu	\$1800.42
4504	2		Rosemary Ramsay 14 Karla Drive Whippany, NJ 07981	\$394.11
5403	15		Suresh Babu & Seetha Nair 33 Deerfield Road Whippany, NJ 07981	\$197.51
5601	5		Anthony Sannitti Attny at Law 383 Ridgedale Avenue East Hanover, NJ07936 RE:Cohen/203 Whippany Rd	\$1669.02

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

AYES: Mayor Francioli, Members Ferramosca,
Brueno and Coppola

NOES: None

ABSENT: Member Schleifer

RAFFLE APPLICATIONS:

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

1. Whippanong American Legion Post 155, 13-23 Legion Place, Whippany, New Jersey, an Instant Raffle to be held on 9/30/12 – 9/30/13 at the American Legion Hall, 13-23 Legion Place, Whippany, New Jersey. Said application was assigned No. RL-2582. Identification of the application is No. 193-7-383.
2. Elizabeth Ann Seton Council 6904 – Knights of Columbus, P. O. Box 161, Morristown, New Jersey, an on-premise raffle to be held on 12/08/12 at Our Lady of Mercy Church Center, Whippany Road, Whippany, New Jersey. Said application was assigned No. RL-2583. Identification of the application is No. 193-6-22449.
3. Whippany Park Booster Club, 165 Whippany Road, Whippany, New Jersey, a Calendar Raffle to be held on 1/2/13 through 3/31/13 at Whippany Park High School, 165 Whippany Rd., Whippany, New Jersey. Said application was assigned No. RL-2584. Identification of the application is No. 193-5-22707.
4. Whippany Park Booster Club, 165 Whippany Road, Whippany, New Jersey, a 50/50 to be held on 11/15/12 at the Birchwood Manor, 111 No. Jefferson Rd. Whippany, New Jersey. Said application was assigned No. RL-2585. Identification of the application is No. 193-5-22707.
5. Whippany Park Booster Club, 165 Whippany Road, Whippany, New Jersey a Tricky Tray, 11/15/12 at the Birchwood Manor, 111 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2586. Identification of the application is No. 193-5-22707.
6. Morristown Ambulance Squad Inc., 16 Early Street, Morristown, New Jersey, an on-premise raffle to be held on 10/11/12, at the Birchwood Manor, 111 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2587. Identification of the application is No. 324-10-28362.
7. Morristown Ambulance Squad, Inc. 16 early Street, Morristown, New Jersey, an on-premise 50/50 to be held on 10/11/12 at the Birchwood Manor, 111 No.

Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2588. Identification of the application is No. 324-10-28362.

8. HNS of Our Lady of Mercy, 90 Whippany Road, Whippany, NJ 07981, a 50/50 to be held on 11/4/12 at Our Lady of Mercy, 90 Whippany Road, Whippany, New Jersey. Said application was assigned No. RL-2589. Identification of the application is No. 193-3-5428.
9. HNS of Our Lady of Mercy, 90 Whippany Road, Whippany, New Jersey, a Tricky Tray to be held on 11/4/12 at OLM, 90 Whippany Road, Whippany, New Jersey. Said application was assigned No. RL-2590. Identification of the application is No. 193-3-5428.

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 Brueno and was unanimously passed.

Member Coppola abstained on Raffle No. 2583.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$4,417,730.15 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 Ferramosca and seconded by Member Coppola.

A copy of the Bills 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.

OTHER BUSINESS:

Member Brueno invited all to participate in a Walk for the Heroes fundraiser to begin at 8:30 at Malapardis Park on Saturday. Proceeds to be donated to the Wounded Veterans Organization.

Member Ferramosca reminded everyone to submit an application for a free tree. The Free Tree Give Away is sponsored by the Environmental Commission as is Community Shred Day which will be held at Employment Horizons on Saturday.

Member Coppola extended thanks and appreciation to the Township Engineer for his efforts in getting the Salem Drive sidewalk project completed before the opening of school.

And, the Mayor announced that the Seasonal Flu Clinic will begin on Monday, September 17th at the Community Center. The entire schedule is posted on the Township's website.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public.

Daniel Mihalko of 102 Vista Drive, who was removed this evening from serving as a member of the Environmental Commission by resolution, explained that it was mutually understood from the outset that he would participate in Commission sponsored events but was not expected to attend meetings.

Member Ferramosca agreed and thanked Mr. Mihalko for his efforts on the Commission's behalf.

Carol Fomchenko of Malapardis Road thanked the Township Committee for sending a letter to the Postmaster General concerning the closure of the Whippany Post Office and the hardship it has caused our residents. Ms. Fomchenko than shared a suggestion made by Former Mayor Sal Iannaccone. Should the Postal Service's reply favor reopening the Whippany Post Office possibly in a new location, the Township should consider suggesting the Kathie's Korner site located on Route 10 or Pine Plaza. In addition, she said this might be an opportunity to have one Hanover Township Post Office with one zip code.

Mayor Francioli noted that the township made such a suggestion at one time with the North Jefferson Road site across from the Municipal Building in mind. Residents were opposed. They want to keep their current zip codes.

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

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

TOWNSHIP COMMITTEE

TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

Joseph A. Giorgio,
Township Clerk