

APRIL 25, 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 25, 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

MOMENT OF SILENCE:

A moment of silence was observed in recognition of those who lost their lives and/or were injured as a result of the recent Boston Marathon terrorist attack.

**RECOGNITION OF DISTINGUISHED COMMUNITY SERVICE:
FRED C. BRUNNER, III & THE BRUNNER FAMILY OF BRUNNER'S GARAGE**

A plaque was presented to Fred C. Brunner, III, who is President of the Whippany Fire Company, and the Brunner Family in recognition of their service to the Hanover Township community for more than 50 years.

Condolences were extended to the family by the Township Committee on the recent loss of their father.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public.

Rose McCaulley of Longview Drive then addressed the governing body. Ms. McCaulley spoke as the representative of a group of parents who wish to have the polling places moved out of the schools as they feel it presents a risk to the children. She requested the Township Committee's cooperation regarding this issue.

It was noted that a letter has been sent to the County Board of Elections expressing the sentiments of the many parents who wish to have the polling places relocated as any changes must be approved by the County Board.

A resident residing at 805 Dellwood Lane then provided the governing body with an update regarding the river bank erosion problem he brought to the Township's attention last year. He stated that he has been in touch with County Parks Commission Executive Director David Helmer who will be contacting the developer of the land adjacent to the Eden Lane development regarding the possible reconfiguration of the Whippany River and how this will affect the river bank.

Mayor Francioli stated that he is aware that the NJDEP has issued a memorandum to the developer of the River Park property that the river will be reconfigured if they develop the land and remove the dam. At the present time, he noted, concept plans are being reviewed by the Planning Board as some of the land is being prepared for development. The Mayor said that the Township will keep him advised.

The Mayor then addressed the issue of moving the polling locations. He advised the parents in attendance that the Township is most concerned with school security and Committeeman Coppola has been closely following the problem. He said that he will be meeting with Superintendent Scott Pepper to discuss school security. In the meantime, he advised that he is recommending the schools be closed on Election Day. If this is not feasible, the Chief plans to have an officer assigned at each polling location.

The parents asked how they can be of assistance to which Mayor Francioli replied that they should all reach out to John Sette at the Board of Elections and make known their concerns. The Mayor also noted that the Township will be providing the schools with portable police radios that will become available shortly as replacement radios are assigned to our police officers.

No further 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 February 28 and March 14, 2013 and the Minutes of the Bid Committee Meeting of March 26, 2013, had been presented to the members of the Committee prior to this meeting by the Clerk.

Member Ferramosca moved that the Minutes of the Regular Meeting of February 28 and March 14, 2013 and the Minutes of the Bid Committee Meeting of March 26, 2013, be accepted and approved as presented by the Clerk. The motion was seconded by Member Schleifer and was unanimously passed.

ORDINANCE: NO. 15-2013 (Salaries & Compensation; Personnel Policies Amendment Officers & Employees)

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 ORDINANCE NO. 14-2010 AND CHAPTER 612 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES WHICH CHAPTER ESTABLISHES REGULATIONS AND RATES OF COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HANOVER", be introduced and read by title on first reading.

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

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

NOES: None

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

BE IT RESOLVED, that an Ordinance entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE AMENDING AND SUPPLEMENTING ORDINANCE NO. 14-

2012 AND CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES WHICH CHAPTER ESTABLISHES REGULATIONS AND RATES OF COMPENSATION FOR THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HANOVER", 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 9th 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

PUBLIC HEARING: Person to Person Transfer Of Alcoholic Beverage License No. 1412-33-011-008 – Lallo, LLC, Pocket License To Hanover Hospitality Corp.

The Township Clerk advised that reports have been submitted by the Detective Bureau and Chief of Fire District No. 3. He also noted that the transfer has been published in the Daily Record on two occasions, as required by law.

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

RESOLUTION: NO. 94-2013

Member Ferramosca offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING A PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1412-33-011-008 PREVIOUSLY HELD BY LALLO, LLC, POCKET LICENSE, TO HANOVER HOSPITALITY CORP., POCKET LICENSE

WHEREAS, Hanover Hospitality Corp., has applied to the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, for a person to person transfer of Plenary Retail Distribution License Number 1412-33-011-008 previously held by LALLO, LLC, in a Pocket Status; and

WHEREAS, the applicant has deposited along with the application, a person to person transfer fee of \$171.30 and publisher's affidavits, are on file with the Township Clerk, which set forth that the proper notices of the application have been published in accordance with regulations prescribed under N.J.A.C. 13:2-2.5 and 13.2-2.9; and

WHEREAS, no objections have been filed with the Township Clerk, and whereupon, a hearing has been held by the Township Committee on April 25, 2013, on the application of **Hanover Hospitality Corp.**, which application is deemed to be in order.

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 application of **Hanover Hospitality Corp.**, for a person to person transfer of Plenary Retail Distribution License Number 1412-33-011-008 from LALLO, LLC, is hereby approved, effective April 25, 2013.
2. The special condition prohibiting entertainment depicting sexual activity and nudity as imposed by the governing body on all licenses in the Township shall apply to the transfer of this Pocket License to **Hanover Hospitality Corp.**
3. That a certified copy of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control, **Hanover Hospitality Corp.** and the Hanover Township Police Department for reference and information purposes.

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

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

NOES: None

RESOLUTION: NO. 95-2013

Member Brueno offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING DAREN P. O'CONNOR TO FILL AN UNEXPIRED TERM OF OFFICE AS A MEMBER OF THE

**HANOVER TOWNSHIP OPEN SPACE, PARKLAND AND FACILITIES
PRESERVATION TRUST FUND ADVISORY COMMITTEE WHICH TERM OF OFFICE
SHALL EXPIRE ON DECEMBER 31, 2013**

WHEREAS, Chapter 50 of the Code of the Township entitled Open Space, Parkland and Facilities Preservation Trust Fund Advisory Committee (hereinafter referred to as "OSAC") provides for the establishment of OSAC and further defines the terms of office, duties, powers and responsibilities of the OSAC members; and

WHEREAS, Section 50-1.A. entitled "Establishment; Membership; Vacancies" under Chapter 50 of the Code provides for the appointment of individuals to OSAC for three (3) year staggered terms of office; and

WHEREAS, in late 2012, Dan Filipescu advised the Township Committee that he did not wish to continue to serve as a member of OSAC due to business related commitments; and

WHEREAS, Mr. Filipescu's three (3) year term of office expires on December 31, 2013; and

WHEREAS, in accordance with provisions of Chapter 50, specifically, Section 50-1.A., as it relates to membership and terms of office, it is the recommendation of Committeeman Robert M. Brueno, Jr., Liaison to OSAC, that **Daren P. O'Connor** residing at 10 Brandywine Court in Whippany, New Jersey 07981 be appointed to fill the vacant seat for the unexpired term of office; and

WHEREAS, the Township Committee has reviewed the resume of **Mr. O'Connor** and concurs with the recommendation of Committeeman Brueno that **Mr. O'Connor's** nomination be approved.

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 50-1.A. of Chapter 50 of the Code of the Township entitled Open Space, Parkland and Facilities Preservation Trust Fund Advisory Committee, the governing body hereby concurs with and approves the nomination of the Liaison in appointing:

Daren P. O'Connor
10 Brandywine Court
Whippany, New Jersey 07981

to serve as a member of OSAC in filling the vacant seat during the unexpired term of office.

2. This appointment takes effect immediately and shall expire on December 31, 2013 or until the appointment and qualification of **Mr. O'Connor's** successor.

3. That certified copies of this resolution shall be transmitted to the Chairman of OSAC and **Mr. O'Connor** for reference and information purposes.

INTRODUCED AND SPONSORED BY COMMITTEEMAN AND LIAISON ROBERT M. BRUENO, JR.

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. 96-2013

Member Brueno offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING J. WILLIAM BYRNE TO FILL A VACANT CLASS IV POSITION ON THE PLANNING BOARD WHICH HAS AN UNEXPIRED FOUR (4) YEAR TERM OF OFFICE WHICH TERM OF OFFICE SHALL END ON DECEMBER 31, 2013, ALL IN ACCORDANCE WITH N.J.S.A. 40:55D-23

WHEREAS, since January 1, 1993 until his resignation in mid-December, 2012, **J. William Byrne** has served as either a Class IV member or Class IV, Alternate 1 member of the Planning Board; and

WHEREAS, with his overseas business assignment now complete, **Mr. Byrne** has returned to the United States and is available to serve again as a member of the Planning Board; and

WHEREAS, in accordance with the Municipal Land Use Law at N.J.S.A. 40:55D-23b., the term of a Class IV member is four (4) years; and

WHEREAS, **Mr. Byrne's** vacant Class IV seat on the Planning Board expires on December 31, 2013 and has not been filled; and

WHEREAS, Committeeman and Director of Planning John L. Ferramosca has nominated **J. William Byrne** to fill the vacant Class IV position; and

WHEREAS, pursuant to the Municipal Land Use Law, the Mayor, with the advice and consent of the Township Committee appoints Class IV members; and

WHEREAS, upon the nomination of the Director of Planning, it is the desire of the Mayor to recommend the appointment of **J. William Byrne** to fill the vacant Class IV seat which four (4) year term of office expires on December 31, 2013; and

WHEREAS, it is the intention of the governing body to endorse the nomination and appointment of **J. William Byrne** as a Class IV member of the Planning Board effective immediately.

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. Upon the nomination of Committeeman and Director of Planning John L. Ferramosca and with the concurrence of the Mayor, the governing body hereby appoints **J. William Byrne** residing at 7 Vincent Terrace in Whippany, 07981 to serve as a Class IV member of the Planning Board.
2. **Mr. Byrne's** appointment shall take effect immediately in filling the vacant Class IV seat which four (4) year term of office expires on December 31, 2013 or until such time as his successor shall be appointed and qualified.
3. That certified copies of this resolution shall be transmitted to the Secretary of the Planning Board and **Mr. Byrne** for reference and information purposes.

INTRODUCED AND SPONSORED BY COMMITTEEMAN AND DIRECTOR OF PLANNING JOHN L. FERRAMOSCA.

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. 97-2013

Member Brueno offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF HANOVER AND THE TOWNSHIP OF PARSIPPANY-TROY HILLS CONCERNING THE PERFORMANCE OF ANIMAL CONTROL SERVICES BY THE TOWNSHIP OF PARSIPPANY-TROY HILLS ON BEHALF OF THE TOWNSHIP OF HANOVER DURING THE PERIOD BEGINNING MARCH 1, 2013 THROUGH FEBRUARY 28, 2018 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT, ALL IN ACCORDANCE WITH N.J.S.A. 40A:65-4 ET SEQ. AND N.J.S.A. 40:48-5.1

WHEREAS, there exists a need for the humane treatment and shelter of animals in the Township of Hanover; and

WHEREAS, the Township of Hanover does not maintain a public shelter for the caring and keeping of stray dogs, cats or other domestic pets; and

WHEREAS, by resolution dated February 10, 2011, the Township of Hanover entered into a Shared Services Agreement with the Township of Parsippany-Troy Hills whereby Parsippany-Troy Hills, as the lead agency, provided the Township of Hanover with animal control services during the period beginning March 1, 2011 through February 28, 2013; and

WHEREAS, N.J.S.A. 40:48-5.1 provides that any municipality which does not maintain a public pound for the keeping of stray dogs, cats or other domestic pets, may enter into a contract with a humane society not organized for pecuniary profit or other similar organization for the collection, keeping for redemption and disposal of all such stray animals found within the municipal boundaries; and

WHEREAS, N.J.S.A. 40:65-4. et seq. also provides that any municipality may enter into an agreement with any other municipality or municipalities to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction; and

WHEREAS, the Township of Parsippany-Troy Hills maintains and operates an Animal Control Program providing staffing, an animal shelter, related support equipment and materials to serve the residents of its Township; and

WHEREAS, pursuant to the Shared Services Regulations promulgated under N.J.S.A. 40:65-4 et seq., the Township of Parsippany-Troy Hills and the Township of Hanover have agreed that the citizens of their respective communities can be better served, at a reduced expenditure of tax dollars, by arranging for the performance of animal control services by the Township of Parsippany-Troy Hills for the benefit of the residents of Hanover Township; and

WHEREAS, the Township of Hanover has been satisfied with the animal control services performed by the Township of Parsippany-Troy Hills and believes that the health, safety and welfare of the Township is best served with the renewal of the Shared Services Agreement for a five (5) year term; and

WHEREAS, the Animal Control Shared Services Agreement, a copy of which is attached hereto and made a part of this resolution, shall commence on March 1, 2013 and terminate on February 28, 2018; and

WHEREAS, during the first year of the Agreement, the Township of Parsippany-Troy Hills shall be paid the sum of \$30,600.00 with a 2% increase in each of the four (4) subsequent years of the Agreement; and

WHEREAS, either Township may terminate the Agreement with or without cause upon ninety (90) days written notice to the other party.

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 Shared Services Regulations promulgated under N.J.S.A. 40A:65-4 et seq. and N.J.S.A. 40:48-5.1, the governing body hereby approves the renewal of a Shared Services Agreement by and between the Township of Hanover and the Township of Parsippany-Troy Hills concerning the performance of animal control services by the Township of Parsippany-Troy Hills on behalf of the Township of Hanover.
2. For the performance of animal control services by the Township of Parsippany-Troy Hills (as described in full in the attached Shared Services Agreement, a copy of which is attached hereto and made a part of this resolution), the Township of Hanover shall pay Parsippany the annual sum of \$30,600.00 to be paid in four (4) quarterly payments during the first year of the Agreement. Subsequently, the fee will automatically increase by 2% during the second, third, fourth and fifth years of the Agreement.
3. The Agreement shall commence on March 1, 2013 and terminate on February 28, 2018. Either party to the Agreement may terminate the Agreement with or without cause upon ninety (90) days written notice to the other party.
4. That the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Dog Trust Fund Account and the 2013 Current Fund Budget – Account No. 033- Animal Control to cover the \$30,600.00 contractual cost and any other related fees during the

first year of the Agreement as described under Article VI of the Agreement.

5. The Mayor and Township Clerk are authorized and directed to execute the renewed Shared Services Agreement on behalf of the Township of Hanover.
6. That a certified copy of this resolution along with executed copies of the Agreement shall be transmitted to the Township of Parsippany-Troy Hills for signature. In addition, copies of the resolution shall also be transmitted to the Township's Health Officer/Environmental Specialist, Chief of Police and Chief Municipal Finance Officer for reference and information purposes.

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

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

NOES: None

RESOLUTION: NO. 98-2013

Member Brueno offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING AND DIRECTING THE PLANNING BOARD TO CONDUCT AN INVESTIGATION PURSUANT TO N.J.S.A. 40A:12A-6 TO DETERMINE IF A TRIANGULAR PARCEL OF PROPERTY SITUATED WEST OF LEGION PLACE AND DESIGNATED AS LOT 9 IN BLOCK 4001 SATISFIES THE CRITERIA IN N.J.S.A. 40A:12A-5 TO BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12-14

WHEREAS, the Jewish Community Housing Corporation (hereinafter referred to as "**JCHC**") is the owner of a triangular parcel of property situated west of Legion Place and designated as Lot 9 in Block 4001 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, the JCHC desires to construct 115 to 120 units of senior citizen affordable housing on Lot 9 for persons qualifying as low income; and

WHEREAS, the MetroWest Senior Housing Project will be constructed in two (2) Phases with the first Phase containing 67 units; and

WHEREAS, in order for the JCHC to qualify for low income housing tax credits through the New Jersey Housing and Mortgage Finance Agency, the proposed affordable housing project needs to be designated as an area in need of redevelopment with an adopted redevelopment plan; and

WHEREAS, the Local Redevelopment and Housing Law (hereinafter referred to as the "Redevelopment Law") at N.J.S.A. 40A:12A-1 et seq. authorizes municipalities to determine whether certain parcels of land located within their jurisdictions constitute areas of redevelopment; and

WHEREAS, in accordance with the Redevelopment Law and the New Jersey Local Public Contracts Law, the Township Committee, at its March 14, 2013 regular meeting retained the services of Paul Phillips, a professional planner licensed by the State of New Jersey and the Firm of Phillips Preiss Grygiel, LLC to determine whether Lot 9 in Block 4001 is an area in need of redevelopment and if so, to prepare a Redevelopment Plan; and

WHEREAS, in consort with the study undertaken by Paul Phillips, N.J.S.A. 12:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed Study Area, in this case Lot 9 in Block 4001, is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Township Committee believes that it is in the best interest of the Township to authorize the Planning Board to conduct an investigation of the Study Area to determine whether Lot 9 in Block 4001 would support a designation as an area in need of redevelopment under the Redevelopment Plan.

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:12A-6, the Hanover Township Planning Board is hereby authorized and directed to conduct an investigation pursuant to the criteria established under N.J.S.A. 40A:12A-5 to determine whether Lot 9 in Block 4001, a triangular parcel of property owned by the Jewish Community Housing Corporation, and designated as the Study Area satisfies the criteria set forth in N.J.S.A. 40A:12A-5 to be designated an area in need of redevelopment in conformance with the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-1 et seq.
2. As part of its investigation, the Planning Board shall take into consideration the report of findings and determinations of Paul Phillips

as to whether the Study Area in question is in need of redevelopment and if a Redevelopment Plan is warranted.

3. As part of its investigation, the Planning Board, pursuant to N.J.S.A. 40A:12-6. shall prepare a map showing the boundaries of the Study Area and the location of the parcel contained therein. The Planning Board shall conduct a public hearing after giving due notice of the boundaries of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area constitutes an area in need of redevelopment. All objections to such a determination and evidence in support of those objections, giving orally or in writing, shall be received and considered by the Planning Board and made a part of the public record.
4. After conducting its investigation, preparing a map of the Study Area and conducting a public hearing, at which time all objections to the designation of the Study Area as an area in need of redevelopment, are received and considered, the Planning Board shall make a recommendation to the Township Committee as to whether the Township Committee should designate Lot 9 in Block 4001 as an area in need of redevelopment.
5. That certified copies of this resolution shall be transmitted to members of the Planning Board, the Township's Professional Planner Blais Brancheau, Paul Phillips, Township Engineer Gerardo Maceira, Harold Colton-Max, the Executive Director of the JCHC and the RPM Development Group for reference and information purposes.

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

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

NOES: None

RESOLUTION: NO. 99-2013

Member Brueno offered the following resolution and moved its adoption:

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PURCHASE OF TEN (10) NEW MOTOROLA MODEL APX 6000 LITE PORTABLE RADIOS INCLUDING THE REPROGRAMING OF ELEVEN (11) OLDER PORTABLE RADIOS FOR THE POLICE DEPARTMENT INCLUDING THE PURCHASE OF ACCESSORIES PURSUANT TO STATE CONTRACT NO. A-53804 (1-NJCP) FROM MOTOROLA

**SOLUTIONS, INC. IN AN AMOUNT NOT TO EXCEED \$23,459.30 AND FURTHER
AUTHORIZING THE CHIEF OF POLICE TO ISSUE A PURCHASE ORDER**

WHEREAS, the Township Committee approved the appropriation of funds in the 2013 Current Fund Budget for the purchase of ten (10) new portable radios to be assigned to the Police Department which radios will replace ten (10) outmoded portable radios; and

WHEREAS, under regulations promulgated by the Division of Local Government Services, any purchases made under the New Jersey Cooperative Purchasing System, which individually or cumulatively exceed Thirty Six Thousand (\$36,000.00) Dollars requires that the Township Committee authorizes a resolution approving the purchase; and

WHEREAS, with the purchase of the ten (10) new portable radios, it is the intention of the Township Committee to reassign eleven (11) older portable radios to the Township's elementary public schools and the regional high school in order to provide immediate and direct communication with the Police Department's communications dispatcher in the event of an emergency; and

WHEREAS, the Chief of Police has requested that the governing body approve a resolution authorizing the purchase of the following equipment including the reprogramming of the older portable radios:

<u>DESCRIPTION OF PURCHASES:</u>	<u>UNIT PRICES:</u>	<u>TOTALS:</u>
Ten New Motorola Model APX 6000 Portable Radios	\$2,138.00	\$21,380.00
Reprogramming of Eleven (11) Portable Radios, Purchase of Eleven (11) Smart Chargers and New Code Plugs	See Attached	<u>\$ 2,079.30</u>
TOTAL:		\$23,459.30; and

WHEREAS, the purchase of the ten (10) new Motorola Model APX 6000 Lite Portable Radios plus the reprogramming of the old portable radios and the purchase of accessories, are available under a current and valid New Jersey State Contract, Contract No. A-53804(1-NJCP); and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds were appropriated and are available in the year 2013 Current Fund Budget, Purchase of Police Equipment, Line Item No. 123-0072-541 for the purchase and reprogramming work authorized herein.

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 April 17, 2013 memorandum from the Chief of Police which memorandum is attached hereto and made a part of this resolution as if set forth in full, the Chief is hereby authorized to issue a Purchase Order to Motorola Solutions, Inc., c/o Wireless C & E, P.O. Box 29 in Chester, New Jersey 07930-0029 for the purchase of the following new portable police radios including the reprogramming of eleven (11) older radios and the purchase of accessories as follows:

<u>DESCRIPTION OF PURCHASES:</u>	<u>UNIT PRICES:</u>	<u>TOTALS:</u>
Ten New Motorola Model APX 6000 Portable Radios	\$2,138.00	\$21,380.00
Reprogramming of Eleven (11) Portable Radios, Purchase of Eleven (11) Smart Chargers and New Code Plugs	See Attached	<u>\$ 2,079.30</u>
TOTAL:		\$23,459.30; and

2. The purchase of the new radios and the reprogramming of the older radios including the purchase of accessories shall be made pursuant to a current and valid New Jersey State Contract, Contract No. A-53804 (1-NJCP).

3. That the total cost to the Township for the purchase of the ten (10) new Motorola radios and the reprogramming of the eleven (11) older radios plus the purchase of accessories shall not exceed \$23,459.30.

4. That certified copies of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer, the Chief of Police and Motorola Solutions, Inc. for reference and action purposes.

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

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

NOES: None

RESOLUTION: **NO. 100-2013**

Member Brueno 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 RESPONSIVE AND RESPONSIBLE BIDDER, IN AN AMOUNT NOT TO EXCEED \$230,346.40 FOR THE RESURFACING OF THE ENTIRE LENGTHS OF JUNIPER DRIVE, GRISTMILL ROAD AND CRANBERRY COURT IN CEDAR KNOLLS, 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 lengths of Juniper Drive, Gristmill Road and Cranberry Court in the Cedar Knolls Section of the Township; and

WHEREAS, due to their 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 roadways 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 20, 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 and granite block curb, as set forth in the Township's Specifications and Supplementary Specifications dated March, 2013; and

WHEREAS, on April 16, 2013, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of eleven (11) sealed competitive bids out of thirteen (13) 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 lengths of Juniper Drive, Gristmill Road and Cranberry Court 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 responsive and responsive bidder; and

WHEREAS, in a letter dated April 24, 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 \$230,346.40; 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 #123-0048-835, 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

the lowest responsive and responsible bidder for the resurfacing of the entire lengths of Juniper Drive, Gristmill Road and Cranberry Court in the Cedar Knolls 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 \$230,346.40.

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. 123-0048-835 in the amount of \$230,346.40 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 \$230,346.40.

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 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. 101-2013

Member Ferramosca offered the following resolution and moved its adoption subject to certain conditions being met:

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A DEVELOPER'S AGREEMENT BY AND BETWEEN WOODMONT REALTY GROUP CEDAR KNOLLS, LLC AND THE TOWNSHIP CONCERNING THE CONSTRUCTION OF A MULTI-FAMILY HOUSING DEVELOPMENT CONSISTING OF 112 MARKET-RATE RENTAL UNITS AND UP TO 28 AFFORDABLE RENTAL UNITS INCLUDING A CLUB HOUSE, AND OUTDOOR POOL AND RELATED SITE IMPROVEMENTS 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, 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 and the signing of 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 **Woodmont Realty Group Cedar Knolls, LLC**, the Developer, for the construction of 112 market-rate rental units to be located within seven (7) residential buildings and up to 28 affordable housing rental units to be located in one (1) residential building, a club house, an outdoor pool 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 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 \$1,808,682.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$180,868.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 7(a) of the Developer's Agreement. And, submission to the Township Clerk

of a Performance Bond or an Irrevocable Standby Letter of Credit in the amount of \$1,627,814.00 as a performance guarantee for completion of the construction and related site improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 7(a) of said Agreement. The Developer shall be entitled to a credit for all amounts deposited under the limited Site Improvement Construction Agreement dated April 17, 2013.

B. In accordance with paragraph 7(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$36,174.00 to compensate the Township for all Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer. The Developer shall receive a credit for the previous amount of moneys deposited with the Township under the Limited Site Improvement Construction Agreement. The Developer (under the Limited Site Improvement Construction Agreement) has already deposited 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. Pursuant to paragraph 19 of the Developer's Agreement, the Developer shall comply with all of the commercial and special insurance provisions recited in full including the submission of the required policies and Certificates of Insurance naming the Township and the Hanover Sewerage Authority as "additional insureds".

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 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, insurance policies and certificates of insurance 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 Francioli, 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. St. John The Baptist Ukranian Catholic Church, 60 North Jefferson Road, Whippany, New Jersey, a Bingo to be held on 6/5, 6/12,6/19,6/26,7/3,7/10,7/17,7/24,7/31,8/7,8/14,8/21,8/28,9/4,9/11,9/18,9/25,10/2,10/9,10/16,10/23,10/30,11/6 at 60 North Jefferson Road, Whippany, New Jersey. Said application was assigned No.RL-2654. Identification of the application is No. 193-1-13040.
2. The Children's Institute, One Sunset Avenue, Verona, New Jersey a Casino Night on May 18, 2013 at 50 Airport Rd., Morristown, New Jersey. Said application was assigned No. RL-2655. Identification of the application is No. 510-5-17061.

Member Schleifer 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.

OTHER BUSINESS:

Member Ferramosca announced that Hanover Township has been recognized by the Arbor Day Foundation for the past 6 years. Once again, this year he said, there are Arbor Day events scheduled at all the schools, at which time trees will be planted to mark the occasion.

In addition, he reminded everyone that Community Shred Day, which is sponsored by the Green Team, will take place on Saturday at Employment Horizons.

Member Brueno announced that a Little League event will take place on Saturday at Veterans Field at which time Hanover Township children will be working with handicapped children.

Member Coppola reminded everyone of the events planned for Memorial Day. In addition, he noted that the Landmark Commission is working with the Recreation Department to designate a pathway through the Whippany Burying Yard. And, he thanked former Landmark Commission Member Don Kiddoo for the presentation he made recently on the Old Iron Works at the Presbyterian Church.

Mayor Francioli announced that a National Day of Prayer gathering will be held on May 16th at St. John's Ukrainian Catholic Church.

OPEN TO 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