

JANUARY 10, 2013

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, January 10, 2013, 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.

Liz Bungo, a 43 year resident of the Township, who recently retired following a 22 year teaching career and who has two young children expressed her concern with the Newtown school shooting tragedy. As a result, she said her current commitment is to make sure that her children and all children are kept as safe as possible. She said that she is researching a funding issue since she feels the solution is to have a School Resource Officer (SRO) at each school.

Ms. Bungo volunteered her assistance as a member of an ad hoc committee whose goal would be to solve this problem which she described as the "new normal".

Mayor Francioli assured Ms. Bungo that the tragic events at Newtown have brought on a high level of concern on the part of the members of the governing body. In an ideal world, he said, an SRO in each school would be fantastic but current funding resources are insufficient to handle such an expenditure. He noted that the committee has approached the Mayors of East Hanover and Florham Park and the Board of Education suggesting they share the cost of an officer. Unfortunately, the suggestion was not met favorably, he reported.

As a result of a recent meeting with both School Superintendents to discuss present and future safety measures, the Mayor said it was determined that there is an adequate safety plan and there are current procedures in the schools such as locked doors, spot lights, motion detectors, unannounced drills, lock downs when warranted.

Ms. Bungo again asked how she could be of assistance. Member Brueno assured her that the Township Committee will continue to discuss the matter, which matter he felt could not be resolved this evening, and will continue to work with the Board of Education.

No further comments forthcoming, Member Schleifer 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 Bid Committee Meeting of October 16, 2012 and the Minutes of the Regular Meetings of October 25th and November 8th, 2012, had been presented to the Members of the Committee prior to this meeting by the Clerk.

Member Coppola moved that the Minutes of the Bid Committee Meeting of October 16, 2012 and the Minutes of the Regular Meetings of October 25th and November 8th, 2012, be accepted and approved as presented by the Clerk. The motion was seconded by Member Schleifer and was unanimously passed.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Police Department	S.W.Gallagher	Month Ending 12/31/12
Building Dept.	S.Donlon	Month Ending 11/30/12
Treasurer's Report	S.Esposito	Month Ending 12/31/12
Property Maintenance	E.DeSimoni	Month Ending 12/31/12

**(Salaries & Compensation Amendment
"Holidays" Part- Time Employees
Pay Treatment)**

ORDINANCE: **NO. 1-2013**

Member Francioli 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 SECTION 61-13.(2) ENTITLED 'HOLIDAYS.' UNDER CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES". 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 Francioli 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 SECTION 61-13.(2) ENTITLED 'HOLIDAYS.' UNDER CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES". 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 24th day of January, 2013, 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. 2-2013 (Solicitors, Canvassers & Itinerant Vendors Amendment Applicant Fingerprinting Required)

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 243 OF THE CODE OF THE TOWNSHIP ENTITLED SOLICITORS, CANVASSERS AND ITINERANT VENDORS WITH THE INCLUSION OF A NEW PROVISION RELATED TO THE FINGERPRINTING OF APPLICANTS”, 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 AMENDING AND SUPPLEMENTING CHAPTER 243 OF THE CODE OF THE TOWNSHIP ENTITLED SOLICITORS, CANVASSERS AND ITINERANT VENDORS WITH THE INCLUSION OF A NEW PROVISION RELATED TO THE FINGERPRINTING OF APPLICANTS’, 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 24th day of January, 2013 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. 3-2013 (Land Use & Development Legislation
Amendment Regulation for Tree
Preservation, Removal & Planting)**

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 AMENDING AND SUPPLEMENTING THE REGULATIONS FOR TREE PRESERVATION, REMOVAL AND PLANTING", 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 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 AMENDING AND SUPPLEMENTING THE REGULATIONS FOR TREE PRESERVATION, REMOVAL AND PLANTING", 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 14th day of February, 2013, 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

RESOLUTION: NO. 21-2013

Member Schleifer offered the following resolution and moved its adoption:

**A RESOLUTION PROVIDING FOR THE ADVANCEMENT IN GRADE AND
COMPENSATION FOR SERGEANT MICHAEL LOOCK IN THE POLICE DEPARTMENT
UPON THE SUBMISSION OF A SATISFACTORY JOB PERFORMANCE EVALUATION**

WHEREAS, in accordance with Article VIII entitled "Employee Job Performance Evaluation System" of the current Collective Bargaining Agreement between the Township and PBA #128 and Salary Ordinance No. 25-07, the employee named below has received a satisfactory job performance evaluation from the Chief of Police, and subject to Township policy, is entitled to advance in grade and compensation based on his anniversary date; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris that the individual named below, in accordance with Salary Ordinance No. 25-07, shall be advanced in grade and compensation on his anniversary date:

POLICE:

Michael Loock

\$96,450.00 per annum

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer and Chief of Police for their reference 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 Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: NO. 22-2013

Member Schleifer offered the following resolution and moved its adoption:

PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF FRED SEMRAU, ESQ AND THE FIRM OF DORSEY & SEMRAU AS "TOWNSHIP ATTORNEY" DURING CALENDAR YEAR 2013 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. SEMRAU IN AN AMOUNT NOT TO EXCEED \$160,000.00 WHICH AMOUNT INCLUDES A RETAINER AT \$75,000.00 COVERING GENERAL LEGAL SERVICES, AND LITIGATION AND TAX APPEAL SERVICES AT \$85,000.00 (NOT INCLUDING AN AMOUNT NOT TO EXCEED \$3,000.00 FOR OUT-OF-POCKET DISBURSEMENTS, IN REM TAX FORECLOSURE ACTIONS AT THE RATE OF \$1,000.00 PER TAX SALE CERTIFICATE OR EXTRAORDINARY LITIGATION), ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the provisions of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township of Hanover has a need to retain the services of an attorney as a non-fair and open contract in order to provide the Township with legal counsel and representation in the conduct of the Township's business including the defense of the Township in matters of litigation; and

WHEREAS, in keeping with 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. 19:44:-20.26 et seq., the Township's Business Administrator, in his capacity 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 value for the performance of the legal services to be performed during calendar year 2013 has an anticipated value in excess of \$17,500.00; and

WHEREAS, Fred Semrau, Esq. and the firm of **Dorsey & Semrau** have served the Township of Hanover as Township Attorney during the last thirty-six (36) years; and

WHEREAS, the Township Committee reappointed **Mr. Semrau** at its January 1, 2013 Reorganization Meeting and is desirous of memorializing his reappointment and that of the Firm of **Dorsey & Semrau** in rendering legal services to the Township during calendar year 2013; and

WHEREAS, the Township finds itself in what is described as difficult financial times, particularly for the 2013 budget year, and, as a result wishes to restrict to the extent that it can, legal fees within the current budget year; and

WHEREAS, Dorsey & Semrau have completed and submitted a Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure form and the Stockholder Disclosure Certification. **Dorsey & Semrau** have certified that the Firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one (1) year, and that the new professional services agreement will prohibit **Dorsey & Semrau** from making any reportable contributions through the term of the contract; and

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

WHEREAS, Fred Semrau, Esq. and the Firm of **Dorsey & Semrau** hereinafter referred to as the "Township Attorney" shall be paid a retainer of \$75,000.00 during calendar year 2013 which retainer shall cover all general legal services required by the Township; and

WHEREAS, in order to cover those issues involving litigation, tax appeals, condemnations and representation involving land use and corporate development, the Township Attorney shall be compensated based on the Firm's hourly rates, except, however, that the maximum amount for the litigation services shall not exceed \$85,000.00; and

WHEREAS, in addition to the annual retainer and those services rendered for general litigation, the Township Attorney shall be reimbursed for out-of-pocket disbursements in an amount not to exceed \$3,000.00; and

WHEREAS, the maximum amount of the Agreement shall not exceed \$160,000.00 during calendar year 2013 plus \$3,000.00 for out-of-pocket disbursements. Except, however, the amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours and is, therefore, considered to be extraordinary litigation; and

WHEREAS, In Rem Tax Foreclosure actions, while classified as litigation, will be billed separately at the rate of \$1,000.00 per tax sale certificate and will not be covered under the \$160,000.00 nor will any item or items of litigation considered extraordinary in nature; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2013 Temporary Current Fund Budget - Legal - Other Expenses, Line Item No. 123-0009-083 to meet the need of this award during the first quarter of 2013 and, it is anticipated that sufficient funds will be appropriated and available in the 2013 Current Fund Budget, 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. That **Fred Semrau, Esq.** and the law firm of **Dorsey & Semrau**, located at 714 Main Street, P.O. Box 228 in Boonton, New Jersey 07005, are hereby retained as the "Township Attorney" during calendar year 2013 in providing the Township with professional legal services, including the preparation of legal opinions and the representation of the Township in litigation, and in any negotiations or representations involving developers and/or corporate property owners, all of which are more particularly described in the attached Agreement.

2. For general legal services, the Township Attorney shall be paid a retainer of \$75,000.00 during calendar year 2013. The Township Attorney shall also be compensated, based on the Firm's hourly fee schedule, in rendering professional legal services regarding litigation, tax appeals, condemnations and in representing the Township regarding any proposed land use and corporate developments at the following hourly rates:

Fred Semrau, Partner.....	\$160.00 per hour
Associate.....	\$135.00 per hour
Paralegal.....	\$ 85.00 per hour

The amount for this portion of the Agreement shall not exceed \$85,000.00, except that this amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours, and is considered to be extraordinary litigation. The total contract amount, however, for all legal services, shall not exceed the maximum amount of \$160,000.00 plus an amount not to exceed \$3,000.00 for out-of-pocket disbursements. However, In Rem Tax Foreclosures, while classified as litigation, shall be billed separately at the rate of \$1,000.00 per tax sale certificate and shall not be covered under the \$160,000.00 cap.

3. In accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Business Entity Disclosure Certification form, the Chapter 271 Political

Contribution Disclosure Form, and the Stockholder Disclosure Certification submitted by **Dorsey and Semrau** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his capacity as a Qualified Purchasing Agent, is attached hereto and made a part of this resolution as if set forth in full.

4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2013 Temporary Current Fund Budget - Legal - Other Expenses, Line Item No. 123-0009-083 to meet the need of this award during the first quarter of 2013 and it is anticipated that sufficient funds will be appropriated and available in the 2013 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

5. The Mayor and Township Clerk are hereby authorized to execute an Agreement with **Fred Semrau, Esq.** on behalf of the Township in an amount not to exceed \$160,000.00 (except In Rem Tax Foreclosure cases which shall be billed separately at the rate of \$1,000.00 per Tax Sale Certificate and cases classified as extraordinary litigation which are not covered under the \$160,000.00 cap) plus out-of-pocket disbursements in an amount not to exceed \$3,000.00.

6. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) because the services performed are by a person authorized by law to practice a recognized profession as a licensed attorney of the State of New Jersey and such services are not subject to competitive bidding.

7. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

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

RESOLUTION: NO. 23-2013

Member Schleifer offered the following resolution and moved its adoption:

**A PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF
STEPHEN E. TRIMBOLI AND THE FIRM OF TRIMBOLI AND PRUSINOWSKI LLC
AS "SPECIAL LABOR COUNSEL" TO THE TOWNSHIP DURING CALENDAR YEAR
2013 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO**

EXECUTE AN AGREEMENT WITH MR. TRIMBOLI IN AN AMOUNT NOT TO EXCEED \$60,000.00 BASED ON AN HOURLY RATE OF \$130.00 PER HOUR PLUS AN AMOUNT NOT TO EXCEED \$750.00 FOR OUT-OF-POCKET DISBURSEMENTS, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the provisions of the Local Public Contracts Law and in conformance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 44A-20.26 et seq., the Township of Hanover needs to retain the services of a labor attorney as a non-fair and open contract in order to provide the Township with labor and personnel legal counsel and representation in the conduct of the Township's business; and

WHEREAS, in keeping with 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 capacity 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 value for the performance of the legal services to be performed in calendar year 2013 has an anticipated value in excess of \$17,500.00; and

WHEREAS, Trimboli and Prusinowski LLC have completed and submitted a Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure Form, and the Stockholder Disclosure Certification. **Trimboli and Prusinowski LLC** have certified that the Firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one (1) year, and that the new professional services agreement will prohibit **Trimboli and Prusinowski LLC** from making any reportable contributions through the term of the contract; and

WHEREAS, it is the intention of the Township Committee to retain the services of **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC** (hereinafter referred to as the Special Labor Counsel) to serve as the Township's Special Labor Counsel during calendar year 2013; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) et seq., requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids, and the contract itself, must be available for public inspection; and

WHEREAS, the Special Labor Counsel shall be paid for all professional legal services at the rate of \$130.00 per hour plus reimbursement for all necessary disbursements incurred during the performance of legal services; and

WHEREAS, the maximum amount of the agreement shall not exceed \$60,000.00 for all legal services plus an amount not to exceed \$750.00 for out-of-pocket disbursements during calendar year 2013; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2013 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 123-0009-095 to meet the need of this award during the first quarter of 2013 and that it is anticipated that sufficient funds will be appropriated and available in the 2013 Current Fund Budget, 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. That **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC**, located at 210 Park Avenue, Suite 302 in Florham Park, New Jersey 07932, are hereby retained to provide the Township with professional legal services, as Special Labor Counsel, for calendar year 2013. Services shall include, but not be limited to, preparation for and attendance at negotiations meetings with various labor organization representatives, the preparation of written legal opinions and the representation of the Township in litigation arising out of matters for which the attorney is retained.

2. For all services rendered under the terms of the Agreement, **Mr. Trimboli** shall be paid at the rate of \$130.00 per hour plus reimbursement for all necessary disbursements incurred during the performance of legal services. The total contract amount for all legal services, shall not exceed the maximum amount of \$60,000.00 plus an amount not to exceed \$750.00 for out-of-pocket disbursements.

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

4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2013 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 123-0009-095 to meet the need of this award during the first quarter of 2013 and that it is anticipated that sufficient funds will be appropriated and available in the 2013 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

5. The Mayor and Township Clerk are hereby authorized to execute an agreement with **Stephen E. Trimboli** and the Firm of **Trimboli and Prusinowski LLC** on behalf of the Township in an amount not to exceed \$60,000.00 for all legal services plus an amount not to exceed \$750.00 for out-of-pocket disbursements.

6. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) because the services performed are by a person authorized by law to practice a recognized profession as a licensed attorney of the State of New Jersey and such services are not subject to competitive bidding.

7. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

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

RESOLUTION: NO. 24-2013

Member Schleifer offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE VIDEO TAPING OF TOWNSHIP COMMITTEE MEETINGS FOR A TWELVE (12) MONTH PERIOD COMMENCING JANUARY 1, 2013 THROUGH DECEMBER 31, 2013 BY ROBERT KOPACZ, D/B/A ROSENETTV BASED ON A FEE OF \$350.00 PER TAPING WHICH COST SHALL NOT EXCEED \$8,750.00 AND FURTHER AUTHORIZING THE BUSINESS ADMINISTRATOR/TOWNSHIP CLERK TO ISSUE A PURCHASE ORDER BETWEEN ROBERT KOPACZ AND THE TOWNSHIP

WHEREAS, the Township Committee of the Township of Hanover believes that open government and transparency are key elements in communicating to the residents of the Township and the public in general, the actions and decisions made by the governing body; and

WHEREAS, technological advances in the communications industry provide governmental entities with the necessary state-of-the-art tools to transmit information in verbal and visual formats to their constituents, using such mediums as cable TV and the Internet, and most recently via YouTube; and

WHEREAS, it is the philosophy of the governing body that residents of the community should actively participate in the decision making process by attending Township Committee meetings and the meetings of other boards and commissions in order to assist the Township's government in formulating policy; and

WHEREAS, the Township Committee further believes that by video taping

and televising meetings of the governing body via cable TV and YouTube, this action will energize members of the community to attend and participate at meetings of the governing body; and

WHEREAS, an informed community is the cornerstone to good government, and in this regard, the Township Committee wishes to retain the services of **Robert Kopacz, d/b/a RosenetTV**, as videographer, in recording and converting into suitable formats for television and the Internet, the regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2013 through December 31, 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 the Township Committee's philosophy of open government and transparency, and the need to inform its constituents of actions and decisions that affect the welfare of the community, the governing body hereby authorizes the video taping of all regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2013 through December 31, 2013.
2. The governing body hereby retains the services of **Mr. Kopacz, d/b/a/ RosenetTV** for the purpose of videotaping all regular public meetings of the Township Committee during calendar year 2013 which meetings are held at 8:30 p.m. in the Main Meeting Room of the Municipal Building on the second and fourth Thursdays of each month except in July, August, November and December when only one (1) meeting may be convened.
3. **Mr. Kopacz** shall be paid a fee of \$350.00 to tape each Township Committee meeting which fee includes the taping of meetings, the conversion of the tape into suitable formats for broadcasting on Cablevision's Access Channel 21 and for streaming on demand over the Internet via YouTube and the Township's web site. This fee also includes providing the Township with two (2) standard definition DVDs for the Township and the Whippanong Library.
4. That the Business Administrator/Township Clerk is authorized and directed to issue a Purchase Order in an amount not to exceed \$8,750.00 for the taping of Township Committee meetings at the rate of \$350.00 per meeting for the period beginning January 1, 2013 through December 31, 2013.
5. That a certified copy of this resolution shall be transmitted to **Mr. Kopacz** and the Township's Chief Municipal Finance Officer 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 Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: NO. 25-2013

Member Schleifer offered the following resolution and moved its adoption:

**A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES
TO OUTSIDE LIENHOLDER**

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 1, 2011, a lien was sold on Block 8503, Lot 11, also known as 130 Parsippany Road, Whippany, New Jersey 07981, for 2010 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate 2011-16, was sold to Virgo Municipal Finance Fund, LP for a 0% redemption fee and a \$600.00 premium paid; and,

WHEREAS, Katherine DeMaio, the owner has effected redemption of Certificate 2011-16 in the amount of \$3,320.45.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$3,320.45, payable to Virgo Municipal Finance Fund, LP, P.O. Box 1227, Hoboken, New Jersey 07030 for the redemption of Tax Sale Certificate 2011-16.

BE IT FURTHER RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$600.00 (Premium) to the aforementioned lien holder.

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

RESOLUTION: NO. 26-2013

Member Schleifer offered the following resolution and moved its adoption:

**A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER**

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 1, 2010, a lien was sold on Block 1204, Lot 39, also known as 4 Cranberry Court, Cedar Knolls, New Jersey 07927, for 2009 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate 2010-2, was sold to U.S. Bank Cust For Pro Capital, LLC for a 5% redemption fee; and,

WHEREAS, Ralph and Gail Vacula, the owners have effected redemption of Certificate 2010-2 in the amount of \$1,605.10.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$1,605.10, payable to U.S. Bank Cust For Pro Capital, LLC, 50 South 16th Street, Philadelphia, PA 19102 for the redemption of Tax Sale Certificate 2010-2.

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

RESOLUTION: NO. 27-2013

Member Schleifer offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE
TOWNSHIP'S CHIEF MUNICIPAL FINANCE OFFICER TO RETURN A 2012 IN LIEU
OF TAX DONATION IN THE AMOUNT OF \$2,288.25 TO THE ASSOCIATION FOR
RETARDED CITIZENS, MORRIS UNIT**

WHEREAS, the Morris Unit of the Association for Retarded Citizens (ARC) presently operates four (4) group homes in Hanover Township for the developmentally disabled; and

WHEREAS, it is the policy of the ARC Morris Unit to provide the municipality in which the group home is located with the equivalent of tax revenue it

would normally pay if ARC were not a private not for profit tax exempt organization; and

WHEREAS, in accordance with this policy, ARC submitted a check to the Township of Hanover dated December 20, 2012 in the amount of \$2,288.25 as an in lieu of taxes donation to the Township; and

WHEREAS, because of the important humanitarian role and community service that ARC plays in the Township and the County, it is the desire of the Township Committee to return the full amount of the in lieu of taxes donation to the Morris Unit.

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 governing body has determined to return the \$2,288.25 donation of the Association for Retarded Citizens, Morris Unit, which donation served as an in lieu of taxes contribution to the Township.

2. That the Township's Chief Municipal Finance Officer is hereby authorized to issue a check in the amount of \$2,288.25 to the Association for Retarded Citizens, Morris Unit, as reimbursement in full for its in lieu of taxes donation which was deposited with the Township on January 3, 2013.

3. That a certified copy of this Resolution along with the reimbursement check shall be transmitted to the Township's Chief Municipal Finance Officer and the Executive Director of the Morris Unit ARC 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 Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: NO. 28-2013

Member Schleifer offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PARTICIPATION OF THE TOWNSHIP IN THE MORRIS COUNTY ADAPTIVE RECREATIONAL PROGRAM (McARP) DURING CALENDAR YEAR 2013 AND FURTHER DIRECTING THE SUPERINTENDENT OF RECREATION AND PARK ADMINISTRATION DEPARTMENT TO SUBMIT THE TOWNSHIP'S FAIR SHARE ASSESSMENT CONTRIBUTION OF \$2,460.00

WHEREAS, there has been created a **Morris County Adaptive Recreational Program (McARP)**; and

WHEREAS, the Program intends to provide recreational services for disabled persons of all ages, and further to give these persons an opportunity to explore new leisure time skills in conjunction with their age and specific disabilities; and

WHEREAS, the total project cost is estimated to exceed \$300,000.00; and

WHEREAS, the cost to the Township of Hanover with respect thereto will be approximately \$2,460.00 according to the Fair Share Ratio's schedule ; and

WHEREAS, the Township Committee fully endorses and supports the exceptional programs and activities sponsored by **McARP** and views **McARP** as an important countywide organization serving the diverse recreational needs of all age groups.

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 authorizes the participation of the Township in the **Morris County Adaptive Recreational Program (McARP)** during calendar year 2013.
2. The Superintendent of the Recreation and Park Administration Department is hereby authorized to submit payment of the Township's 2013 Fair Share Assessment in the total amount of \$2,460.00 when funds become available either through the year 2013 Temporary Current Fund Budget or the adopted year 2013 Current Fund Budget.
3. A certified copy of this resolution shall be forwarded to the Superintendent of the Recreation and Park Administration Department, the Township's Chief Municipal Finance Officer and **McARP** 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 Schleifer,
Ferramosca, Brueno and Coppola

NOES: None

RESOLUTION: **NO. 29-2013**

Member Schleifer offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER OPPOSING THE PROPOSED ADOPTION OF RULES BY THE NEW
JERSEY LOCAL FINANCE BOARD AND THE NEW JERSEY DEPARTMENT OF
EDUCATION CONCERNING THE APPROVAL PROCESS FOR NON-STATE
HEALTH BENEFITS PLAN HEALTH INSURANCE PLANS AS PROPOSED BY
N.J.A.C. 5:30-18.1 THROUGH 18.4 AND N.J.A.C. 6A:23A**

WHEREAS, the New Jersey Local Finance Board and the New Jersey Department of Education have proposed rules requiring that all labor contracts providing for health insurance outside the State Health Benefits Program need to be approved by the State and requiring that local entities and school boards perform a static comparison of health insurance costs to State Health Benefit Program costs; and

WHEREAS, these rules are in conflict with Section 42.c of Chapter. 78, which is ostensibly used as authority for the regulation, but is actually meant only to apply to public entities wishing to enter into contract that included a contribution schedule from employees that substitutes for that as laid out in the statute; and

WHEREAS, the regulations, as proposed, extends this authority to require all public entities electing not to provide health benefits through the State Health Benefits Plan (SHBP) and the School Employees' Health Benefits Program (SEHBP) to submit to the process established under the proposed regulation; and

WHEREAS, this interpretation that is contrary to the regulations is supported by:

- The plain reading of the statute;
- The explanation contained in Local Finance Notice (LFN) 2011-20R, Section VI. Alternate Employee Health Care Contribution; and
- The following language from the "Statement" found at page 121, line 35 of the Bill (underlining added)::

The bill allows boards of education and units of local government, that do not participate in the SHBP or SEHBP, to enter into contracts for health care benefits coverage, as may be required to implement a collective negotiations agreement, and agree to different employee contribution rates if certain cost savings in the aggregate over the period of the agreement can be demonstrated. The savings must be certified to the Department of Education or the Department of Community Affairs, as appropriate; and

WHEREAS, the proposed regulation is cumbersome and places a significant burden on any public body intending to utilize the employee contribution schedule

contained within the law, but wishing to obtain health benefits outside the SHBP or SEHBP; and

WHEREAS, the de facto effect of this regulation, if adopted, will be to drive public bodies into the SHBP or SEHBP and stifle competition; and

WHEREAS, New Jersey already has one of the nation's most uncompetitive health insurance markets according to the Henry J. Kaiser Family Foundation (October 2011):

- In the individual market, one carrier, Horizon BCBS, controls 73% of the market with only two carriers having 5% or more of the market.
- The same carrier controls over 75% of the governmental market, largely by virtue of its relationship with the SHBP and SEHBP.
- Finally, Horizon controls 43% of the small group market; and

WHEREAS, if the regulation causes a significant number of local entities to move to the SHBP and SEHBP, a negative result will be to increase market concentration and further reduce carrier competition in the State; and

WHEREAS, this will result in an increase in fully insured costs for other persons, governmental entities, not for profits, and business in the State; and

WHEREAS, the regulations' definition of "net employer cost" is not inclusive of all relevant items and should be modified:

- For instance, members of JIFs own a proportionate share of fund surplus that should be included in a valid comparison.
- Likewise, JIF members receive dividends that reduce net employer cost.
- Finally, JIF rates could include supplemental assessments that represent a liability to the member regardless of whether it stays in the joint insurance fund or moves to the SHBP.; and

WHEREAS, most local entity labor contracts cover multiple year periods:

- A comparison using the most current year is misleading and invalid because the comparison can change in subsequent years.
- In addition, school districts that belong to health JIFs renew on July 1 of each year.
- The differences in renewal cycles between the health JIF, the SEHBP,

and the commercial market will further complicate comparisons; and

WHEREAS, the regulations do not address differences in plan design between an employer plan and the plan or plans offered by the SHBP and the SEHBP and such differences are critical to any valid comparison of plan economics; and

WHEREAS, the regulations do not address legal restraints on local entities considering their obligations to retirees, and obligations to employee groups that are not a part of the contract in question; and

WHEREAS, in situations where a local health plan has negotiated benefits that are richer than, or even different than, those provided by the SHBP and SEHBP, the local unit will be subject to sanctions for failing to honor its labor agreements; and

WHEREAS, the comparison is burdensome to local units and of limited use given that the requested details do not allow for a valid comparison of net cost and benefits; and

WHEREAS, SEHBP rates are reduced by the amount of the A4 retiree surcharge paid by entities not in the state plan and the rates for local school districts not in the SEHBP are increased by the surcharge further limiting the fairness and utility of the comparison; and

WHEREAS, SEHBP and SHBP rates in the past have been impacted by one time sources of revenue such as the Tobacco settlement and the use of one time sources of revenue that are not available to local units does not permit for a fair and valid comparison; and

WHEREAS, The regulations favor the SEHBP and SHBP to the exclusion of health joint insurance funds (JIFs) that have faithfully served New Jersey local government, under enabling statutes, for over 20 years:

- Health JIFs are a valid alternative for entities with unique plan designs, good loss experience, and a willingness to participate in JIF governance.
- Health JIFs are the largest “shared services” effort in the State for local government from a revenue standpoint.
- To the extent that the regulations operate to the disadvantage of health JIFs, the regulations are in opposition to, and indeed are hostile to, statutes that authorize JIF creation and operation.
- By extension, the regulations foster a “big government” mentality and are hostile to both “shared services” and “home rule” concepts.
- If the regulation seeks to encourage “due diligence”, then members of the SEHBP and SHBP should also be required to compare their claims

and cost to the health JIF and commercially insured alternatives.

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, for the foregoing reasons, the governing body respectfully requests that the Local Finance Board and Department of Education modify and reissue the proposed regulations to:

- Apply only when a local unit proposes an employee contribution schedule different from that contained in the statute;
- Require any comparison to take into consideration differences in plan design and eligibility;
- Require the evaluation criteria to consider dividends received from a health JIF and shares of surplus retained by the health JIF;
- Promote, rather than undermine, healthy competition among the various options available to local units shopping for health insurance;

2. That certified copies of this resolution shall be transmitted to Governor Chris Christie, General Assembly Speaker Sheila Oliver, Senate President Stephen M. Sweeney and members of the Morris County Legislative Delegations in Districts 25, 26, and 27, the Local Finance Board, the Department of Education, the Executive Director of the New Jersey League of Municipalities, the Morris County League of Municipalities and all Morris County municipalities.

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

RESOLUTION: NO. 30-2013

Member Schleifer offered the following resolution and moved its adoption:

Resolved that the Township Committee of the Township of Hanover hereby accepts and approves the findings and recommendations of Sean Donlon, the Township's Construction Official/Building Inspector with respect to the performance of remedial activities in abating property maintenance violations at 45 Locust Drive, all in

accordance with Sections 218-73. And 218-74. Of the code of the Township entitled Property Maintenance.

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

RAFFLE APPLICATIONS:

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

1. Our Lady of Mercy – HNS, 90 Whippany Road, Whippany, New Jersey, a Calendar Raffle to be held on 3/1/13 to 5/31/13 at OLM Parish Center, 90 Whippany Road, Whippany, New Jersey. Said application was assigned No. RL-2621. Identification of the application is No. 193-3-5428.

2. Whippany Park Booster Club, 165 Whippany Road, Whippany, New Jersey, a 50/50 to be held on 2/2/13 at Whippany Park HS, 165 Whippany Rd., Whippany, New Jersey. Said application was assigned No. RL-2622. Identification of the application is No. 193-5-22707.

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.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$3,962,654.08 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 Schleifer 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:

The following announcements were made:

Mayor Francioli noted that a flu epidemic is overtaking the nation. He recommended that individuals should frequently wash their hands and immediately see their doctors if they become ill.

Member Schleifer announced that the Township Committee will hold its Budget Work Session on Sunday, February 3rd. Said meeting is open to the public.

Member Brueno announced that the annual Hanover Township Day event will take place on June 1st. It will be co-sponsored by the Recreation Department, the Whippany Rotary Club & the Knights of Columbus.

Members Coppola and Francioli advised that the Township is working with the Board of Education to improve public safety at the schools as a result of the recent tragic event which took place in Newtown.

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