

FEBRUARY 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, February 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 Schleifer, Ferramosca, Brueno and Coppola

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG

STATEMENT BY PRESIDING OFFICER:

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

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

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public. No comments forthcoming, Member Ferramosca moved the public hearing be declared closed. 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 December 20, 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 Meeting of December 20, 2012, be accepted and approved as presented by the Clerk. The motion was seconded by Member Schleifer and was unanimously passed.

COMMUNICATION:

The following communication was read and action taken as indicated:

1. Hanover Township Board of Education, Vanessa Wolsky, Secretary, as follows:

(a) Requesting the sum of \$1,784,635.00 to meet current obligations.

Member Ferramosca moved that the sum of \$1,784,635.00 be transmitted to the Board's Secretary. The motion was seconded by Member Schleifer and was unanimously passed.

ORDINANCE:

NO. 3-2013

**(Land Use & Development Legislation
Amendment Regulations for Tree
Preservation, Removal & Planting)**

Member Ferramosca offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING AND SUPPLEMENTING THE REGULATIONS FOR TREE PRESERVATION, REMOVAL AND PLANTING", be read by title on second reading and a hearing held thereon.

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

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

NOES: None

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.

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 Schleifer and was unanimously passed.

Member Schleifer offered the following resolution and moved its adoption:

BE IT RESOLVED, Than an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING AND SUPPLEMENTING THE REGULATIONS FOR TREE PRESERVATION, REMOVAL AND PLANTING", be passed on final reading and that a Notice of the final passage of said Ordinance be published in the February 21, 2013 issue of the Morris County Daily Record.

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

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

NOES: None

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

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

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

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

NOES: None

Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the January 31, 2013, issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received.

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

Member Ferramosca offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE 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 passed on final reading and that a Notice of the final passage of said Ordinance be published in the February 21, 2013 issue of the Morris County Daily Record.

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

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

NOES: None

ORDINANCE:

NO. 5-2013

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

Member Schleifer offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING 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 read by title on second reading and a hearing held thereon.

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

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

NOES: None

Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the January 31, 2013 issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received.

Mayor Francioli opened the meeting to the public for discussion of the proposed Ordinance.

Alan Kantz of Global Advisors on Smokefree Policy (GASP) and a representative of the Cancer Coalition expressed their appreciation to the governing body for being leaders in the community by adopting Ordinance No. 5-2013 which prohibits smoking on public property. They presented 36 "Smoke Free" signs for use at various public property locations throughout the Township, including the parks.

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

Member Ferramoca 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 final reading and that a Notice of the final passage of said

Ordinance be published in the February 21, 2013, issue of the Morris County Daily Record.

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

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

NOES: None

ORDINANCE: NO. 6-2013 **(Authorizing the Imaging, Indexing
& Scanning of all TC & Other Board
& Commission Meeting Minutes into
Digital Format & Appropriating
\$12,000 from 2012 CIF & Prior)**

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

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

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

NOES: None

Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the January 31, 2013 issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received.

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 Schleifer and was unanimously passed.

Member Schleifer offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER 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 final reading and that a Notice of the final passage of said Ordinance be published in the February 21, 2013 issue of the Morris County Daily Record.

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

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

NOES: None

ORDINANCE: NO. 7-2013 (Authorizing the Acquisition by Purchase or Eminent Domain, Real Property Known as Block 5801, Lots 2 & 5 for Improvement of Whippany & Parsippany Roads)

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 ACQUISITION BY PURCHASE OR EMINENT DOMAIN, IF NECESSARY, OF THE REAL PROPERTY KNOWN AS BLOCK 5801, LOT 2, AND BLOCK 5801, LOT 5, ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HANOVER FOR THE IMPROVEMENT OF THE INTERSECTION OF WHIPPANY ROAD AND PARSIPPANY ROAD", 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

Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the February 7, 2013 issue of the Morris County Daily Record. Said Proof of Publication was ordered filed as received.

Both Mayor Francioli and Township Attorney Fred Semrau made statements assuring the roomful of residents that this action consisting of the acquisition of two residences is a result of ongoing events occurring over the past eighteen months and as a direct result of the recommendations of the traffic study undertaken by the RBA Group and adopted by the Planning Board. It was also noted that the acquisition is supported by the Township's planner and engineer. Other assurances included the fact that the intersection improvements will be paid for by the developer through an escrow account. No taxpayer funds will be used.

In addition the Township Attorney explained that negotiations to acquire the properties will be undertaken in good faith in accordance with New Jersey Superior court uniform procedures which begins with obtaining appraisals. And, it was pointed out that Resolution Nos. 3 and 4 as listed for adoption on this evening's agenda will authorize the preparation of the two appraisals and a workable Relocation Assistance Plan which includes statutory relocation services.

Mayor Francioli opened the meeting to the public for discussion of the proposed Ordinance.

Richard DeAngelis of McKirdy & Riskin, attorney for the owners of 57 Whippany Road addressed the Township Committee on behalf of his clients making known their opposition to the acquisition. He asked whether acquisition will result in the land being used for public use or whether it will be serving a private driveway. The Township Attorney assured Mr. DeAngelis that the ultimate outcome will indicate that the land will be used for a public purpose.

Dr. Giaquinta, one of the owners of 57 Whippany Road opposed the need for the Township to acquire his property, which property he described as having a historic background. Dr. Giaquinta provided a history of occurrences over the past year and one-half for the benefit of those in attendance. He questioned the need for the

intersection improvement which is being referred to as a safety enhancement since, he said, Lucent was successful in controlling traffic for twice as many employees by staggering hours.

David Gray, Esq., representing his client Dr. Garcia, the owner of 53 Whippany Road, then commented on the tactics used by the developer in trying to purchase the property. The Township Attorney assured Mr. Gray that the ordinance provides for the Township to negotiate acquisition in good faith. The Township is not acting on behalf of the developer, he said. Mr. Gray stated that his client believes in good faith. He said that he worries about good faith but he hopes good faith does exist.

Mike Czuchnicki of 57 Oak Boulevard, Chairman of the Landmark Commission, addressed the governing body as a private citizen and requested that everyone keep in mind there are four structures at the 57 Whippany Road location – the main house, a water pump house and a carriage house and the remnants of a barn, all built in the 1700's. Due to renovations, he said, the house does not have a great deal of historical value but he noted that the other three structures are unchanged. He said he would hate to lose the buildings.

Mayor Francioli stated that he and the previous Landmark Commission Chair prepared a list of historic properties for the Landmark Element to the Master Plan but this property did not qualify due to the fact that it has been significantly altered.

The following residents also addressed the governing body:

Fred Kearney of 73 Parsippany Road questioned the validity of the traffic study and suggested that the governing body look into using Algonquin Parkway as an alternate access.

Mayor Francioli stated that the Township has investigated the possibility but there are significant environmental issues.

Lazlo Csengeto of 11 Highview Avenue noted that many years ago Lucent had 3,000 employees causing traffic problems at the peak hours of 4 to 6PM. By taking these houses he said, it will not be liberty and justice for all.

Christine Frazier of 33 Ridgedale Avenue felt the Township seemed more concerned with how many buildings it could erect rather than how it was treating its residents.

Steve Muench of 18 Ford Hill Road advised that he does support eminent domain.

Ted Sieka of 20 Emerson Drive stated that he welcomed Bayer but not at the expense of the residents.

Bill Kuehner of 26 Hamilton Court was concerned that the intersection improvements will result in solving one problem and creating another problem.

Fred Meola of 28 Whippany Road advised that he was in favor of the intersection improvements.

Len Fariello of 336 Whippany Road requested the plan be revised to allow the historic buildings to remain since they give the Township personality.

Don Succardi of 51 Cross Road suggested these improvements be undertaken following development of the site.

William Brunskill of 61 Mt. Pleasant Avenue asked whether consideration has been given to using the Eden Lane extension.

Thomas Russomano of 32 Farview Avenue felt that with a little tweaking the Eden Lane and Whippany Road intersection would work as an alternate Route.

Judy Iradi of 43 Locust Drive said that she heard that the developer of the Eden Lane mill site, Riverpark, submitted a concept plan which shows the developer donating a turf field. She inquired whether the traffic study takes into account the Riverpark site. Mayor Francioli indicated that Burgis Associates is looking into the matter.

Lucy Tscherne of 45 Deerfield Road felt the ordinance was premature since there are so many things in a state of flux.

Ted Sieka asked whether there would be a meeting this evening if Lucent was still on the site, to which the Mayor replied in the affirmative.

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

Mayor Francioli once again gave assurances that the Township is not out to injure the property owners. He stated that he is available to talk any time, any place, anywhere.

Member Ferramosca thanked everyone for their comments. He pointed out that the Township has been working on this for a number of years and assured everyone that the improvements are needed. Do we have all the answers today he asked and answered no, but he said the Township does have a plan. He said that he hopes this will be a win win situation in an ongoing effort to keep taxpayers whole.

Member Coppola commended the Township Committee and EDAC for its efforts in attracting ratables and now for their assistance in resolving traffic safety problems. He noted that problems need to be addressed and said hopefully this one will end up with a resolve.

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 ACQUISITION BY PURCHASE OR EMINENT DOMAIN, IF NECESSARY, OF THE REAL PROPERTY KNOWN AS BLOCK 5801, LOT 2, AND BLOCK 5801, LOT 5 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HANOVER FOR THE IMPROVEMENT OF THE INTERSECTION OF WHIPPANY ROAD AND PARSIPPANY ROAD", be passed on final reading and that Notice of the final passage of said Ordinance be published in the February 21, 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

<u>ORDINANCE:</u>	<u>NO. 8-2013</u>	<u>(Authorizing a 1.5% Increase in the Appropriation Limit of the 2013 Current Fund Budget)</u>
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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 AUTHORIZING A ONE AND A HALF (1.5%) PERCENT INCREASE IN THE APPROPRIATION LIMIT OF THE TOWNSHIP'S CALENDAR YEAR 2013 CURRENT FUND BUDGET AND FURTHER ESTABLISHING A CAP BANK, ALL IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14" be introduced and read by title on first reading.

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

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

NOES: None

Following the reading of said Ordinance by title, Member 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 A ONE AND A HALF (1.5%) PERCENT INCREASE IN THE APPROPRIATION LIMIT OF THE TOWNSHIP'S CALENDAR YEAR 2013 CURRENT FUND BUDGET AND FURTHER ESTABLISHING A CAP BANK, ALL IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14" be introduced and read by title on first reading.

BE IT FURTHER RESOLVED, that said Ordinance shall be further considered for final passage at the meeting of the Township of Hanover on the 28th 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

ORDINANCE: NO. 9-2013 (Reducing the \$.02/100 Assessed Valuation Dedicated Open Space Trust Fund Tax Rate to \$.005 for 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 REDUCING THE TWO CENT (\$.02) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DEDICATED OPEN SPACE TRUST FUND TAX RATE TO ONE-HALF CENT (\$.005) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DURING CALENDAR YEAR 2013 ONLY AND FURTHER AUTHORIZING THE TOWNSHIP'S

CHIEF MUNICIPAL FINANCE OFFICER TO COLLECT THE ONE-HALF CENT (\$0.005) DEDICATED TAX”, be introduced and read by title on first reading.

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

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

NOES: None

Following the reading of said Ordinance by title, Member Ferramosa 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 REDUCING THE TWO CENT (\$.02) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DEDICATED OPEN SPACE TRUST FUND TAX RATE TO ONE-HALF CENT (\$0.005) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DURING CALENDAR YEAR 2013 ONLY AND FURTHER AUTHORIZING THE TOWNSHIP’S CHIEF MUNICIPAL FINANCE OFFICER TO COLLECT THE ONE-HALF CENT (\$0.005) DEDICATED TAX”, 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 28th 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

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 RECLASSIFYING BRIAN MCCLAIN TO THE POSITION OF LABORER I/SANITATION COLLECTOR I/CUSTODIAN AT THE HOURLY RATE OF \$24.33 OR, IF ANNUALIZED, A SALARY OF \$50,611.00 IN JOB GROUP III UNDER SALARY GUIDE D-1, IBT PURSUANT TO SALARY ORDINANCE NO. 12-2012 EFFECTIVE TUESDAY, FEBRUARY 19, 2013

WHEREAS, by resolution dated October 13, 2005, **Brian McClain** was hired by the Township to serve as a Laborer II/Sanitation Collector II/Truck Driver I; and

WHEREAS, on July 7, 2009, in the course of collecting sanitation, **Mr. McClain** suffered a serious injury to his left ankle; and

WHEREAS, since his date of injury, **Mr. McClain** has undergone several surgeries to repair the damage to his left ankle but subsequently developed osteoarthritis to his right knee limiting his ability to perform his normal duties; and

WHEREAS, **Mr. McClain** has been performing restricted duties because of his ankle injury and osteoarthritis, all in accordance with the Township's "Limited Duty Provisions" as set forth under Section 61-26. Under Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies; and

WHEREAS, on October 10, 2012, the Township of Hanover received notification that **Mr. McClain** could return to full duty with regard to his ankle injury but had permanent restrictions to his right knee; and

WHEREAS, as a result of these findings, the Business Administrator/ Township Clerk requested that Scibal Associates, the Township's Workers' Compensation Claims Administrator, schedule a Functional Capacity Evaluation and Work Ability Assessment to determine if **Mr. McClain** could perform the essential functions of his job as a Laborer II/Sanitation Collector II/Truck Driver I or if certain limitations precluded him from executing all of his duties; and

WHEREAS, on October 25, 2012, **Mr. McClain** underwent a Functional Capacity Evaluation and Work Ability Assessment which determined that **Mr. McClain** was not capable of lifting more than 21 pounds over his shoulder on a frequent basis and only 9 pounds over his shoulder on a constant basis which limitations would disqualify him from performing all of the essential job functions of a Laborer II/Sanitation Collector II/Truck Driver I; and

WHEREAS, in view of the limitations imposed on **Mr. McClain** as a result of his work related injuries, and in order to provide him with a reasonable accommodation so that he could continue his employment with the Township, the Business Administrator/Township Clerk, Superintendent of the Public Works Department and

Chief Municipal Finance Officer met with **Mr. McClain** on January 10, and subsequently on or about January 23, 2013, to discuss a proposed job reclassification to the position of Custodian; and

WHEREAS, as a result of those meetings, **Mr. McClain** agreed to a reclassification to the position of Laborer I/Sanitation Collector I/Custodian assigned full time to the Multi-Purpose Community Center.

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 October 25, 2012 Functional Capacity Evaluation and Work Ability Assessment, **Brian McClain** is hereby reclassified from the position of Laborer II/Sanitation Collector II/Truck Driver I to the position of Laborer I/Sanitation Collector I/Custodian to perform custodial duties on a full time basis at the Township's Multi-Purpose Community Center. During inclement weather, as the need may arise, **Mr. McClain** may also be assigned to snow plowing duties by the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department.
2. As a Laborer I/Sanitation Collector I/Custodian, **Mr. McClain** shall be compensated at the rate of \$24.33 per hour, or if annualized, at a salary of \$50,611.00, as set forth under Job Group III of Salary Guide 2012 D-1 IBT pursuant to IBT Salary Ordinance No. 12-12.
3. **Mr. McClain's** reclassification and reassignment to the Multi-Purpose Community Center, as an employee of the Buildings and Grounds Division of the Public Works, Buildings and Grounds and Park Maintenance Department, shall take effect on Tuesday, February 19, 2013. **Mr. McClain** shall be supervised and report directly to the Superintendent of Public Works, Buildings and Grounds and Park Maintenance Department.
4. That certified copies of this resolution shall be transmitted to the Superintendent of Public Works, Superintendent of Recreation and Park Administration and the Township's Chief Municipal Finance Officer for reference and information purposes.

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

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

NOES: None

RESOLUTION: NO. 38-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING NICHOLAS G. RIGAS AS A LABORER I/SANITATION COLLECTOR I IN THE PUBLIC WORKS, BUILDINGS AND GROUNDS AND PARK MAINTENANCE DEPARTMENT FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MARCH 1, 2013 AND ENDING SEPTEMBER 1, 2013 AND ESTABLISHING HIS COMPENSATION AT \$18.75 PER HOUR OR IF ANNUALIZED \$39,000.00 UNDER JOB GROUP III IN ACCORDANCE WITH SALARY RANGE GUIDE "D-1" (IBT) OF SALARY ORDINANCE NO. 12-2012 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY RECORD CHECK)

WHEREAS, with the retirement of William A. Botro effective February 1, 2013, a need exists to fill the a vacant position in the Park Maintenance Division of the Department of Public Works, Buildings and Grounds and Park Maintenance in order to bring staffing up to its current authorized strength; and

WHEREAS, during his employment with the Township, Mr. Botro served as a Senior Park Maintenance worker. However, as part of the Township's continuing effort to streamline the operations of the Public Works, Buildings and Grounds and Park Maintenance Department the Senior Park Maintenance Worker position is being eliminated through the process of attrition; and

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department has recommended that the Senior Park Maintenance Worker position be replaced with a person hired to work as a Laborer 1/Sanitation Collector I position during the probationary period, and then, upon the satisfactory completion of the probationary period, advanced to the position of Park Maintenance Worker; and

WHEREAS, the position of Laborer I/Sanitation Collector I is classified as a Job Group III under Salary Guide "D-1" (IBT Salary Range) of Salary Ordinance No. 12-12; and

WHEREAS, a total of sixteen (16) applications were received by the Township for the above referenced position; and

WHEREAS, in accordance with the Township's job application process, three (3) applicants were initially interviewed by the Assistant Business Administrator and the

Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department; and

WHEREAS, on December 12, 2012, the Business Administrator and Superintendent conducted follow-up interviews with the three (3) candidates; and

WHEREAS, the applicants were rated on their prior employment experience and their overall skills and abilities; and

WHEREAS, as a result of the second round of interviews, the Business Administrator and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department believe that **Nicholas G. Rigas** residing at 89 Parsippany Road in Whippany, New Jersey 07981 possesses the necessary work experience and job qualification matching the Township's job description for Laborer I/Sanitation Collector I and should be employed to fill the current vacancy; and

WHEREAS, **Mr. Rigas** shall commence employment on March 1, 2013 and serve in a probationary capacity for a six (6) month probationary period ending on September 1, 2013. Upon satisfactorily completing the six (6) month probationary period, **Mr. Rigas** shall be elevated to the position of Park Maintenance Worker.

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 **Nicholas G. Rigas** residing at 89 Parsippany Road in the Whippany Section of the Township is hereby employed to serve in the position of full-time **Laborer I/Sanitation Collection I** assigned to the Park Maintenance Division. He shall serve for a six (6) month probationary period commencing on Friday, March 1, 2013 and ending on Sunday, September 1, 2013. In accordance with Salary Range Guide "D-1" (IBT Salary Guide) of Salary Ordinance No. 12-2012, **Mr. Rigas** shall be compensated at \$18.75 per hour or if annualized, \$39,000.00 under Job Group III.
2. Pursuant to the Job Description for Laborer I/Sanitation Collection I, **Mr. Rigas** shall be required to obtain a valid Commercial Driver License with a Class "A" or "B" endorsement on or before September 1, 2013. If **Mr. Rigas** does not obtain the Commercial Driver License by that date, he shall be terminated from employment with the Township. Upon obtaining a Commercial Driver License, **Mr. Rigas** shall provide the Superintendent with a copy of the license. **Mr. Rigas** will then be eligible to advance to the position of Park Maintenance Worker under Job Group IV, at \$20.19 per hour or, if annualized, at a salary of \$42,000.00 pursuant to Salary Range "D-1" (Salary Guide IBT).

3. This offer of employment is conditional and subject to **Mr. Rigas** receiving a satisfactory medical examination, a negative drug test and a negative criminal history record check, all in accordance with the Township's Personnel Policies and Procedures and Section 61-29.N.(1) through (4). Entitled "Alcohol and Drug Testing Policy for Civilian Employees" under Chapter 61 of the Code of the Township.
4. **Mr. Rigas** 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 Salaries and Compensation; Personnel Policies. In the event that **Mr. Rigas** receives an unsatisfactory evaluation during the probationary period, or fails to obtain the CDL, **Mr. Rigas** shall be terminated at the conclusion of the probationary period or sooner, whichever is applicable.
5. The provisions of this resolution are subject to any applicable collective negotiations agreement that may be duly negotiated between the Township and IBT Local 97 and/or its successors, if any.
6. That certified copies of this resolution shall be transmitted to **Mr. Rigas**, the Township's Chief Municipal Finance Officer and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department for reference and information purposes.

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

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

NOES: None

RESOLUTION: NO. 39-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING MICHAEL ALLATTA TO SERVE AS A TEMPORARY, INTERIM PART-TIME VIOLATIONS BUREAU CLERK ASSIGNED TO THE SHARED MUNICIPAL COURT/VIOLATIONS BUREAU AND ESTABLISHING HIS COMPENSATION AT \$20.00 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 (20) 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 **Michael Allatta** 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 (20) 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 **Michael Allatta** 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 **Mr. Allatta** be compensated at the rate of \$20.00 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 **Michael Allatta** residing at 2 Hillcrest Place in Mendham, New Jersey 07945 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, February 11, 2013.
2. **Mr. Allatta** shall work a Monday, Tuesday and Friday schedule of not more than twenty (20) hours per week including the Monday evening Court sessions. **Mr. Allatta** 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. **Mr. Allatta** shall be compensated at the rate of \$20.00 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 **Mr. Allatta**, 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 Brueno, was passed and the resolution adopted by the following roll call vote:

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

NOES: None

RESOLUTION **NO. 40-2013**

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE RETAINING THE SERVICES OF ATTORNEY C. WILLIAM BOWKLEY, JR., AT THE RATE OF \$150.00 PER HOUR, FOR THE PURPOSE OF SERVING AS HEARING OFFICER REGARDING THE DISCIPLINARY CHARGES PENDING AGAINST THE CERTIFIED MUNICIPAL COURT ADMINISTRATOR, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE EMPLOYMENT AND INDEMNIFICATION AGREEMENTS WITH MR. BOWKLEY

WHEREAS, disciplinary charges have been filed against the Township's Certified Municipal Court Administrator, seeking her termination; and

WHEREAS, on February 11, 2013, the Certified Municipal Court Administrator was served with a Notice of Disciplinary Charges specifying the charges for which her removal is sought; and

WHEREAS, pursuant to *N.J.S.A. 2A:8-13.3*, the Certified Municipal Court Administrator is entitled to a fair, impartial and public hearing before the Township Committee; and

WHEREAS, the Township Committee has determined that it would be in the best interest of the Certified Municipal Court Administrator and the Township to retain the services of an independent and impartial, third party professional to conduct the public hearing; and

WHEREAS, the Township's Business Administrator/Township Clerk has reviewed the credentials and professional work experience of **C. William Bowkley, Jr., Esq.**, an attorney-at-law, and believe him to be well qualified to serve as the hearing officer in this case; and

WHEREAS, in accordance with the recommendation of the Business Administrator/Township Clerk, it is the desire of the Township Committee to retain the services of **C. William Bowkley, Jr., Esq.**

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 retains the services of **C. William Bowkley, Jr., L.L.C.**, located at 711 Route 10 East in Randolph, New Jersey 07869, for the purpose of serving as an independent and impartial third party hearing officer as it pertains to the disciplinary charges preferred against the Certified Municipal Court Administrator, and to prepare a written report containing recommended findings of fact and conclusions of law that will be submitted to the governing body for final approval, modification or rejection.

2. In consideration of the services to be rendered by **Mr. Bowkley** as hearing officer, **Mr. Bowkley** shall be compensated at the rate of \$150.00 per hour, which amount shall include the hearing time, the preparation of a report and other reasonable hearing officer expenses. The Township's Employment and Indemnity Agreements are attached hereto and made a part of this resolution as if set forth in full.

3. The Mayor and Township Clerk are hereby authorized to execute the Employment and Indemnity Agreements with **Mr. Bowkley**.

4. The governing body hereby adopts the Evidence Rules and Rules Concerning Conduct of Hearing, attached hereto as Exhibit A, to govern the proceedings before **Mr. Bowkley**.

5. A certified copy of this resolution shall be transmitted to **Mr. Bowkley**, the Township's Personnel and Labor Attorney and the Chief Municipal Finance Officer along with a copy of the executed Agreements for reference and information purposes.

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

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

NOES: None

RESOLUTION NO. 41-2013

Member Ferramosca offered the following resolution and moved its adoption subject to the availability of funds:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RETAINING THE SERVICES OF JON P. BRODY, MAI, CRE AND THE FIRM OF APPRAISAL CONSULTANTS CORPORATION AS A PROFESSIONAL SERVICE IN PREPARING TWO (2) SUMMARY APPRAISAL REPORTS IN AN AMOUNT NOT TO EXCEED \$9,000.00 RELATED TO 57 AND 53 WHIPPANY ROAD AND ALSO DESIGNATED AS LOTS 2 AND 5 IN BLOCK 5801 RESPECTIVELY, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER, AND FURTHER AUTHORIZING APPRAISAL CONSULTANTS CORPORATION TO PERFORM OTHER RELATED APPRAISAL SERVICES, IF NECESSARY, ON AN AS NEEDED BASIS AT THE RATE OF \$175.00 PER HOUR

WHEREAS, the intersection of Parsippany Road and Whippany Road currently experiences traffic congestion during peak travel periods and future traffic volumes are expected to increase due to general growth in traffic volumes and traffic volumes from future developments in the immediate vicinity, thus worsening the congestion; and

WHEREAS, the intersection of Whippany Road and Parsippany Road has been determined by the Township to be in need of improvement as evidenced in the study commissioned by the Township which is entitled "67 Whippany Road Redevelopment Traffic Capacity Analysis Report", prepared by the RBA Group, Inc., dated September 30, 2012; and

WHEREAS, the Township has determined that in order to make the necessary improvements to the intersection of Whippany Road and Parsippany Road the Township's Professional Planner and Township Engineer recommend that it is necessary for the benefit, health, welfare and safety of the public to acquire fee simple title to the properties known as Block 5801, Lot 2 and Block 5801, Lot 5 on the Township's Official Tax Map; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., the Township has the power to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, pursuant to the provisions of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and 19:44A-20.26, the Township of Hanover is in need of retaining the services of a licensed real estate appraiser with experience and expertise in preparing narrative appraisal reports utilized in evaluating the fair market value of properties for acquisition by purchase or condemnation; and

WHEREAS, in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i), the Township Attorney solicited a written proposal and quotation from

Jon P. Brody, MAI, CRE, a real estate appraiser, licensed by the State of New Jersey for the purpose of preparing two (2) summary appraisal reports at property located at 57 and 53 Whippany Road in the Whippany Section of the Township; and

WHEREAS, in a letter dated February 11, 2013, **Jon P. Brody**, a principal in the Firm of **Appraisal Consultants Corporation**, submitted a written proposal and quotation describing the scope of services to be rendered in the preparation of summary appraisal reports for property located at 57 and 53 Whippany Road; and

WHEREAS, the total cost for the preparation of the two (2) appraisals shall not exceed \$9,000.00 at \$4,500.00 each; and

WHEREAS, in the event that other appraisal consultant services are required by the Township such as conferences and expert witness testimony services, **Jon Brody** and the members of his firm shall be compensated at the rate of \$175.00 per hour; and

WHEREAS, it is the intention of the Township Committee to retain the services of **Jon P. Brody** and the firm of **Appraisal Consultant Corporation** in the preparation of two (2) summary appraisal reports as well as performing other related appraisal consultant services as may be needed by the Township with respect to 57 and 53 Whippany Road.

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. Pursuant to N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. of the Pay-to-Play laws, **Jon P. Brody, MAI, CRE**, and the Firm of **Appraisal Consultant Corporation**, (located at Presidential Center, 293 Eisenhower Parkway, Suite 200 in Livingston, New Jersey 07039-1711), whose members are licensed by the State of New Jersey as real estate appraisers and consultants, are hereby retained to prepare two (2) summary appraisal reports for property located at 57 and 53 Whippany Road and also designated as Lots 2 and 5 in Block 5801 as set forth on the Tax Map of the Township of Hanover.
2. The total cost for the preparation of the two (2) summary appraisal reports shall not exceed \$9,000.00 or a cost of \$4,500.00 for each appraisal. In addition, should the Township require additional appraisal consultant services such as conferences or expert witness testimony or any other supplemental appraisal services related to the properties set forth herein, **Mr. Brody** and members of **Appraisal Consultant Corporation** shall be compensated at the rate of \$175.00 per hour. The award of this contract is subject to the receipt of sufficient funds from 67 Whippany Investors, LLC.
3. This contract is awarded without competitive bids as a "Professional Service" in accordance with N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts

Law because it is critical that the Township retain an appraiser and expert witness testimony based upon proven reputation and demonstrated ability in the preparation of appraisals based on fair market value.

4. The Business Administrator/Township Clerk is hereby authorized and directed to issue a Purchase Order/Voucher in an amount not to exceed \$9,000.00 for the preparation of the two (2) summary appraisal reports and an additional sum of \$2,500.00 in the event other appraisal consultant services are required. However, the Business Administrator/Township Clerk shall not issue the Purchase Order/Voucher until sufficient funds have been received from 67 Whippany Investors, LLC and deposited in a special trust account established by the Township's Chief Municipal Finance Officer.
5. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.
6. That certified copies of this resolution shall be forwarded to the Township Attorney, the Township's Chief Municipal Finance Officer, **Jon P. Brody** and 67 Whippany Investors, LLC for reference and information purposes.

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

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

NOES: None

RESOLUTION: NO. 42-2013

Member Ferramosca offered the following resolution and moved its adoption subject to the availability of funds:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RETAINING THE SERVICES OF PHILLIPS PREISS GRYGIEL LLC TO PROVIDE STATUTORY RELOCATION SERVICES AND PREPARE A WORKABLE RELOCATION ASSISTANCE PLAN IN CONNECTION WITH THE WHIPPANY ROAD INTERSECTION IMPROVEMENT PROJECT

WHEREAS, the intersection of Parsippany Road and Whippany Road currently experiences traffic congestion during peak travel periods and future traffic volumes are expected to increase due to general growth in traffic volumes and traffic volumes from future developments in the immediate vicinity, thus worsening the congestion; and

WHEREAS, the intersection of Whippany Road and Parsippany Road has been determined by the Township to be in need of improvement as evidenced in the study commissioned by the Township which is entitled “67 Whippany Road Redevelopment Traffic Capacity Analysis Report”, prepared by the RBA Group, Inc., dated September 30, 2012; and

WHEREAS, the Township has determined that in order to make the necessary improvements to the intersection of Whippany Road and Parsippany Road the Township’s Professional Planner and Township Engineer recommend that it is necessary for the benefit, health, welfare and safety of the public to acquire fee simple title to the properties known as Block 5801, Lot 2 and Block 5801, Lot 5 on the Township’s Official Tax Map; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., the Township has the power to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the Township is considering acquisition of said real property; and

WHEREAS, acquisition of the property could displace three (3) businesses located in the Township, and the Township desires to immediately take steps to begin to provide relocation consulting services to those businesses as may be required under the Relocation Assistance Act, N.J.S.A. 20:4-1 et seq. and related Department of Community Affairs Regulations under N.J.A.C. 5:11-1.1 et seq.; and

WHEREAS, pursuant to the provisions of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and 19:44A-20.26, the Township of Hanover is in need of retaining the services of a licensed professional planner with experience and expertise in preparing a Workable Relocation Assistance Plan (“WRAP”) for submission to the New Jersey Department of Community Affairs (“NJDCA”) and the provision of all services required under the Relocation Assistance Act, N.J.S.A. 20:4-1 et seq. and related Department of Community Affairs Regulations under N.J.A.C. 5:11-1.1 et seq. and the WRAP to relocate the businesses “Displaced” as defined by the applicable statutes and regulations by the Township’s Whippany Road Intersection Improvement Project; and

WHEREAS, in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i), the Township Attorney solicited a written proposal and quotation from Phillips Preiss Grygiel, LLC, professional planning consultants licensed by the State of New Jersey for the purpose of preparing a WRAP for submission to the NJDCA and to provide services required under the New Jersey relocation statutes and regulations and the WRAP to relocate the businesses; and

WHEREAS, in a letter dated February 11, 2013, Michael Jovishoff, a Senior Associate with the Firm of Phillips Preiss Grygiel, LLC and Director of the firm’s Statutory Relocation Services division, submitted a written proposal and quotation

describing the scope of services to be provided for relocation services for the Whippany Road Intersection Improvement Project; and

WHEREAS, the total cost for the preparation of the WRAP shall not exceed \$4,100 and the provision of actual relocation consulting services shall not exceed \$9,000, subject to additional costs required to successfully complete property vacations and relocations; and

WHEREAS, in the event that additional services are required by the Township, Michael Jovishoff shall be compensated at the rate of \$125 per hour and Phillips Preiss Grygiel, LLC staff shall be compensated at the rate of \$95 per hour; and

WHEREAS, it is the intention of the Township Committee to retain the services of Michael Jovishoff and the firm of Phillips Preiss Grygiel, LLC for the preparation of the WRAP and the provision of all relocation services.

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. Pursuant to N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. of the Pay-to-Play laws, Michael Jovishoff and the Firm of Phillips Preiss Grygiel, LLC (located at 33-41 Newark Street, Third Floor, Suite D, Hoboken, New Jersey 07030), who are licensed professional planners in the State of New Jersey, are hereby retained to prepare a WRAP and provide all services required under the New Jersey relocation statutes and regulations and the WRAP to relocate the businesses displaced by the Township's Whippany Road Intersection Improvement Project.
2. The total cost for the preparation of the WRAP shall not exceed \$4,100 and the provision of actual relocation services shall not exceed \$9,000, subject to additional costs required to successfully complete property vacations and relocations. In addition, should the Township authorize additional services, Michael Jovishoff shall be compensated at the rate of \$125 per hour and Phillips Preiss Grygiel, LLC staff shall be compensated at the rate of \$95 per hour. The award of this contract is subject to the receipt of sufficient funds from 67 Whippany Investors, LLC.
3. This contract is awarded without competitive bids as a "Professional Service" in accordance with N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law because it is critical that the Township prepare a WRAP and provide relocation services to displaced businesses under New Jersey state statutes and regulations.
4. The Business Administrator/Township Clerk is hereby authorized and directed to issue a Purchase Order/Voucher in an amount not to exceed \$13,100 for

the preparation of the WRAP and the provision of relocation services assistance. However, Business Administrator/Township shall not issue the Purchase Order/Voucher until sufficient funds have been received from 67 Whippany Investors, LLC and deposited in a special trust account established by the Township's Chief Municipal Finance Officer.

5. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.
6. That certified copies of this resolution shall be forwarded to the Township Attorney, the Township's Chief Municipal Finance Officer, Michael Jovishoff and Phillips Preiss Grygiel, LLC for reference and information purposes.

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

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

NOES: None

RESOLUTION: NO. 43-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF A LIMITED EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT WITH THE LAND CONSERVANCY OF NEW JERSEY FOR THE PERFORMANCE OF VARIOUS OPEN SPACE PRESERVATION TECHNICAL SERVICES AT THE RATE OF \$125.00 PER HOUR AND A TOTAL COST NOT TO EXCEED \$5,000.00 DURING THE PERIOD BEGINNING MARCH 1, 2013 AND ENDING FEBRUARY 28, 2014, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(ii), N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the Pay-to-Play provisions of the Non-Fair and Open Process at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township Committee and the Township's Open Space Park Land and Facilities Preservation Trust Fund Advisory Committee (hereinafter referred to as "OSAC") are in need of retaining the services of an open space preservation consultant whose staff members have technical expertise and experience in the field of open space conservation; and

WHEREAS, during the past twelve (12) years, the Morris Land Conservancy, and now known as **The Land Conservancy of New Jersey** (hereinafter referred to as the "**Conservancy**") has served as the technical advisor to the Township Committee

and the OSAC in assisting the Township with a variety of tasks and activities related to the preservation and conservation of open space within the Township; and

WHEREAS, based on its past performance and service to the Township, the Township Committee believes that the staff of the **Conservancy** has the technical expertise, demonstrated knowledge and experience to continue assisting the Township Committee, the Open Space Advisory Committee and the Township's professional staff, with essential open space services; and

WHEREAS, as with the 2012-2013 EUS Agreement, the Township desires to execute a limited "project specific" extraordinary, unspecifiable services agreement with **The Land Conservancy of New Jersey** which scope of services shall be limited to: (a) assisting the Township in the preparation of materials to keep the Township's Green Acres Planning Incentive Grant up to date; (b) to assist the Township in developing up to two (2) Grant applications to be submitted to the Morris County Open Space Preservation Trust Fund during 2013; (c) to provide on-going communication and coordination with State and County agencies responsible for land preservation and (d) to attend up to three (3) Township or County meetings to discuss issues with the Township's Open Space Advisory Committee or to assist in the presentation of the Township's grant applications before the Morris County Open Space Committee; and

WHEREAS, in the event the Township requires the preparation of maps or the performance of other services related to specific special projects not included under this EUS Agreement, the **Conservancy** shall submit a separate proposal(s) and quotation(s) only when such proposals are requested by the Township Committee; and

WHEREAS, the services of the **Conservancy** fall under the category of an Extraordinary, Unspecifiable Services, N.J.S.A. 40A:11-5 (1)(a)(ii), which services are specialized and qualitative in nature and requiring expertise, extensive training and a proven reputation of successful activities in the area of open space conservation; and

WHEREAS, it is the intention of the Township Committee to renew a limited Extraordinary, Unspecifiable Services Agreement with the **Conservancy** for the performance of various technical open space services to be performed at the rate of \$125.00 per hour and a total cost not to exceed \$5,000.00 during the period commencing March 1, 2013 and ending February 28, 2014; and

WHEREAS, the Township's Business Administrator, acting in his capacity as the Qualified Purchasing Agent, has determined and certified in writing that the value of the open space preservation consultant services for the period beginning March 1, 2013 and ending on February 28, 2014 will not exceed \$17,500.00 and therefore, the filing of a Business Entity Disclosure Certification, the Chapter 271 Political Contribution Form and the Stockholder Disclosure Certification by the **Conservancy** with the Township pursuant to N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. will not be necessary; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Township's Open Space Trust Fund Account, Line Item No. 254-3509-499 to fund this award, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. In accordance with the Extraordinary, Unspecifiable Services provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii), **The Land Conservancy of New Jersey**, with offices located at 19 Boonton Avenue in Boonton, New Jersey 07005, is hereby retained to provide the Township Committee, the Open Space Park Land and Facilities Preservation Trust Fund Advisory Committee, and the Township's professional staff with a limited, project specific scope of services agreement which services are enumerated in the Extraordinary, Unspecifiable Services Contract.

2. **The Land Conservancy of New Jersey** shall be paid at the rate of \$125.00 per hour for the performance of the scope of services outlined in the Extraordinary, Unspecifiable Services Agreement during the period commencing March 1, 2013 and ending February 28, 2014. The total contract amount shall not exceed \$5,000.00 during the twelve (12) month period.

3. In the event the Township requires mapping and/or other special project services to be performed by the **Conservancy**, the Township's Business Administrator shall request the submission of a written proposal and quotation from the **Conservancy**. If the governing body authorizes the performance of additional services, said services will be billed separately and apart from the EUS Agreement.

4. The Mayor and Township Clerk are hereby authorized to execute a limited EUS Agreement on behalf of the Township Committee.

5. This contract is awarded without competitive bidding as an "Extraordinary, Unspecifiable Service", in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because it is essential that the governing body obtain the guidance and assistance of individuals possessing the technical expertise, demonstrated knowledge and proven ability to assist the Township with those issues and subjects directly related to open space conservation and preservation.

6. That a certified copy of this resolution shall be transmitted to the OSAC, the Chief Municipal Finance Officer and **The Land Conservancy of New Jersey** for reference and information purposes.

7. That a brief notice of this award shall be published in the February 21, 2013 issue of the Daily Record as required by law.

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

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

NOES: None

RESOLUTION: NO. 44-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO RAMTOWN FLOORS BY DESIGN, INC., THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$40,165.00 FOR THE REMOVAL, FURNISHING AND INSTALLATION OF A NEW SPORTS FLOORING IN THE MAIN ROOM OF THE TOWNSHIP'S MULTI-PURPOSE COMMUNITY CENTER AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY

WHEREAS, in June, 1992, the Township's Multi-Purpose Community Center located at 15 North Jefferson Road in Whippany opened; and

WHEREAS, the Multi-Purpose Community Center is just that, a multi-purpose center serving many different community groups and athletic organizations with a multitude of leisure activities and recreation programs; and

WHEREAS, the existing vinyl composite tile flooring and sports flooring in the main room of the Multi-Purpose Community Center has outlived its useful purpose due to the many activities that have taken place in that area during the past twenty (20) years; and

WHEREAS, a need exists to remove the existing vinyl composite tile flooring and sports flooring with the installation of a new vinyl composite tile and new sports flooring; and

WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on January 15, 2013 for the above referenced floor improvement project; and

WHEREAS, the Township's Specifications and Supplementary Specifications require the removal of the existing vinyl composite tile flooring and the furnishing and installation of a new vinyl composite tile flooring and sports flooring; and

WHEREAS, on February 5, 2013, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of five (5) sealed competitive bids out of seven (7) 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 for this improvement project and has determined that the lowest competitive bid submitted by **Ramtown Floors by Design, Inc.** for the removal of the existing vinyl composite tile flooring and the furnishing and installation of new vinyl composite tile flooring and sports flooring as described above, 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 February 7, 2013 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the vinyl composite tile flooring improvement project described herein to **Ramtown Floors by Design, Inc.** which bidder submitted the lowest competitive bid for this project in the amount of \$40,165.00; and

WHEREAS, the total contract amount shall not exceed \$40,165.00; and

WHEREAS, sufficient funds have been appropriated and are available through Capital Improvement Fund Ordinance No. 13-08, Line Item No. 410-5683-499 for this project, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. A contract is hereby awarded to:

Ramtown Floors by Design, Inc.
5012 Asbury Road
Farmingdale, New Jersey 07727

for the removal of the existing vinyl composite tile flooring and the furnishing and installation of vinyl composite tile flooring and sports flooring, all in accordance with the Specifications and Supplementary Specifications which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$40,165.00.

2. Upon commencement of the work, **Ramtown Floors by Design, Inc.** shall be responsible in providing sufficient personnel, and to continue in completing the project in an expeditious fashion, all in accordance with requirements of the Township's Specifications and Supplementary Specifications. In addition, **Ramtown Floors by Design, Inc.** shall be required to submit a satisfactory work or progress schedule to the Township Engineer.

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Capital Improvement Fund Ordinance No. 13-08, Line Item No. 410-5683-499 in the amount of \$40,165.00 for the floor improvement project set forth in this resolution.

4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Ramtown Floors by Design, Inc.** in an amount not to exceed \$40,165.00.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Superintendent of the Recreation and Park Administration Department, the Superintendent of the Public Works Department, the Chief Municipal Finance Officer and **Ramtown Floors by Design, Inc.** for their reference and information.

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

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

NOES: None

RESOLUTION: NO. 45-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A LIMITED SITE IMPROVEMENT CONSTRUCTION AGREEMENT BY AND BETWEEN HANOVER AND HORSEHILL DEVELOPMENT, LLC AND THE TOWNSHIP REGARDING THE PERFORMANCE OF PRELIMINARY SOIL MOVEMENT AND GRADING ACTIVITIES TO PROPERTY LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSECTION OF HANOVER AVENUE AND HORSE HILL ROAD, IN CEDAR KNOLLS AND DESIGNATED AS LOTS 1, 2 AND 3, IN BLOCK 701, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE AGREEMENT

WHEREAS, the Planning Board of the Township of Hanover by resolution adopted on August 21, 2012, granted preliminary and final site plan and variance approval, to Hanover and Horsehill Development, LLC, as Applicant/Property Owner, for Phase A; to demolish existing buildings and construct a new supermarket building, and preliminary site plan approval for Phase B and C; to construct a new bank and retail

building; and related site improvements, on property located on the north-west quadrant of the intersection of Hanover Avenue and Horse Hill Road, designated as Lots 1, 2 and 3 in Block 701 on the Tax Map of the Township of Hanover in the I-B3 Zone District; and

WHEREAS, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval is contingent upon the Developer having completed all such improvements within and without the Property, in accordance with the terms of the aforesaid approvals or furnishing performance guarantees in lieu thereof to be approved by the Township and conditioned upon satisfactory completion by the Developer of all such improvements as provided in N.J.S.A. 40:55D-53; and

WHEREAS, the Developer has obtained approvals from the Morris County Soil Conservation District, the Morris County Planning Board and the New Jersey Department of Environmental Protection; and

WHEREAS, the Developer desires to commence with certain aspects of site work on the Property at this time, to perform preliminary soil movement and grading activities in preparation for future construction.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a limited Site Improvement Construction Agreement by and between the Township of Hanover and **Hanover and Horsehill Development, LLC**, the Developer, regarding certain aspects of site work which include the performance of preliminary soil movement and grading activities in preparation for future construction on property located on the northwest quadrant of the intersection of Hanover Avenue and Horse Hill Road 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. However, the Mayor and Township Clerk shall not execute the limited Site Improvement Construction Agreement until the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given:"

A. The Developer shall be responsible in submitting a total performance guarantee of \$358,947.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$35,895.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 5(a) of the

limited Site Improvement Construction Agreement. And, submission to the Township Clerk of a Performance Bond or an Irrevocable Standby Letter of Credit in the amount of \$323,052.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the limited Site Improvement Construction Agreement, and all in accordance with paragraph 5(a) of said Agreement.

A. In accordance with paragraph 5(b) of the limited Site Improvement Construction Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$17,947.00 to compensate the Township for all Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer.

C. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 10 of the limited Site Improvement Construction Agreement.

D. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached limited Site Improvement Construction Agreement and Schedule "A".

E. The limited Site Improvement Construction Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and, if applicable, the conveyance of any deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any preliminary soil movement and grading activities.

2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer and **Hanover and Horsehill Development, LLC** for reference and action purposes.

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

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

NOES: None

RESOLUTION: NO. 46-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE TOWNSHIP'S CHIEF MUNICIPAL FINANCE OFFICER TO RETURN A 2013 IN LIEU OF TAX DONATION IN THE AMOUNT OF \$1,000.00 TO THE ROSE HOUSE

WHEREAS, **The Rose House**, a non-profit corporation for the benefit of people with disabilities operates a group home in Hanover Township for the developmentally disabled; and

WHEREAS, it is the policy of **The Rose House** to provide the municipality in which the group home is located with the equivalent of tax revenue it would normally pay if **The Rose House** were not a private not for profit tax exempt organization; and

WHEREAS, in accordance with this policy, **The Rose House** submitted a check to the Township of Hanover dated February 1, 2013 in the amount of \$1,000.00 as an in lieu of taxes donation to the Township; and

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

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

1. That the governing body has determined to return the \$1,000.00 donation of **The Rose House**, which donation served as an in lieu of taxes contribution to the Township.

2. That the Township's Chief Municipal Finance Officer is hereby authorized to issue a check in the amount of \$1,000.00 to **The Rose House**, as reimbursement in full for its in lieu of taxes donation which was deposited with the Township on February 1, 2013.

3. That a certified copy of this Resolution along with the reimbursement check shall be transmitted to the Township's Chief Municipal Finance Officer and the Executive Director of **The Rose House** for their reference and information.

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

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

NOES: None

RESOLUTION: NO. 47-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

BE IT RESOLVED, by the Township Committee, of the Township of Hanover, County of Morris and State of New Jersey, that the following tax overpayments, as certified by Silvio Esposito, Collector of Taxes, be and are hereby refunded:

BLOCK	LOT	QUAL. #	NAME	AMOUNT
604	7		Greg & Mary Jo Julich 79 Poplar Drive Morris Plains, NJ 07950	\$2390.24
1502	21	C0157	Rosa Capoluongo 257 Vista Drive Cedar Knolls, NJ 07927	\$381.36
1602	1		Michael Schneck Trustee for Hanover Properties LLC 301 South Livingston Ave – Suite 105 Livingston, NJ 07039 Location: 140 Hanover Avenue Reserve for Tax Appeals	\$8,464.00
4401	6		Masessa & Cluff, Esqs. 1524 Route 23 North Butler, NJ 07405 RE: 16 Ertman Drive	\$204.25
4402	14	C3601	Odyssey Title Agency, LLC 15 Brant Avenue, Unit 7 Clark, NJ 07066 RE: 3601 Boxwood Court	\$194.11
5603	13		Adam Verchinski 4 Hickory Place Cedar Knolls, NJ 07927	\$94.66
5603	18		James & Amy McElgunn 3 Hamilton Court Whippany, NJ 07981	\$1517.36

5703	23		Cenlar Federal Savings Bank c/o Core Logic Refund Unit 1 Core Logic Drive Westlake, TX 76262 RE: 27 Valley Forge Dr/Nowark	\$413.45
7103	34		Feng Song 3 Runnymede Court Whippany, NJ 07981	\$1886.52
8001	31		Eric & Robin Marcus 220 Bee Meadow Pkwy Whippany, NJ 07981	\$2085.64
9101	17	C1502	Gerard Capasso 136 Sunrise Drive Whippany, NJ 07981	\$62.09

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

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

NOES: None

RESOLUTION: NO. 48-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER OPPOSING THE ADOPTION OF ASSEMBLY, NO. 1196 WHICH WOULD PLACE THE BURDEN OF PROOF ON GOVERNMENT EMPLOYERS TO ESTABLISH THAT AN INJURY OR ILLNESS WAS NOT WORK RELATED

WHEREAS, Public safety employees and volunteers should be adequately compensated for on-duty accidents and illnesses; and

WHEREAS, New Jersey's current Workers' Compensation law is already one of the broadest in the country; and

WHEREAS, Assembly, No. 1196, as currently drafted, will make it almost impossible to contest claims from injuries and illnesses caused off-the-job; and

WHEREAS, this bill places the burden of proof on governmental employers to establish that an injury or illness, such as cancer, heart attack or hyper tension did not occur on the job; and

WHEREAS, the actuary for the Municipal Excess Liability Joint Insurance Fund (MEL) has estimated that Assembly, No.1196 could easily double municipal Workers' Compensation expense of \$400 million per year; and

WHEREAS, the MEL and the League of Municipalities have offered to meet with the supporters of this legislation to develop less expensive ways of improving the compensation to first responders; and

WHEREAS, while the governing body recognizes and applauds the bravery and service of our public safety employees and volunteer first responders, it is vital that the State of New Jersey balances the need to compensate those with work related injuries and illnesses and the significant financial burdens placed on municipalities and taxpayers.

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 urges the Legislature to reject Assembly, No.1196 and respectfully requests that the supporters of this Legislation work with the MEL and the League of Municipalities to develop less expensive ways to improve compensation to first responders.
2. That certified copies of this resolution shall be transmitted to Governor Chris Christie, General Assembly Speaker Sheila Oliver, Senate President Stephen M. Sweeney and members of the Morris County Legislative Delegations in Districts 25, 26, and 27, the Executive Director of the New Jersey League of Municipalities, the Morris County League of Municipalities and all Morris County municipalities.

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

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

NOES: None

RAFFLE APPLICATIONS:

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

1. The Red Oaks School, 21 Cutler Street, Morristown, New Jersey, an off-premise raffle to be held on 4/20/13 at the Birchwood Manor, 111 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2627. Identification of the application is No. 324-5-26656.
2. Mt. Pleasant Animal Shelter, 194 Route 10 West, East Hanover, New Jersey a Tricky Tray to be held on 4/19/13 at 13-23 Legion Place, Whippany, New Jersey. Said application was assigned No. RL-2628. Identification of the application is No. 116423148.
3. Mt. Pleasant Animal Shelter, 194 Route 10 West, East Hanover, New Jersey, an on-premise 50/50 to be held on 4/19/13 at 13-23 Legion Pl., Whippany, New Jersey. Said application was assigned No. RL-2629. Identification of the application is No. 116423148.
4. Whippanong Library Association, 1000 Route 10, Whippany, New Jersey, an on-premise 50/50 to be held on 3/9/13 at the Community Center, 15 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2630. Identification of the application is No. 193-5-38439.
5. Jersey Battered Women's SVC, Inc., P. O. Box 1437, Morristown, New Jersey, an on-premise 50/50 to be held on 3/23/13 at the Ukrainian Center, 60 North Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2631. Identification of the application is No. 324-4-28123.
6. Jersey Battered Women's SVC, Inc., P.O. Box 1437, Morristown, New Jersey, a Tricky Tray to be held on 3/23/13 at the Ukrainian Center, 60 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2632. Identification of the application is No. 324-4-28123.
7. Whippany Park Booster Club, 165 Whippany Road, Whippany, New Jersey, an on-premise 50/50 to be held on 4/20/13 at the Ukrainian Culture Center, 60 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2633. Identification of the application is No. 193-5-22707.
8. Whippany Park Booster Club, 165 Whippany Road, Whippany, New Jersey, a Tricky Tray to be held on 4/20/13 at the Ukrainian Culture Center, 60 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2634. Identification of the application is No. 193-5-22707.
9. Whippany Park Booster Club, 165 Whippany Road, Whippany, New Jersey, an off-premise raffle to be held on 4/20/13 at the Ukrainian Culture Center, 60

No. Jefferson Road, Whippany, New Jersey. Said application was assigned No. RL-2635. Identification of the application is No. 193-5-22707.

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

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$8,302,276.11 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.

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

OPEN TO THE PUBLIC:

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

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

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

Joseph A. Giorgio
Township Clerk