

**APRIL 11, 2013**

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, April 11, 2013, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10 in said Township.

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

ABSENT: None

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**PLEDGE OF ALLEGIANCE TO THE FLAG**

**STATEMENT BY PRESIDING OFFICER:**

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

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

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

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**PROCLAMATION RECOGNIZING THE 6<sup>th</sup> ANNUAL SUSAN G. KOMEN FOR THE CURE NORTH JERSEY RACE FOR THE CURE DAY ON MAY 5<sup>TH</sup>, 2013:**

**RESOLUTION:      NO. 81-2013**

Mayor Francioli offered the following resolution and moved its adoption:

**A PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER CELEBRATING THE 6TH ANNUAL SUSAN G. KOMEN FOR THE CURE<sup>®</sup> NORTH JERSEY RACE FOR THE CURE<sup>®</sup> DAY IN HANOVER TOWNSHIP ON MAY 5, 2013**

**WHEREAS**, breast cancer is the leading cause of death of women between the ages of 35 and 64 and increased public awareness of this disease, its risk factors and symptoms may save lives of women and men across New Jersey; and

**WHEREAS**, **Susan G. Komen For The Cure**<sup>®</sup> is dedicated to education and research about causes, treatment, and the search for a cure; and

**WHEREAS**, the Komen National Race for the Cure Series, an event of the **Susan G. Komen For The Cure**<sup>®</sup>, is the largest series of 5 kilometer races in the world, raising public awareness and much needed funding for breast cancer research; and

**WHEREAS**, on Sunday, May 5, 2013, runners, walkers, survivors, co-survivors and volunteers will unite at a new Race location to be held at the Essex County South Mountain Recreation Complex for the 6<sup>th</sup> Annual **Susan G. Komen For The Cure**<sup>®</sup> North Jersey Race for the Cure<sup>®</sup> 5K Certified Run, 5K Walk, and 1.5K Fun Walk event; and

**WHEREAS**, last year the **Susan G. Komen For The Cure**<sup>®</sup> North Jersey Race for the Cure<sup>®</sup> brought just over 5,000 thousand women, men and children from northern New Jersey and beyond, and raised over \$1 million for the North Jersey service region to help fund breast cancer research and provide local community life-saving education, screening and treatment services; and

**WHEREAS**, the **Susan G. Komen For The Cure**<sup>®</sup> organization is the leading advocacy group in educating people concerning breast cancer disease and in this regard, the governing body wishes to recognize its efforts in increasing public awareness and to honor those who have dedicated their lives to researching, treating, curing, and caring for victims and to those who have lost their lives to breast cancer.

**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 Sunday, May 5, 2013 is hereby proclaimed **SUSAN G. KOMEN FOR THE CURE**<sup>®</sup> **NORTH JERSEY RACE FOR THE CURE**<sup>®</sup> day in Hanover Township.
2. That all Hanover Township residents are encouraged to participate in the **Susan G. Komen For The Cure**<sup>®</sup> **North Jersey Race for the Cure**<sup>®</sup> to help raise funds and awareness for the fight against this life threatening disease, to join the celebration of survivorship, and to honor those who have dedicated their lives to researching, treating, curing, and caring for victims, and to those who have lost their battle with breast cancer.

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

**AYES:** Mayor Francioli, Members Schleifer,

Ferramosca, Brueno and Coppola

NOES: None

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**OVERVIEW OF THE MORRIS COUNTY 2013 BUDGET PRESENTED BY  
FREEHOLDER DIRECTOR MASTRANGELO AND FREEHOLDERS LYON AND  
KRICKUS:**

Freeholder Lyon spent some time explaining how and where the Freeholders were able to save money this year – for example by reducing staff and outsourcing services at Morris View to name a few. He noted that the County is quite satisfied with the result of its efforts which is a 0% tax increase to its Operating Budget.

At the conclusion of the presentation, questions were then brought forth by the Township Committee and Mayor Francioli mentioned several areas of concern for which he requested assistance. One of the areas of concern, he said was Columbia Turnpike and the fact that nothing is happening although significant interest was indicated by area municipalities in undertaking a regional study which he noted the State seemed to support at a meeting held several months ago. He also pointed out that there is a critical need to focus on the transportation issue in this area.

One additional area of need was mentioned regarding a municipal issue, which is the completion of Patriots Path and making it something residents can use. He noted that this was the prime focus at the time Al Kent was a Morris County employee but the project was never completed as envisioned.

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**OPEN TO THE PUBLIC:**

Mayor Francioli opened the meeting to the public.

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

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**COMMUNICATIONS:**

The following communications were read and action taken as indicated:

1. Hanover Park Regional High School District, William F. Albert, Jr., Business Administrator/Board Secretary, Submitting the Schedule of Due Dates and Amounts Payable for the 2013-2014 School Year:

**-2013-  
TOTAL AMOUNT**

**PAYMENT DATES/AMOUNT**

\$5,568,321.00	07/08/13	\$928,053.50
	08/12/13	\$928,053.50
	09/09/13	\$928,053.50
	10/14/13	\$928,053.50
	11/11/13	\$928,053.60
	12/09/13	\$928,053.50

<b><u>-2014</u></b>	<b><u>PAYMENT DATES/AMOUNT</u></b>	
<b><u>TOTAL AMOUNT</u></b>		
\$5,568,321.00	01/13/14	\$928,053.50
	02/10/14	\$928,053.50
	03/10/14	\$928,053.50
	04/14/14	\$928,053.50
	05/12/14	\$928,053.50
	06/09/14	\$928,053.50

Mayor Francioli moved approval of the above payments. The motion was seconded by Member Brueno and was unanimously passed.

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2. Hanover Township Board of Education, Vanessa Wolsky, Secretary, as follows:
  - (a) Requesting the sum of \$1,784,635.00 to meet current obligations.

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

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**DEPARTMENTAL REPORTS:**

The following reports were presented and ordered filed as received:

Police Department	W.W.Gallagher	Month Ending 3/31/13
Engineering Department	G.Maceira	Project Status Report
Property Maintenance	E.DeSimoni	Month Ending 3/31/13
Parks Department	B.Foran	Month Ending 3/31/13
DPW	B.Foran	Month Ending 3/31/13

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**(Land Use and Development  
Legislation Amendment by**

**ORDINANCE: NO. 13-2013**

**Revising Various Development Regulations)**

Member Ferramosca offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY REVISING VARIOUS DEVELOPMENT REGULATIONS CONCERNING STORMWATER RUNOFF; LIGHTING; NUMBER AND DIMENSIONS OF LOADING SPACE; PAVEMENT, CURBING, STRIPING OF PARKING AND LOADING SPACES; BUS SHELTERS AND ACCESSORY BUILDINGS; AND FLAG POLES", be read by title on second reading and a hearing held thereon.

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

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

NOES: None

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Following the reading of said Ordinance by title, the Clerk presented the Proof of Publication of said Ordinance as published in the March 21, 2013, issue of the Morris Count Daily Record. Said Proof of Publication was ordered filed as received.

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

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The following letter dated April 9, 2013 from Robert Nardone, Chairman, Township of Hanover Planning Board was read into the record:

"At its April 9, 2013 meeting, the Planning Board reviewed and discussed Ordinance 13-2013 which had been referred by the Township Committee as required by the Municipal Land Use Law at N.J.S.A. 40:55D-26a, which reads,

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

Ordinance 13-2013 would adopt and amend various development regulations related to: 1) stormwater drainage, 2) lighting, 3) loading spaces and areas, 4) curbing and pavement for parking areas, 5) accessory building, and 6) flag poles. In reviewing Ordinance 13-2013 for consistency with the master plan, the Planning Board has determined that Ordinance 13-2013 is not substantially inconsistent with the master plan. The amendments proposed by the ordinance are technical in nature, and they do not conflict with the policies in the master plan.

The Board recommends adoption of the ordinance as introduced.

Thank you for the opportunity to comment on Ordinance 13-2013.

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

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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 Schleifer and was unanimously passed.

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Member Coppola offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY REVISING VARIOUS DEVELOPMENT REGULATIONS CONCERNING STORMWATER RUNOFF; LIGHTING; NUMBER AND DIMENSIONS OF LOADING SPACES; PAVEMENT, CURBING, STRIPING OF PARKING AND LOADING SPACES; BUS SHELTERS AND ACCESSORY BUILDINGS; AND FLAG POLES”, be passed on final reading and that a Notice of the final passage of said Ordinance be published in the April 18, 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

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**ORDINANCE:      NO. 14-2013      (Land Use Ordinance Amendment  
Revising Regulations for Directional  
Signs and Pennants)**

Member Ferramosca offered the following resolution and moved its adoption:

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY REVISING THE DEVELOPMENT REGULATIONS FOR DIRECTIONAL SIGNS AND PENNANTS", be introduced and read by title on first reading.

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

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

NOES: None

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

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY REVISING THE DEVELOPMENT REGULATIONS FOR DIRECTIONAL SIGNS AND PENNANTS", 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 9<sup>th</sup> day of May, 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 Brueno, was passed and the resolution adopted by the following roll call vote:

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

NOES: None

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**RESOLUTION:      NO. 82-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING ERIC MATTHEW PRACH AS A REPLACEMENT PROBATIONARY PATROLMAN FOR A ONE (1) YEAR PERIOD COMMENCING MONDAY, JUNE 17, 2013 THROUGH TUESDAY, JUNE 17, 2014 AT A BASE SALARY OF \$46,389.00 ALL IN ACCORDANCE ORDINANCE NO. 25-2007 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING SATISFACTORY MEDICAL AND PSYCHOLOGICAL EXAMINATIONS, A NEGATIVE DRUG TEST AND A COMPREHENSIVE BACKGROUND INVESTIGATION)**

**WHEREAS**, as a result of the retirement of Patrolman Louis Zavaglia on March 1, 2013, it is the intention of the Township to fill the vacancy in order to maintain the total manpower strength of the Department at twenty-eight (28) uniformed patrolmen and superior officers; and

**WHEREAS**, the Chief of Police has interviewed several candidates who are currently enrolled in the Basic Police Class at the Morris County Firefighters and Police Training Academy; and

**WHEREAS**, candidates completing their training at the Academy will graduate on June 13, 2013, and therefore, are available to different law enforcement agencies for employment; and

**WHEREAS**, as a result of reviewing the qualifications of several candidates and conducting interviews, it is the desire of the Chief of Police to recommend that the individual named below be appointed by the Township Committee to serve as a



probationary patrolman for a one (1) year period commencing Monday, June 17, 2013 and ending on Tuesday, June 17, 2014:

**Eric Matthew Prach**  
**51 Budd Avenue**  
**Chester, New Jersey 07930; and**

**WHEREAS**, subject to receiving satisfactory medical and psychological examinations, a negative drug test and a comprehensive background investigation, it is the intention of the Township Committee to accept the recommendation of the Chief of Police and appoint **Mr. Prach** as a probationary patrolman.

**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 **Eric Matthew Prach** residing at 51 Budd Avenue, Chester, New Jersey 07930 is hereby appointed to serve as a probationary patrolman effective Monday, June 17, 2013. **Mr. Prach** will serve in a probationary capacity for a one (1) year period which shall end on Tuesday, June 17, 2014.
2. In accordance with Salary Ordinance No. 25-07 and the current 2008 Collective Bargaining Agreement between the Township and the Hanover Township Patrolmen's Benevolent Association, PBA Local #128, **Probationary Patrolman Prach** shall receive a base salary of \$46,389.00 at Step 1 of the Patrolmen's Step Classification Guide.
3. As a conditional offer of employment, **Probationary Patrolman Prach** must receive satisfactory medical and psychological examinations, a negative drug test and a comprehensive background investigation in order to serve as a member of the Hanover Township Police Department. In the event an unsatisfactory report is received for any of the examinations and/or investigation cited herein, the conditional offer of employment shall be withdrawn immediately.
4. During the probationary period, **Probationary Patrolman Prach**, as a newly appointed patrolman, does not retain any type of permanent status within the Police Department and may be dismissed at the discretion of the Township Committee only after proper preliminary notice has been given and an opportunity for a hearing afforded the patrolman. This condition of employment is in conformance with Section 53-9.D.1 set forth under Section 53-9. Entitled "Qualifications for Appointment." Pursuant to Chapter 53 of the Code of the Township entitled Police Department.

5. Although **Probationary Patrolman Prach** shall be certified by the New Jersey Police Training Commission upon graduation, he shall be required to successfully complete any other training as deemed necessary and appropriate during his probationary period and prior to his permanent appointment as a patrolman.

That certified copies of this resolution shall be transmitted to the Chief of Police, the Township's Chief Municipal Finance Officer and **Probationary Patrolman Prach** for reference and information purposes.

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

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**RESOLUTION:      NO. 83-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION APPROVING THE APPOINTMENT OF FULL-TIME, SEASONAL PERSONNEL TO BE EMPLOYED AS PUBLIC WORKS DEPARTMENT LABORERS AND PARK MAINTENANCE WORKERS, ALL IN ACCORDANCE WITH SECTION 11. OF SALARY ORDINANCE NO. 14-2012**

**WHEREAS**, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department recommends the employment of the individuals listed below to work as full-time, seasonal employees to be assigned to any Division within the Department on an as needed basis; and

**WHEREAS**, it is the recommendation of the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department that the Township Committee approve the individuals listed below under paragraph one (1), who shall be compensated at the rates set forth in accordance with the salary ranges established in Section 11. of 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. In accordance with Section 11 of Salary Ordinance No. 14-2012, the rates of compensation for the following seasonal employees mentioned below shall be as follows:

**PUBLIC WORKS, BUILDINGS & GROUNDS & PARK MAINTENANCE:**

The following individuals shall be assigned to work in any Division of the Public Works, Buildings & Grounds and Park Maintenance Department in accordance with the work load requirements and needs of the Department:

<b><u>NAME &amp; ADDRESS:</u></b>	<b><u>RATE OF PAY:</u></b>
1. John DeSimone, 21 Mountain Ave, Cedar Knolls	\$ 9.00/hr.
2. Andrew Dunne, 59 Manger Road, Cedar Knolls	9.00/hr.
3. Jake Waddon, 10 Emerson Drive, Whippany	8.75/hr.
4. Thomas Vogt, 4 Jacque Terrace, Whippany	8.75/hr.
5. Enzo Strada, 4 Emerson Drive, Whippany	8.75/hr.
6. Mark Prosicki, 7 Emerson Drive, Whippany	8.75/hr.
7. Keith Makar, 18 Birch Hill Drive, Whippany	8.75/hr.
8. Pasquale J. LaBracio, 4 Overlook Road, Convent Station	8.75/hr.

2. Irrespective of the assignment of the individuals listed above, the Superintendent reserves the right to assign any of the summer seasonal personnel to any of the Department's Divisions based on work load needs.

3. Except for disciplinary removal, all appointments (with the exception of the all year round Teen Coordinators) as seasonal employees shall terminate on or before September 2, 2013.

4. That a certified copy of this resolution be transmitted to the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department, and the Township's Chief Municipal Finance Officer for their reference and action.

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

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**RESOLUTION: NO. 84-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE REDUCTION OF THE CASHIER'S PERFORMANCE BOND IN THE AMOUNT OF \$597,928.00 TO \$177,552.00 AND THE REDUCTION OF**

**THE 10% CASH BOND FROM \$66,436.00 TO \$19,728.00 PLUS A PORTION OF THE INTEREST IN ACCORDANCE WITH P.L. 1985,c.315 TO WHIPPANY VILLAGE, LLC AS A RESULT OF COMPLETING 70% OF THE BONDED PUBLIC IMPROVEMENTS RELATED TO THE PHASE II CONSTRUCTION OF A CHASE BANK ON THE PROJECT SITE LOCATED AT 5-11 TROY HILLS ROAD, 410, 434 AND 440 ROUTE 10 AND 10 SCHOOL STREET, REAR OF SCHOOL STREET AND 476 ROUTE 10 IN THE WHIPPANY SECTION OF THE TOWNSHIP**

**WHEREAS, Whippany Village, LLC**, the Developer received final site plan approval on May 24, 2011 as part of the Developer's phased planned commercial development related to the construction of a 4,286 square foot Chase Bank as part of the Phase II development of the project site and designated as Building "B"; and

**WHEREAS, the Whippany Village, LLC** project property is located at 5-11 Troy Hills Road, 410, 434 and 440 Route 10, 10 School Street, the rear of School Street and 476 Route 10 in the Whippany Section of the Township and also designated as Lots 2.01, 2.02, 6, 7 and 8 in Block 7402 and Lots 1.01 and 10 in Block 7501 as set forth on the Tax Map of the Township of Hanover; and

**WHEREAS**, in accordance with the final site plan approval and the Developer's Agreement dated December 22, 2011, **Whippany Village, LLC** was required to install certain bonded public improvements associated with the construction of the Chase Bank; and

**WHEREAS**, on April 3, 2013, the Engineering Department conducted an on-site inspection for the purpose of ascertaining the percent of completion of the bonded public improvements; and

**WHEREAS**, the Engineering Department ascertained that 70% of the bonded public improvements had been constructed satisfactorily; and

**WHEREAS**, in a letter dated April 9, 2013 to the Mayor and Township Committee, the Township Engineer recommended that the performance bond posted by **Whippany Village, LLC** in the form of a cashier's check in the amount of \$597,928.00 be reduced to \$177,552.00, and the 10% cash bond posted by the Developer in the form of an official check in the amount of \$66,436.00 be reduced to \$19,728.00. The return of cash will include the accrual of interest for both bonds in accordance with P.L. 1985, c.315.

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

1. In accordance with the Township Engineer's letter of recommendation dated April 9, 2013, the governing body hereby reduces the **Whippany Village, LLC** cashier's check performance bond from \$597,928.00 to

\$177,552.00 or a return of \$420,376.00 plus a portion of the interest pursuant to P.L. 1985, c.315.

2. The 10% cash bond deposited with the Township by **Whippany Village, LLC** in the form of an official check is hereby reduced from \$66,436.00 to \$19,728.00. The Developer shall receive a check in the amount of \$46,708.00 plus a portion of the interest in accordance with P.L. 1985, c.315.
3. That certified copies of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer, the Township Engineer and **Whippany Village, LLC** for reference and information purposes.

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

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**RESOLUTION:      NO. 85-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN HANOVER AND HORSEHILL DEVELOPMENT, LLC AND THE TOWNSHIP CONCERNING THE CONSTRUCTION OF A NEW SUPERMARKET BUILDING AND RELATED SITE IMPROVEMENTS DESIGNATED AS PHASE "A" ON PROPERTY LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSECTION OF HANOVER AVENUE AND HORSEHILL 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 DEVELOPER'S 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" the demolition of existing buildings and the construction of a new supermarket building; and preliminary site plan approval for Phase "B" and "C" for the construction a new bank and retail building, and related site improvements, on property located on the northwest quadrant of the intersection of Hanover Avenue and Horse Hill Road, and designated as Lots 1, 2 and 3 in Block 701 on the Tax Map of the Township of Hanover in the I-B3 Industrial and Business Zone District; and

**WHEREAS**, the Developer's Agreement governs the commencement of only Phase "A", that is, the construction of a new supermarket building and related site improvements on the property mentioned above; and

**WHEREAS**, the Developer shall obtain final approval from the Planning Board for Phases "B" and "C" and execute a separate Developer's Agreement governing the construction of a new bank, retail buildings and related site improvements; and

**WHEREAS**, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval to said site plan is contingent upon the Developer having completed all such improvements within and without Block 701, Lots 1, 2 and 3, in accordance with the requirements of said preliminary and/or final 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 the execution of this Agreement; and

**WHEREAS**, the Developer desires to improve said Site in accordance with all applicable requirements, including those set forth in this agreement.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement by and between the Township of Hanover and **Hanover and Horsehill Development, LLC**, the Developer, concerning Phase "A" only, that is, the demolition of existing buildings and the construction of a new supermarket and related site improvements on property located on the northwest quadrant of the intersection of Hanover Avenue and Horsehill Road in the Cedar Knolls Section of the Township and 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 Developer's Agreement until the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given:"

A. The Developer shall be responsible in submitting a total performance guarantee of \$2,623,769.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$262,377.00 representing the cash

performance guarantee as required pursuant to the Township's Ordinance and paragraph 5(a) of the Developer's Agreement. And, submission to the Township Clerk of a Surety Performance Bond or Irrevocable Standby Letter of Credit in the amount of \$2,361,392.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 5(a) of said Agreement.

B. In accordance with paragraph 5(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$131,188.00 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 13 of the Developer's Agreement.

D. In accordance with paragraph 21 of the Developer's Agreement, the Developer is subject to the terms of the Township's tree regulations as described in full in Chapter 166 of the Code of the Township entitled Land Use and Development Legislation. The Developer shall pay the total sum of \$44,400.00 based on the calculations of the conditions set forth in the tree regulations.

E. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".

F. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and the conveyance of any applicable deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any construction activities.

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

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

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**RESOLUTION:      NO. 86-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HANOVER, COUNTY OF MORRIS, STATE OF NEW  
JERSEY, REJECTING ALL BIDS RECEIVED ON MARCH 26, 2013 FOR  
AN INDEPENDENCE DAY FIREWORKS DISPLAY ON THE EVENING  
OF JULY 2, 2013 WITH A RAINDATE OF JULY 3, 2013 OR THE NEXT  
CLEAR NIGHT AT THE WHIPPANY PARK HIGH SCHOOL ATHLETIC  
FIELD AND RESCINDING RESOLUTION NO. 74 AUTHORIZING THE  
AWARD OF AN EXTRAORDINARY, UNSPECIFIABLE SERVICES  
AGREEMENT TO GARDEN STATE FIREWORKS, INC.**

**WHEREAS**, the Township of Hanover intends to provide a fireworks display for the 2013 Independence Day Celebration on July 2, 2013 with a rain date of July 3, 2013 or the next clear evening suitable for a fireworks display as determined by the Superintendent of the Recreation and Park Administration Department at the Whippany Park High School Athletic Field; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Extraordinary Unspecifiable Services" without competitive bidding and the contract itself must be available for public inspection; and

**WHEREAS**, the Township has determined that the performance of a fireworks display requires an expertise and extensive training in this field of endeavor and involves the additional problem that if the displays are not properly furnished in the first instance, there is no opportunity for correction of any errors or omissions on the part of those providing said displays; and

**WHEREAS**, the Superintendent of Recreation and Park Administration, in a letter dated January 24, 2013, sent a written Request for Proposal to seven (7) vendors soliciting quotations for the fireworks program; and

**WHEREAS**, on March 26, 2013, the Township's Bid Reception Committee received and opened three (3) sealed quotations; and

**WHEREAS**, on March 28, 2013, the Township Committee approved Resolution No. 74 rejecting the bid of Pyro Engineering, Inc. d/b/a Bay Fireworks, the apparent low bidder for failure to submit a surety bond with its quotation pursuant to N.J.S.A. 21:3-5, and awarding the bid to Garden State Fireworks, Inc., the apparent second low bidder; and

**WHEREAS**, the Business Administrator has carefully reviewed the Request for Proposal and determined that there was a lack of clarity with regard to some provisions; and



**WHEREAS**, the Township has determined that all bids received pursuant to the January 24, 2013 Request for Proposal should be rejected due to this lack of clarity and that the Request for Proposal be re-issued.

**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 three (3) bids received by the Township Bid Reception Committee on March 26, 2013 from the January 24, 2013 Request for Proposal issued by the Township for a fireworks display for the 2013 Independence Day Celebration on July 2, 2013 with a rain date of July 3, 2013 or the next clear evening suitable for a fireworks display as determined by the Superintendent of the Recreation and Park Administration Department at the Whippany Park High School Athletic Field be rejected due to a lack of clarity in the Request for Proposal.

2. That Resolution No. 74, adopted March 28, 2013 is hereby rescinded. This Resolution shall take effect immediately.

3. That a certified copy of this resolution shall be transmitted to the Superintendent of Recreation and Park Administration Department, Pyro Engineering, Inc. d/b/a Bay Fireworks, Garden State Fireworks, Inc. and International Fireworks Manufacturing Company for reference and information purposes.

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

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**RESOLUTION:      NO. 87-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO DM FERNANDES CONTRACTS, LLC, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$122,929.50 FOR THE RESURFACING OF THE ENTIRE LENGTH OF WARREN STREET IN WHIPPANY, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY**

**WHEREAS**, it is the intention of the Township of Hanover to resurface the entire length of Warren Street in the Whippany Section of the Township; and

**WHEREAS**, due to its deteriorating condition, and in order to ensure the safety of motorists and pedestrians traveling the road, it is the desire of the Township Committee to resurface the roadway described above; and

**WHEREAS**, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on March 6, 2013 for the above referenced resurfacing project; and

**WHEREAS**, the resurfacing project will include hot mix asphalt milling, 2" thick, a new hot mix asphalt surface course 2" thick, granite block curb and 18" high density polyethylene pipe, as set forth in the Township's Specifications and Supplementary Specifications dated March, 2013; and

**WHEREAS**, on April 2, 2013, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of nine (9) sealed competitive bids out of ten (10) 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 resurfacing project and has determined that the lowest competitive bid submitted by **DM Fernandes Contracts, LLC** for the resurfacing of the entire length of Warren Street 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 April 10, 2013 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the resurfacing project described herein to **DM Fernandes, LLC** which bidder submitted the lowest competitive bid for this project in the amount of \$122,929.50; and

**WHEREAS**, sufficient funds have been appropriated and are available for the resurfacing project through the 2013 Current Fund Budget, Road Construction and Reconstruction, Line Item #123-0048-861, 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:

**DM Fernandes Contracts, LLC**  
551 North Broad Street, 2 Floor  
Elizabeth, New Jersey 07008

for the resurfacing of the entire length of Warren Street in the Whippany Section of the Township, 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 \$122,929.50.

2. Upon commencement of the work, **DM Fernandes Contracts, LLC** shall be responsible in providing sufficient personnel, and to continue in completing the projects in an expeditious fashion, all in accordance with requirements of the Township's Specifications. In addition, **DM Fernandes Contracts, LLC** 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 the 2013 Current Fund Budget, Road Construction and Reconstruction, Line Item No. 123-0048-861 in the amount of \$122,929.50 for the resurfacing 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 **DM Fernandes Contracts, LLC** in an amount not to exceed \$122,929.50.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **DM Fernandes Contracts, LLC** for their reference and information.

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

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**RESOLUTION:      NO. 88-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE TOWNSHIP ENGINEER TO ISSUE A PURCHASE ORDER TO EVERLAST FLOORS, INC., IN SUBMITTING THE LOWEST RESPONSIBLE AND RESPONSIVE QUOTATION, IN THE AMOUNT OF \$11,717.50 TO PROVIDE LABOR AND MATERIALS IN THE INSTALLATION OF A MOISTURE REDUCTION BARRIER ON THE EXISTING 5,450 SQUARE FOOT CONCRETE FLOOR IN THE MAIN ROOM OF THE TOWNSHIP'S MULTI-PURPOSE COMMUNITY CENTER**

**WHEREAS**, the existing vinyl composite tile flooring in the Main Room of the Township's Multi-Purpose Community Center located at 15 North Jefferson Road has outlived its useful purpose due to the many activities that have taken place during the past twenty (20) years; and

**WHEREAS**, acting in conformity with N.J.S.A. 40A:11-1 et seq., the Township publicly advertised for bids on January 15, 2013 for 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**, the Township's Bid Reception Committee received a total of five (5) competitive bids on February 5, 2013; and

**WHEREAS**, based on the results of the bidding, the Township Committee, by resolution dated February 14, 2013, awarded 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 above referenced sports floor project; and

**WHEREAS**, in accordance with the Township's Specification and Supplementary Specifications dated January, 2013, Ramtown, prior to commencing the removal of the existing composite tile floor, was required to perform relative humidity tests on the concrete slab to make certain that the moisture content level did not exceed 87% based on the flooring manufacturer's requirements for the installation of new flooring; and

**WHEREAS**, on at least three (3) occasions, Ramtown performed the moisture testing and found the relative humidity to be 87% or higher than the manufacturer's requirements; and

**WHEREAS**, in order to confirm the test results performed by Ramtown, an independent third party was retained by the Township; and

**WHEREAS**, the test results performed by the independent third party verified the same high moisture levels detected in the concrete slab; and

**WHEREAS**, because of this unforeseeable situation, and following consultation with the Township Attorney, the Township Engineer was directed by the Township Committee to solicit written quotations to install a moisture reduction epoxy to the concrete floor prior to the installation of the new vinyl composite tile and sports flooring; and

**WHEREAS**, in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-6.1 et seq., the Township Engineer issued a Request for Quotation on April 3, 2013 for the application of a moisture reduction barrier and received two (2) out of three responses on April 9, 2013 as follows:

1. Everlast Floors submitted a quotation in the amount of \$11,717.50 based on a unit price of \$2.15 per square foot; and
2. Ramtown Floors by Design, Inc. submitted a quotation in the amount of \$14,987.50 based on a unit price of \$2.75 per square foot; and

**WHEREAS**, in a memorandum dated April 10, 2013 from the Township Engineer, a copy of which is attached hereto and made a part of this resolution, it is the recommendation of the Township Engineer that Everlast Floors, Inc. be authorized to install the epoxy moisture reduction barrier on the concrete slab prior to the installation of the new vinyl composite tile flooring and sports floor by Ramtown Floors by Design, Inc. pursuant to the Township's work description as set forth in its Request for Quotation dated April 3, 2013.

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

1. In accordance with the Township Engineer's April 10, 2013 memorandum addressed to the Business Administrator, the governing body hereby authorizes the Township Engineer to issue a purchase order to Everlast Floors, Inc. located at 600 Route 10 in Whippany, New Jersey 07981 for the installation of an epoxy moisture reduction barrier on the concrete slab of the main room floor at the Township's Multi-Purpose Community Center prior to the installation of a new vinyl composite tile and new sports flooring by Ramtown Floors by Design, Inc.
2. The purchase order shall not exceed \$11,717.50 based on Everlast's unit price quotation of \$2.15 per square foot which quotation was the lowest of two (2) quotations received by the Engineering Department. Sufficient funds have been appropriated and are available for this project through Capital Improvement Fund Ordinance No. 13-08, Line Item No. 410-5683-499.
3. That certified copies 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, Buildings and Grounds and Park Maintenance Department, the Township's Chief Municipal Finance Officer and Everlast Floors, Inc. for reference and information purposes.

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

**RESOLUTION:      NO. 89-2013**

Member Coppola 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:

<b>BLOCK</b>	<b>LOT</b>	<b>QUAL. #</b>	<b>NAME</b>	<b>AMOUNT</b>
302	6		Ryan & Patricia Evanko 40 Cross Road Morris Plains, NJ 07950	\$385.48
902	5		Gary & Jessica Coutu 1 Oakview Road Cedar Knolls, NJ 07927	\$2289.13
4901	2 & 19		45 Airport Road, LLC 21 Airport Road & Rear Park Avenue Whippany, NJ 07981 Reserve for Tax Appeals	\$49,169.00
4901	17		25-35 Airport Road LLC 25 Airport Road Whippany, NJ 07981 2011 Appeal	\$13,336.00
6501	1	C000M	DM Airports LTD Post, Polak, Goodsell, MacNeil & Strauchler 425 Eagle Roack Ave – Suite 200 Roseland, NJ 07068 Location: 8 Airport Road Reserve for Tax Appeals	\$40,999.00
7301	1		Zipp & Tannenbaum LLC ATF Hanover Industrial Assoc. 166 Gatzmer Avenue Jamesburg, NJ 08831 Location: 292 Route 10	

		Reserve for Tax Appeals	\$73,742.00
7603	9	David & Joy Monaco 58 Branford Road Whippany, NJ 07981	\$1879.76

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

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**RESOLUTION:      NO. 90-2013**

Member Coppola offered the following resolution and moved its adoption:

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

**WHEREAS**, at the Township of Hanover Municipal Tax Sale held on December 3, 2012, a lien was sold on Block 2801, Lot 8, also known as 90 Malapardis Road, Cedar Knolls, New Jersey 07927, for 2011 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate 2012-10, was sold to Rainbow Associates, LLC for a 0% redemption fee and a \$5,100.00 premium paid; and,

**WHEREAS**, Curtis and Sue Ellen Appleby, the owner has affected redemption of Certificate 2012-10 in the amount of \$11,154.32.

**NOW, THEREFORE, BE IT RESOLVED**, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$11,154.32, payable to Rainbow Associates, LLC, P.O. Box 117, Morris Plains, NJ 07950 for the redemption of Tax Sale Certificate 2012-10.

**BE IT FURTHER RESOLVED**, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$5,100.00 (Premium) to the aforementioned lien holder.

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

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**RESOLUTION:      NO. 91-2013**

Member Coppola offered the following resolution and moved its adoption:

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HANOVER REVISING THE EMPLOYEE PERSONNEL  
POLICIES AND PROCEDURES MANUAL/HANDBOOK TO INCLUDE A  
HEALTH BENEFITS WAIVER PROGRAM**

**WHEREAS**, the Township of Hanover recognizes the cost of providing health care benefits to employees; and

**WHEREAS**, the Township also recognizes that employees are also faced with increasing contributions for medical benefits coverage; and

**WHEREAS**, certain employees may have the ability to waive medical care coverage which would provide a cost saving measure to the Township; and

**WHEREAS**, the Township desires to permit its full-time civilian and law enforcement employees to participate in a Health Benefits Waiver Program which would, in effect, provide employees with an opportunity to waive medical benefits coverage, if they are covered for health care insurance by a spouse or partner, which would alleviate the medical benefits cost to the Township of Hanover.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey formally approves the inclusion of a health benefits opt-out provision for medical benefits coverage only (excluding dental coverage) in the Employee Personnel Policies and Procedures Manual/Handbook for Township employees.

**BE IT FURTHER RESOLVED**, so long as an employee elects to waive medical benefits coverage, the employee shall be compensated in the amount of 25% of the insurance premium the employee waives. However, the amount of compensation for such waiver shall not exceed the sum of \$4,000 in exchange for opting out of the Township's medical benefits coverage for a one-year period. Any Township employee who opts out of the Township's medical benefits coverage shall comply with all waiver requirements.

**BE IT FURTHER RESOLVED**, that this policy shall take effect May 1, 2013 and if such Health Care Waiver is elected by the employee, he/she shall receive a prorated payment for his/her waiver of medical benefits as long as they are employed by the Township as of December 31<sup>st</sup> of the current year.



**BE IT FURTHER RESOLVED**, that this policy shall be incorporated as part of the Township's Employee Personnel Policies and Procedures Manual/Handbook and the employees shall have the opportunity to participate in the Health Benefits Waiver Program on an annual basis.

**BE IT FURTHER RESOLVED**, that this policy shall remain in effect until such time that the Township Committee elects to discontinue the Health Benefits Waiver Program. This Resolution shall take effect immediately.

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

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**RESOLUTION:      NO. 92-2013**

Member Coppola 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 WOODMONT REALTY GROUP CEDAR KNOLLS, LLC AND THE TOWNSHIP REGARDING THE PERFORMANCE OF EXCAVATION, GRADING AND RELATED ACTIVITIES ON PROPERTY LOCATED ON CEDAR KNOLLS ROAD WEST OF SOUTH JEFFERSON ROAD IN CEDAR KNOLLS AND DESIGNATED AS LOT 2 IN BLOCK 2302, 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, Woodmont Realty Group Cedar Knolls, LLC**, Applicant/ Property Owner/Developer, made application to the Planning Board (Planning Board Application #04-2-4) (Cedar Knolls Mews) of the Township of Hanover for **Preliminary Site Plan** approval in connection with a multi-family housing development, consisting of 112 market-rate units, to be located within seven (7) residential buildings and up to 28 affordable units to be located in one (1) residential building, a clubhouse, an outdoor pool, and related site improvements on property, located at Cedar Knolls Road, consisting of 14.94 acres, and designated as Lot 2 in Block 2302 on the Tax Map of the Township of Hanover and located in the RM-4 Zone;

**WHEREAS**, the Planning Board of the Township of Hanover granted **Preliminary Site Plan** approval by resolution adopted on November 18, 2008; and

**WHEREAS**, the Applicant submitted a Preliminary and Final Site Plan, prepared by Omland Engineering Associates, Inc. consisting of Sheets 1 through 13, dated September 26, 2008, revised through October 27, 2008, as well as floor plans and elevations, prepared by Barton Partners, Inc., Sheets 1 through 4 and 8 through 10, dated September 26, 2008, revised through October 27, 2008, Sheets 5 through 7, dated September 26, 2008, revised through January 2, 2013; and

**WHEREAS**, the Planning Board of the Township of Hanover granted **Final Site Plan** approval by resolution adopted on December 9, 2008; and

**WHEREAS, Woodmont Realty Group Cedar Knolls LLC**, made application to the Planning Board of the Township of Hanover, pursuant to N.J.S.A. 40:55D-52a and Section 166-78B of the Code of the Township of Hanover to extend the period of protection from changes in the zoning regulations for a period of one (1) year, which was considered by the Planning Board at a public hearing held on January 25, 2011, which was approved by resolution adopted on February 15, 2011; and

**WHEREAS, Woodmont Realty Group Cedar Knolls LLC**, made application to the Planning Board of the Township of Hanover, pursuant to N.J.S.A. 40:55D-52a and Section 166-78B of the Code of the Township of Hanover to extend the period of protection from changes in the zoning regulations for a period of one (1) year, which was considered by the Planning Board at a public hearing held on January 17, 2012 and approved by resolution adopted on January 24, 2012; and

**WHEREAS**, this Limited Site Improvement Construction Agreement is intended to govern and regulate the Developer's site work, as stipulated in Schedule "A", dated April 12, 2013, attached hereto as it relates to the Developer's request to commence with the excavation and grading of the detention basin and to install a detention basin retaining wall, to dig trenches and install an on-site sanitary sewer, which will occur simultaneously, and to begin excavation for the construction of the club house pool; and

**WHEREAS**, the Developer shall execute a separate Developer's Agreement prior to the commencement of the future construction of buildings and related site improvements; 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 Lot 2 in Block 2302 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.

**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 **Woodmont Realty Group Cedar Knolls, LLC**, the Developer, regarding certain aspects of site work which include the excavation and grading of the detention basin, the installation of a detention basin retaining wall, the digging of trenches to install an on-site sanitary sewer which will occur simultaneously and to begin excavation for the construction of the club house pool in preparation for the future construction of 112 market-rate units, up to 28 affordable units and related site improvements on property located on Cedar Knolls Road, just west of South Jefferson Road, in the Cedar Knolls Section of the Township, and also designated as Lot 2 in Block 2302, 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 \$447,150.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$44,715.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 3(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 \$402,435.00 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 3(a) of said Agreement.

B. In accordance with paragraph 3(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 \$22,358.00 to compensate the Township for all Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer. In addition, the Developer shall also deposit the sum of \$55,000.00 to cover the cost of Hanover Sewerage Authority inspection of the sanitary sewer facilities and improvements required for this project.

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 **Woodmont Realty Group Cedar Knolls, LLC** for reference and action purposes.

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

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**RESOLUTION:      NO. 93-2013**

Township sponsored Arbor Day tree planting ceremonies will take place at the following school on the dates indicated: Proclamations will be presented to each school at the ceremony.

May 1, 2013 - Memorial Junior School  
April 24, 2013 - Mountview Road School  
April 25, 2013 - PG chambers School  
April 26, 2013 - Salem Drive School  
April 29, 2013 - Allegro School  
April 30, 2013 - Bee Meadow School  
April 30, 2013 - Our Lady of Mercy Academy  
April 22, 2013 - Calais School

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Member Coppola offered the following resolution and moved its adoption:

**A PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
HANOVER PROCLAIMING MAY 1, 2013 AS ARBOR DAY AT  
MEMORIAL JUNIOR SCHOOL**

**WHEREAS**, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called **Arbor Day**, was first observed with the planting of more than a million trees in Nebraska, and is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community; and

**WHEREAS**, trees in our Township increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees, wherever they are planted, are a source of joy and spiritual renewal.

**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 Township Committee hereby proclaims **May 1, 2013 as**

**ARBOR DAY  
AT  
MEMORIAL JUNIOR SCHOOL**

in the Township of Hanover, and urges all citizens to celebrate **Arbor Day** and to support efforts to protect our trees and woodlands.

2. The governing body also urges all citizens of the Township to plant trees to gladden the heart and promote the well-being of this and future generations.

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

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**RAFFLE APPLICATIONS:**

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

1. Give & Go., Inc., 15 Applewood Dr., Upper Saddle River, New Jersey, a 50/50 to be held on 6/9/13 at 60 No. Jefferson Rd., Whippany, New Jersey. Said application was assigned No. RL-2652. Identification of the application is No. 507-4-39278.
2. Give & Go., Inc., 15 Applewood Drive, Saddle River, New Jersey, a Tricky Tray to be held on 6/9/13 at 60 No. Jefferson Road, Whippany, New Jersey. Said application was assigned No. RL-2653. Identification of the application is No. 507-4-392798.
3. Twins “n” Triplets Mothers of Morris County, P. O. Box 38, Morris Plains, New Jersey, a Tricky Tray to be held on 5/2/13 at the American Legion, 13 Legion Place, Whippany, New Jersey. Said application was assigned No. RL-2656. Identification of the application is No. 323-4-30229.
4. Twins “n” Triplets Mothers of Morris County, P. O. Box 38, Morris Plains, New Jersey, an on-premise 50/50 to be held on 5/2/13 at the American Legion, 13 Legion Place, Whippany, New Jersey. Said application was assigned No. RL-2657. Identification of the application is No. 323-4-30229.

Member Brueno 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 Coppola and was unanimously passed.

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**PAYMENT OF BILLS:**

The governing body approved a grand total disbursement of \$4,430,276.49 for the payment of all bills as of this Regular Township Committee Meeting. A copy of the “Bills Payment List – by Vendor” is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Schleifer and seconded by Member Coppola.

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

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**OTHER BUSINESS:**

Member Brueno announced that Little League Opening Day will take place this Saturday and will begin at 10:30 am with a parade from Stoney Brook Field to Veterans Field. He noted that the Knights of Columbus will have 1000 hotdogs ready for participants to enjoy.

Member Coppola announced the following events:

- a. Former Landmark Commission Member Don Kiddoo will be sharing the history of the Old Iron Works with those who attend the event to be held at the Presbyterian Church.
- b. On April 19<sup>th</sup>, the Cedar Knolls Fire Department will hold a fundraising event and will be presenting a Mind Reader.
- c. The Cub Scout Arrow of Light awards brunch will be held at Bretton Woods on Sunday at 11:30 am; and
- d. Eagle Scout Anthony Campesi will be recognized for his accomplishment this Sunday at the American Legion Post.

Member Ferramosca added that Community Shred Day will be held on April 27<sup>th</sup> at Employment Horizons.

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Mayor Francioli then commented as follows:

He explained that Hanover Township part-time employees, just like in other municipalities, will be affected by the Obama Health Care Act regulations. He explained that part-time employees who presently work 30 hours per week are not eligible for health care insurance, which he described as a costly benefit. As a result of the Act, the number of hours worked by these part-time employees must be reduced to 28 hours shortly. The Mayor pointed out that the Federal Government does not give municipalities any options with regard to this matter and will impose a fine of \$3,000.00 per employee if the hours are not reduced for part-timers.

Mayor Francioli stated that this was a difficult decision for the governing body to make. He assured everyone that the members regret having to take this action.

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**OPEN TO THE PUBLIC:**

Mayor Francioli opened the meeting to the public.

Jim Neidhardt commended the Township Committee for making the right decision. To do anything else, he said, would be irresponsible. He reminded the members that this is a Federal Government decision.

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

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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

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Joseph A. Giorgio  
Township Clerk