

AUGUST 8, 2013

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, August 8, 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

PRESENTATION:

Mayor: The 2013 Memorial Junior School Vikings Baseball Team on winning the Greater Morris County Junior School Coaches Association Group 3 Championship. Very Good Job Guys, Very Very Good job.

We are very happy to have you with us tonight and we got some certificates for you that we hope you'll enjoy and before we do that we're gonna do something for the record which is known as a proclamation and I think Mr. Brueno is going to offer it. So Offered so Moved. Of course he moved it. I second it.

Mr. Giorgio would you please read the Proclamation:

It is a resolution of the Township Committee congratulating all members of the 2013 Memorial Junior School Viking's Baseball Team on winning the Greater Morris County Junior School Coaches Association Group 3 Championship.

Whereas the 2013 Memorial Junior School Viking's Baseball Team has captured the greater Morris County Junior School Coaches' Association Group 3 Championship; and

Whereas the Vikings have accomplished an impressive record finishing with a 14-3 record which record deserves the praise and admiration of the citizens of Hanover Township; and

Whereas the Township Committee recognizes the goodness of sportsmanship, commodity , and team spirit of the members and their coach in working together as a unit in this highly competitive sport; and

Whereas, the Governing Body is extremely pleased this evening to honor the members of the baseball team on this memorable occasion.

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

1. That the governing body offers the sincere congratulations and best wishes of all the residents of Hanover Township to the following members and the Coach of the 2013 Memorial Junior School Viking Baseball Team; and they are 7th Grade: Brian Clark, Mike Collins, Nick Geroldi, Kyle Lisa and Alex Miata: 8th Grade: Nick Barilla, Marco Chavoro, Cole Divine, Colin Fitzsimons, Kevin Gangly, Jarod Kitchell, Andrew Lake, Matt Monzie, Thomas Quirk, Daniel Sanchez, Dan Scalley and Steven Tucker and statisticians Liz Werner, Julian Average and Sylvana Poulter and their Coach Kenneth McPeak and to those who actively supported and encouraged this team to all their great victories.

(Signed) Ronald F. Fancioli, Mayor on behalf the Township Committee.

Bob do you have any comments?

Couple of things: Again, gentlemen congratulations this is something you remember for the rest of your lives, your sporting lives, and everything else you will be able to go back and tell those stories of the championship many times. Hopefully, there will be a lot more victories to come but this is something that once again you will remember forever. It is my understanding that there was a 12-2 win over Kinnelon probably one of the highlights in the semi-finals 4-1 win over Pequannock in the Championship game. I think Whippany and Pequannock have become rivals over the years in many sports. I'm sure that you were not only happy to win the County Tournament but beating

Pequannock made it even that much better. First County Championship in seven years that's a long time...so the last time they won it all some of you guys were in First Grade or even Kindergarten 14-3 record I think the Mayor mentioned over all. Ken McPeak the Coach not to be forgotten, a MJS graduate, a Whippany Park Graduate. I don't know whether they won the County Tournament when Mr. McPeak was a player maybe they did...Did they win coach? (Mr. McPeak – I was in 8th Grade, and we won), so you did win so the tradition continues. And once again congratulation on being the best team in Morris County and now I think the Mayor will join me in giving you guy's certificates.

Mayor: Sadly I would like to make a comment:

We lost a member of the Hanover Township family yesterday. The Passing of Doris L. Doris was a member of our Planning Board, not a member, but Secretary to the Planning Board and Secretary to the Board of Adjustment since 1971. She served over 30 years with the Township. And, I had the fond pleasure of working with her when I first came onto the Planning Board myself and she will be sadly missed and I understand the arrangements are being made for her tomorrow at Braviak Funeral Home 2-4 7-9. And again, we will sadly miss her ~ a wonderful woman.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public.

Mark Lebowitz of 52 Manger Road, Cedar Knolls addressed the Township Committee regarding Saddle Brook Court. Read an article in The Eagle regarding the Low & Moderate Housing at the Saddle Brook. He sent Mr. Giorgio a letter regarding how many units and he feels that his response he got about this is disturbing. Without the Saddle Brook is that the payment in lieu of taxes pilot to the Township will be \$34,000 this year. It is my understanding that the dollar amount the Township will receive will be on the rents charged per units. If the rents go up the dollar amount the Township goes up. The pilot program requirements are part of the Ingerman Finance Plan through NJ Housing and Mortgage Finance Agency. None of the Pilot money goes to the school system, county or fire districts at the time Ingerman was approved the members of the Township Committee where Sheridan, Ferramosca, Schleifer, Coppola and Iradi. Speaking with other people in town I have asked Mr. Giorgio how many units there were and the breakdown as far as students and had me forward my questions to Mr. Brancheau and he came back and said there are 15 one bedroom, 39 two bedrooms, 24 three bedrooms, so we have possibly about 474 kids moving into our school district.

And you have \$34,000 going to the school district. In the last few weeks, I have learned that 3-4 kids of the first kids to apply to the schools, one of them will cost the district \$190,000.00. The school district has ordered a van. The other two or three kids will cost between \$50,000 and \$100,000 so it will be costing our school district \$290,000.00 and \$490,000.00 this year plus other kids that are coming in. Our school ratings are going to go down in the state. My questions to you are basically are you are getting \$34,000 for yourselves and nothing for the school district and this can be costing the schools with teachers and everything else in the next few years between \$500,000 and over \$1,000,000 and they have a 2% CAP. What are we doing to help the school district now with their problem?

Mayor Fancioli explained that the COAH Housing and this amount of units works against our COAH Obligation and reduces our obligation to the COAH requirement by that many. I think the Township Committee recognizes with the program that there are some potential to be brought to the financial needs of education on this matter. I have informed the Committee of some of the numbers and I am taking the initiative for the Township Committee to try and go to the League of Municipalities. We have already met with our local legislators and District 27 in trying to find avenues, additional avenues for the costs involved with those students needing particular care. I think that's a little gray area that we and other towns have when a child with special needs either transfer out or in district or move into the system. That liability comes with them but the dollars don't from the other district. I can't sit here and say to you that I got those answers for those dollars but I can tell you that the Township Committee is pursuing it and concern to see that the Hanover Township school budget is made whole with some fashion that is what we are going to do. Again, an area that I described as a gray area and I don't have any answers. Council, if you have any comments on this

Fred Semrau: I think it is well said Mayor. Its Council on Affordable Housing has essentially a mandate that a Township is faced with and a Township has to comply with and not control nor can it speak about anything more as far as population and things of that nature it's a mandate from the state and failure to comply has severe consequences. It could just be basically affordable housing by way of a builders remedy suit anywhere, anyplace in the Township with any appropriate planning concerns and I understand your point that you are making we are never at liberty to comment on any kind of group or conditions, disabilities or their age but I can say that the Board of Education is a separate entity and when we look back and these type of things come forward with planning and decisions we don't really have the ability you have to have no vision as to what ultimately is the population you have to zone what is fair to everyone so you can't pick and choose.

Mark Lebowitz: This project never had to be built ~ the surrounding Townships don't have anything like this they haven't had anything. I am not complaining about

anything else but the cost of the school and when this project was presented your Urban areas are getting 70-80% of their money for schools from the Federal and State we are getting 4 ½ %. This project according to Mr. Brancheau the state does not allocate. Once the unit is occupied the State does not then limit the number of children that can live in the unit household sizes only use on an initial occupancy determinations. So later on you can have stacking a lot of other problems happening in the community but again this project Morris Township doesn't have one Morris Plains never got one Florham Park, East Hanover. We passed a project and from what they told me it passed in one evening here. It was brought out and presented and passed in one evening. People didn't know it. If I go on my street in Manger in Cedar Knolls, no one knows about it. John if I go on Forest no one on your street knows about it. The article that appeared in the Eagle was an article that didn't say anything basically but the people don't know anything about this unit and the problems that are going to be existing and the cost that's going to be to the school. I understand where you are coming from but again this is hindsight. It's should have been built it is built but somewhere along the line. The values of our homes are going to go up and down and it's a tremendous let down this project. Thank you.

Mr. Coppola stated he had been complaining during that time frame. I can tell you that we faced a very challenging situation with meeting the COAH requirements. It's not optional it's a state requirement state law. We made a decision after going through analysis significant analysis whether we should use our process which we would call inclusionary where you build mixed market rate and COAH housing together or do you build dedicated COAH. Here are the key numbers to hold to here are the choices. You can either have an aggregate of 725 units throughout the Township of which these houses would be partial market rate partial affordable 725 or you can have 78 rentals. That was the choices that we faced.

Mark Lebowitz: Ok those are the choices you faced but the 720 units we have 5 developments in town that were built of those you have control of. You have a list in town of who can go into those units the list for this development was by the State. It's not by the town. We have no control over who is going to be in there or anything else. The other part is on the other 5 units being built I would like to see and I think you can come up with the numbers of all the units that are there the total taxes being paid and the number of children that go and use \$16,000 per student and see how the town comes out ahead. This project is \$34,000. We are losing money on the project. The other ones you are mentioning I agree 700 units we have a project next door that was built how many kids are coming out of that and how much is the town collecting in taxes. That's a positive. The one at OLM is a positive the one on Eden Lane is a positive. You have the numbers. This one is not and it is hurting the town. Something has to be done to help the school district.

John Ferramosca: We are looking at what we can do to help the school district in addition this should not have surprised anyone within the school district because the planning board had invited the school district during our evaluation process so there would be no surprises. So there should not be a wake up moment that oh my god, this happened. There was a whole process that went on it took place over a literally a two year period.

Mark Lebowitz: John this came in one night and went and no one in the area was notified (John yes it was). When you had a problem 4 years ago when you were letting go 4 policemen you carried it for 5 months everyone in town knew about it. This project came and went and no one knew about it.

Blais Brancheau: This was the ordinance that adopted the zoning there was written notice public notice there was a hearing in this room the master plan at the planning board that adopted this was a public hearing on notice so I don't think you can say that it there wasn't notice of this.

Mark Lebowitz: we never heard about it and we live right around the corner from it.

Blais Brancheau: The site plan application with the Planning Board also had notice so there were three separate public hearings at which this was the component of the hearing. So they were all on notice posted to the general public and the surrounding properties.

George Coppola: The Superintendent understood the impact. He accepted it as it as what it was.

Mark Lebowitz: But for the Township for itself having 78 units paying \$34,000 does not help the Township.

Blais Brancheau: The short answer from the planning perspective is we had a choice either go 725 units of housing to get 78 affordable with all the schools with all the traffic for all the land it would have taken to build that many units could be commercial ratable would provide more taxes with fewer services to the town. So much greater financial benefit to have those commercial retables instead of having housing on all that acreage with less traffic that was the choice we had to make. And the pilot was a mandatory requirement for 100% affordable housing project because the developer is not making money on 100% affordable they are losing money they make their money through Federal and state financing programs and those financing programs wont subsidies these projects unless the pilot is in place.

Mark Lebowitz: So why haven't the surrounding Townships one the same thing?

Blais Brancheau: I don't know why they haven't done it. Not sure why. The Township of Hanover has already gone to court once over its failure to address affordable housing that's why the ordinance is the way it is today. So it is a very real threat that's out there if we don't comply with the state requirements for affordable housing we can and very likely be will be in court over this. So the town had to address that application. The Township looked at the 2 alternatives in doing the inclusionary verse 100% affordable it felt that on balance the 100% affordable was far better way to deal with our obligation then to try and develop 700 plus units in town with all the negative impact that go along with that. So are there loses are there pros and cons to both absolutely.

Mark Lebowitz: Are we now finished with our COAH?

Blais Brancheau: No we actually have more.

Mark Lebowitz: So how many more projects do we have in town then? Like this.

Blais Brancheau: Like this we have no more like this at this moment but we do have 100% affordable but they are age restricted.

Mark Lebowitz: Age restricted is no problem you can have it by the JCC you have it on Horsehill Road that is something entirely different. But I'm saying how many more COAH Units do we still need in town.

Blais Brancheau: The state rules limit how many age restricted we can do to address our plan. And we have already maxed out on our age restricted so we don't have that option of doing any more age restricted. So again it came back to the option of do you want to build 720 units to get 78 units of COAH credit or would you rather build 78 units to get. Either way you still get the 78 COAH units.

Mark Lebowitz: THANK YOU.

MAYOR: I think Harding Township has done it. Randolph.

Fred Semrau: Every community has to do it. I believe most of the communities in Morris County have because they are in compliance they do it in different ways. Some convert different units to affordable housing and then all of sudden the use of certain properties changes. So I understand a lot of the points that are made but I think in fairness to all the efforts in various parts of the Township whether economic development, planning board the Township Committee, the Township has worked diligently and did extensive studies before this project. I think extensive studies done by the planning board how the best way to plan for affordable housing. It's not like something just came there was enormous discussion extensive about what the best way. The thought that went into this planning and it can't be perfect because the state

mandates it. But under the circumstances and what the alternatives were and I think the best example is its either the 78 or 700 units. And it's not going to make it any different with respect if there are other development that doesn't preclude them from building market units that we can have 700 market units here and another 700 somewhere else it wouldn't change or take away someone's right to develop that either. You don't want to over develop. You really want to have a plan and I think you utilize this so to answer the question so you don't have to continue to satisfy this affordable number.

MAYOR: I think the Township is got the focus on the needs of this process with the school board and education in particular on the budgetary side of things. If we have identified anything here it might be some issues in some short fall on some issues on the school budget in order to prepare of a certain amount of the student population to that end I think we have an obligation to aggressively see whether other areas of funding being state or county to research it out to see if we can assist the school board at this place of time. And overcome any of the burdens of the tax payers of our town. I think that's the Township Committees next action on this matter.

Blais Brancheau: I've looked at the numbers I projected 55-60 kids in this development when it's fully developed and occupied. And that is consistent with the state's study which came up with.

Fred Semrau: I think it's fair to also state that these where numbers and studies all part of planning the Township is not at liberty nor either the Housing to ever discuss the demographics of statistics as to who lives there in any type of development that's against the law. And we all have to adhere to that as a governing body. Whatever the statistics are they are but it's not for us to do anything more than to sustain the planning process that we were provided with and this is how decisions per planning, traffic, and things like that were made, but after that the Federal Fair Housing Act is extremely guides you to say that even if you went to a housing devolvment and asked how many _____ lives here they cannot tell you and they are not supposed to tell you. And that's in fairness to protections to everyone's rights and that's the Fair Housing Act. So you have to work with the planning process that and the tools that you have at the time for the best interest of the township.

MAYOR: I can't say that the State's wisdom thinks a lot of things out so forgive me for the political comment here but the Highland's Act went in the same direction. Under funded under budgeted and inverse commendation of properties to property owners in the interest of the DEP and COAH and its infinite wisdom follows right behind.

Fred Semrau: You have a governor who tried diligently to eliminate Affordable Housing.

MAYOR: He is working in earnest and it is much appreciated and he...(interrupted)

Fred Semrau: And also have the state that says that if you don't spend the money and you don't go forward with affordable housing we will take the money and you will have to put up affordable housing trust fund money and you'll have to be on your own and use tax payer dollars to fund these types of endeavors. So it's the supreme court now weighed the appellate division weighed in it's in a state of flux and the one thing I think is fair to say and the question was raised how is Township of Hanover doing with respect to Affordable Housing and Blais I believe it's a fair statement to say that the Township is in compliance.

And that gives you protection from a developer coming in obtaining a track of land and saying I'm going to build whatever I want because the town is in compliance they can do that. They can get a court order to develop how many units a court determines is necessary to meet your compliance requirements.

MAYOR: I think the formula comes up short sided where education budget are concerned and I understand that completely over the years the rationale or reasons for COAH from Mt. Laurel I lived through it all I still say that the whole in it is with education they have not thought through the impact of special needs or student population in any way shape or form we understand it but they are not funding it and leaving that responsibilities as part of another type of tax to the Township ok and that the way it will be in the form of. Because the dollars to be provided to education not coming from COAH are coming from the tax base of our towns.

BLAIS: Then when you combine that with the 2% cap it's especially damaging because we both have a 2%.

MAYOR: It's called a compound felony.

BLAIS: It's like the left hand is not telling the right hand what's going on. So the right hand we say we have to do affordable housing which is going to increase your population and increase your costs and the left hand is saying but you can't increase you costs. So it's not

MAYOR: I have prepared a request of extensive requests for the Morris County League of Municipalities and I have also copied the NJ League of Municipalities to have an opportunity to perhaps discuss in greater detail this specific area of finance in education at the up and coming League of Municipalities convention in November where I think we can get a more of a sentiment of other towns who are probably realizing the very same experience we are. And to see what we can do and focus on

this deed. I think that's the problem. Anyone else from the public who would like to be heard at this time? Hearing none and seeing none.

MOTION TO CLOSE: No further comments forthcoming. Member Ferramosca moved the Motion to be closed. The motion was seconded by Ken Schleifer and was unanimously passed.

APPROVAL OF MINUTES:

Mr. Giorgio: May I have the approval of the Township Committee Regular Meetings – June 12 & 27, 2013. Motion for approval was offered by Member Coppola and Seconded by Member Brueno.

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

NOES: None

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

COMMUNICATIONS:

The following communications were read and action taken as indicated:

1. Draw down of Tax Levy money to the Hanover Township of Board of Education, Vanessa M. Wolsky, Business Administrator in the amount of \$2,194,394.00.

Member Coppola moved that the sum of \$2,194,394.00 to be transmitted to the Board's Secretary. The motion was seconded by Mayor Francioli and was unanimously passed.

2. Notice of Resignation/Retirement of Rita Rewick Administrative Secretary to the Business Administrator/Township Clerk.

Motion to accept the Letter of Resignation by Member Ferramosca. The motion was seconded by Mr. Schleifer and was unanimously passed.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Finance

Finance Officer

July 19

Human Resource	J. Johnston	7/2013 Report
Police Department	S.W. Gallagher	Month Ending 7/31/2013
Property Maintenance	E. DeSimoni	Month Ending 7/31/2013
DPW	B. Foran	Month Ending 7/31/2013
Engineering Dept.	G. Maceira	Month Ending 7/31/2013

**(Repealing Section 8 Entitled
“Definition of Part-Time Employment”
Contained in Salary Ordinance No. 15-13)**

ORDINANCE: NO. 21-13

Member Bueno offered the following resolution and moved its adoption

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

AYES: Members Schleifer, Ferramosca, Brueno, Coppola and Mayor Francioli.
NOES: None

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

BE IT RESOLVED, that Ordinance No. 21-13 “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REPEALING SECTION 8, ENTITLED ‘DEFINITION OF PART-TIME EMPLOYMENT’ CONTAINED IN SALARY ORDINANCE 15-13” be passed on final reading and that the notice of the final passage of the ordinance be published in the August 15, issue of the Daily Record, according to Law.

The motion was adopted by Member Coppola and seconded by Mr. Brueno

AYES: Members Schleifer, Ferramosca, Brueno, Coppola and Mayor Francioli.
NOES: None

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

ORDINANCE: NO. 22-2013

Was in the Daily Record July 18, 2013. Also note for the record that in accordance with the Municipal Land Use Law that the Ordinance was filed with the Morris County Department of Planning and Development and all contiguous municipalizes and it was also referred to the Township Planning Board for report and recommendation.

We have a letter dated July 23, from Planning Board Chair on behalf of the Planning board advising us “the Board notes that the master plan does not contain specific recommendations concerning the tree regulations, however the board believes that the emended regulations in Ordinance 22-13 will not impair the intent and policy recommendations in the master plan. Therefore the Planning Board recommends the adoption of Ordinance 22-2013 as introduced for the following reasons:

1. The Ordinance will reduce the burden of compliance with the tree regulations while still providing for the adequate protection and replacements of the the Townships Tree resources and
2. The Ordinance will clarify various provisions in the existing tree regulations.

Mayor Francioli offered the following resolution and moved its adoption
The motion was seconded by Member Schleifer, was passed and the resolution adopted by the following roll call vote:

AYES: Members Schleifer, Ferramosca, Brueno, Coppola and Mayor Francioli.
NOES: None

BE IT RESOLVED, that an Ordinance entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED, LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR TREE PRESERVATION, REMOVAL AND PLAINTING, be passed on final reading.

BE IT FURTHER RESOLVED,....And the Notice of the Final Passage of the Ordinance be published in the August 15 issue of the Daily Record.
Motion of Adoption Mayor Francioli and seconded by Member Coppola.

AYES: Members Schleifer, Ferramosca, Brueno, Coppola and Mayor Francioli.
NOES: None

INTRODUCTION OF ORDINANCES:

The following Ordinances were introduced as a Consent Agenda as follows:

ORDINANCE NO. 23-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE PURCHASE OF ONE (1) NEW 31–CUBIC YARD AUTOMATED SANITATION COLLECTION TRUCK EQUIPPED WITH A RIGHT HAND ARTICULATED ARM PLUS ALL RELATED EQUIPMENT AND OPTIONS TO PURCHASE 95-GALLON SCHAEFER UNIVERSAL CONTAINERS OR APPROVED EQUAL, ONE (1) TIPPER AND ONE (1) REVERSIBLE SNOW PLOW FOR THE

**PUBLIC WORKS, BUILDINGS AND GROUNDS AND PARK MAINTENANCE
DEPARTMENT AND FURTHER AUTHORIZING THE APPROPRIATION OF
\$500,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2013 AND ALL PRIOR
YEARS FOR THE ACQUISITION**

ORDINANCE NO. 24-13

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER AUTHORIZING THE PURCHASE OF A MAXIMUM OF THIRTY-TWO (32)
HECKLER & KOCH UNIVERSAL SELF-LOADING PISTOL .40 CALIBER
HANDGUNS FOR THE POLICE DEPARTMENT AND FURTHER AUTHORIZING THE
APPROPRIATION OF \$20,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF
2013 AND ALL PRIOR YEARS FOR THE ACQUISITION**

ORDINANCE NO. 25-13

**AN ORDINANCE ESTABLISHING THE SALARIES OF PATROLMEN, SERGEANTS
AND DETECTIVES OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF
MORRIS, IN THE STATE OF NEW JERSEY, FOR CALENDAR
YEARS 2009, 2010, 2011, 2012 AND 2013**

ORDINANCE NO. 26-13

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY
AUTHORIZING THE TOWNSHIP ENGINEER TO RETAIN THE SERVICES OF A
PROFESSIONAL ENGINEER LICENSED BY THE STATE OF NEW JERSEY TO
PREPARE DESIGN DRAWINGS, CONSTRUCTION PLANS, SPECIFICATIONS AND
ON-SITE CONSTRUCTION OBSERVATION SERVICES IN MODIFYING AND
REPLACING THREE (3) OVERHEAD GARAGE DOORS AT THE PUBLIC WORKS
DEPARTMENT GARAGE, AUTHORIZING THE MODIFICATION AND
REPLACEMENT OF THE THREE (3) OVERHEAD DOORS AND FURTHER
APPROPRIATING THE SUM OF \$80,000.00 FROM THE CAPITAL IMPROVEMENT
FUND OF 2013 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT
DESCRIBED HEREIN**

ORDINANCE 27-13

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY
AUTHORIZING THE TOWNSHIP ENGINEER TO RETAIN THE SERVICES OF A
PROFESSIONAL ENGINEER LICENSED BY THE STATE OF NEW JERSEY TO
PREPARE DESIGN DRAWINGS, CONSTRUCTION PLANS, SPECIFICATIONS AND
ON-SITE CONSTRUCTION OBSERVATION SERVICES IN REPLACING THE
EXISTING 15kW NATURAL GAS EMERGENCY GENERATOR AT THE PUBLIC
WORKS DEPARTMENT GARAGE (DPW) WITH A NEW 60kW NATURAL GAS
EMERGENCY GENERATOR AND ALL RELATED EQUIPMENT, AUTHORIZING THE**

PURCHASE AND INSTALLATION OF A NEW 60kW NATURAL GAS EMERGENCY GENERATOR FOR THE DPW GARAGE AND FURTHER APPROPRIATING THE SUM OF \$110,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2013 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT DESCRIBED HEREIN

ORDINANCE 28-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP ENGINEER TO RETAIN THE SERVICES OF A PROFESSIONAL ENGINEER LICENSED BY THE STATE OF NEW JERSEY TO PREPARE DESIGN DRAWINGS, CONSTRUCTION PLANS, SPECIFICATIONS AND ON-SITE CONSTRUCTION OBSERVATION SERVICES IN UPGRADING THE EXISTING 60kW AND 100kW NATURAL GAS EMERGENCY GENERATORS LOCATED AT THE MUNICIPAL BUILDING AND POLICE HEADQUARTERS, AUTHORIZING THE PURCHASE AND INSTALLATION OF ADDITIONAL EQUIPMENT AND FURTHER APPROPRIATING THE SUM OF \$50,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2013 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT DESCRIBED HEREIN

ORDINANCE NO. 29-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY REVISING THE REGULATIONS FOR THE OB-DS, I-B AND I-B3 ZONE DISTRICTS PERTAINING TO THE SALE OR RENTAL OF MOTOR VEHICLES, MOBILE HOMES, TRAILERS AND CAMPERS

Any person wishing to be heard concerning any of those Ordinances will be given the opportunity to speak at 8:30 p.m. or soon thereafter as the Ordinances appear on the agenda.

Because they are for introduction and they have been listed on the agenda it will suffice as to not read each specific Ordinance.

Mr. Giorgio: We need a Motion Mr. Mayor for the introduction of Ordinances 23-13 to 29-13 so moved on all the 13's.

Second by:

AYES: Members Schleifer, Ferramosca, Brueno, Coppola and Mayor Francioli.
NOES: None

September 12 is going to be along meeting so Pizza or Food is recommended by Mr. Giorgio

RESOLUTIONS: The following resolutions were approved as a Consent Agenda. No questions from members of the Township Committee.

Moved by Member Coppola and Seconded by Member Schleifer

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

NOES: None

RESOLUTION:

RESOLUTION NO. 148-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING ANDREA T. CONTALDI AS THE TOWNSHIP'S REPLACEMENT CERTIFIED MUNICIPAL COURT ADMINISTRATOR FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MONDAY, AUGUST 12, 2013 AND ENDING FEBRUARY 12, 2014 AND ESTABLISHING HER COMPENSATION AT \$57,000.00 PER ANNUM (\$31.31 PER HOUR) DURING THE PROBATIONARY PERIOD UNDER JOB GROUP V OF SALARY GUIDE "C" AS SET FORTH IN SALARY ORDINANCE NO. 15-13

WHEREAS, with the resignation of Elaine Vitellaro as the Violations Bureau Certified Municipal Court Administrator on May 13, 2013, the position was vacated; and

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

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

WHEREAS, in accordance with the December 5, 2011 Memorandum of Understanding (MOU) executed by and between officials of the Township and the Morris-Sussex Vicinage, which MOU describes in full the hiring process, the Township interviewed two (2) candidates for the position of Certified Municipal Court Administrator on July 15, 2013; and

WHEREAS, as a result of the interviews, the Interview Committee unanimously agreed that **Andrea T. Contaldi** who is certified by the State of New Jersey as a Court Administrator, has the necessary job qualifications, work experience and expertise and administrative skills to manage the Violations Bureau as the Certified Municipal Court Administrator; and

WHEREAS, by letter dated July 25, 2013, the Superior Court Assignment Judge for the Morris-Sussex Vicinage has reviewed and approved the recommendation of the Interview Committee to appoint **Andrea T. Contaldi** as the Certified Municipal Court Administrator for the Hanover and East Hanover Shared Courts.

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 **Andrea T. Contaldi** residing 4 Revere Court in East Hanover, New Jersey 07936 is hereby appointed to serve as the full time Certified Municipal Court Administrator in the Violations Bureau for a six (6) month probationary period commencing on Monday, August 12, 2013 and ending on Wednesday, February 12, 2014.
2. **Ms. Contaldi** shall be compensated at the rate of \$31.31 per hour which is equivalent to \$57,000.00 per annum under Job Group V as set forth under Salary Range Guide "C" of Salary Ordinance No. 15-13. Upon the receipt of a satisfactory job performance evaluation upon the conclusion of her probationary period, **Ms. Contaldi** shall receive an additional \$2,407.00 under Job Group V of Salary Range Guide "C" for a total salary of \$59,407.00 (\$32.64 per hour). Thereafter, since she is within the Range Guide, **Ms. Contaldi** shall only be eligible to receive the annual cost of living adjustment if and when Salary Guides "C" and "D" are adjusted at any time by the governing body, and only upon receiving a satisfactory Job Performance Evaluation from the Business Administrator.
3. **Ms. Contaldi** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 61-18. Of Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies. In the event that Ms. Soltis receives an unsatisfactory evaluation during the probationary period, **Ms. Contaldi** may be returned to her former position or an equivalent position at the conclusion of the probationary period or sooner, whichever is applicable.
4. That certified copies of this resolution shall be transmitted to **Ms. Contaldi**, the Township's Chief Municipal Finance Officer and the Township's Human Resource Specialist for reference and information purposes.

RESOLUTION NO. 149-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING CARMELLA BASSOLINO TO SERVE AS A TEMPORARY, INTERIM PART-TIME DEPUTY COURT ADMINISTRATOR ASSIGNED TO THE SHARED MUNICIPAL COURT/VIOLATIONS BUREAU AND ESTABLISHING HER COMPENSATION AT \$22.00 PER HOUR UNDER JOB GROUP IV OF SALARY GUIDE "C" AS SET FORTH IN SALARY ORDINANCE NO. 15-13

WHEREAS, due to vacation schedules and the current vacancies in one full-time and part-time positions in the Violations Bureau, it is necessary to provide temporary, interim coverage for the Monday evening Municipal Court sessions during the month of August, 2013; and

WHEREAS, the Deputy Court Administrator for the Borough of Florham Park is available to provide coverage on Monday evenings; and

WHEREAS, it is the recommendation of the Business Administrator/ Township Clerk that **Carmella Bassolino** be hired by the Township to serve as a part-time Deputy Court Administrator on a temporary, interim basis during the month of August, 2013; and

WHEREAS, the Business Administrator recommends that **Ms. Bassolino** be compensated at the rate of \$22.00 per hour under Job Group IV of Salary Guide "C" as set forth in Salary Ordinance No. 15-2013.

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. That **Carmella Bassolino** residing at 20 Loveland Street in Madison, New Jersey 07940 be appointed to serve as a temporary, interim part-time Deputy Court Administrator assigned to the Hanover Township/ East Hanover Township Shared Violations Bureau and Municipal Court.
2. **Ms. Bassolino** shall assist the Violations Bureau and Municipal Court during the Monday evening Court sessions during the month of August, 2013. **Ms. Bassolino** shall not be entitled to any health and dental benefits, paid sick and vacation leave, holiday pay or any other benefit entitled to a full-time employee.
3. **Ms. Bassolino** shall be compensated at the rate of \$22.00 per hour under Job Group IV of Salary Guide "C" as set forth in Salary Ordinance No. 15-13.
4. That certified copies of this resolution shall be transmitted to **Ms. Bassolino**, the Township's Acting Certified Municipal Court Administrator and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 150-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REFUNDING A RESIDENTIAL GROWTH SHARE OBLIGATION FEE IN THE AMOUNT OF \$2,743.82 TO AJ DEVELOPERS LLC ALL IN ACCORDANCE WITH COUNCIL ON AFFORDABLE HOUSING RULE N.J.A.C. 5:97-2.5(a)1

WHEREAS, on January 25, 2013, a fire partially destroyed a residential structure located at 40 Polhemus Terrace in the Whippany Section of the Township and also known as Lot 41 in Block 7703 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, because of the fire, the residential unit was declared uninhabitable by the Township requiring partial demolition and reconstruction; and

WHEREAS, Chapter 166 of the Code of the Township entitled Land Use and Development Legislation at Section 166-48.1E(2) states in pertinent part that in the construction of a new structure, or expanding or otherwise altering an existing structure, the applicant shall pay a development fee (growth share obligation fee) based on the increase in the equalized assessed value of the improved structure; and

WHEREAS, based on the formula in calculating the growth share obligation fee as required in the Code, the Tax Assessor determined that the proposed development fee would be \$5,487.65 of which 50% or \$2,743.82 would be paid at the time a building permit was issued; and

WHEREAS, **AJ Developers LLC**, the contractor hired by the owners of 40 Polhemus Terrace to rebuild their residential structure paid the \$2,743.82 installment on or about July 8, 2013; and

WHEREAS, subsequent to the payment, it was determined that a Council on Affordable Housing (COAH) rule at N.J.A.C. 5:97-2.5(a)1 stipulated that reconstruction resulting from fire, flood or natural disaster should be exempt from paying the growth share obligation mandatory development fee; and

WHEREAS, in accordance with this rule, it is the desire of the Township Committee to refund the \$2,743.82 installment payment made by **AJ Developers LLC**.

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

1. In accordance with N.J.A.C. 5:97-2.5(a)1, the governing body hereby refunds the \$2,743.82 growth share obligation mandatory development fee paid by **AJ Developers LLC** located at 101 Brandywyne Drive located in Florham Park, New Jersey 07932.

2. The Township's Chief Municipal Finance Officer is hereby authorized and directed to issue a refund check in the amount of \$2,743.82 to **AJ Developers LLC**.
3. That certified copies of this resolution shall be transmitted to the Township's CMFO and the Construction Official for reference and information purposes.

RESOLUTION NO. 151-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE MORRIS COUNTY MUNICIPAL JOINT INSURANCE FUND AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE RENEWAL AGREEMENT FOR A THREE (3) YEAR PERIOD BEGINNING JANUARY 1, 2014 AND ENDING JANUARY 1, 2017 AT 12:01 A.M.

WHEREAS, the Township of Hanover is a member of the Morris County Municipal Joint Insurance Fund (Fund); and

WHEREAS, membership in the Fund terminates as of December 31, 2013 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Township Committee believes that it is in the best interest of the taxpayers of the Township to renew membership for an additional three (3) year period commencing January 1, 2014.

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

1. The Township of Hanover agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the By-Laws, Rules and Regulations, coverages and policies and operating procedures thereof as presently existing or as modified from time to time by lawful acts of the Fund.
2. The Mayor and Township Clerk are hereby authorized to execute the renewal agreement which is attached hereto and made a part of this resolution.
3. Renewal in the Fund shall be for a three (3) year period commencing January 1, 2014 and ending January 1, 2017 at 12:01 a.m.
4. That a certified copy of this resolution shall be transmitted to the Executive Director of Public Entity Risk Management Administration, Inc., the administrative organization of the Fund and the Township's Fund Commissioner for reference and action purposes.

RESOLUTION NO. 152-2013

A RESOLUTION CERTIFYING TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY THAT ALL MEMBERS OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE 2012 ANNUAL AUDIT ENTITLED GENERAL COMMENTS AND RECOMMENDATIONS

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S.52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

“Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days (45) after the receipt of the annual audit, pursuant to N.J.A.C.5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does

hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 153-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-025-007 KNOWN AS JACCF, INC. WHICH SHALL REMAIN AS AN INACTIVE LICENSE FOR THE PERIODS COMMENCING JULY 1, 2013 THROUGH JUNE 30, 2014 AND JULY 1, 2014 THROUGH JUNE 30, 2015 AND PLACING A SPECIAL CONDITION ON THE LICENSE

WHEREAS, Plenary Retail Consumption License No. 1412-33-025-007 in the possession of **JACCF, Inc.** has been inactive since October 31, 2010; and

WHEREAS, JACCF, Inc. applied for renewal of its license for the 2013-2014 license term, and has filed the necessary application and fees with the Township of Hanover; and

WHEREAS, the New Jersey Division of Taxation has issued the required Tax Clearance Certificate in order for the inactive license to be renewed; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.39, Anthony A. Boyadjis, Attorney for **JACCF, Inc.** petitioned the Director of the New Jersey Division of Alcoholic Beverage Control for permission to renew the license for the 2013-2014 and 2014-2015 license terms as the license has been inactive since October 31, 2010; and

WHEREAS, a Verified Petition to renew the inactive license for the 2013-2014 and 2014-2015 license term was filed with the New Jersey Division of Alcoholic Beverage Control on May 8, 2013; and

WHEREAS, by letter dated July 5, 2013 to **JACCF, Inc.**, the New Jersey Division of Alcoholic Beverage Control issued a "Special Ruling to Permit Filing of Renewal Application" of the inactive license for the 2013-2014 and 2014-2015 license terms; and

WHEREAS, the Special Ruling authorizes the Township Committee to consider the renewal of the license because **JACCF, Inc.** has indicated that since the license ceased active operations on or about October 31, 2010, and **JACCF, Inc.** is trying to sell the license and property, a Special Ruling was issued to permit consideration of the renewal application pursuant to N.J.S.A. 33:1-12.39 for a period of two (2) years; and

WHEREAS, the New Jersey Division of Alcoholic Beverage Control found and determined that **JACCF, Inc.** had established good cause in accordance with the statutory requirements to warrant an application for renewal of the 2013-2014 and 2014-2015 license terms; and

WHEREAS, the Township Committee concurs with the findings and determinations of the New Jersey Division of Alcoholic Beverage Control and does not believe that any reason exists to deny the renewal of **JACCF, Inc's** inactive Plenary Retail Consumption License for the period beginning July 1, 2013 through June 30, 2014 and July 1, 2014 through June 30, 2015.

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 "Special Ruling to Permit Filing of Renewal Application" pursuant to N.J.S.A. 33:1-12.39 in the matter of the inactive Plenary Retail Consumption License of **JACCF, Inc.**, the governing body hereby approves the renewal of Plenary Retail Consumption License No. 1412-33-025-007 for the period commencing July 1, 2013 through June 30, 2014.
2. As the licensing authority, the governing body hereby imposes the following special condition on the license as imposed on all licenses in the Township:
"Nothing is permitted on the licensed premises which, in any way, depicts sexual activity or shows the genitals, private parts of persons or female breasts. This includes not only live entertainment of this type, but movies and other audio or video material and printed matter depicting it."
3. That a certified copy of this resolution shall be transmitted to **JACCF, Inc.**, the New Jersey Division of Alcoholic Beverage Control and the Detective Bureau of the Hanover Township Police Department.

RESOLUTION NO. 154-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5(s), AND THE PAY-TO-PLAY LAWS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A.19:44A-20.26 ET SEQ. TO S. ROTONDI & SONS, INC., IN AN AMOUNT NOT TO EXCEED \$118,680.00 BASED ON ITS QUOTATION OF \$9.89 PER CUBIC YARD FOR THE REMOVAL AND RECYCLING OF THE TOWNSHIP'S FRESH, UNCOMPOSTED LEAVES FOR THE PERIOD BEGINNING OCTOBER 7, 2013 AND ENDING JANUARY 1, 2014

WHEREAS, pursuant to the provisions of the Non-Fair and Open Process of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Department of Public Works is in need of recycling its un-composted leaves at an approved mulching/compost facility which leaves are presently located at the Public Works Complex located on Stoney Brook Road in Whippany; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-5(s) provides an exception to the public advertising and competitive bid requirements of the Local Public Contracts Law for the marketing of recyclable materials; and

WHEREAS, pursuant to the requirements of the Non-Fair and Open process of the Pay-to-Play Legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Township's Business Administrator, in his role as the Township of Hanover's Qualified Purchasing Agent, has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated contract for leaf composting services has an anticipated value in excess of \$17,500.00; and

WHEREAS, although N.J.S.A. 40A-11.5(s) does not require the public advertising for bids for compost materials, the Business Administrator, in accordance with the Local Public Contracts Law, mailed a Request for Proposal to five (5) vendors on July 3, 2013, seeking quotations for the removal and recycling of an estimated 12,000 cubic yards of leaves; and

WHEREAS, the Township's Specification required that the successful vendor, in addition to loading, removing and recycling the Township's un-composted leaves must also provide the Township with one or more roll-off containers in the event that the Township finds it necessary to temporarily store the leaves to prevent odors; and

WHEREAS, of the five (5) vendors solicited, only two (2) written quotations were received by the Business Administrator by the deadline date of July 25, 2013 as follows:

1. **S. Rotondi & Sons, Inc.....\$9.89 per cubic yard for loading, transporting and recycling of leaves. In addition, if requested by the Township's DPW, Rotondi will provide 30 cubic yard containers for the temporary storage of leaves at a cost of \$270.00 per container.**
2. Environmental Renewal, L.L.C.....\$10.23 per cubic yard for loading, removal and recycling the leaves. No quotation provided for temporary storage containers; and

WHEREAS, after carefully reviewing the two (2) written competitive quotations, the Business Administrator recommends that the Township Committee award a contract to **S. Rotondi & Sons, Inc.**, P.O. Box 1407 located in Summit, New Jersey 07902 for the loading, removal and recycling of approximately 12,000 cubic yards of uncomposted leaves based on **S. Rotondi & Sons, Inc.'s** quotation of \$9.89 per cubic yard; and

WHEREAS, the Township's Business Administrator believes that the \$9.89 per cubic yard quotation is in the best interest of saving taxpayer dollars, and

that the written commitment of the vendor to remove the leaves on a daily basis should an odor condition arise, be accepted as a good faith commitment by the vendor to comply with the Township's needs; and

WHEREAS, the cost for the loading, transporting and recycling of leaves shall be charged to the Township's Tree Fund Account which has sufficient funds to meet the needs of this award; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Township's Tree Fund Account, Line Item No. 254-3508-499 for the purpose of removing and recycling approximately 12,000 cubic yards of fresh, un-composted leaves.

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 a contract be awarded to:

S. Rotondi & Sons, Inc.
P.O. Box 1407
Summit, New Jersey 07902

for the purpose of loading, removing and recycling approximately 12,000 cubic yards of un-composted leaves stored at the Township's Public Works Complex located on Stoney Brook Road.

The vendor, **S. Rotondi & Sons, Inc.** will be required to remove all of the Township's un-composted leaves between October 7, 2013 and January 1, 2014, or until all leaves collected and temporarily stored at the Township's Recycling Center during the 2013 leaf collection season have been removed and recycled.

2. The Mayor and Township Clerk are hereby authorized to execute a contract with **S. Rotondi & Sons, Inc.** in an amount not to exceed \$118,680.00 based on **Rotondi's** quotation of \$9.89 per cubic yard, all in accordance with the vendor's written proposal and quotation received on July 25, 2013.

3. The Township Committee believes that a rational nexus exists between the use of Tree Fund Account moneys for the removal and recycling of the Township's un-composted leaves as the leaves are the product of trees located throughout the Township on public and private properties.

4. In accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Business Disclosure Entity Disclosure Form, the Chapter 271 Political Contribution Disclosure Form and the Stockholder Disclosure Certification submitted by **S. Rotondi & Sons, Inc.** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his role as the Township's Qualified Purchasing Agent, is also attached hereto and made a part of this resolution as if set forth in full.

5. A certified copy of this resolution shall be forwarded to the Superintendent of Public Works, the Township's Recycling Coordinator, the Chief Municipal Finance Officer and to **S. Rotondi & Sons, Inc.** for reference and action purposes.

RESOLUTION NO. 155-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER SUPPORTING THE POLICE DEPARTMENT'S DRIVE SOBER OR GET PULLED OVER 2013 STATEWIDE CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every thirty (30) minutes, fifty (50) people per day and almost eighteen thousand people each year; and

WHEREAS, nineteen (19) percent of fatalities in New Jersey in 2013 were alcohol- related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day Holiday in particular are traditionally times of social gatherings which include the consumption of alcohol; and

WHEREAS, in cooperation with the New Jersey Division of Highway Traffic Safety, the Hanover Township Police Department plans an enforcement crackdown to combat impaired driving; and

WHEREAS, the New Jersey Division of Highway Traffic Safety has asked law enforcement agencies throughout the State of New Jersey to participate in the "Drive Sober or Get Pulled Over 2013 Statewide Crackdown"; and

WHEREAS, the Township's enforcement project will involve increased impaired driving enforcement from August 16, 2013 through September 2, 2013; and

WHEREAS, an increase in impaired driving enforcement, and a reduction in impaired driving will save lives on our roadways; and

WHEREAS, the Township Committee endorses and supports the efforts of the Hanover Township Police Department to crack down on impaired drivers.

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

1. The governing body unanimously supports and endorses the Township's Police Department in its enforcement of laws to combat impaired driving and declares its support for the "Drive Sober or Get Pulled Over 2013 Statewide Crackdown" beginning August 16, 2013 through September 2, 2013 and pledges to increase awareness of the dangers of drinking and driving.
2. That a certified copy of this resolution shall be transmitted to the Chief of Police for reference and information purposes.

RESOLUTION NO. 156-2013

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

Redevelopment Traffic Capacity Analysis Report”, prepared by the RBA Group, Inc., dated September 30, 2012; and

WHEREAS, the Township has determined that in order to make the necessary improvements to the intersection of Whippany Road and Parsippany Road, the Township will need to acquire easements from certain property owners located at or in close proximity to the intersection; and

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

WHEREAS, in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i), the Township desires to retain the services of **Jon P. Brody, MAI, CRE** and the Firm of **Appraisal Consultants Corporation** in order to prepare narrative appraisal reports for the acquisition of the easements; and

WHEREAS, the Township has previously utilized the services of **Mr. Brody** who has the experience and expertise and demonstrated knowledge in preparing appraisals; and

WHEREAS, **Mr. Brody** and the members of his Firm shall be compensated at the rate of \$175.00; and

WHEREAS, it is the intention of the Township Committee to retain the services of **Jon P. Brody** and the firm of **Appraisal Consultant Corporation** in the preparation of appraisals related to the acquisition of easements needed for the realignment of Parsippany and Whippany Roads.

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

1. Pursuant to N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. of the Pay-to-Play laws, **Jon P. Brody, MAI, CRE**, and the Firm of **Appraisal Consultant Corporation**, (located at Presidential Center, 293 Eisenhower Parkway, Suite 200 in Livingston, New Jersey 07039-1711), whose members are licensed by the State of New Jersey as real estate appraisers and consultants, are hereby retained to prepare narrative appraisal reports related to the acquisition of easements at fair market value from certain properties at or near the intersection of Parsippany and Whippany Roads.
2. **Mr. Brody** and members of **Appraisal Consultant Corporation** shall be compensated at the rate of \$175.00 per hour.

3. This contract is awarded without competitive bids as a "Professional Service" in accordance with N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law because it is critical that the Township retain an appraiser and expert witness testimony based upon proven reputation and demonstrated ability in the preparation of appraisals based on fair market value.
4. The Business Administrator/Township Clerk is hereby authorized and directed to issue a Purchase Order/Voucher in an amount not to exceed \$3,000.00 for the preparation of the narrative appraisal reports.
5. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.
6. That certified copies of this resolution shall be forwarded to the Township Attorney, the Township's Chief Municipal Finance Officer, **Jon P. Brody** and 67 Whippany Investors, LLC for reference and information purposes.

RESOLUTION NO. 158-2013

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:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL. #</u>	<u>NAME</u>	<u>AMOUNT</u>
5605	17		William & Joan Ulrich 50 East Fairchild Place Whippany, NJ 07981	\$584.15
6701	2		Horowitz, Rubino & Patton Trustee 35 Melanie Lane LLC 400 Plaza Drive PO Box 2038 Secaucus, NJ 07096-2038 Location: 35 Melanie Lane Reserve for Appeals	\$247,258.00
7007	34		George M Jr & Beverly Fanok 17 Leamoor Drive Whippany, NJ 07981	\$611.98
7801	1.22		Rachel George 21 David Drive Whippany, NJ 07981	\$1387.12

RAFFLE APPLICATIONS

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

Applications 2673 and 2674

Morristown Rotary Club Raffle Application 2675

Whippany Park Booster Club

Motion: Brueno second

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

NOES: None

Payment of Bills

The governing body approved a grand total disbursement of \$7,666,991.62 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 bill Payment List – by Vendor has been incorporated in the Supplemental Minute Book – Payment of Bills which is on file in the Township Clerk's Office.

OTHER BUSINESS:

Recreation: Summer Concert series was successful we had unfortunately rain for one of the dates but three out of four went off under good weather and attendance.

Thankful for all the donors who help sponsor the concerts. Three reminders:

1. Hanover Township Day – September 7, 2013. Begins at noon
2. Second Annual 5K run for Heroes – September 14, 2013
3. Community Bike Ride – September 21, 2013

Public Service Announcement (Member Coppola)

Four upcoming elections, Primary this month and October 16, for the elected candidate Senator Lautenberg. Sept 24, 2013 there is a referendum that is being voted on to help a couple of fields in town. As you know we had a recent referendum that was for \$19,000,000.00. This referendum is \$9,795,444.00 this takes into account Hanover Park & Whippany Park. Add the interest to that it's about \$11,521,000.00 less debt services which is a credit to the Town which is \$2,828,000.00 for total cost to the taxpayers of \$8,692,000.00 with a house with the average assessed value of \$421,000.00 can realize an increase in their taxes of \$40.57 for the year. So this is going to be taken place on September 24, 2013 location will be Mountview School, Whippany Park High School and Bee Meadow.

SEPTEMBER 7 – Hanover Township Day there is going to be great participation on part of many of the boards within the Township. Economic Development, Open Space, Environmental Commission will have a table and will help our Township to be more respectful to the environment.

23-13 Sanitation Truck – New Automated Sanitation Truck. Just want to let everyone know how successful the first one has been. And once we bring the second one online to continue that success. It goes out twice a week now. Truck was down

only 4 days with no loss of service to our Township. Since we put this truck on line we have not had one injury in sanitation as I know. It's a great thing to have for our employees. It safer and helps our employees. Morristownship is also thinking of going to the one arm truck. County is looking into it for using it during Recycling. 90 gallon container is more than ample for a family. Our choices are 90 60 and 30. We provide first one, you can purchase another one for minimal fee. Lids don't blow away. We are looking into getting a third truck, hopefully on picking up three days a week. Storm and interrupted service will be less if we have more trucks. People will never miss service.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public. No public comment.
Motion to close by Member Coppola and seconded by Member Schleifer

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

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

Joseph A. Giorgio
Township Clerk