

**JANUARY 24, 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 24, 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

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**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

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**OPEN TO THE PUBLIC:**

Mayor Francioli opened the meeting to the public.

Carol Fomchenko of Malapardis Road continued a discussion which was initiated in the Conference Room at the governing body's Conference Work Session concerning a concept plan of proposed improvements to the Route 10/Jefferson Road intersection prepared by Quick Chek. The developer met with the residents of Ukraine/Malapardis Roads recently to discuss the proposal and as a result several residents addressed the Township Committee to make known their opposition to the proposed use of the corner parcel and the concept plan.

Ms. Fomchenko advised that the improvement will not solve the residents' current problem of being unable to exit their roadway onto Jefferson Road. Among other residents expressing opposition was Paula Duer, daughter of former

Committeeman Michael Sawka, who resides on Malapardis Road who asked whether the proposed use will benefit the lives of Hanover Township residents. And, former Committeewoman Judy Iradi who also resides on Malapardis Road pointed out that the proposed use, a gas station, is not an attractive welcome to Hanover Township greeting for drivers/travelers who exit Route 287 onto Route 10.

Quick Chek experts who were present tried to clarify and allay the concerns of the speakers. And, Mayor Francioli assured everyone that the plan will now be reviewed by the Planning Board where the concerns voiced by residents will be taken into consideration.

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

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**APPROVAL OF MINUTES:**

Mayor Francioli stated that the Minutes of the Regular Meetings of November 19 & December 13, 2012, had been presented to the members of the Committee prior to this meeting by the Clerk.

Member Ferramosca moved that the Minutes of the Regular Meetings of November 19 and December 13, 2012, be accepted and approved as presented by the Clerk. The motion was seconded by Member Schleifer and was unanimously passed.

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**COMMUNICATIONS:**

The following communications were read and action taken as indicated:

1. Louis Zavaglia – Advising of Retirement from the Police Department.

The following letter from Louis Zavaglia dated 1/17/13 was read into the record:

“This is to inform you that I will be retiring as of March 1, 2013, I wanted to thank you and the department for all the support I have received throughout my career, it was greatly appreciated.

Best regards,  
(Signed)  
Lou Zavaglia”

2. Billy Donnerstag – Advising of Resignation as Fire Protection Sub Code Official/HHS Inspector in the Building Department.

The following letter from Billy Donnerstag dated 1/15/13 was read into the record:

“It is with great sadness, that I will have to resign as the Fire Protection Subcode Official/HHS Inspector for the Township of Hanover, a post that I have held for over 7 years, immediately. I thank you and the prior Construction Official, Steve Kaplan, as well as the Mayor and council for giving me this great opportunity to serve the citizens of this township and have them rely on me for their life safety. I will remember all the people that I have and have worked with and wish all well with their future endeavors. Due to other opportunities that have become available, that will be in my best interest, I am resigning my post. I am returning my key to the office and my Township ID at this time.

Again, many thanks,  
(signed)  
Billy Donnerstag”

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

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**ORDINANCE:      NO. 1-2013      (Salaries and Compensation Amendment  
“Holidays” Part-Time Employees Pay  
Treatment)**

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 SECTION 61-13.(2) ENTITLED ‘HOLIDAYS.’ UNDER CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES”, be read by title on second reading and a hearing held thereon.

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

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

NOES: None

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Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the January 17, 2013 issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received.

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

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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 SECTION 61-13.(2) ENTITLED 'HOLIDAYS.' UNDER CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES', be passed on final reading and that a Notice of the final passage of said Ordinance be published in the January 31, 2013 issue of the Morris County Daily Record.

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

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

NOES: None

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**ORDINANCE:      NO. 2-2013      (Solicitors, Canvassers and Itinerant Vendors Amendment Applicant Fingerprinting Required)**

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 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 read by title on second reading and a hearing held thereon.

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

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Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the January 17, 2013, issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received.

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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 Brueno and was unanimously passed.

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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 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 final reading and that a Notice of the final passage of said Ordinance be published in the January 31, 2013, issue of the Morris County Daily Record.

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

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

NOES: None

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**ORDINANCE:      NO. 4-2013      (Resident & Non-Resident Membership Fees for Bee Meadow Pool for 2013)**

Member Brueno offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE AMENDING AND SUPPLEMENTING SECTION 125-4. ENTITLED 'RECREATION DEPARTMENT FEES' UNDER CHAPTER 125 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED FEES WITH THE INCLUSION OF NEW RESIDENT AND NON-RESIDENT POOL MEMBERSHIP FEES FOR THE YEAR 2013 BEE MEADOW SWIMMING POOL SEASON", be introduced and read by title on first reading.

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

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

NOES: None

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

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE AMENDING AND SUPPLEMENTING SECTION 125-4. ENTITLED 'RECREATION DEPARTMENT FEES' UNDER CHAPTER 125 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED FEES WITH THE INCLUSION OF NEW RESIDENT AND NON-RESIDENT POOL MEMBERSHIP FEES FOR THE YEAR 2013 BEE MEADOW SWIMMING POOLSEASON", 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 14<sup>th</sup> day of February, 2013, 8:30 o'clock in the evening, prevailing time, at the Municipal Building in said Township of Hanover, at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

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

NOES: None

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**(Amending & Supplementing Chapter  
198 of the Code Entitled Parks & Recreation  
Areas with New Art. III, “Prohibiting  
Smoking on Public Property”)**

**ORDINANCE:      NO. 5-2013**

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 198 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED PARKS AND RECREATION AREAS WITH THE INCLUSION OF A NEW ARTICLE III ENTITLED ‘PROHIBITING SMOKING ON PUBLIC PROPERTY”, be introduced and read by title on first reading.

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

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

NOES: None

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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 198 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED PARKS AND RECREATION AREAS WITH THE INCLUSION OF A NEW ARTICLE III ENTITLED ‘PROHIBITING SMOKING ON PUBLIC PROPERTY”, 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 14<sup>th</sup> day of February, 2013, 8:30 o’clock in the evening, prevailing time, at the Municipal Building in said Township of Hanover, at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

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

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

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

NOES: None

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**(Authorizing the Imaging, Indexing &  
Scanning of All TC & Other Board &  
Commission Meeting Minutes Into  
Digital format & Appropriating \$12,000  
from 2012 CIF & Prior)**

**ORDINANCE:      NO. 6-2013**

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 AUTHORIZING THE IMAGING, INDEXING AND SCANNING OF ALL TOWNSHIP COMMITTEE AND OTHER BOARD AND COMMISSIONS MEETING MINUTE BOOKS INTO DIGITAL FORMAT AND FURTHER AUTHORIZING THE APPROPRIATION OF \$12,000.00 FROM THE TOWNSHIP'S 2013 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT", be introduced and read by title on first reading.

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

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

NOES: None

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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 AUTHORIZING THE IMAGING, INDEXING AND SCANNING OF ALL TOWNSHIP COMMITTEE AND OTHER BOARD AND COMMISSION MEETING MINUTE BOOKS INTO DIGITAL FORMAT AND FURTHER AUTHORIZING THE APPROPRIATION OF \$12,000.00 FROM THE TOWNSHIP'S 2013 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT", 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 14<sup>th</sup> day of February, 2013, 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 Schleifer, was passed and the resolution adopted by the following roll call vote:

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

NOES: None

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**RESOLUTION:      NO. 31-2013**

Member Ferramosca offered the following resolution and moved tis 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:

<b>BLOCK</b>	<b>LOT</b>	<b>QUAL. #</b>	<b>NAME</b>	<b>AMOUNT</b>
4301	2	C1406	Nancy Ooms 1406 Norwood Way Whippany, NJ 07981	\$311.31
5407	7		Michael Alwell 14 Cove Lane Road Whippany, NJ 07981	\$112.50
8201	29		Gerald Troianello 23 Alanon Street Whippany, NJ 07981	\$2480.57
8702	30		Li-Lin A Chen 30 Lefke Lane Whippany, NJ 07981	\$2804.64
9001	1	C0808	Daniel Tseng	

808 Brook Hollow Drive  
Whippany, NJ 07981

\$115.29

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

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**RESOLUTION:      NO. 32-2013**

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 DURING CALENDAR YEAR 2013 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**, in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-5(1)(a)(i), the Township Committee approved a Professional Services Resolution on September 13, 2012 awarding a Professional Services Agreement to **Anthony Marucci**, a land surveyor licensed by the State of New Jersey, and the Firm of **Marucci Engineering Associates, LLC** to perform land surveying services on behalf of the Township for the period beginning October 1, 2012 and expiring December 31, 2012; and

**WHEREAS**, the September 26, 2012 Professional Services Agreement with **Mr. Marucci** and the **Firm** provided that **Mr. Marucci** would be compensated at the rate of \$110.00 per hour in performing land surveying services as described in the Township's July 17, 2012 Request for Proposal and the scope of services outlined in the Agreement; and

**WHEREAS**, paragraph 4 of the September 26, 2012 Professional Services Agreement states that the Township may opt to renew the Agreement without any changes to the terms and conditions for a one (1) year period beginning January 1, 2013 through December 31, 2013; and

**WHEREAS**, the Township Engineer has advised the Business Administrator/Township Clerk that he recommends the renewal of the September 26, 2012 Professional Services Agreement for a one (1) year period; and

**WHEREAS**, in accordance with the Township Engineer's recommendation, the governing body agrees to renew and award a new Professional Services Agreement to **Anthony Marucci** and the Firm of **Marucci Engineering Associates, LLC** for the performance of land surveying services during calendar year 2013; 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 to the Business Administrator/Township Clerk, the governing body hereby renews and awards a Professional Services Agreement 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. All other terms and conditions as set forth in the September 26, 2012 Professional Services Agreement shall remain in full force and effect during calendar year 2013.
3. The term of the contract shall commence on January 1, 2013 and expire on December 31, 2013.
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 January 31, 2013 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 Schleifer, Ferramosca, Brueno and Coppola

NOES: None

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**RESOLUTION:      NO. 33-2013**

Member Ferramosca offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ENDORSING A NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION TREATMENT WORKS APPROVAL APPLICATION FOR VILLAGE SUPERMARKET, INC. LOCATED AT 178-190 HANOVER AVENUE IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND ALSO DESIGNATED AS LOTS 1, 2 AND 3 IN BLOCK 701 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE APPLICATION**

**WHEREAS, Village Supermarket, Inc.** intends to construct an approximately 86,000 square foot supermarket at 178-190 Hanover Avenue in the Cedar Knolls Section of the Township and also designated as Lots 1, 2 and 3 in Block 701 as set forth on the Tax Map of the Township of Hanover; and

**WHEREAS,** from time to time, the Township of Hanover is required to endorse Treatment Works Applications submitted to the New Jersey Department of Environmental Protection in connection with extensions of the sewer system by developers; and

**WHEREAS,** the New Jersey Department of Environmental Protection provides that such endorsements be accomplished by means of its Treatment Works Approval Application and Statements of Consent; and

**WHEREAS,** it is the desire of the Township Committee, the governing body of the Township to endorse the submission of a Treatment Works Application and Statements of Consent to the New Jersey Department of Environmental Protection as it relates to **Village Supermarket, Inc.**

**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 endorses and approves the application of **Village Supermarket, Inc.** in submitting a Treatment Works Approval Application and Statements of Consent to the New Jersey Department of Environmental Protection as it relates to the construction of a new ShopRite Supermarket at 178-190 Hanover Avenue in the Cedar Knolls Section of the Township and also designated as Lots 1, 2 and 3 in Block 701 as set forth on the Tax Map of the Township of Hanover.
2. The Mayor is authorized and directed to sign the Treatment Works Approval Application and the Statements of Consent with respect to the application of **Village Supermarket, Inc.** which Treatment Works Approval Application shall be submitted by Bohler Engineering on behalf of its client.
3. That certified copies of this resolution shall be submitted to the Division of Water Quality in the New Jersey Department of Environmental Protection, Bohler Engineering, the Township Engineer and the Executive Director of the Hanover Sewerage Authority 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

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**RESOLUTION:      NO. 34-2013**

Member Ferramosca offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RELEASE OF AMENDMENT NO. 1 TO THE IRREVOCABLE STANDBY LETTER OF CREDIT IN THE AMOUNT OF \$297,943.00 AND THE REMAINING ENGINEERING INSPECTION FEES IN THE AMOUNT OF \$1,500.00 TO DENDREON CORPORATION AS A RESULT OF THE CESSATION OF OPERATIONS AT ITS FACILITY LOCATED AT 220 EAST HANOVER AVENUE IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND ALSO DESIGNATED AS LOT 1.01 IN BLOCK 601 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER**

**WHEREAS**, on January 20, 2009 and March 17, 2009, the Planning Board granted preliminary and final site plan approval respectively to **Dendreon Corporation**, for property located at 220 East Hanover Avenue in the Cedar Knolls

Section of the Township and also designated as Lot 1.01 in Block 601 as designated on the Tax Map of the Township of Hanover; and

**WHEREAS**, the property described above is located in the I-5 Industrial Zone District as set forth in Chapter 166 of the Code of the Township entitled Land Use and Development Legislation; and

**WHEREAS, Dendreon Corporation** received approval for improving and expanding the parking areas around the existing building by increasing the number of parking spaces from 110 to a total 672 parking spaces, modifying the entrance drive, pedestrian walkways, building façade changes, landscaping, lighting and drainage improvements at 220 East Hanover Avenue; and

**WHEREAS**, by resolution dated January 26, 2012, Bond Release/Reduction No. 2 was approved by the governing body whereby the remaining cash performance bond in the amount of \$30,000.00 plus a portion of the interest as well as a portion of the Engineering Inspection Fees in the amount of \$3,020.63 was released to the Developer; and

**WHEREAS**, in lieu of a two-year Maintenance Bond, **Dendreon** submitted Amendment No. 1 to its Irrevocable Standby Letter of Credit in the amount of \$297,943.00

**WHEREAS**, on July 30, 2012, **Dendreon** announced that it would cease operations at its East Hanover Avenue facility during the fourth quarter of 2012; and

**WHEREAS**, in a letter dated December 3, 2012, the Developer requested that its amended Irrevocable Standby Letter of Credit be released; and

**WHEREAS**, the Township Engineer, in his letter of January 23, 2013, recommends the release of the amended Irrevocable Standby Letter of Credit in the amount of \$297,943.00 and the remaining balance of the Engineering Inspection Fees in the amount of \$1,500.00; and

**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 January 23, 2013 letter recommendation of the Township Engineer, a copy of which is attached hereto and made a part of this resolution, **Dendreon Corporation's** Irrevocable Standby Letter of Credit in the amount of \$297,943.00 is hereby released.
2. It is the recommendation of the Township Engineer that the remaining balance of the Engineering Inspection Fees in the amount of \$1,500.00 held in The Trust Fund, Escrow Account No.

252-7009-499 also be released. There are no remaining sanitary sewer inspection fees to be released.

3. That a certified copy of this resolution shall be transmitted to the Township Engineer, Chief Municipal Finance Officer, the HSA Executive Director, **Dendreon Corporation** and Wells Fargo, N.A. 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 Schleifer, Ferramosca, Brueno and Coppola

NOES: None

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**RESOLUTION**      **NO. 35-2013**

Member Ferramosca offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE BUSINESS ADMINISTRATOR/TOWNSHIP CLERK TO RETAIN THE SERVICES OF FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A. AT THE RATE OF \$125.00 PER HOUR IN REVIEWING THE INTERNAL FINANCIAL CONTROLS CURRENTLY UTILIZED BY THE SHARED MUNICIPAL COURT/VIOLATIONS BUREAU, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i)**

**WHEREAS**, in accordance with the Local Fiscal Affairs Law at N.J.S.A. 40A:5-1. et seq. and the Local Budget Law at N.J.S.A. 4-1. et seq., the Township of Hanover has a fiduciary responsibility to the taxpayers of the Township to make certain that the internal financial controls related to cash collections, deposits and bank reconciliations performed by the Hanover Township/East Hanover Township Shared Municipal Court/Violations Bureau are performed in accordance with proper accounting procedures; and

**WHEREAS**, it is the desire of the Township Committee to retain the services of an accounting firm whose professionals are certified public accountants and registered municipal accountants in reviewing the processes and internal controls currently utilized by the Shared Municipal Court/Violations Bureau for the period beginning January 1, 2012 through December 31, 2012; and

**WHEREAS**, the Business Administrator/Township Clerk has solicited a written proposal and quotation from **Ferraioli, Wielkatz, Cerullo & Cuva, P.A.** to prepare a report and recommendations concerning the financial processes and procedures performed by the Shared Municipal Court/Violations Bureau; and

**WHEREAS**, the January 17, 2013 written proposal and quotation setting forth the terms and conditions of engagement and a description of the scope of services to be rendered by the firm is attached hereto and made a part of this resolution as if set forth in full; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A.40A:11-1 et seq.) requires that the resolution authorizing the awards of contracts for "Professional Services" without competitive bids must be publicly advertised; and

**WHEREAS**, pursuant to the provisions of the Local Public Contracts Law, it is the intention of the Township Committee to retain the services of **Charles J. Ferraioli, Jr., MBA, CPA and RMA**, and the Firm of **Ferraioli, Wielkocz, Cerullo & Cuva, P.A.**, which members of the Firm have the necessary expertise and experience to review the financial transactions and accounts of the Shared Municipal Court/Violations Bureau.

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

1. Pursuant to N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law, **Charles J. Ferraioli, Jr., MBA, CPA and RMA**, and the Firm of **Ferraioli, Wielkocz, Cerullo & Cuva, P.A.**, whose members are certified public accountants and registered municipal accountants, licensed by the State of New Jersey and located at 401 Wanaque Avenue in Pompton Lakes, New Jersey 07442 are hereby retained to prepare a report and recommendations concerning the financial processes and procedures performed by the Shared Municipal Court/Violations Bureau. For the performance of the scope of services described in its January 17, 2013 written proposal and quotation which proposal and quotation is attached hereto and made a part of this resolution as if set forth in full, members of the firm shall be paid at the rate of \$125.00 per hour.

2. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated in the Year 2013 Temporary Current Fund Budget – Administrative and Executive Other Expense Account, Line Item No, 123-0001-052 to meet the expenditures described in this resolution.

3. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law because the services performed are by persons authorized by law to practice a recognized profession as Certified Public Accountants and Registered Municipal Accountants licensed by the State of New Jersey and such services are not subject to competitive bidding.

4. The Business Administrator/Township Clerk is hereby authorized and directed to issue the necessary Purchase Order/Voucher for the performance of the



accounting services set forth herein.

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

6. That certified copies of this resolution shall be transmitted to **Ferraioli, Wielkott, Cerullo & Cuva, P.A.**, the Township's Chief Municipal Finance Officer, Township Attorney, and the Township's Personnel and Labor Attorney 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

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**RESOLUTION      NO. 36-2013**

Member Ferramosca offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REPEALING AND REVOKING A PREVIOUS RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER DATED DECEMBER 20, 2012**

**WHEREAS**, by way of a Resolution of the Township Committee of the Township of Hanover, dated December 20, 2012, a decision was made to offer employment to a candidate to fill a vacant position of part-time Deputy Court Administrator on a temporary basis pending selection of a permanent part-time Deputy Court Administrator to fill the aforesaid vacancy; and

**WHEREAS**, the person selected to fill the position on a temporary, interim basis could only work a maximum of twelve (12) hours per week and not including the Monday night court sessions; and

**WHEREAS**, with the recent reorganization and restructuring of the Shared Municipal Court/Violations Court, a need now exists to employ an individual who can work more than twelve (12) hours a week and assist the Violations Bureau during the Monday night Court sessions.

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

1. Resolution of the Township Committee of the Township of Hanover, dated December 20, 2012, pertaining to the appointment of a temporary part-time Deputy Court Administrator, is hereby repealed and revoked.
2. Resolution of the Township Committee of the Township of Hanover, dated December 20, 2012, pertaining to the appointment of a temporary part-time Deputy Court Administrator, is hereby declared null and void, and shall have no effect.
3. To the extent Resolution of the Township Committee of the Township of Hanover, dated December 20, 2012, pertaining to the appointment of a temporary part-time Deputy Court Administrator, is inconsistent with this Resolution, this Resolution shall control.
4. The Township Business Administrator is authorized to take any and all actions necessary to implement the terms of this Resolution.
5. Certified copies of this resolution shall be transmitted to the Township Counsel, the Township's personnel and labor attorney and the Chief Municipal Finance Officer for reference and informational 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

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**RESOLUTION**      **NO. 37-2013**

Member Ferramosca offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING EILEEN SAXTON TO SERVE AS A TEMPORARY, INTERIM PART-TIME VIOLATIONS BUREAU CLERK ASSIGNED TO THE SHARED MUNICIPAL COURT/VIOLATIONS BUREAU AND ESTABLISHING HER COMPENSATION AT \$22.50 PER HOUR UNDER JOB GROUP IV OF SALARY GUIDE "C" AS SET FORTH IN SALARY ORDINANCE NO. 14-12**

**WHEREAS**, with the resignation of part-time Deputy Court Administrator Ellen Poli as of November 21, 2012, and the recent reorganization and restructuring of the Shared Municipal Court/Violations Bureau, a need exists to provide additional assistance to the Violations Bureau and Municipal Court until such time that a search is conducted to fill the vacant part-time Deputy Court Administrator position on a permanent basis; and

**WHEREAS**, in order to provide adequate coverage of the Violations Bureau and Municipal Court when other part-time employees are off duty, it is

necessary to hire an individual to work at least twenty-two (22) hours per week including coverage of the Violations Bureau window when the Municipal Court is in session on Monday evenings; and

**WHEREAS**, the Township has determined that such interim coverage can be provided by an individual serving as a temporary, interim part-time Violations Bureau Clerk; and

**WHEREAS**, it has been determined that **Eileen Saxton** has the experience and qualifications to serve as a temporary, interim part-time Violations Bureau Clerk, and is willing and able to work at least twenty-two (22) hours per week including coverage of the Violations Bureau window when the Municipal Court is in session on Monday evenings; and

**WHEREAS**, it is the recommendation of the Business Administrator/ Township Clerk that **Eileen Saxton** be hired by the Township to serve as a part-time Violations Bureau Clerk on a temporary, interim basis; and

**WHEREAS**, the Business Administrator recommends that **Ms. Saxton** be compensated at the rate of \$22.50 per hour under Job Group IV of Salary Guide "C" as set forth in Salary Ordinance No. 14-2012.

**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 **Eileen Saxton** residing at 189 Bee Meadow Parkway in Whippany, New Jersey 07981 be appointed to serve as a temporary, interim part-time Violations Bureau Clerk assigned to the Hanover Township/East Hanover Township Shared Violations Bureau and Municipal Court effective Monday, January 21, 2013.
2. **Ms. Saxton** shall work a Monday, Tuesday and Friday schedule of not more than twenty-two (22) hours per week including the Monday evening Court sessions. **Ms. Saxton** shall not be entitled to any health and dental benefits, paid sick and vacation leave, holiday pay or any other benefit entitled to a full-time employee.
3. **Ms. Saxton** shall be compensated at the rate of \$22.50 per hour under Job Group IV of Salary Guide "C" as set forth in Salary Ordinance No. 14-12.
4. That certified copies of this resolution shall be transmitted to **Ms. Saxton**, the Township's Acting Certified Municipal Court Administrator 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

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**RAFFLE APPLICATIONS:**

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

1. New Jersey Jazz Society, c/o Michael A. Katz, 382 Springfield Ave., Suite 217, Summit, New Jersey, an on-premise 50/50 to be held on 3/3/13 at Birchwood Manor, 111 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2623. Identification of the application is No. 393-5-36807.
2. A. Richard Spinola, PTA, 44 Cooper Road, Denville, New Jersey, a Tricky Tray, to be held on 4/5/13 at the Hanover Marriott, 1401 Route 10 East, Whippany, New Jersey. Said application was assigned No. RL-2624. Identification of the application is No. 104-5-26790.
3. A. Richard Spinola, PTA, 44 Cooper Road, Denville, New Jersey, an off-premise 50/50 to be held on 4/5/13 at the Hanover Marriott, 1401 Route 10, Whippany, New Jersey. Said application was assigned No. RL-2625. Identification of the application is No. 104-5-26790.
4. A. Richard Spinola, PTA, 44 Cooper Road, Denville, New Jersey, an on-premise 50/50 to be held on 4/5/13 at the Hanover Marriott, 1401 Route 10 East, Whippany, New Jersey. Said application was assigned No. RL-2626. Identification of the application is No. 104-5-26790.

Member Coppola 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.

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**OTHER BUSINESS:**

Member Brueno announced that the Hanover Township Day celebration and the Rotary Duck Race has been rescheduled to take place on September 7<sup>th</sup> due to a

conflict with proposed Malapardis Park improvements consisting of the replacement of an existing wooden pond access platform.

Member Coppola advised that the Board of Education recently voted to move the school board election to the November General Election - and

Member Schleifer reminded all that the Budget Work Session will take place on February 3<sup>rd</sup> and is open to the public.

Mayor Francioli advised that he had the pleasure of attending the annual Conference of Mayors. The Governor's focus, he noted, was the restoration of New Jersey following super storm Sandy.

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**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.

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

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

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Joseph A. Giorgio  
Township Clerk