# November 14, 2013

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, November 14, 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 Brueno, Schleifer,

and Ferramosca

ABSENT: Member Coppola

\_\_\_\_\_

### STATEMENT BY PRESIDING OFFICER:

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

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

and by filing same with the Township Clerk.

	(Signed) Ronald F. Francioli, Mayor
PLEDGE OF ALLEGIANCE TO	THE FLAG
PRESENTATION	

## **RESOLUTION NO. 199-2013**

A Proclamation of the Township Committee Declaring the Month of November as "Pancreatic Cancer Awareness Month" in Hanover Township

**WHEREAS**, in 2013, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease;

WHEREAS, pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent; and

**WHEREAS**, when symptoms of pancreatic cancer present themselves, in its late stage, 73 percent of pancreatic cancer patients die within the first year of their

diagnosis while 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, approximately 1,180 deaths will occur in New Jersey in 2013;

**WHEREAS**, the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the United States by 2020; and

WHEREAS, the United States Congress passed the *Recalcitrant Cancer Research Act* last year which calls on the National Cancer Institute to develop a scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS, the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in Hanover Township and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

**WHEREAS,** the Pancreatic Cancer Action Network and its affiliates in Hanover Township support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure; and

**WHEREAS**, the good health and well-being of the residents of Hanover Township are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

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

1. That the month of November, 2013 is hereby declared

## "Pancreatic Cancer Awareness Month"

in Hanover Township so that the good health and well-being of the residents of our community are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection causes and effective treatments.

Motion by the Mayor Seconded by Member Schleifer and Member Brueno and was unanimously passed.

### **OPEN TO THE PUBLIC:**

Robert Steiger, 13 Korda Place, Cedar Knolls. Mayor, Members of the Committee, Joe, I have some happy stuff and some not so happy stuff. The happy stuff is that I went shopping this morning in Disneyworld, I went to the new Shop Rite (laughter), and it is magnificent. It is so great, I got lost, I bumped into a young fella with a uniform, and I can you tell me where I can find the Snapple, he whipped out his cell phone and said information looking for Snapple, aisle 8 east not west. It took me 15 minutes to get to the aisle but it was spectacular, it really is. Now that it was an easy site plan to put through no question about that. Bayer is also magnificent, I don't know who is responsible for bringing them here but it is absolutely wonderful. I am sure when Wegman's goes in it is going to be very good. But the Berlex site could have used a little imagination, I mean another Quick Chek, my goodness gracious. They couldn't come up with anything beside a Quick Chek on the corner. That shows little or no imagination as far as the Planning Board goes. But then again, I came to Tuesday night's Planning Board meeting and I'll be honest with you, this Planning Board has no imagination whatsoever Ron, when they presented that Whippany Road site and Gene Pinadella said they had the housing down from 400 to 340 and he was content with that, that scared the hell out of me.

Mayor: You heard me.

Mr. Steiger: I heard you, I didn't hear another Board Member say a word though and that scared me. They sat like bobble head dolls, they didn't do a thing, and I'm serious, that was a time when if you have an applicant and you are not going to tell him what you want at that time, that's the time to do it. Then he will make a plan come in and then they tear him apart after. That was terribly wrong. It really was. Gene was concerned that there wasn't enough retail on this site. That was very disappointing. I understand that also talk that of putting housing on the Eden Old Eden Mill site. There is someone interested in that. I do believe that the Planning Board is not strong enough to handle these applicants that come in. I think the only way that these sites can be controlled is by the Township Committee, not rezoning anything for mixed use until they present a site plan that you are comfortable with that the Town is comfortable with then you can rezone it. Morris Township did that, they rezoned the old site too soon and put in housing and the major company walked away and now they are stuck with all of that housing. I think it's one of the weakest Planning Boards in the 40 years that I have been involved they don't seem to react to site plans that come in, and I'm serious when I speak to you Bob, I speak to George and Ron and John know and I speak to Ace, don't rezone don't give up on any mixed use until you see a plan that you are happy with. Please, because if you do and rezone it you will have no control again what the Planning Board does. I know Ron and John will be firm, but the Planning Board they just seem to rubber stamp whatever comes along. It was very disappointing. Other than that, Whippany Village, I was also a little disappointed when the Board had an

opportunity to look into the housing on that site that night, there was even a member of the neighborhood here, who was concerned about it and when the Chairman said to the Board, does anybody have any questions, they didn't say a word. The public is concerned with these things but the Board seems to be oblivious of what the town is concerned about, so I know you tried Ron and I know John has his heart into it, but the Board just seems not follow any of your leads. I just hope that the Committee will take this giant stand and control it, don't let them control you please, I appreciate that. Thank you.

Mayor: Thank you. There is no doubt, again, I'm not going to take a position from this podium that this Township Committee is all things Bob, because you know we have to operate with our Boards whether it be Planning etc., I think and I hear you, but I think it is that both River Park, and you are right, they came in with a large layout from Amy Neu's property of housing, rentals seems to be the market now. It's a hot thing, remember when office buildings were hot, and flex buildings were hot now rentals are hot. You don't zone by market conditions. But that being said, these are concepts, no application fees were paid, no formal plans have come in and I like to not waste everybody's time and I think we made it abundantly clear that particular night to 67 Whippany LLC which is the South Campus that we were dissatisfied with the one particular of his whole plan that is the housing element. They always come in for the whole enchilada and they know damn well that we are going to bargain them back but you know what we are going to bargain them down not just back. I think we have a good sense of what the communities feelings are, right wrong or indifferent perceived or not perceived and that is housing and traffic and the housing aspect of it this Committee your right, if something is wrong we are representing our Township, we are the fire wall, and I think each and everyone knows that, some of us have very very strong feelings no housing continuation of housing in the Township and nevertheless to answer your specific question, let's see that the Planning Board flushes out, I appreciate your sentiment on that, let's see where they go with this River Park, which didn't come in yet, that is coming in for concept.

Member Ferramosca: Concept came in for River Park, so that everybody understands there has been some precedent for River Park. The River Park issue is there is a court order settlement and when that concept plan came before the Planning Board; they made it very clear that the court order settlement is arched more closer to what the expectation is.

Mayor: You remember that, right?

Mr. Steiger: Yes absolutely.

Member Ferramosca: And in addition to that court ordered settlement there is a requirement and it's the same requirement that the Planning Board spoke about to the South Campus Group that came in here, in terms of traffic management. We need to see a traffic management plan so in the case of River Park, when we say very clearly was we want to see how the cars you are proposing within the court ordered settlement would get to Route 10, because we don't envision seeing you build bridges and things to deposit these cars onto Eden Lane. Eden Lane we consider to be a local residential roadway and we are not interested in seeing that becoming overwhelmed by traffic, so that applicant heard it loud and clear as to what the expectation was as well as the applicant for the South Campus has got to come in here and address density and got to come here and address traffic management, because they are two major issues that we are dealing with today and we will be dealing with it in the future and we are going to be working those two aspects very hard.

Mr. Steiger: I appreciate that, the only thing that concerns me is that I served with Gene Pinadella for over 30 years. He has always been the staunchest most conservative, he voted down a house on Troy Hills Road because they wanted to put two houses on the block. The guy went to court and won, that was one house he was supposed to now all of a sudden the other night he wasn't upset with 340 apartments that scared the hell out of me, it really did. Because that's coming from a guy that the Board looks up to, he's been kind of the backbone of that board, and when he does that that really scares me. You also mentioned something about COAH the other night, I was just wondering on the meat packing, how many affordable units do they have to put up on that one?

Mayor: On the 15 units he is putting up there, Blais, the COAH component is he paying the 2% or is he doing the 20% on the affordable on the housing that is going on there, where are you?

Blais Brancheau: Residential developmental fee, he is paying the fee based on the value of the homes, so he is doing whatever the formula is.

Mayor: Whatever the formula is for the value of the housing he has to pay into our COAH fund, so if it's 1 1/2 % so that will be in the developer's agreement that way.

Mr. Steiger: What about the Whippany Village, couldn't he do the same thing?

Mayor: He now can do the same thing.

Mr. Brancheau: No he can't. He has to build affordable housing onsite.

Mr. Steiger: Why?

Mr. Brancheau: Because that is how the ordinance reads.

Mayor: The latest Ordinance that you sent to me, just recently on the commercial properties, we understand the commercial properties, the formula for commercial properties, everybody pays COAH, but did you not in that ordinance say that there is no obligation on that you can pay the 2%? What was the language you gave me?

Mr. Brancheau: The State passed a law a Municipal Land Use Law, that says Towns in their zoning ordinances cannot impose an affordable housing obligation other than the fee on nonresidential development. We can impose it on residential.

Mayor: So under Bob's question now, you say but it's already in the ordinance so therefor, on that basis you are saying you want the housing verses the percent.

Mr. Brancheau: The obligation we are imposing in this case, the State law says you can mixed use development where you have both housing and nonresidential development you can't impose an obligation to a nonresidential portion, you can however impose it on the residential portion and that's what the zone does.

Mr. Steiger: Sounds to me like you could impose it on them and you would get more money into your COAH bank.

Mr. Brancheau: No, what I'm saying is that we can make him build affordable units. We could also make him do a fee but all that the fee does is gives us money that we then have to spend to build affordable housing. So, and it's not enough money to build affordable housing elsewhere, because it is based on the value of the units. For a typical single family home you get about \$4000 or \$5000. Is that correct Silvio?

Silvio Esposito: Yes about 4000 to 5,000.

Mr. Brancheau: There we are talking about apartments so it would be even less, more like \$3000 that we would get and if you built 5 homes then you have to provide affordable housing you are only getting \$15000 in those 5 homes and that is nowhere near the.

Mr. Steiger: Who is calling the shots here, you or Blais, now I'm serious when I say that. Every time we said, it was the same thing. He calls the shots, where the hell is he coming from? Ron, do what is best for the town.

Mayor: Blais knows my opinion on the Council of Affordable Housing, shared that with the good Governor a little while ago, I think I share the same feelings the good Governor has on the Council of Affordable Housing. I think that the Township Committee is going to take a more serious role in what options we are going to take with COAH. Forgive me for choosing my words here, I have to be very careful about what I'm committing to, but nevertheless, whatever these options are we cannot escape

COAH. We've looked at every town, Madison, the numbers that are still on our COAH list of some 660 still that we have to justify, and I look at the other towns and some have even more than us. But we are all caught in that same COAH business from 30 years ago.

Judy Iradi, 43 Locust Drive, Morris Plains: I missed the number of COAH units that the Whippany Village will be required to build.

Mayor: 9.

Ms. Iradi: So in that instance, 9 COAH units verses the percentage of money he would have to pay into the fund so that we can build those other 9 units someplace in town. Now I know that you said that the Township Committee likes to hear from the people and don't you think that the people might want to subsidize those 9 COAH units even with our tax money, I'd hate to say it, rather than have 46 rentals built there.

Mayor: What is your thought on how, let's take that scenario out, the 9 that we are obligated to from, by the way, it is not our obligation it's the builders obligation, but those 9 and he pays us the percentage than you are saying that we build, the Township takes responsibility to build the 9 COAH building somewhere else?

Ms. Iradi: Yes, like we do with every other commercial

Mayor: And not build the market units?

Ms. Iradi: Right, with every other commercial building in town you get the money in lieu of building of the houses most of them, and by the way, the 9 units is just may never come to fruition because COAH has not actually set the amount of housing that we need to do, but we have the money to put away into a fund to put toward the 9 units. Maybe in the future, when something else comes up, a residential housing plan, we can fit those 9 units into that plan, rather than have 46, to tell you the truth to me, it's a strip mall with rentals on top.

Mayor: That's the trick, that's the game, how do we satisfy this COAH 20% component without having to build the market, how do we pay for that percentage. That's the balance here, and here we have used an integrated process inclusionary so that when a developer built, somebody came up with the formula 5 to 1 that said for every 5 markets he builds he can build a COAH unit and sell it for a lower COAH price, one would have to say this 2% or whatever we are going to get here what is that against the market value of the commercial property and does that 2% cover the cost of a COAH unit. That is where this Committee is, that's the game. We'd rather build none of it, and I think I can speak openly on that one.

Ms. Iradi: With collecting the fee for this because we don't have another mixed use like this in town where we have residential and commercial together, but collecting the commercial fee for the COAH housing and setting that aside I know that there was even a time when they allowed you to take the money and transfer it to another town so that,

Mayor: We were able to do that at one point,

Ms. Iradi: They might do that again in the near future,

Mayor: I hope, that was great, and a matter of fact not only was it good for us, it was good for the Oranges. They liked it, if you drive through the Oranges and drive down Bloomfield Avenue through Montclair, etc., if you see what is being built with transferred money and COAH money. It's phenomenal. It's great, does it satisfy the COAH admission of spreading the housing availability throughout the State for every one of us, low and high income, that's COAH principal through Mt. Laurel, is that. I haven't seen the result of that here in Hanover and I don't think you have, so that's beside the point.

Ms. Iradi: But, is there another option for building this COAH housing and if you pass the Whippany Village Ordinance allowing the COAH units and other 46 units together, all it is a strip mall with rentals on top. If you pass the ordinance the builder will most likely jump on it and that's what we will be left with and tomorrow COAH could come back and say well guess what today you can transfer your funds to another town and we will be stuck with this.

Mayor: So what you are saying is bank it, and let's see what falls out in 5 months when the Governor has to come up with some new ideas or at the same time Governor Christie come up with some new Judges but in either case I don't disagree with you on that and I know that Hanover doesn't wasn't to go in the real estate business we don't want to be responsible for it, matter of fact the latest comment from the Township Committee from a policy standpoint that we want in a developers agreements is that, hey developer you want to come into Hanover and do something whatever the outcome of COAH, 5 months from now, you are responsible for it. We don't want to get caught like we did years ago, when we got retro for Grande and a guy comes in and builds 160 units and then we wake up in June and COAH says by the way we are retro-ing your obligation back to January and we got hurt by that, and it was significant. We are not going to let that happen, so builders that don't want to come in under those conditions they will go away, and if they do want to come in under those conditions and they want to give us the 2% on the commercial like Blais is saying or whatever the formula might be for the percentage, I haven't discussed this fully with the Township Committee but my opinion is take their money and put, and if COAH says "hey Hanover" like they threatened you over your \$800,000 not to long along, it's not your money, it's not the taxpayers money, so take the money.

Ms. Iradi: See so we do agree on something,

Mayor: Laughter, I mean, I will get off my soap box now.

Ms. Iradi: Thank you Mayor.

Barbara Eames, 6 Cove Lane Road, Whippany, kind of interesting that the other two who spoke tonight about the issues you have been discussing and what I was going to bring up to you, I can kind of put them all under the same umbrella and it's talking about influence from higher levels of government telling us what we are going to do with our town and it's not good. What I gave to you was one piece of history that I thought you might be interested in, the graph of the open space it's from the spring when I put those figures together in my freeholder race and if your eyes go to Hanover Township first you'll notice that Hanover has paid in \$17,000,000 in open space funds and gotten \$2,000,000 back and you'll notice that a number of other towns are in our situation and look at the figure in Parsippany. They are a big town I know, but they are out \$30,000,000 in taxes, they have paid in less than they've gotten back that's the difference. There are some other towns that are big beneficiaries you'll notice they are in the positive columns, Boonton Township, Washington Township I think Mt. Olive, some of the more outlined towns. I was at the Freeholder meeting yesterday and they introduced, Dina Leary talked about open space and the proposed acquisitions for this year, there are only 3 interesting enough but one of them was for Harding Township. It's a town that has done pretty nicely, Harding Township

Mayor: That's a nice number.

Mrs. Eames: Yes! Well yes it is, that's how much they benefited \$9,000,000 more than they put in I think the figure is there. They have a lot of open space out there and they have money in their open space fund, John Krakow's brought up that he thought that the funding it at 75% county open space was too much considering the money they have and the open space they already have, the money the folks have up there they can buy their own open space. I don't know, whatever! There is a lot of inequity that is going on there and the comment that I just made that, that at the Freeholder Meeting was when you are looking to give out grants you might want to look at the pennies the towns that are losers, Hanover Township is one of them, and David Svickio said to me, "well those towns could apply for grants couldn't they?" I said "yes, but a lot of those towns in the center of the county we don't have that much more open space anymore to buy if we wanted to as opposed to the Washington Townships." Mendham, who is it that we know who lives in Mendham? Oh there is some big guy, who lives out there, Mendham's done pretty well you notice for open space. So that, its

redistribution of wealth that's what it is, and when you give somebody else the money and the power you probably don't get the significant part of it back. That's just kind of the history, I thought you might be interested, I don't know that you actually ever saw those figures from the spring.

The other two pieces that I gave you are about common core, I don't know if you are following that and I think that many of you are my age group when our kids are through school, but this is coming down I think Obama Care for Education, how is that working out this week down in Washington, not to well. This is Obama they are calling it Obama Core and it is being implemented in all of our schools across the State if you follow the news in New York State, yeah they are having a lot of push back from residents, big hearings, multiple hundreds of parents who are angry and upset, they are about a year ahead of us in implementation they gave the test in the spring 34% of the kids passed. So that is why the parents are upset. There are a lot of other disturbing things about common core including data mining which is illegal, but they figured out a way to get around it. Biometric testing of kids, to see if their eyes, if they are stressed out, cushions to see if they are fidgeting while they are taking it, something on the mouse to determine the pressure on the mouse, a lot of invasion of privacy. There is a push back going on across the State across the nation really a number of states pulled out of common core. I did go to the school board meeting Ace was there when I spoke about it about a month ago and I think he is the only one who has even called me back and asked me a question about it, which makes me wonder whether anybody read it, because if you read that, I think you might have maybe a question or two you would like to ask about what is happening. Scott Pepper told us they "voluntold" us, his word, not mine, that we are going to test the third graders this year. P.S. they might not even tell the parents the scores. So there is an effort to wake up folks around the State and the country, the other document that you have there is double sided is the Morris County Board of Freeholders passed a resolution against the Common Core against the imposition about a month ago, there are four other counties, Bergen, Warren, Morris, Hunterdon and Cape May have passed resolutions against it. So it is catching on in New Jersey and the reason why I mention it that is December 2, one of the ladies in the State who is a guru on common core is coming to speak to us in East Hanover and if get our emails you should have gotten notice about it. Meeting is at 7:00 right opposite Novartis in the strip mall there, I'll invite you to come. The reason I mention it I know you are not school board members but the impact on taxes certainly affect municipalities as a whole and one of the things about this is that the testing is all done by computers so districts have to purchase all this hardware the cost for NJ was about \$64,000,000 they were given, I can't even remember the figure that it's not going to totally cover it and so its projected that it's more costs that will be, and it will be very costly to do the testing that is more frequent than current testing. If you read that document there is more information than you need to know about it. You will probably want to know about it. But this is just like Obama Care where big brother and big government knows what is good for you and if you ask parents and school board members across the nation, not a whole lot of them even know that this is going on, but it's being implemented as we speak, so if you read that and you would like to have a conversation, I would be glad to and please come on December 2, I'll send you that notice.

The third thing is I was in Trenton today, I feel a little stressed, I felt my head was going to explode down there today, I tried to testify on the Bill to Grant Illegal Aliens and I don't like word, and undocumented students, instate tuition. If you can recall that, it came before the County College of Morris a year and half ago and the residents of Morris County didn't think it wasn't a good idea and the county college changed their mind, now this decision from the State will be forced on them. Our Governor has indicated that in the middle of October that he might be inclined to sign this Bill, he wasn't before, but things are getting better in New Jersey, can't say that I noticed that, but he seems to think so, and he is kind of telegraphing that he might sign it, of course he is running for higher office, and he might be looking to attract certain voters that normally he might not attract, but

Mayor: But we don't believe that.

Mrs. Eames: No, of course not, we do know that he got 20% of the black vote, and 34% of the Hispanic vote, or whatever, but he got minority, 55% of women, whatever, he got minorities that Republicans frequently don't get, not that he would want to try to repeal them if he is going to run for the National office, 15 other states in the nation grant instate tuition for illegal but that leaves 35 that don't. I think if he is running for higher office that might not be a smart thing to do. I didn't get to testify, and I think that was a coincidence but you know that when I put down that I was opposed to it, they trotted up one person after another, it went on and on how wonderful this idea was, and you just sit there and think you know the voice of those pay and don't get all these freebies that the government is giving us there are not here because they are home working, and I called a number of people to go down, and they are all working. If you haven't experience or the pleasure of sitting at a Trenton hearing, probably you have, of something under municipal reasons; you really should try it sometime your head wants to explode. Just, it all falls under these fall under the umbrella of the government is telling us what to do, from planning and zoning at the State level of COAH, I'm not going to go into that anymore, but I'm right on board with, I guess my common thought out of all of this, is how much more do we put up with this as citizens, you're citizens as well as elected people, before we stand up and say we are mad as hell and we are not going to take it anymore, what does it take for us to stand up and say we are not building that COAH housing, we are not implementing common core, we are not doing this, not doing that, it's not good for our town it's not good for our people,

we aren't doing it. We need to come up with a strategy other than saying, we really don't want to do this, but the Government's making us do it, we've done that for decades where has it gotten us in this country? We are at a point where our country in practically in collapse, how much longer can we go on spending? What's going to happen to our children, our grandchildren, is it going to be the free country, as it was when we were born, I don't think so.

Mayor: I hear you.

Mrs. Eames: It's a big rhetorical question, I'm sure you don't have an answer; I don't expect you to have an answer.

Mayor: Well, we are a Municipal Body, I think as such, clearly those in elected office on this body have been elected on their view points, be it liberal or conservative or whatever and we are here and it is difficult for us to take a political position as a municipal body, I mean obviously

Mrs. Eames: You are not nonpartisan

Mayor: Our expectation is public expectation from us is for the common good of all Hanover Township period on the municipal level, but I think we share the same concerns over the heaviness of government and I think we share the same concerns of the erosion of home rule, and I think the Governor's move toward certain things, and again I don't want to take a lot of the Committee's time on debating it, but even on education of more regionalization of education is a dangerous area for us it may save some dollars where administration is concerns, school boards are concerned, etc., etc., but I don't know that for Hanover at least, Hanover is at a disadvantage, we've got a wonderful control over benefits we have wonderful good control over our costs, and good control over the fact that we have no debt and when we talk shared services and we talk about merging services, etc., we are usually taking on somebody else's liability. I am not one for that unless we have done it successfully with our Health Dept., where we share nursing services, but we can go on and on for quite a while, I don't want to take the Committees' time, but in any event, we will take your information into consideration and I'm sure the Committeemen will discuss it and if there is something we should be doing and even us contacting or corresponding with our Legislators, State Senators, Assembly we will be happy to do that, but that's the limits to where we can go from now.

Mrs. Eames: All of these issues impact financially on us even if its though education as example, it impacts the taxpayers of Hanover Township it ultimately it bleeds over into Township, there is only a pot of money that people have to spend on taxes in New Jersey and we know they are already leaving, but the Common Core thing would be great if you felt so inclined to pass the resolution against it, if you would like to

have a bit more information, I'd be glad to sit and talk with any of you about it. That would be helpful encourage other folks you know in other places in the state other municipal officials to pay attention to some of these things. Some of them are under the radar. But the common denominator is all of these things are costing residents of New Jersey and Hanover Township more money, because the Government says you got to do it. Well stand up and say no we are not doing it anymore.

Mayor: Thank you Barbara. Is there anyone else from the public who would like to be heard at this time?

MOTION TO CLOSE: No further comments forthcoming. Member Ferramosca moved to close public portion. The motion was seconded by Member Schleifer and was unanimously passed.

### **APPROVAL OF MINUTES:**

Mayor Francioli stated that the Minutes of the Regular Meeting of August 8, 2013, September 26, 2013, October 10, 2013 and October 24, 2013 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 Meeting of August 8, 2013, September 26, 2013, October 10, 2013 and October 24, 2013 be accepted and approved as presented by the Clerk. The motion was seconded by Member Brueno and was unanimously passed.

# **ENGINEER'S REPORTS:**

Gerardo Maceira, Township Engineer, presented the following reports:

- 1. Second Partial Payment on the resurfacing of Crestview Terrance, Hilltop Circle, Hilltop Parkway and a portion of Jeffrie Trail to Stanziale Construction, LLC, located in Bloomfield, New Jersey total amount due: \$205,955.64.
- 2. A first partial payment also to Stanziale Construction, LLC on the resurfacing of Branford Road, Fischer Place, Cherry Lane and Louis Street total amount due: \$26,159.48.
- A first Partial Payment on the resurfacing of Juniper Drive, Gristmill Road and Cranberry Court to Stanziale Construction, LLC total amount due: \$67,982.37 and;

4. A first partial payment on the resurfacing of Warren Street to Stanziale Construction, LLC in the amount of: \$97,986.08.

.....

## **DEPARTMENTAL REPORTS:**

The following reports were presented and ordered filed as received:

Police Department	S.W.Gallagher	Month Ending 10/31/13
Engineering Dept.	G.Maceira	Project Status 10/24/13, 11/14/13
Property Maintenance	E.DeSimoni	Month Ending 10/21/13, 11/14/13
DPW	B.Foran	Month Ending 10/31/13
Parks Department	B.Foran	Month Ending 10/31/13
Treasurer's Report	S.Esposito	Month Ending 10/17/13
Resource Specialist	J. Johnston	Month Ending 10/31/13

## ORDINANCES:

32-13: Amending and Supplementing Chapter 166 of the Code of the Township entitled <u>Land Use and Development Legislation</u> by Amending the Regulations for the WC-Whippany Center Zone District.

Ordinance was filed as required by the Municipal Land Use Law with the Morris County Department of Planning & Development and all contiguous municipalities received copy of Ordinance upon introduction and finally in accordance with the Municipal Land Use Law the reference and recommendation of the Ordinance to the Planning Board and we have a letter from the Planning Board Chairman indicating in part and I will read this into record:

"That although Ordinance 32-13 has introduced this and is consistent with the master plan, the Planning Board recommends that the Ordinance be amended to require construction of the housing development envisioned in the plan and in the Ordinance as part of the planned commercial development permitted in the zone in order to be consistent with the housing element of the master plan which provides for nine (9) affordable housing units from the planned development. The Board reads Ordinance 32-13 as permitting such housing as an option but not as a requirement, which was not the Board's intention when it recommended the introduction of the ordinance."

Signed,

Robert Nardone

On behalf of the Planning Board

Member Ferramosca motion that we table the reading of Ordinance 32-13; simply because we do not have a quorum to vote on it at this point. Seconded by Member Brueno.

Mr. Giorgio: Ordinance will be carried until Monday, November 25, 2013 at 8:30 p.m. The motion was seconded by Member Brueno and was unanimously passed.

-----

Mr. Giorgio asked if there was anyone wishing to comment on resolutions A thru H on page 2 of the Agenda.

## **RESOLUTIONS AS A CONSENT AGENDA:**

### **RESOLUTION NO. 200-2013**

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING CARMELLA M. BASSOLINO AS THE TOWNSHIP'S REPLACEMENT FULL-TIME DEPUTY MUNICIPAL COURT ADMINISTRATOR IN THE VIOLATIONS BUREAU FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MONDAY, DECEMBER 2, 2013 AND ENDING MONDAY, JUNE 2, 2014 AND ESTABLISHING HER COMPENSATION AT \$26.92 PER HOUR (\$49,000.00 PER ANNUM) UNDER JOB GROUP IV IN ACCORDANCE WITH SALARY GUIDE "C" OF SALARY ORDINANCE NO. 15-13

WHEREAS, with the promotion of Andrea Contaldi to the position of full-time Certified Municipal Court Administrator effective August 12, 2013, the position of full-time Deputy Municipal Court Administrator became vacant; and

**WHEREAS,** the position of Deputy Municipal Court Administrator is classified under Job Group IV under Schedules "B" and "C" of Salary Ordinance No. 15-13; and

WHEREAS, effective September 13, 2011, the New Jersey Supreme Court enacted Rule 1:34-3 establishing a hiring process for Municipal Court Administrators and Deputy Municipal Court Administrators; and

WHEREAS, with the enactment with Rule 1:34-3, the hiring process for the position of Certified Municipal Court Administrator now requires the participation of officials of the Township as the appointing authority; the Municipal Court Judges of Hanover and East Hanover Townships under the Shared Court Agreement, the Morris-Sussex Vicinage Municipal Division Manager or her designee and the Vicinage's Assignment Judge; and

**WHEREAS,** the full-time Deputy Municipal Court Administrator's position was posted on the New Jersey League of Municipalities' Job Line Web Site and the Township's Web Site; and

**WHEREAS,** as a result of that posting, ten (10) applications were received by the Township; and

WHEREAS, in accordance with the December 5, 2011 Memorandum of Understanding (MOU) executed by and between officials of the Township and the Morris-Sussex Vicinage, which MOU describes in full the hiring process, the Township initially interviewed four (4) candidates on October 9, 2013; and

WHEREAS, the applicants were rated on their current employment experience and expertise, and their overall skills and abilities to perform the duties and tasks of full-time Deputy Municipal Court Administrator and whose background and experience closely matched the job description and requirements of the position; and

WHEREAS, subsequently, the Business Administrator and Certified Municipal Court Administrator conducted a second round of interviews with the two (2) finalists on October 22 and 23, 2013; and

WHEREAS, as a result of the second round of interviews with the two (2) candidates, the Business Administrator believes that **Carmella M. Bassolino** residing at 20 Loveland Street in Madison, New Jersey 07940 has the necessary work experience, job qualifications and administrative skills closely matching the Township's job description for the full-time Deputy Municipal Court Administrator position and should be appointed to fill the vacancy; and

**WHEREAS,** by letter dated November 14, 2013, the Superior Court Assignment Judge for the Morris-Sussex Vicinage has reviewed and approved the recommendation that **Carmella M. Bassolino** be appointed to serve as the Township's full-time Deputy Municipal Court Administrator for the Hanover and East Hanover Shared Courts; and

WHEREAS, Ms. Bassolino shall serve as the full-time Deputy Municipal Court Administrator for a six (6) month probationary period commencing Monday, December 2, 2013 and ending on Monday, June 2, 2014; and

**WHEREAS, Ms. Bassolino** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 61-18. Of Chapter 61 of the Code of the Township entitled <u>Salaries and Compensation</u>.

**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:

 That *Carmella M. Bassolino* residing at 20 Loveland Street in Madison, New Jersey 07940 is hereby appointed as the full-time replacement Deputy Municipal Court Administrator for a six (6) month probationary period commencing Monday, December 2, 2013 and ending Monday, June 2, 2014.

- 2. In accordance with Schedule "C" of Salary Ordinance No. 15-2013, Ms. Bassolino shall be compensated at the rate of \$26.92 per hour which is equivalent to \$49,000.00 per annum under Job Group IV as set forth under Salary Range Guide "C" of Salary Ordinance No. 15-13 during the probationary period. Subject to the receipt of a satisfactory job performance evaluation performed by the Certified Municipal Court Administrator at the conclusion of her probationary period, Ms. Bassolino's rate of pay shall be increased to \$27.47 per hour which is equivalent to an additional \$1,000.00 per annum under Salary Range Guide "C" for a total salary of \$50,000.00. Thereafter, since she is within the Range Guide, Ms. Bassolino shall only be eligible to receive the annual cost of living adjustment if and when Salary Guide "C" and "D" are adjusted at any time by the governing body and only upon receiving a satisfactory job performance evaluation from the Certified Municipal Court Administrator.
- 3. **Ms. Bassolino** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 61-18. Of Chapter 61 of the Code of the Township entitled <u>Salaries and Compensation</u>. In the event that **Ms. Bassolino** receives an unsatisfactory job performance evaluation during her probationary period, **Ms. Bassolino** shall be terminated.
- 4. As a full-time employee, **Ms. Bassolino** shall accrue sick and vacation days starting on December 1, 2013 and calculated in accordance with Sections 61-10.C.(1) and 61-11.A.(3) under Chapter 61 of the Code of the Township entitled <u>Salaries and Compensation</u>; <u>Personnel Policies</u>.
- 5. **Ms. Bassolino** shall also be entitled to receive medical and dental benefits coverage in compliance with the Township's Health Benefits Coverage requirements described under Section 61-14. Entitled "Health Benefits Coverage" in Chapter 61 of the Code of the Township.
- 6. That certified copies of this resolution shall be transmitted to the Chief Municipal Finance Officer, CMCA Andrea Contaldi and *Ms. Bassolino* for reference and information purposes.

### **RESOLUTION NO. 201-2013**

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE SUBMISSION OF A FISCAL YEAR GRANT EXTENSION TO THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR THE PERIOD BEGINNING JANUARY 1, 2014 AND ENDING ON JUNE 30, 2014

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, The Township Committee of the Township of Hanover, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township of Hanover was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than a calendar year cycle; and

WHEREAS, funding has been made available to Hanover Township's Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

**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 it does hereby authorize the submission of the grant extension for the Hanover Township Municipal Alliance grant in the amount of:

DEDR \$19,008.00 Cash Match \$4,752.00 In-Kind \$14,256.00

- 2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
- That certified copies of this resolution shall be transmitted along with Form 1
   The Application for Funding Municipal Alliances to the Morris County Municipal Alliance Coordinator, the Township's Chief Municipal Finance Officer and Chairman of the Township's Substance Awareness Council for reference and information purposes.

### **RESOLUTION NO. 202-2013**

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE SPONSORSHIP OF THE 2013/2014 SKI/SNOWBOARD SEASON PROGRAM BY THE

# DEPARTMENT OF RECREATION AND PARK ADMINISTRATION FOR THE TOWNSHIP'S MIDDLE SCHOOL STUDENTS AT SHAWNEE MOUNTAIN SKI AREA IN SHAWNEE ON DELAWARE, PENNSYLVANIA BASED ON THE UNIT PRICE RATES AND SKI AREA CONDITIONS

**WHEREAS**, there exists a need to provide the Township's middle and high school students with a ski/snowboard program that will offer the most advantageous ski/snowboard conditions for the more advanced student and sufficient slope conditions and expert training and supervision by the resort; and

WHEREAS, although the Township's attorney has rendered a legal opinion that while the ski/snowboard program packages may in fact fall within the category of an Extraordinary, Unspecificable Service, it was also the Township Attorney's opinion that since the funds expended for the payment of the ski/snowboard program trips do not arise from tax dollars or revenues collected by the Township but are funds provided by the youth which pay for the ski/snowboard packages, that the sponsorship and implementation of the program are not controlled under the Local Public Contracts Law; and

**WHEREAS**, although this legal opinion has been rendered, this resolution serves to memorialize the actions of the Township in making every attempt to comply with the requirements of the Local Public Contracts Law in the award of this service contract; and

**WHEREAS**, because of the closure of the Craigmeur Ski Lodge, the Board of Recreation Commissioners has carefully reviewed the rates of, and conditions at one (1) ski area and recommends that based on price and ski/snowboard area conditions, the Township continue to conduct its ski/snowboard program for middle school students at the Shawnee Mountain Ski area located at Shawnee on Delaware, Pennsylvania 18356.

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

1. That the Department of Recreation and Park Administration is hereby authorized to utilize the Shawnee Mountain Ski area located at Shawnee on Delaware, Pennsylvania 18356 in the sponsorship of its 2013/2014 ski/snowboard season program for the middle school students based on a per unit price quotation for the following:

Bus	\$ 200.00
Ski/Snowboard (Lift Only)	130.00
Ski/Snowboard Lift & Rental	180.00
Ski/Snowboard, Lift, Rental, Instruction (5 Lessons)	220.00
Ski/Snowboard & Instruction(5 Lessons)	175.00
Ski/Snowboard Lift (3 Lessons)	157.00
Ski/Snowboard Lift, Rental(3 Lessons)	207.00
Ski.Snowboard Helmet Purchase	62.00

2. That a certified copy of this resolution shall be transmitted to the Superintendent of Recreation and Park Administration and the Township's CMFO for their reference and information.

### **RESOLUTION NO. 203-2013**

# A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING 2013 BUDGETARY APPROPRIATION TRANSFERS IN ACCORDANCE WITH N.J.S.A. 40A:4-58

**WHEREAS**, N.J.S.A. 40A:4-58 sets forth the manner in which appropriation transfers may be made; and

**WHEREAS**, there appears to be insufficient funds in the following accounts (excepting the appropriation for contingent expenses or deferred charges) to meet the demands thereon for the balance of the 2013 current year.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover, County of Morris, that this resolution be adopted (by not less than two-thirds of all the members thereof affirmatively concurring) in accordance with the provision of N.J.S.A. 40A:4-58, part of the surplus in the accounts mentioned below be and the same are hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands of the 2013 operating budget.

**BE IT FURTHER RESOLVED**, that the Treasurer is hereby authorized and directed to make the following transfers:

		TO:		
Τ	ACCOUNT			
LINE ITEM	<u>AMOUNT</u>	<u>NO</u>	LINE ITEM	<u>AMOUNT</u>
Admin. SW	\$10,000.00	123-0005	Tax Revenue SW	\$ 1,000.00
Assessment SW	2,500.00	123-0012	Bldg & Grnds SW	10,000.00
Violations SW	37,500.00	123-0028	Public Works SW	175,000.00
Eng. Serv. SW	25,000.00	123-0064	Dial-A-Ride SW	500.00
Police SW	50,000.00	123-0082	Comm. Ctr SW	6,000.00
CCO SW	32,500.00			
Sanitation SW	25,000.00			
Parks SW	5,000.00			
Recreation SW	5,000.00			
Group Ins. OE	75,000.00	123-0009	Legal OE	75,000.00
	\$267,500.00			\$267,500.00
	LINE ITEM Admin. SW Assessment SW Violations SW Eng. Serv. SW Police SW CCO SW Sanitation SW Parks SW Recreation SW	LINE ITEMAMOUNTAdmin.\$10,000.00Assessment SW2,500.00Violations SW37,500.00Eng. Serv. SW25,000.00Police SW50,000.00CCO SW32,500.00Sanitation SW25,000.00Parks SW5,000.00Recreation SW5,000.00Group Ins. OE75,000.00	LINE ITEMAMOUNTNOAdmin. SW\$10,000.00123-0005Assessment SW2,500.00123-0012Violations SW37,500.00123-0028Eng. Serv. SW25,000.00123-0064Police SW50,000.00123-0082CCO SW32,500.00Sanitation SW25,000.00Parks SW5,000.00Recreation SW5,000.00	LINE ITEM         AMOUNT         NO         LINE ITEM           Admin. SW         \$10,000.00         123-0005         Tax Revenue SW           Assessment SW         2,500.00         123-0012         Bldg & Grnds SW           Violations SW         37,500.00         123-0028         Public Works SW           Eng. Serv. SW         25,000.00         123-0064         Dial-A-Ride SW           Police SW         50,000.00         123-0082         Comm. Ctr SW           CCO SW         32,500.00         123-0082         Comm. Ctr SW           Sanitation SW         25,000.00         5,000.00           Recreation SW         5,000.00         123-0009         Legal OE

### **RESOLUTION NO. 204-2013**

A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO OUTSIDE

### LIENHOLDER

**WHEREAS,** at the Township of Hanover Municipal Tax Sale held on December 3, 2012, a lien was sold on Block 3101, Lot 8.08, also known as 7 Briarwood Court, Whippany, New Jersey 07981, for 2011 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate 2012-11, was sold to Ridgeback Ventures, LLC for a 0% redemption fee and a \$2,900.00 premium paid; and,

**WHEREAS,** LCL Limited, owners have affected redemption of Certificate 2012-11 in the amount of \$14,857.46.

**NOW, THEREFORE, BE IT RESOLVED,** that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$14,857.46, payable to Ridgeback Ventures, LLC, P.O. Box 503, Mount Freedom, New Jersey 07970 for the redemption of Tax Sale Certificate 2012-11.

**BE IT FURTHER RESOLVED,** that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$2,900.00 (Premium) to the aforementioned lien holder.

### **RESOLUTION NO. 205-2013**

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A TWELVE (12) MONTH, ONE TIME EXTENSION OF BID NO. 14 FOR THE CONSTRUCTION OF SIDEWALK, CONCRETE DRIVEWAY APRONS, BELGIUM BLOCK CURB AND/OR CONCRETE CURB BY AND BETWEEN THE TOWNSHIP AND MSKY CONSTRUCTION CORPORATION BASED ON THE SAME UNIT PRICING AND TERMS AND CONDITIONS AS THE ORIGINAL CONTRACT FOR THE PERIOD COMMENCING NOVEMBER 1, 2013 AND ENDING ON OCTOBER 31, 2014, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-15

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Committee, during its October 25, 2012 regular meeting approved a resolution awarding a contract to MSKY Construction Corporation for Bid No. 14 for the construction of sidewalk, concrete driveway aprons, Belgium block curb and/or concrete curb at various locations throughout the Township; and

WHEREAS, MSKY Construction Corporation was the lowest responsible and responsive bidder based on its unit prices for the construction work described above; and

**WHEREAS**, the initial contract period began on November 1, 2012 and ended on October 31, 2013; and

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

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

WHEREAS, the Township Engineer has determined that MSKY Construction Corporation performed in an effective and efficient manner during the initial twelve (12) month contract period, that is, from November 1, 2012 through October 31, 2013 and recommends that the contract be extended for an additional twelve (12) month period commencing November 1, 2013 through October 31, 2014; and

WHEREAS, in a letter dated November 4, 2013, MSKY Construction Corporation advised the Township's Business Administrator that it agrees to extend the contract through October 31, 2014 based on the same terms, conditions and unit pricing as set forth in the original contract executed on November 26, 2012; and

**WHEREAS**, based on the recommendation of the Township Engineer and the consent of **MSKY Construction Corporation**, the Township Committee wishes to extend the Bid No. 14 contract for the twelve (12) month period commencing November 1, 2013 and ending October 31, 2014.

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

- 1. In accordance with N.J.S.A. 40A:11-15, the governing body hereby extends the Bid No. 14 contract for the construction of sidewalk, concrete driveway aprons, Belgium block curb and/or concrete curb awarded to MSKY Construction Corporation for one twelve (12) month extension of time commencing November 1, 2013 and ending October 31, 2014. The unit prices for the construction work, when necessary, and all other terms and conditions, shall remain the same as those prices stipulated in the November 26, 2012 written contract by and between the Township and MSKY Construction Corporation.
- 2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and MSKY Construction Corporation for reference and information purposes.

**RESOLUTION NO. 206-2013** 

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A TWELVE (12) MONTH, ONE TIME EXTENSION OF BID NO. 15 FOR THE CONSTRUCTION OF STORM SEWER INLETS & MANHOLES BY AND BETWEEN THE TOWNSHIP AND JO-MED CONTRACTING CORPORATION BASED ON THE SAME UNIT PRICING AND TERMS AND CONDITIONS AS THE ORIGINAL CONTRACT FOR THE PERIOD COMMENCING NOVEMBER 1, 2013 AND ENDING ON OCTOBER 31, 2014, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-15

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., the Township Committee, during its October 25, 2012 regular meeting approved a resolution awarding a contract to **Jo-Med Contracting**Corporation for Bid No. 15 for the construction of storm sewer inlets and manholes at various locations throughout the Township; and

WHEREAS, Jo-Med Contracting Corporation was the lowest responsible and responsive bidder based on its unit prices for the construction work described above; and

**WHEREAS**, the initial contract period began on November 1, 2012 and ended on October 31, 2013; and

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

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

WHEREAS, the Township Engineer has determined that Jo-Med Contracting Corporation performed in an effective and efficient manner during the initial twelve (12) month contract period, that is, from November 1, 2012 through October 31, 2013 and recommends that the contract be extended for an additional twelve (12) month period commencing November 1, 2013 through October 31, 2014; and

WHEREAS, in a letter dated November 1, 2013, Jo-Med Contracting Corporation advised the Township's Business Administrator that it agrees to extend the contract through October 31, 2014 based on the same terms, conditions and unit pricing as set forth in the original contract executed on November 26, 2012; and

WHEREAS, based on the recommendation of the Township Engineer and the consent of **Jo-Med Contracting Corporation**, the Township Committee wishes to extend the Bid No. 15 contract for the twelve (12) month period commencing November 1, 2013 and ending October 31, 2014.

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

- 1. In accordance with N.J.S.A. 40A:11-15, the governing body hereby extends the Bid No. 15 contract for the construction of storm sewer inlets and manholes awarded to **Jo-Med Contracting Corporation** for one twelve (12) month extension of time commencing November 1, 2013 and ending October 31, 2014. The unit prices for the construction work, when necessary, and all other terms and conditions, shall remain the same as those prices stipulated in the November 26, 2012 written contract by and between the Township and **Jo-Med Contracting Corporation**.
- That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and Jo-Med Contracting Corporation for reference and information purposes.

### **RESOLUTION NO. 207-2013**

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO INTERNATIONAL SALT COMPANY, LLC, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, FOR THE FURNISHING AND DELIVERY OF BULK ROCK SALT TO THE TOWNSHIP'S PUBLIC WORKS COMPLEX IN THE AMOUNT OF \$56.57 PER TON FOR THE PERIOD BEGINNING NOVEMBER 28, 2013 THROUGH NOVEMBER 1, 2014 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY

WHEREAS, in order to keep the Township's roads free and clear of snow and ice during inclement weather, it is the desire of the Township of Hanover to purchase bulk rock salt for the period beginning November 28, 2013 through November 1, 2014; and WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on October 23, 2013 for the furnishing and delivery of bulk rock salt to the Township's Public Works Complex located at 25 North Jefferson Road in Whippany; and

**WHEREAS,** on November 12, 2013, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of three (3) sealed competitive bids out of three (3) prospective bidders; and

**WHEREAS**, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents and has determined that the lowest competitive bid submitted by **International Salt Company**, **LLC** for the for the furnishing and delivery of bulk rock salt based on a unit price of \$56.57 per ton, is in total conformance with the Township's Specifications and Supplementary Specifications and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

**WHEREAS,** in a letter dated November 12, 2013 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the furnishing and delivery of bulk rock salt described herein to **International Salt Company, LLC** which bidder submitted the lowest competitive bid at the unit price of \$56.57 per ton; and

**WHEREAS**, sufficient funds are available for this project through the 2013 Current Fund Budget, Roads, Line Item No. 123-0028-235, all in accordance with requirements of the Local Budget Law at N.J.S.A. 40A:4-1 et seq. and N.J.A.C. 5:34-5.1 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:

A contract is hereby awarded to:
 International Salt Company, LLC
 655 Northern Boulevard
 Clarks Summit, Pennsylvania 18411

for the furnishing and delivery of bulk rock salt to the Township's Public Works Complex located at 25 North Jefferson Road in Whippany, all in accordance with the Specification which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids. The Township shall award a contract to **International Salt Company, LLC** for the furnishing and delivery of bulk rock salt based on its unit price of \$56.57 per ton.

- 2. The one (1) year contract shall commence on November 28, 2013 and terminate on November 1, 2014. In accordance with the Township's Specification and pursuant to N.J.S.A. 11-15, the Township reserves the right to extend the contract for another one (1) year term provided that **International Salt Company, LLC** has performed in an effective and efficient manner during the term of the contract and that the terms and conditions of the contract remain substantially the same. Any price change included as part of the one (1) year extension shall be based upon the price of the original contract as cumulatively adjusted to an amount not to exceed the Index Rate for the twelve (12) months preceding the most recent quarterly calculation available at the time the contract is renewed.
- 3. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **International Salt Company, LLC** based on the per unit price of \$56.57 per ton for bulk rock salt.
- 4. Pursuant to N.J.A.C. 5:34-5.1 et seq. and the Local Budget Law at N.J.S.A. 40A:4-1 et seq., the Township's Chief Municipal Finance Officer has only certified as to the availability of funds appropriated through the 2013 Current Fund Budget, Roads Account, Other Expenses for the current budget year ending on December 31, 2013.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Superintendent of the Public Works, Building and Grounds and Park Maintenance Department, the Chief Municipal Finance Officer and International Salt Company, LLC for their reference and information.

Anyone wishing to be heard on any of the resolutions. Hearing none may we have a Motion to Approve the Consent Agenda of the Resolutions. Moved by Mr. Brueno and Seconded by Mr. Francioli and was unanimously passed.

# **RAFFLES APPLICATIONS:**

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

RA/RL No. 2697 - Interfaith Food Pantry RA/RL No. 2698 - Interfaith Food Pantry

Motion passed by Mr. Schleifer and seconded by Mr. Brueno and was unanimously passed.

## Payment of Bills

The governing body approved a grand total disbursement of \$10,644,429.90 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 Ferramosca and unanimously passed.

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

### **OTHER BUSINESS:**

Mr. Ferramosca: From a Planning stand point, Planning passed what's called a connectivity plan, and this is a very very positive initiative on the part of Planning. It established what we call a master trail system, a north south and east west trail system throughout Hanover Township that will support pedestrian as well as bicycles. I really want to commend Mr. Linfantie who took the leadership on this and worked it and formed a task force supported by Mr. Pinadella and representatives of Planning. Mr. Steiger from Open Space, Mr. Coyle from Recreation Department all worked collectively to advance this so the division will someday realize the ability to go us the trail system that will connect the northern, southern, east and western portions of Hanover Township, the first part to be tackled will be in the area from Bayer to the area which is known as the Crossings, which is Jefferson Road & Park Avenue. With this plan in place the next step will be aggressive pursuit of grant money to try and find this, and hopefully get some of this open space money to support us in regards to establishment of a trails for the members of our community. That concludes my report.

Mayor: Thank you John. The Connectivity Plan is something that most of us is familiar with, Patriot's Path, and what the Township has done and with the help of the people that John mentioned with conjunction with an outside firm is not only do we improve on the Patriot's Path but we added to it significantly throughout the Township so that once this is implemented, once it is created, we will have the benefit of bicycling and jogging, walking, etc., it's a benefit not only to our residents, it's a benefit to our corporate neighbors, a part of wellness programs that they want, that they desire, it just makes us more attractive to them in the long run, I think it's going to be a great benefit to the Township, so I'm so looking forward to it.

Mr. Brueno: The Recreation Commission is in desperate need of Dial-A-Ride volunteers, if anyone is able to help our seniors and those who need rides whether it's to shopping or the doctor or anywhere they need to go we had some volunteers resign somewhat expectedly and left us a little shorthanded and if you are able to help or know anyone who may be able to help please contact the Recreation Department just as soon as possible.

Saturday, there is a fund raiser at the Recreation Center to benefit the Gore Children's Hospital, very worthwhile event for those who are sick and unable to pay for their care, etc., lots of games going on, so bring the children, the grandchildren, and the highlight is a helicopter will be landing over at Veteran's Field at 2:00.

Mayor: Sounds good, I think it's the second time we did that event,

Mr. Brueno: It's becoming an annual event.

Mayor: Good, that's great, the kids love that helicopter. The medevac unit, it's amazing.

Mr. Ferramosca: Full medevac unit.

Mayor: Member Schleifer and I should have an opportunity to fly it up!

Mayor: Any other business from the Township Committee? Hearing none, once again I'm going to open to the Public:

## **OPEN TO THE PUBLIC:**

Mayor Francioli opened the meeting to the public.

Jim Neidhardt, 34-14 Appleton Way, I just have a question on two items that I saw appearing on the conference meeting agenda for today. I was curious if there was any update on the status on the Whippany & Parsippany Road Intersection other than legal stuff that you cannot talk about?

Mayor: To the degree I can share with you there have been significant progress; you are talking about the potential improvement of Whippany Road and Parsippany Road and Bayer Boulevard?

Mr. Neidhardt: Yes, the normalization plan.

Mayor: Yeah, we are moving very successfully toward competition of all negotiations we have to do there, there are a lot of other property owners that have been notified including OLM Church for some widening that will take place from the bank side down through the Church, the Quick Chek on the other side has so been notified, I guess Fred whatever comment can I make on that?

Fred Semrau: We are not going to displace any of those property owners, but as you said Mayor, just a road widening and a small portion of land may be needed to achieve that for the safety of the public.

Mr. Neidhardt: Is the beginning of the ramp on Whippany Road, east bound, how far back does that start, is that going to start just at Bayer Boulevard or is the breakaway significantly back from the current Bayer Boulevard?

Mayor: When you say, ramp?

Mr. Neidhardt: The jug handle, the big jug handle that is going to come and feed onto Parsippany Road. When you are traveling right now towards the Quick Chek on Whippany Road where the backup is, right now you have to make a left hand turn from the left lane, so my understanding of the drawings that were presented its now going to be a jug handle through from the right hand through and it comes around.

Mayor: Negative,

Mr. Neidhardt: Oh, I thought that's why you are taking the house, why are you taking the house? From the drawing, it was going to go around and

Mayor: Those properties are a part of a greater scheme of improvement, and Bayer Boulevard will be lined up with Parsippany Road and that second traffic light that we despise will be gone and the traffic movement will be controlled by a series of signals at the key intersection of what we will now call Bayer Boulevard, Parsippany Road and Whippany Road.

Mr. Neidhardt: So it will be a traditional "T". And all the turns will be traditional?

Mayor: They are conceivably, and again the county has to work this out with us, it is conceivable that there will be a dedicated left hand turn signal just for left hand turn, and right now we have the signals timed so that they defeat to Whippany Road, if there is no Bayer traffic that wants to come out that light defaults to Whippany Road. It

seems so far to be working out, so far. But I think the grander improvement is part of a circulation plan will be this "T" that we are talking about and the removal of that light and I think we are all looking forward to that.

Mr. Neidhardt: Thank you, I misunderstood the drawing.

Mayor: It's a good idea though. I think right now the alignment is key, not only the alignment so far as where all those roads meet but the reason we are taking some property on the Parsippany Road side that goes down to the Post Office and the river is we have to align that Parsippany Road properly with Bayer Boulevard so that we don't have any issues and confusion with that. It's all happening and thanks to Council, who is working diligently on this, seems to be happening at a faster pace.

Mr. Neidhardt: The other question I had is an item I saw for the first time on the agenda's number 5 digital sign Town Hall? Is there anything you can say about that?

Mayor: Oh, what that is, I put that on, but I haven't had an opportunity to discuss it with the Township Committee yet, but what I would like the Committee, by the way thank you, you saved me an agenda item if I talk about it now, I don't have to talk about it later. I would like the Township Committee to consider, I have our Township Engineer looking into the cost similar to what we have over at Whippany Park High School a digital sign for this corner of Route 10 and Jefferson where we generally put up our cloth signs right now for concerts. But if we did a properly done digital sign landscaped properly handsomely done, it would be lite digitally, so day and night it would have visibility and it could be by computer changed for different events in the town, notifications, even as far as traffic control situations in the Township. It is my hope that the Township Committee will give it some consideration in doing something like that.

Mr. Neidhardt: I thought that's what it was about. Conceptually I would like to say that I fully support the concept. I'm very glad that you mentioned the Whippany Park sign because you said similar to the Whippany Park sign, I was on the Board of Education when the sign went through and I think that sign is the most horrible thing I ever saw in my life. Let me tell you why, I think the last meeting I spoke up here about the percentage of people here that are senior citizens. It is extremely large about of people and most of the senior and most of us almost seniors don't see like we did when we were younger. That particular sign, one the letters are way too small to be read by anybody even sitting at the traffic light there, so if you think that somebody cannot see it just a few feet back at the traffic light, the chances of being able to see it and read anything I don't know of anybody over the age of 50 has ever read anything that's been on that sign. Second thing, it is done with red LCD, or LED lighting which is the worst, so I would just ask that when you do it besides something that is esthetically pleasing and can provide the number of lines and words that can get the message across, that you get an expert that comes in and knows what they are doing that makes it so that it really is readable to the population in town, so that one is not dangerous from a safety

stand point because they are trying to read it while driving, as well as if it's going to be done do it the right way so that it effectively accomplishes the objective. I was 100% against the one at Whippany Park, I believe that the only one at the time who spoke against it, and that was totally politically incorrect, it's a group thinks that everyone just goes and just can't stop it, it's like a tidal wave. It's the stupidest thing that was ever done.

Mayor: I think we learned a lot on signage and I think Bob Brueno took a brunt of a lot of it to, and we do the signs for the concerts that go up every year and if I'm driving my car at 25 miles an hour passed Central Park and to take a look at the sign and read all 5 concerts that he has up there, I'm good. If I could see those, it can't be done, I can't agree with you more. Now, I've talked to Mayor Anderson, the Mayor of Mt. Arlington, who is a friend of ours as well, they just did it, they put one up. I'm going to go take a good peek at it. It has to be legible, for the speed you are going to be traveling on Route 10 & Jefferson Road. It has to be legible from a lighting standpoint whether it be LED or other type of crystals that can be easily seem day or night in the sun, or whatever, all those reasons, I do agree with you. I think our Engineer will start the process in looking into it, we asked him to put some numbers together so I can talk intelligently to the Committee.

Mr. Neidhardt: The third thing, I have on the same agenda and I hate to ask this question I thought this was gone forever, but number 4 on the legal section the proposed sign regulations. I'm not interested in the legal discussion but I'm just curious if that is coming back to life and why and what that is about.

Mayor: We are sensitive to a couple of things here, we have the right for political signs etc., and that the rights are preserved obviously under the First Amendment etc., but we are trying, the difficultly is trying to separate what we call the clutter. We buy junk cars, we'll sell your house in 24 hours, horseback riding, so and so, there are a number of these things, kickboxing, what the hell is that anyway, there are all of these things, signs all over town, and quite honestly we are objecting to this form of "advertising" on the streets and right-of-way, we consider it as a Township Committee as a blight and some towns have regulations up and we have to take a closer look, but we are going to breathe some life back into it and try to be equitable to everybody.

### Mr. Neidhardt: Thanks

Len Fariello: Proud to here all these positions you laid out tonight, really proud of the Committee and proud to be a Hanover Township resident. I understand that you are tabling the Ordinance and shucks that's why I came out tonight to speak about Whippany Village and WC and I'm intimately familiar with the first one that we defeated, the second one that we passed, the Amendment, and now this, but also the agenda says that we are going to, or the Planner is recommending that we defeat this Ordinance and reintroduce another one. Can you share what the difference is, and

what you are going to reintroduce?

Mayor: John do you want to speak about this?

Mr. Ferramosca: The issues, lots of issues with Whippany Village. The first issue is Whippany Village, the nice thing is the CVS was built and built well. It was built with architectural design and it looks good and it is working out very well. It is probably one of the most productive units which they have. Second, a thing which is very positive is that we have the Chase Bank which is an upstanding addition to our community, from there on not so much. The blighted condition, it's not as apparent as it used to be but we still have a number of issues that we need to accomplish. One of the issues we need to accomplish is that we need to maintain the viability of property owners' rights and property owners' rights that we want to maintain viability of their land is the fire company. What we do with this ordinance can have direct negative impact upon the fire company. So we have to be very careful as to how we adjust the ordinance, to maintain their rights, so that they want to clearly move to a safer area so they are not exposed to all flooded conditions, for all the right reasons, all the right reasons, in addition to that we have the benefit of what to place with CVS, the benefit with Chase Bank and we have this obligation from the State in terms of COAH and how we are going to deal with that, so we have to address how we are going to deal with that. There are a number of ways to deal with that, the Ordinance which we didn't vote on tonight which we motioned to table wasn't ready to do that, it had some weak links in it, one of which it didn't spell out properly enough what needed to be more of what I would call a "requirement" as a opposed to an "understanding" and that's very important especially when we are dealing with these developers, it's not just an understanding but it's a requirement, it's in writing, it's specific. There are terms around it, so that it would be very difficult for them to wiggle out of it. So there are a number of issues that our planner Mr. Brancheau is working on optimizing at the moment. I think it has to come back to the Committee, they have to discuss it again and determine what is the best strategy looking at what is right for Hanover what's right to protect the rights of the property owner of which we all have vested interests in and supporting the property rights of the fire company obviously, that's the reason.

Mr. Fariello: So you are going to just, so I can just understand, you are going to defeat the current one that I had comments on and

Mr. Ferramosca: We plan on that.

Mr. Fariello. Ok, because I would want to speak on it after I read the new Ordinance because I had a lot of comments on the one that was up for adoption tonight. I might add that I think one of this developers motive operandi might be to try to keep the property looking blighted, there is not a lot of greenery and I think we should, I mean I watched what happened at Bear Stearns and they did a lot of construction but it is all green again,

Mayor: And it's going to stay that way,

Mr. Fariello: Yes, and the property over by Whippany Village, it still got a lot of dirt piles and things so.

Mayor: I don't want to speak to it because I'm going to refrain from speaking to it because of my involvement with Whippany Fire Company, but I can speak to this, until we do something by Ordinance to straighten it out, no party can move forward, not him and you are speaking about Whippany Village LLC, and not the fire company so that is the point.

Mr. Fariello: Not even planting grass?

Mayor: You know what, we had to twist his arm to get him to cut the darn grass in the front if you remember for a while, when he was doing the Chase Bank, but thank god we got the Chase Bank and that cleaned it up. But the back now, with the soil, I'm sitting there anticipating he is going to do something, but.

We can get property maintenance down there,

Mr. Fariello: Yeah, because I think that's part of what's motivating everything besides I know we want to fill it with commercial ratables, I'm opposed to the residential element of it, but I'll speak to that at another time, but I think just having that eyesore is just probably motivating a lot of movement on this property and I think that should be addressed.

Mayor: Again, even the members of the Planning Board etc., have been aggravated by this property and it's lack of movement and as our Planner knows, he has be wrestling with trying to get something together, there has been a lot of problems with rezoning this thing and taking something out of what we call "plan unit development" I won't speak to housing, you will, and that's fine, but we finally arrived at that with this new ordinance and that's what it's supposed to do, it's supposed to unlock the gates so we can get going and get this project done.

Mr. Fariello: I heard COAH being brought up and I agree with everybody that came up here and talked about COAH and also you, we have the tag wagging the dog here. I do agree with you. The COAH issue is a big issue for our town, I remember when we cleared all these three sites, Hanover Hills, Sunrise, Oakridge and it just keeps going and going we satisfy and then they want more.

Mayor: We never satisfy; they always carry it out little further. Every time we think we are there we get a new under this round three, as our planner knows, we get a new allocation and under our Housing Plan the State looks at us under a magnified glass and we got to demonstrate to them how we are going to distribute their new allocation in our Township,

Mr. Fariello: We can't be motivated with all these zone changes to try to satisfy COAH. We have to do what's best for our Town and then we can figure out the COAH component. I see it working the other way around, we are just COAH COAH an when I sat up there we had the same issues and

Mayor: And again, you and I know that a lot of the statistics that are thrown at us mutually thrown at us, are numbers we had for 30 years, I mean when some of our residents stand up and say we are over developed because we just put in 1408 units rentals, etc., in our town, and to the person who is sitting in here who hasn't been following anything that would have blown me out of my chair, but the fact in the matter is you did it back then 16 to 1 with 5 developments and we did 30 years ago and we have not had issues or problems etc., I'm not defending it or not defending it, but we did what we had to do because at that time that was inclusionary and it was thought of that time that it was the only way we could possibly meet the requirement, was having market units and that. But my point is, look at it at a few years ago to know and what our build out has been to verses what we had to back then when we got hit in the face with 5 of these things.

Mr. Fariello: The more we build the more COAH we need, maybe like what Barbara said we should just say we are not going to do it anymore.

Mayor: Lenny, show me the way and I will follow you. I can't agree and everyone on this board agrees, this COAH, we spend more time in Planning and I've been on planning tons of years, I think we can safely say we probably spend about 50% of our time wrestling with COAH satisfaction then we do with the damn site plan itself.

Mr. Ferramosca: The most unfortunate thing is who is helping? Is it helping the people in need? Is it helping the people in Hanover Township? I can't say it is achieving its goal, but when I looked at it in terms when we can transfer rights and we can sell these and really make a difference and improve unprivileged neighborhoods and elevate them, and then we are seeing real benefits to people. Improved their quality of life, standards, where people can get onto public transportation, so they can get to work, that works, well people with greater wisdom than the individuals sitting here tonight this collective group in this room, decided NO, we are going tell you what we want and how many we want and where.

Mr. Fariello: It's a noble idea but it's just not working.

Mayor: I haven't seen the fruits of it, I'll tell you that.

Mr. Neidhardt: 34-14 Appleton Way, as you know I live in the Eden Lane which has low and moderate units and I will say that although the people that live in those units are somewhat lower socioeconomic claim, its obvious, it's not a comment, its' just a fact, there are relatively few issues. They don't follow the rules, quite as well as everybody else, but I will say that by having inclusion which doesn't always sound like a great thing everybody keeps each other honest and it hasn't worked out all that bad.

Mayor: That's the tradeoff Jim, the tradeoff is when you have market units inclusion with your fordable that you are keeping each other honest. That's a good word, watching each other.

Mr. Neidhardt: You keep an eye on each other as opposed to isolating it and then problems develop.

Mayor: Then having a third party to come in and control it.

Mr. Neidhardt: My neighbors had asked me to ask a question, my understanding that in 9 years from now those low and moderate units will become full market units, meaning that those people can then sell those units at whatever the market rate is as opposed to have a cap at 3% profit from what they paid, I'm not sure of the numbers, and at the same time the community association can raise their maintenance fees up to full fee. So,

Mayor: There is a better option, but go ahead.

Mr. Neidhardt: I'd love to know that.

Mayor: The Township can use its right to purchase those L&M's to keep them L&M. Blais am I in the right path.

Mr. Brancheau: The way it works is the person who sells it at market rate, they have an affordable unit, they sell it at a market rate unit, the Town gets 95% of the profit that they realize, and they only get 5% of the profit. The Town can use that 95% of the money to either purchase other units keep them affordable.

Mayor: Somebody in Trenton thought of everything,

Mr. Neidhardt: I don't think those residents know, I think they think it goes market value we can hold onto it until then, and then.

Mr. Brancheau: It's not going to be a windfall for them

Mr. Neidhardt: Ok, I don't think they know that. My main reason for bringing it up was to if they did go market value then what happens to our COAH requirement, then do we have to build someplace else? Blais answered that, and I think I know what we are inclined to do. If I had to make a prediction I would predict that those are going to stay low and moderate income.

Mr. Brancheau: If you zoned for them and they stayed that way for the thirty years you don't lose that credit, alright, so we won't lose that credit if keep them affordable. If we do keep them affordable we will be able to renew that credit and get credit twice. By that I mean, the obligation in the first round those where satisfied, if at

the end of the thirty years we renew that 30 year affordability requirement we'll get credit against the fourth round obligation, without having to build a new unit.

Mr. Neidhardt: That sounds like it's not a bad option to look at.

Mr. Brancheau: It's a very good idea, if we can do it.

Mr. Thank you.

Ms. Eames: Just clarification on the Governor, when he was elected didn't he go to the court and throw out COAH, but obviously he didn't, maybe you know better. He tried to fix it, it was a goal, and something happened, where we are.

Mayor: The court's came back, Supreme Court's decision, that the Governor now has a, I'm going to call this, a five month requiem in this thing, whereby at the end of which he has to come up with some suggestions as to how to satisfy the court's concerns that COAH is not strong enough, I think that's.

Mr. Brancheau: I think the Court said that the Governor can't undo a legislative act, which was the Fair Housing Act, and they also said that it's a constitutional obligation and not even a legislator can undo that. So, either way, we are stuck with it, and the Governor did try unsuccessfully.

Mayor: The court also made a nice side bar comment that I took umbrage with that I don't think was appropriate, that it you're a town that could build a shopping mall then you can dang well could put affordable housing in.

Mr. Brueno: So the people who work in the mall can afford to live in the town they work in.

Mayor: Gentlemen motion to close.

Motion to close by Member Ferramosca and seconded by Member Schleifer	

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

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

Joseph A. Giorgio, Township Clerk