

September 12, 2013

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on September 12, 2013.

4 members in attendance – John Ferramosca, Robert Brueno, George Coppola, Ronald Francioli

Committeeman Schleifer is absent

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 in the Municipal Building, 1000 Route 10, Whippany, Township of Hanover and by hand delivering, mailing or faxing such notice and agenda to the following newspapers:

Daily Record
The Hanover Eagle
The Star Ledger

And by filling same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

Mayor Francioli: Ladies and Gentleman I would like to start with the Pledge of Allegiance To The Flag but before I do and in conjunction with that I would like us to take a moment of silence in recognition of the horror that took place September 11, 2001 and the loss of nearly 3,000 human being in the course of that. We also tonight think about the tragedy that is ongoing right now with the terrible fire that seems to be consuming a large portion of the shore areas Seaside Park area. If you can give me that moment of silence for the moment right now then we will do the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Fancioli: We have a wonderful proclamation to offer tonight. Proclamation of the week Declaring September 18-25 St. John the Baptist Ukrainian Church Week. In recognition and celebration of the consecration of the new church on this Saturday, September 21, 2013. This has been a long time coming. And I know Father has been really, painfully waiting this day. It's a beautiful church and facility and for me it has a different meaning. I remember St. John's Ukrainian Church in Valesburg, Newark which is still there and I was there when that was built. So don't tell me how old I am. In any event the Township Committee really celebrates this church being completed. It

celebrates the fact that the Ukrainian population with this church has still decided Hanover Township it's home. And I think it's a wonderful thing. On that note I would like the Township Administration to read the Proclamation:

Mr. Giorgio: Motion by Mr. Coppola; Second by Mr. Ferramosca

AYES: Members Ferramosca, Brueno, Coppola and Mayor Francioli

NOES: None

RESOLUTION NO. 159-2013

A PROCLAMATION OF THE TOWNSHIP COMMITTEE PROCLAIMING THE WEEK OF SEPTEMBER 18, 2013 THROUGH SEPTEMBER 25, 2013 AS "SAINT JOHN THE BAPTIST UKRAINIAN CATHOLIC CHURCH WEEK" IN RECOGNITION AND CELEBRATION OF THE CONSECRATION OF THE NEW CHURCH ON SATURDAY, SEPTEMBER 21, 2013

WHEREAS, Ukrainian immigrants began settling in the Malapardis and Whippany Sections of Hanover Township at the beginning of the Twentieth Century, finding work largely in the area's paper mills; and

WHEREAS, due to the generous grant of land by Richard and Hannah McEwan they were able to build first a small wooden church in 1922 and then a larger brick edifice in 1950, where they were able to worship God in the "faith of their fathers"; and

WHEREAS, in 2002, this religious community known as **Saint John the Baptist Ukrainian Catholic Church** was able to acquire land at 60 North Jefferson Road in the Whippany Section of Hanover Township and construct first a rectory and an imposing Ukrainian-American Cultural Center, and now a magnificent new house of worship; and

WHEREAS, their Spiritual Head in the United States, Archbishop-Metropolitan Stefan Soroka of Philadelphia, together with two other Ukrainian Catholic bishops and numerous clergy, will bless the cornerstone of this new edifice on Friday, September 20, 2013; solemnly consecrate their new church on Saturday, September 21, 2013; and lead them in the celebration of the first Divine Liturgy in their new House of God on Sunday, September 22, 2013; and

WHEREAS, in grateful recognition of the many contributions made by the members of **Saint John the Baptist Ukrainian Catholic Church** to the Hanover Township community, the governing body wishes to recognize our Ukrainian-American brothers and sisters as they solemnly consecrate the cornerstone and church on Friday, September 20, 2013 and Saturday, September 21, 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:

1. In grateful recognition of the numerous contributions of the Ukrainian-American community to our Township, to the State of New Jersey and to the United States of America, and, in consideration of their crowning achievements in constructing both a Church and a Cultural Center that

stand out with distinction, the governing body hereby proclaims the week of **September 18 through September 25, 2013** as

**“SAINT JOHN THE BAPTIST UKRAINIAN CATHOLIC
CHURCH WEEK”**

2. The Township Committee hereby directs that the blue and gold flag of the Ukraine be flown, together with the glorious flag of our Republic, over the Municipal Building.
3. The governing body hereby calls upon all citizens of Hanover Township to join in the joyous festivities marking this momentous celebration in the life and history of our Ukrainian-Catholic community.

(Signed) Ronald F. Francioli, Mayor

Roll call vote:

Ferramosca: I am very pleased to motion per adoption

Brueno: Yes, congratulations and best of luck for another 100 years here in Hanover Township.

Coppola: Absolutely (inaudible)

Francioli, Absolutely

Applause

God Bless America being sung

(Father) Hanover Township residents thank the Governing Body for recognizing our contributions and the great achievements of our community. This means a lot not simply to us but I'm sure our immigrants our pioneers the ones who crossed the stream first founded our Church here and watched as we were growing. Mayor was Ukrainian there are blue and yellow all over the place. So thank you very much and we invite you all of you to join us together Friday, Saturday and Sunday for a glorious moment not only in our history but in the history of Hanover Township – God Bless America.

Applause

Mayor Francioli: A long time coming...Beautiful Beautiful Church. If you have not had an opportunity please take Father's invitation and join us on that weekend, Friday Saturday or Sunday. The Civic Community Center is beautiful terrific food and the church is exquisite not doubt about it. And it has been in the community a long time and a long time to come as Bob Brueno so happily said "Another 100 years" wonderful good for you.

Applause

Public Announcement:

Mayor: The flu shot will be available, September 30 at the Rec. Center 10-12 & 3-5.

October 9 10-12, October 30 10-12 and October 30 3-5. Ages: 65 and older there is no cost for the shot. It is a \$15.00 fee below 65 years of age. Take advantage of it.

INTRODUCTION OF ORDINANCES:

Consent Agenda:

Mayor: We are going to ask the Administrator to go run down the ordinances for adoption (consent agenda) he is going to read them by title...

APPROVAL OF MINUTES

Motion for approval of the Committee Meeting of July 30, 2013 and Regular Township Committee Meeting July 11, 2013 by Mr. Brueno and seconded by Mr. Ferramosca and Approved by all.

COMMUNICATIONS:

The following communication was 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 Member Brueno.

AYES: Members Ferramosca, Brueno, Coppola and Mayor Francioli

Noes: None

To accelerate the agenda we have the Township Committee has recommended payments dealing with these three projects. Normally we don't take a vote on that that for information purposes only. So now ladies & gentlemen.

Interrupted by Mayor Francioli – just as a matter of protocol there is a portion of the meeting where we open to the public and I'm going to ask to do that for any items not appearing on the agenda. However if you have comments relative to certain ordinances then at the time we will open for that ordinance you will have an opportunity to have the floor but format when we are ready to do that I will remind everyone in the room we will give you a 4 minute open for your comments at the podium so that everyone who wants to speak will have the opportunity to speak. And we appreciate your cooperation with that and taking the podium one time unless there is a rebuttal that the Committee will

recognize and allow to come back. On that note I am going to go through the formality again I'm going to open to the public any items not appearing on the agenda.

Motion for approval to open to the Public for any items not appearing on the agenda. Moved by Mr. Ferramosca & Seconded by Mr. Coppola and Approved by all.

Joe Mihalko, 12 Anna Terrace, Whippany. I am not addressing the Ordinance. I must say to my brothers & sisters of the Ukrainian origin Dobry vechir, which means "Good Evening" and to Father Roman _____, which means live to be 100. Departing from my scripted thing here throws me off but I'm going to prelude. I attended the Planning Board Meeting Tuesday night and I learned some information that upset me and I would like to address it. First of all the number 1,522, what is that number, that number happens to represent total occupied and presently under construction multifamily dwellings. 1522 proposed which is an ambivalent number we're looking at another possibly 1400+ multifamily units. Now that number I grant you will probably not reach totality but it is a proposal. My remarks: Hanover Township presently has about 19 boards, commissions and committees. I would like to propose we add one more to make it an even 20 and we call it the Common Sense Committee. And that all groups must submit their wants desires and proposals to this Committee before it is voted by or approved by any entity and the public. As I have gotten older but not necessarily wiser my recollection of past administration were always a group of dedicated people that wrecked no influence from so-called developers that had no vested interest in building what is the best for this town verse how much they could line their pockets. If there was a need for a ball field we built it with sweat equity. On this very site, we built our first official little league field not provided by any outsider so that they can get a zoning change to construct whatever they deemed they needed. Times have changed this new generation has bread a new philosophy that if we can get someone else to foot the bill it's okay to trade off the integrity that built this town in the first place. I have lived in the community for 73 plus years and it offends me to have someone tell me that I have no vision. This town has sold out some of its principals I hope it does not sell out its heart. (Applause)

MAYOR: I don't know if I want to respond to that Joe

Mr. Mihalko: (inaudible)

MAYOR: I appreciate your comments I do take exception to the fact that this Township has lost integrity I don't think that comment was necessary. I think that the intention of this Township Committee has always put Hanover Township before any sole interest and will continue to do so. You were right that in the numbers that were quoted were just numbers. There is not a developer alive that isn't going to come into this township and want to maximize the use of their property. Where they can put two

they're going to want to put 10 where they can put 10 they want to put 100. Doesn't mean they get approval at the Planning Board and it doesn't mean we can accept it through and you did hear on Tuesday night some very strong comments about the amounts of units that were still proposed. The numbers of the dwelling units that you quoted out there have been with the Township for quite a few years, 30 that I know of. Sterling's got some 300 apartment units right here on Cedar Knolls Road. It's part of the numbers that you through out there. We have five COAH housing projects and least 200 – 300 units in each one of these projects to satisfy the Coah requirements. All adds up to the numbers that you through out there. The only numbers you through out there which we are making acceptance to it which are the proposed numbers before us. And you are correct, it isn't going to happen. Right. But we have work to do on that we are going to do it as a community together. Whether or not we've got consideration over the zoning in the past exchanges for density transfer of development rights, ball fields that were given to us lands that were not useful to the developers that were given up to public use so those ball field that were built for us acted as a quick proquo. Yeah the developer benefited but so did Hanover Township benefited. Millions of dollars worth of parks were built in this town but not at your tax payers dollars. As far as I'm concerned I'd feel ignorant if I didn't consider that on anything that we do. Having said that I don't want to prolong that but I appreciate your comments, I'm sure by the wonderful round of applause you got that the audience appreciates them to. On that note:

John Ferramosca: I just want to say something on behalf of the planning board. Planning Boards number one objective is to promote public safety. One of the biggest obligations with regards to public safety your planning board took on was to remove from this town over 80 barrels of highly carcinogenic oil that were left over from old commercial properties. Colloid Chemical Company on Cedar Knolls Road. That could have been left there and you could have flipped the bill for \$3 million bucks to clean it up. But the planning board worked arguoulsley for years. Trying to come up with a way on how to get that cleaned up to residential status. As a result of that and as a result of laws that are beyond Hanover Township the State of New Jersey blessed us with a four letter word called "COAH" called COAH we have 126 apartments that will be built on that location, so the tradeoff was a ground field or do we have a major clean-up to residential standards. So there is logic. The Planning Board does not do things willy nilly, they take significant investments of their time they meet three times a month they invest about 15 hours of their time per month. If you want to come out and participate and listen, the dialogue in that meetings. It's the 2nd 3rd and 4th Tuesday of the month. Many of those individuals are sitting in this room tonight and they are very very interested in making Hanover Township the best place it can be.

George Coppola: Joe you and I have.....(inaudible) fight. I truly take exception to that comment. I've seen things change in town, I've been involved, I've volunteered

my life of 50 years to the Communities. In every capacity including the emergency squad, my service to my country. The whole nine yards and I think that some things change as the facility in some ways change. I think they have, but I think a lot of it has helped the tax payers and not see the costs being burdened by them. We all forget, 2009 when I first got on this committee, we didn't have money to do the Township Day. We didn't have \$20,000 to do Township Day. We had nothing. We were going from hand to mouth trying to find, where we were going to get the money to do what we had to do. And even throughout all that it was unfortunate that we had to lay people off and cut the time on other people. I think the Committee has worked hard and has done a lot. Yes, you can all think that things have changed, but a lot of these different things that have been provided for to the community have been provided without a cost to each and everyone of you. I spoke with a gentlemen just this pass Saturday at Township Day, and this gentlemen comes from Randolph and he is paying twice the taxes of what we pay here and do not even get get all the services that we receive. So I think we are pretty blessed and I'm not gonna just say for myself I think for the many committee people who are here before, who build the bases for what we have today and for that I am really appreciative and thankful I can serve the community. I just think sometimes a choice of a word can cut pretty deep. Especially when you are giving your time and nobody is telling me I have to I do it because I love it, I do it cause I enjoy it and I like serving the community and I like serving the residence and I like doing things for people. Let's not forget what we were at and what where we are at today. We are very fortunate and things are starting to turn around we are starting to get some goods neighbors and these neighbors are helping us to live comfortably with the services we like and not get hit with all the extra taxes.

Mayor: Thank you George. I appreciate that.

Fred Semrau: I understand there's a lot of emotion when you talk about various legislation and things like that and policy.

Mayor: We haven't even gotten to the Ordinance yet.

Fred Semrau: Right, but that's also, that everyone who sits here and has difficult decisions to make but I just want to remind everybody it's a public meeting and what you say at a public meeting is forever in the minutes of the Municipality and it's part of the permanent record. It's part of the reflection of people's opinion of a community. So I think just to echo the concerns and the sentiment of some of the Township Committee sure it's always healthy to express your opinion but when you use certain words and make certain statements they are forever part of the public record and that not only hurts certain officials and the Township but it's something that I don't think is really customary to the Township and what I've always seen in public meetings because we are all here together and when you make those statements they are against your fellow

residents. So again I just say be mindful the fact that when you make statements whatever emotion you may have you really can't necessarily take it back because it's part of the permanent record. You can always try and clarify what you said or withdraw it but its there forever in a public meeting. So thank you.

Mayor: Thank you Fred. Again I remind us there that the floor is still open and anyone who would like to address the Township Committee at this time. Joe you're not going to relieve the floor to this other gentlemen? You want to counter point?

Joe Mihalko: Rebuttal (name & address) I thoroughly respect your admirations and I accept them has I hope you had accept my comments which were my own comments. I have never, did not, will not, indicate to impugn the integrity of the people I am facing. I had mentioned prior to this meeting what I was going to possibly say. And I asked for your indulgences you've given it to me. It's my opinion I express it I thank Fred for his comments they're on record.

MAYOR: Thank you Joe. The floor is still open if anyone else would like to address the Township Committee. I am also reminded by Council that the request that I made for 4 minutes on comment when we get to the ordinance potion. It's been decided by other powers that you get 5 minutes so point of order.

MAYOR: Gentleman name and address for the record.

Tom Mullooly 7 Hickory Place, Cedar Knolls. I don't know Joe, I was gonna actually gonna get up and stick up for him. But I think he did a good enough job doing that himself. Can you guys please, I'm sorry, gentlemen, please remind me what it was that caused you to take offense and want to kind of reprimand the gentleman. Can you remind me what comment that was?

MAYOR: I did not reprimand the gentleman and if you want to know what offended the office here in my position, is a comment that we have degraded the Township and degraded our policies here in Hanover Township.

Mr. Mullooly: okay

MAYOR: That's a compromise that we would never accept.

Mr. Mullooly: So we can get into semantics all night long and we can choice better words the truth of the matter is and I'm going to be as eloquent as Joe. The truth of the matter is there are many changes going on right now in Town. And when I moved to Town I was amazed that how many people that actually grew up here stayed here and raised their families here. So these are the people that your now

MAYOR: These gentlemen to.

Mr. Mullooly: These are the people you are hearing from. And I hear people talking about removing oil slicks and Randolph people paying double the taxes for less services we have no idea of the impact of all of this development so it might look great in the near term to widen our tax base but where is it headed and where is it three years from now where in 5 years from now. Do guys estipulate do you guys forecast? I don't know know if you can even do that.

MAYOR: Yes we do.

Mr. Mullooly: So maybe our taxes go from (I'm gonna finish my 5 minutes please) so maybe our taxes go from 8 or 10 now to 15 I heard someone say we just got 178 units in Saddle Brook, did someone actually say that we are due to get 165 more? It's a result of all the development being approved and we have to keep our COAH ratios up. Stop the development what's wrong with some trees we don't need. Whippany Road backs up every night between 4:30 and 6:00. We can't even get our kids to soccer practice. Ridgedale Avenue which never backed up is backed up from 7-11 to Wal-Mart now regularly. Are you guys gonna put in double decker streets next? I mean it's out of control. And you know what Joe's word were tame compare to what's going on out on the street. When neighbors met by the mailbox. You guys are being accused of some things that you would really take offense to. We feel particularly the Saddle Brook development, I feel, not me, Many people and I can't believe there aren't more people here tonight. Many people feel that was snuck in in the dead of night we woke up and July and August and hear there were gonna be x number of new kids in our schools. We heard there was this forced community interbrasion coming from the Mt. Lauren doctrine from 1975. We are all getting an education, we have to slow it down we have to do what's right for our Community today and what's right that we can actually endure and handle within the capacity of our infrastructure. And no offense Gentleman, but it doesn't appear as though, never mind. I don't know how many of you got, you gentleman have children in the school system but it impacts us a lot more with children in school than it might for people without children in school. Maybe that's a way I can phrase it. I know you say that this agenda was published, it's handed out, faxed out, mailed out, put in the Daily Record, but lets face it people are working hard to raise their families, so putting a couple of notices out and then expect to get full participation in these meetings it's not gonna work. So these things are being decided by a very few members of a committee, maybe this committee or maybe other committees. I don't think it's representative of the Community, even though those voices might not being heard. Thank you for your time.(applause)

Mary Conner, 5 Jacque Terrace Whippany I don't have anything written because I did not expect to speak. I feel like, well my father was born in this town; I am one of those people. My dad was born here he was born in the house right next to the Municipal building; he sat on this board for 40 years. 40 of those years I did not see my

dad at night half the time because he was here to make this town a good town. And my dad took a lot of pride in this town. I took so much pride that I stayed here, my sister stayed here. We raised our children. I work in the school system, because I feel like I'm codling and nurturing the Hanover Township children. And I feel like I'm giving back to all the wonderful things that they gave me. I raised two daughters here, they have now purchased homes in the Township and they want to start a family. The things that I did when I was younger, yes, those things maybe can't happen I fished in the Whippany River, I walked on the banks of the Whippany River, I enjoyed everything this Town had to offer. As for safety, it was a safe town, very safe town. You always knew your neighbor you knew this one, and you felt that you could go out and about all the time. We didn't have to worry about walking down the road that we may hit by a car because we have so much traffic, 18 wheelers driving down Whippany Road, driving down Ridgedale Ave, I can't tell all the time when 24 is backed up, there are barreling down. They don't care. I am just asking for very one ~ pleading with you to continue the vision I don't care if I have to pay a little more taxes to have quality of life for my children and y grandchild and continue to live in the Township that I so much love. I will do that but don't sell us short. I feel right now like Hanover Township is not become a Town we are a pass through. We are a way for someone to get to point A to point B and eventually nobody going to call it their home. It's going to be a place where people pass by. And having more multifamily homes than we have single what does that mean? We're going to have trans-people in town we are not gonna have the Sulka Family who put their roots here to help build that church over there and took such pride in this Township, so I just am pleading with you please listen to the people nobody is angry we just want to maintain the Township that we so much love. Thank you. Applause.

Mayor: The floor is still open, Michael.

Michael Mihalko, Nye Avenue, Whippany. The issues are linked. I am going to be speaking about 17-13 but the issues are linked. We are concerned about the development. We are concerned about the amount of high-density houses coming in. I was at the meeting on Tuesday; I went through a myriad of emotions sitting there listening. Everything from - I wanted to scream, I wanted to throw up to geez thank goodness someone at least we are going to control it. I think we need to control it more. The numbers we are talking are scary numbers I did a little digging. The Hanover Township, In Morris County, is one of the best in taxes, it has some of the lowest taxes the towns that have the highest taxes and the reason for this, well is good management is the reason, but when you look at the multifamily unit ratio to the single family home ratio, as you get higher up the ladder that ration increases. There is a direct correlation. That man that sat there and told you that nothing would happen I can't believe that, that's not true. There is a direct correlation to these towns the higher the ratio the more multifamily units we have the higher the taxes go. It effects the classrooms, it effects

the schools, which I'm sure we are going to get to later I'm sure also. That needs to be concerned. You guys have done a fantastic job, the town has done a fantastic job maintaining where we're at. We want to see it this way. I've speak to literally hundreds of people and not one of them says geez I wish we had more condos. They said "Mike I moved to this town because I wanted a single family home," "I moved to this town because it's a neighborhood." We need to maintain that. Again, I know that's there is some type quick pro quo going on we have Bayer coming in, I know they want housing. But at what point, how much are we for sale? What are we sacrificing? This is quality, we all drove here, we knew the traffic. Thank you very much. (Applause)

Mayor: Thank you Mike.

Nancy Bergamasco, 85 Reynolds Ave, Whippany. I haven't been able to make it to the meetings because I have two daughters although my husband is home, I did specifically tell him they were going to give him a hard time tonight about going to bed I had to put them to bed before I came. I moved to Whippany, from Mendham and Millburn because of the small neighborhood because neither one of us would been able to afford the taxes in Mendham or Millburn where we grew up because of the McMansions and the taxes in those towns. We came here we saw it and loved it. I have a huge lot it's 75x300 and when I initially heard that all these meetings about these buildings I thought wait if I come in and change something as a single home owner are you going to give me that courtesy to have meeting and so well I would like a pole barn in my yard. We have a few vehicles I'd like to tuck my tractor I'd like be able to tuck my kids storage stuff in, but I can't get a detached garage. I've been to two buildings my detached garage price is about \$50,000 I don't have it and personally I don't have it and I don't like the way it's gonna look to attach my garage now and to build one in my yard. So I am stuck with stacking stuff up maybe adding another small shed and my only thought is would the town be able to sway from my detached garage or is that a law that is so set now that no one is never allowed to have a detached garage because that's what I hear to people, friends, neighbors, builders, we've tried that before, no one ever gets a detached garage. So my feeling is that you have a builder coming in who wants to change the rules for him so he can build his little condo's or his townhouses and we've done all this time for him for 5,6 meetings and all these people coming here and he wants the laws changed. I understand it's for homes for people to live in but are you willing someday to do that for someone like me who wants my detached garage and my neighbors oh that's a great idea for what you need. But are you gonna be able to do that for the single homeowner who wants to change something for them because they need something for their yard that makes sense that might be very tasteful design that would be in the back of my property that wouldn't bother anyone. So that is my thoughts of what's been happening all of this, that you are so willing to change it for a builder but not for the individual home owners and other people in this town who would

be in the same situation. It's just a thought to have everyone to think about. A individual home owner comes in who will probably effected by the school traffic, I can barely back out of my driveway in my morning to take my own kids to school, but in my head I go ok wait for that break, get out there and go the kids need to get to school and it will be done in 10 minutes. So thank you for your time. (Applause)

Regan Russell, 23 Salem Drive North, Whippany: I have nothing planned but the comments. I put a petition out last year with over 150 signatures for speed humps on my streets because of the congestion in our town, because of the speed going down to our school. I'm afraid my children are going to be killed. Do you know when they speed was looked when school was let out and there were no sports going on. That's when they looked at how fast people were going on my street for a speed study. Nothing was done. The more children we have in our schools the more people we have using our sports fields who don't give a crap about my street. Come down like it's a freeway. I'm afraid of the children are going to be hurt, or killed. And that's when someone is going to do something. I'm sorry, I'm upset about it. We do not need more people in this town, we need our people to come together and care about us as a community. That's why we live here. That's why we moved here and that's why we live here. We want to raise our children here because we care about each other and we care about their safety. If we are going to bring all these people we better look at bigger safety measure for our kids, cause I know my street is not the only one that that we have people flying around because the traffic is too horrible for people to get to work on time. They have to get their kids dropped off they have to get to work so they can keep their jobs so they can pay for their homes. So we are going to bring more people in we better look how we are going to make it safer for our kids. (Applause)

Mayor: The floor is still open if anyone would like to comment.

Mayor Francioli no comments forthcoming, Member Ferramosca moved the public hearing be declared closed. The motion was seconded by Member Brueno and was unanimously passed

Mayor: Pending Ordinance on 62-66 North Jefferson I would supposed that is what most of us want to comment on. On that note if the Administrator would read the Ordinances for Consent Agenda we will just move on those:

Mr. Giorgio: Ladies and Gentleman in order to accelerate the process, the Township Attorney has advised them that we can take 7 ordinances together, a consent agenda, so that if anyone wishes to speak on of the seven ordinances that I'm going to rule to the record you may do so and just indicate which ordinance you are commenting on. The Ordinances are as follows:

ORDINANCE: **NO. 23-2013:**

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. 24-2013

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. 25-2013

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. 26-2013

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

ORDINANCE: NO. 27-2013

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: NO. 28-2013

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. 29-2013

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

May we now have a Motion to convene the public hearing on all of the Ordinances read by title and into the record?

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

AYES: Mayor Francioli, Members Ferramosca, Brueno and Coppola

NOES: None

Mr. Giorgio: Is there anyone in chambers wishing to be heard concerning any of the seven ordinances read into the record:

Name & Address for the record please:

Judi Iradi, 27 Malapardis Road, Whippany. I would like to comment on 26-13. I believe last year when the issue came up for the new sanitation truck not fitting into the garage I quoted a figure of approximately \$80,000 to modify the doors for the truck to go in. I was told at that time that it would be nowhere near there more like 5 or 6 thousand dollars. Actually the comment was "They didn't know where I got my figures from." So now I see tonight that it is \$80,000 to modify the doors. So I would like to know what's changed since July into now.

Mayor: Three doors not one. That's the first change. The second change is the number that was originally quoted I think in the newspapers Judi said was about \$150,000 to do a door. We at that time looked at that time at about 25 30,000 per door. Which looks like this spec came in at \$28,000 per door. But we are going to be doing three doors.

Mrs. Iradi: Ok so last year when it was quoted at \$5,000 or \$6,000 that was for one door.

Mayor: \$5,000 or \$6,000 for one door...No

Mrs. Iradi: It was under \$10,000 to make the modification

Mayor: 28,000 per door.

Mrs. Iradi: So it's more than \$20,000 a door. The \$80,000 is what

Mayor: 3 doors

Mrs. Iradi: Over \$25,000

Mayor: 3 doors around \$25,000 to \$28,000 per door.

Mrs. Iradi: So last year the figure for one door was the same?

Mayor: It might be, in the papers, \$20,000 to \$25,000

Mrs. Iradi: I'll look up that article, I might be misled. Thank you.

Mayor: Mr. Lentz is here he can quote me if you like. It's not \$150,000 a door Judi. Thank you very much.

Bill Kuehner, 26 Hamilton Court, 24-13. What's the need for the purchase for the weapons for the Police Department?

Mayor: The weapons that we've had the 40 caliber are going on about 25 years now. The standing joke in Hanover Township which I'm glad to say, is why do you need

new weapons you never fired the old ones.

Mr. Kuehner: That's why I asked the question.

Mayor: That's a good thing. The only thing is we qualify for them. Every year for 25 years. So they are fired several times a year. And the second thing about a upgrade on the weapons that after this amount of time our department is identified and without site consultants the fact that the spring mechanisms in some of the weapons are beginning to fail. I think the last thing in the world the Township Committee wants is an officer to be out in the street with a weapon that is not dependable. So these weapons will be traded in and we will be getting credit for the weapons, they will be upgraded by some other organization that will upgrade them and sell them probably. And we will buy with the difference in those dollars the new weapons.

Mr. Kuehner: Self loaded I assume means the magazine.

Mayor: Yeah,

Mr. Kuehner: Spring loaded magazine, it doesn't self-load by itself.

Mayor: Self-loading means that the officer can pull the trigger and it will strip off a shell. In a regular automatic he has to strip a shell off. In a time of an emergency an officer does not want to have to load the gun.

Mr. Kuehner: I didn't have the technical term but

Mr. Giorgio: That terminology is directly from the manufacturer.

Mayor: That's the way it works

Mr. Kuehner: I just didn't understand it, that's all. Thank you.

Would anyone else like to be heard on any other ordinances being proposed?

Mr. Giorgio: For the record all these ordinances appeared in full in the August 15, 2013 issue of the Daily Record. Does anyone else wish to comment on any of the Ordinances?

May we have a motion to close on the Public Hearing on Ordinances 23-13 to 29-13.

So moved by Mr. Coppola and seconded by Mr. Brueno.

Roll Call for adoption of the Ordinances as a consent agenda

Mr. Ferramosca, Mr. Brueno, Mr. Coppola Mayor Francioli.

Mr. Giorgio: Ladies and Gentleman we have two Ordinances for introduction this evening:

Ordinance 30-13:

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RESURFACING OF MELANIE LANE FROM ITS INTERSECTION WITH ALGONQUIN PARKWAY TO THE BORDER OF EAST HANOVER TOWNSHIP WITHIN THE TOWNSHIP AND APPROPRIATING THE SUM OF \$270,000.00 FOR SAID IMPROVEMENT FROM THE NEW JERSEY TRANSPORTATION TRUST FUND AUTHORITY ACT AND THE YEAR 2013 CURRENT FUND BUDGET

Moved by Member Brueno and Seconded by Member Ferramosca

Ordinance 31-13:

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF PORTIONS OF REAL PROPERTY KNOWN AS BLOCK 5801, LOTS 1.02, 1.03, 2, 3 AND 5; BLOCK 4301, LOTS 1 AND 2.01; AND BLOCK 4204, LOTS 1 AND 6.01 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HANOVER FOR THE IMPROVEMENT OF THE INTERSECTION OF WHIPPANY ROAD AND PARSIPPANY ROAD

Mr. Francioli moved, seconded by Mr. Brueno
Members Ferramosca, Brueno, Coppola and Mayor Francioli

RAFFLE APPLICATIONS:

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

Knights of Columbus: sustain Mr. Coppola 2676 & 2680
Mr. Brueno sustain 2682
Mr. Coppola sustain American Legion
Motion: Moved by Mr. Francioli and seconded by Mr. Brueno

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$5,024,163.07 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 Mayor Francioli and seconded by Member Ferramosca.

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

RESOLUTIONS:

Mr. Giorgio: Consent Agenda, except one additional resolution for the record that was discussed by the Township Committee during the personnel work session before the beginning of this meeting. That is Resolution of the Township Committee appointing Krista M. DiGiorgio, as the Township's replacement full time executive secretary II in the Administration Department for 6 month probationary period commencing September 23, 2013 and ending March 23, 2013. Establishing her compensation \$43,000.

So there is no misunderstanding, my name is Joe Giorgio, appointing is Krista DiGiorgio there is no relationship what so ever. So just note there is no criticism of nepotism.

Mayor: This employee will be coming in conservatively at least \$26,600 less than the present paid position. So we are starting at that level and that is a great savings to the tax payers.

RESOLUTION NO. 160- 2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING ELIA RUDY AS THE TOWNSHIP'S REPLACEMENT FULL-TIME SUPPORT SERVICES SECRETARY/SENIOR CLERK TYPIST IN THE POLICE DEPARTMENT FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MONDAY, SEPTEMBER 16, 2013 AND ENDING SUNDAY, MARCH 16, 2014 AND ESTABLISHING HER COMPENSATION AT \$25.55 PER HOUR UNDER JOB GROUP II IN ACCORDANCE WITH SALARY GUIDE "C" OF SALARY ORDINANCE NO. 15-13

WHEREAS, with the promotion of Dena Dahl to the position of Secretary to the Chief of Police commencing August 5, 2013, a need exists to fill Ms. Dahl's vacant position of Support Services Secretary/Senior Clerk Typist; and

WHEREAS, the position of Support Services Secretary/Senior Clerk Typist is classified under Job Group II pursuant to Schedules "B" and "C" of Salary Ordinance No. 15-13; and

WHEREAS, a total of twelve (12) applications were received by the Business Administrator; and

WHEREAS, in accordance with the Township's job application process, a total of three (3) applicants were initially interviewed by the Chief of Police and Human Resource Specialist; and

WHEREAS, the applicants were rated on their prior employment experience and expertise, and their overall skills and abilities to perform the duties and tasks of Support Services Secretary/Senior Clerk Typist; and

WHEREAS, subsequently, the Business Administrator and Human Resource Specialist conducted a second interview with the finalist on August 21, 2013

whose background and experience closely matched the job requirements of the position set forth above; and

WHEREAS, as a result of the second interview with the finalist, the Business Administrator and Human Resource Specialist believe that **Elia Rudy** residing at 14 Oak Boulevard in the Cedar Knolls Section of the Township has the necessary work experience, job qualifications and administrative skills closely matching the Township's job description for the position of Support Services Secretary/Senior Clerk Typist and should be appointed to fill the vacancy; and

WHEREAS, Ms. Rudy currently serves as the part-time Account Clerk in the Finance Department and has served the Township in both a part-time and full-time capacity since her initial appointment on April 3, 1989; and

WHEREAS, due to financial and budgetary constraints facing the Township, the Township Committee approved an employee lay-off and reclassification plan effective in mid-January, 2011; and

WHEREAS, Ms. Rudy was reclassified from a full-time to a part-time position in the Finance Department effective January 24, 2011; and

WHEREAS, with her reinstatement to a full-time position, **Ms. Rudy** shall receive prior service credit for vacation and sick leave and shall be eligible to receive medical and dental benefits coverage in accordance with the policies and procedures established by the Township and the North Jersey Health Benefits Fund; and

WHEREAS, Ms. Rudy shall serve as the full-time Support Services Secretary/Senior Clerk Typist for a six (6) month probationary period commencing Monday, September 16, 2013 and ending on Sunday, March 16, 2014 ; and

WHEREAS, in accordance with Schedule "C" of Salary Ordinance No. 15-2013, **Ms. Rudy** shall be compensated at the hourly rate of \$25.55 per hour under Job Group II which is equivalent to an annual salary of \$46,492.00. Pursuant to Township policy, **Ms. Rudy** shall be entitled to receive the annual cost of living adjustments that may be granted by the Township Committee to non-union civilian employees but subject to receiving a satisfactory Job Performance Evaluation performed by the Chief of Police; and

WHEREAS, Ms. Rudy 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.

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 **Elia Rudy** residing at 14 Oak Boulevard in the Cedar Knolls Section of the Township is hereby appointed as the full-time replacement Support Services Secretary/Senior Clerk Typist for a six (6) month probationary period commencing Monday, September 16, 2013 and ending Sunday, March 16, 2014.

2. In accordance with Schedule "C" of Salary Ordinance No. 15-2013, **Ms. Rudy** shall be compensated at \$25.55 per hour under Job Group II. The \$25.55 hourly rate is equivalent to \$46,492.00 for a full-time employee working a 35 hour work week. Pursuant to Township policy, **Ms. Rudy** shall be entitled to receive the annual cost of living adjustments that may be granted by the Township Committee to non-union civilian employees but subject to receiving a satisfactory Job Performance Evaluation performed by the Chief of Police.

3. With her restoration to full-time employment, effective September 16, 2013, **Ms. Rudy** will be given prior service credit for the earning and accrual of vacation leave days based on ten (10) years of full-time service thereby making her eligible to receive 1.5 vacation days in 2013 and subsequently, twenty (20) vacation days in 2014 all in accordance with Section 61-10.C.(1) and (2) of the Code of the Township. In addition, **Ms. Rudy** is now eligible to utilize her 472.5 hours of sick leave (that is, 67.5 days) that was frozen upon her reclassification to part-time employment on January 24, 2011. **Ms. Rudy** shall earn and accrue one (1) sick leave day per month up to a maximum of twelve (12) days pursuant to Sections 61-10.C.(1) and (2) and 61-11.A.(1) of the Code of the Township.

4. **Ms. Rudy** shall also be eligible to receive medical and dental benefits coverage in accordance with the policies and procedures established by the Township and the North Jersey Health Benefits Fund. Pursuant to P.L. 2011, c.78 known as The Pension & Health Benefits Reform Act, **Ms. Rudy** shall be required to pay for a portion of her annual health benefits premium costs.

5. **Ms. Rudy** 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. In the event that **Ms. Rudy** receives an unsatisfactory job performance evaluation during her probationary period, **Ms. Rudy** may be terminated at the conclusion of the probationary period or sooner, whichever case is applicable.

6. That a certified copy of this resolution shall be transmitted to the Chief of Police, the Chief Municipal Finance Officer and **Ms. Rudy** for reference and information purposes.

RESOLUTION NO. 161-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING SHELBY SNOW AS THE TOWNSHIP'S REPLACEMENT PART-TIME ACCOUNT CLERK IN THE FINANCE DEPARTMENT FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MONDAY, SEPTEMBER 16, 2013 AND ENDING SUNDAY, MARCH 16, 2014 AND ESTABLISHING HER COMPENSATION AT \$17.00 PER HOUR UNDER JOB GROUP III IN ACCORDANCE WITH SALARY GUIDE "C" OF SALARY ORDINANCE NO. 15-13 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, SPINAL EVALUATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY RECORD CHECK)

WHEREAS, with the transfer of Elia Rudy to the position of Support Services Secretary/Senior Clerk Typist commencing September 16, 2013, a need exists to fill Ms. Rudy's vacant position of Account Clerk; and

WHEREAS, the position of Account Clerk is classified under Job Group III under Schedule "B" and "C" of Salary Ordinance No. 15-13; and

WHEREAS, because the Account Clerk position involves the processing and payment of bills including other related Finance Department activities, it is imperative that the position be filled immediately; and

WHEREAS, the Township has on staff a temporary seasonal employee, **Shelby Snow**, whose skills and abilities match the requirements of the Account Clerk position job description; and

WHEREAS, the Township's Chief Municipal Finance Officer has interviewed Ms. Snow and recommends that she be transferred from the temporary seasonal position in the Building Department to the part-time Account Clerk position in the Finance Department; and

WHEREAS, Ms. Snow shall serve as the part-time Account Clerk for a six (6) month probationary period commencing Monday, September 16, 2013 and ending on Sunday, March 16, 2014 ; and

WHEREAS, in accordance with Schedule "C" of Salary Ordinance No. 15-2013, Ms. Snow shall be compensated at the hourly rate of \$17.00 per hour under Job Group III which is equivalent to an annual salary of \$26,520.00. Pursuant to Township

policy, Ms. Snow shall be entitled to receive the annual cost of living adjustments that may be granted to non-union civilian employees by the Township Committee, and subject to receiving a satisfactory Job Performance Evaluation performed by the Chief Municipal Finance Officer; and

WHEREAS, Ms. Snow 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; and

WHEREAS, in accordance with the Township's Personnel Policies and Procedures, and Section 61-29.N.(1) through (4). Entitled "Alcohol and Drug Testing Policy for Civilian Employees" under Chapter 61 of the Code of the Township, **Ms. Snow** shall be subject to receiving a satisfactory medical examination, a satisfactory spinal evaluation, a negative drug test and a negative criminal history record check conducted by the New Jersey Division of State Police.

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 **Shelby Snow** residing at 17 Warren Court in Sparta, New Jersey 07871 is hereby appointed as the part-time replacement Account Clerk for a six (6) month probationary period commencing Monday, September 16, 2013 and ending Sunday, March 16, 2014.
2. In accordance with Schedule "C" of Salary Ordinance No. 15-2013, **Ms. Snow** shall be compensated at \$17.00 per hour under Job Group III. The \$17.00 hourly rate is equivalent to \$26,520.00 for a part-time employee working a 30 hour work week. Subject to the receipt of a satisfactory job performance evaluation at the conclusion of her probationary period, **Ms. Snow** shall be compensated at \$17.50 per hour which is equivalent to an annual salary of \$27,300.00 under Salary Range Guide "C". Thereafter, since she is within the range guide, **Ms. Snow**, as a non-union civilian employee, 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 subject to receiving a satisfactory Job Performance Evaluation performed by the Chief Municipal Finance Officer.
3. **Ms. Snow** 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. In the event that **Ms. Snow** receives an unsatisfactory job performance evaluation during her probationary period, **Ms. Snow** may be terminated at the conclusion of the probationary period or sooner, whichever case is applicable.

4. Pursuant to Township Policy, **Ms. Snow** shall not be eligible to receive health and dental benefits or earn and accrue paid vacation and sick leave of any kind whatsoever.
5. This offer of employment is conditional and subject to **Ms. Snow** receiving a satisfactory medical examination, a satisfactory spinal evaluation, a negative drug test and a negative criminal history record check, all in accordance with the Township's Personnel Policies and Procedures and Section 61-29.N.(1) through (4). Entitled "Alcohol and Drug Testing Policy for Civilian Employees" under Chapter 61 of the Code of the Township.
6. That a certified copy of this resolution shall be transmitted to the Chief Municipal Finance Officer and **Ms. Snow** for reference and information purposes.

RESOLUTION NO. 162-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING A FIVE (5) YEAR COLLECTIVE BARGAINING AGREEMENT BY AND BETWEEN THE TOWNSHIP OF HANOVER AND HANOVER TOWNSHIP PBA LOCAL #128 COMMENCING JANUARY 1, 2009 THROUGH DECEMBER 31, 2013 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT

WHEREAS, the Township of Hanover and Hanover Township PBA Local #128 were parties to a collective bargaining agreement which expired on December 31, 2008; and

WHEREAS, upon expiration of the collective bargaining agreement, the Township and PBA Local #128 engaged in negotiations but subsequently reached an impasse which resulted in compulsory conventional interest arbitration; and

WHEREAS, by letter dated March 30, 2009, PBA Local #128 filed a petition with the New Jersey Public Employment Relations Commission (PERC) requesting the initiation of compulsory conventional interest arbitration; and

WHEREAS, formal interest arbitration proceedings were convened and evidentiary hearings were held on September 29, 2010 and February 25, 2011 whereby the parties presented documentary evidence and testimony in support of their positions; and

WHEREAS, in conformance with the compulsory conventional interest arbitration procedures set forth at N.J.S.A. 34:13A-(16f(5)), the arbitrator issued his decision and award on July 30, 2013; and

WHEREAS, pursuant to the arbitrator's award, the Township and PBA Local #128 will enter into a new collective bargaining agreement that incorporates the

terms and conditions ordered by the arbitrator, which new agreement shall thereupon govern the salaries, wages and other economic and non-economic terms and conditions of employment for the patrolmen, sergeants and detectives of the Township's Police Department; and

WHEREAS, the Township's Labor Counsel has prepared the new collective bargaining agreement for the period beginning January 1, 2009 through December 31, 2013, which agreement incorporates all of the terms and conditions of the arbitrator's award; and

WHEREAS, the Township Committee desires to approve the new agreement with the adoption of this resolution, and to authorize the execution of said agreement by the Mayor and Township Clerk following execution of same by PBA Local #128.

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 July 30, 2013 interest arbitration decision and award prepared by James W. Mastriani, the collective bargaining agreement by and between the Township of Hanover and Hanover Township PBA Local #128 is hereby approved.
2. The agreement shall be for a five (5) year period commencing on January 1, 2009 and ending on December 31, 2013.
3. The Mayor and Township Clerk are hereby authorized and directed to execute the 2009-2013 Collective Bargaining Agreement on behalf of the Township after execution of said Agreement by the duly-authorized representatives of PBA Local #128.
4. That certified copies of this resolution along with the signed Agreement shall be transmitted to the Chief of Police, the Township's Labor Counsel, the Township's Chief Municipal Finance Officer and the President of Hanover Township PBA Local #128 for reference and action purposes.

RESOLUTION NO. 163-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE ADOPTION OF NEW SALARIES AND RATES OF PAY FOR PATROLMEN, DETECTIVES AND SERGEANTS PURSUANT TO ORDINANCE NO. 25-2013

BE IT RESOLVED, by the Township Committee of the Township of Hanover, County of Morris and State of New Jersey, that the rates of pay for Patrolmen, Detectives and Sergeants in accordance with Schedule "A" of the Agreement between the Township of

Hanover and Policeman's Benevolent Association No. 128, N.J.P.B.A., and Ordinance No. 25-2013 be as follows:

January 1, 2009	Base	Longevity	Yearly Total	Step
Vitanza, Nicolo	\$ 101,692	\$ 600	\$ 102,292	S-3
Zvolensky, Martin	\$ 101,692	\$ 600	\$ 102,292	S-3
Peslis, Demetrios	\$ 101,692	\$ 400	\$ 102,092	S-3
White, David	\$ 101,692	\$ 400	\$ 102,092	S-3
Gehrums, David	\$ 94,651	\$ 600	\$ 95,251	Det
Siino, Salvatore	\$ 94,651	\$ 500	\$ 95,151	Det
Seely, Earle	\$ 94,651	\$ 500	\$ 95,151	Det
Yanovak, Glenn	\$ 94,651	\$ 500	\$ 95,151	Det
Thompson, Christopher	\$ 94,651	\$ 500	\$ 95,151	Det
Reisen, Raymond	\$ 88,542	\$ 600	\$ 89,142	Step 7
Martino, Christopher	\$ 88,542	\$ 500	\$ 89,042	Step 7
Zavaglia, Louis	\$ 88,542	\$ 500	\$ 89,042	Step 7
Grawher, James	\$ 88,542	\$ 400	\$ 88,942	Step 7
Quinn, Joseph	\$ 88,542	\$ 400	\$ 88,942	Step 7
Williams, Ryan	\$ 88,542	\$ 400	\$ 88,942	Step 7
Looch, Michael	\$ 88,542	\$ 300	\$ 88,842	Step 7
Littman, David	\$ 88,542	\$ 300	\$ 88,842	Step 7
Magley, Erick	\$ 88,542	\$ 300	\$ 88,842	Step 7
Hermans, Peter	\$ 88,542	\$ 300	\$ 88,842	Step 7
Gundersdorf, Paul	\$ 88,542	\$ 300	\$ 88,842	Step 7
Leggour, Marc	\$ 76,618	\$ 300	\$ 76,918	Step 6
Kaiser, Dominic	\$ 76,618	\$ 300	\$ 76,918	Step 6
Carpenter, Robert	\$ 76,618	\$ 300	\$ 76,918	Step 6
Schauder, John	\$ 88,542	\$ 300	\$ 88,842	Step 7
Weaver, Paul	\$ 70,850	\$ 300	\$ 71,150	Step 5
Pilipie, Bryan	\$ 70,850	\$ 300	\$ 71,150	Step 5
Pledger, Jermaine	\$ 59,315	\$ -	\$ 59,315	Step 3

February 1, 2009	Base	Longevity	Yearly Total	Step
Leggour, Marc	\$ 88,542	\$ 300	\$ 88,842	Step 7
Kaiser, Dominic	\$ 88,542	\$ 300	\$ 88,842	Step 7

April 1, 2009	Base	Longevity	Yearly Total	Step
Weaver, Paul	\$ 76,618	\$ 300	\$ 76,918	Step 6
July 1, 2009	Base	Longevity	Yearly Total	Step
Carpenter, Robert	\$ 88,542	\$ 300	\$ 88,842	Step 7
Pilipie, Bryan	\$ 76,618	\$ 300	\$ 76,918	Step 6
September 1, 2009	Base	Longevity	Yearly Total	Step
Siino, Salvatore	\$ 94,651	\$ 600	\$ 95,251	Det
November 1, 2009	Base	Longevity	Yearly Total	Step
Peslis, Demetrios	\$ 101,692	\$ 500	\$ 102,192	S-3
Loock, Michael	\$ 88,542	\$ 400	\$ 88,942	Step 7
December 1, 2009	Base	Longevity	Yearly Total	Step
January 1, 2010	Base	Longevity	Yearly Total	Step
Vitanza, Nicolo	\$ 104,488	\$ 600	\$ 105,088	S-3
Zvolensky, Martin	\$ 104,488	\$ 600	\$ 105,088	S-3
Peslis, Demetrios	\$ 104,488	\$ 500	\$ 104,988	S-3
White, David	\$ 104,488	\$ 400	\$ 104,888	S-3
Siino, Salvatore	\$ 99,665	\$ 600	\$ 100,265	S-1
Gehrum, David	\$ 97,254	\$ 600	\$ 97,854	Det
Seely, Earle	\$ 97,254	\$ 500	\$ 97,754	Det
Yanovak, Glenn	\$ 97,254	\$ 500	\$ 97,754	Det
Thompson, Christopher	\$ 97,254	\$ 500	\$ 97,754	Det
Reisen, Raymond	\$ 90,977	\$ 600	\$ 91,577	Step 7
Martino, Christopher	\$ 90,977	\$ 500	\$ 91,477	Step 7
Zavaglia, Louis	\$ 90,977	\$ 500	\$ 91,477	Step 7
Grawher, James	\$ 90,977	\$ 400	\$ 91,377	Step 7
Williams, Ryan	\$ 90,977	\$ 400	\$ 91,377	Step 7
Loock, Michael	\$ 90,977	\$ 400	\$ 91,377	Step 7
Littman, David	\$ 90,977	\$ 400	\$ 91,377	Step 7

Magley, Erick	\$ 90,977	\$ 300	\$ 91,277	Step 7
Hermans, Peter	\$ 90,977	\$ 300	\$ 91,277	Step 7
Gundersdorf, Paul	\$ 90,977	\$ 300	\$ 91,277	Step 7
Leggour, Marc	\$ 90,977	\$ 300	\$ 91,277	Step 7
Weaver, Paul	\$ 78,725	\$ 300	\$ 79,025	Step 6
Pilipie, Bryan	\$ 78,725	\$ 300	\$ 79,025	Step 6
Pledger, Jermaine	\$ 66,872	\$ -	\$ 66,872	Step 4

April 1, 2010	Base	Longevity	Yearly Total	Step
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July 1, 2010	Base	Longevity	Yearly Total	Step
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Pilipie, Bryan	\$ 90,977	\$ 300	\$ 91,277	Step 7
Grawher, James	\$ 90,977	\$ 500	\$ 91,477	Step 7
White, David	\$ 104,488	\$ 500	\$ 104,988	S-3

September 1, 2010	Base	Longevity	Yearly Total	Step
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Magley, Erick	\$ 90,977	\$ 400	\$ 91,377	Step 7
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January 1, 2011	Base	Longevity	Yearly Total	Step
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Vitanza, Nicolo	\$ 106,578	\$ 600	\$ 107,178	S-3
Zvolensky, Martin	\$ 106,578	\$ 600	\$ 107,178	S-3
Peslis, Demetrios	\$ 106,578	\$ 500	\$ 107,078	S-3
White, David	\$ 106,578	\$ 500	\$ 107,078	S-3
Siino, Salvatore	\$ 104,117	\$ 600	\$ 104,717	S-2
Seely, Earle	\$ 99,199	\$ 500	\$ 99,699	Det
Yanovak, Glenn	\$ 99,199	\$ 500	\$ 99,699	Det
Thompson, Christopher	\$ 99,199	\$ 500	\$ 99,699	Det
Reisen, Raymond	\$ 92,796	\$ 600	\$ 93,396	Step 7
Martino, Christopher	\$ 92,796	\$ 500	\$ 93,296	Step 7
Zavaglia, Louis	\$ 92,796	\$ 500	\$ 93,296	Step 7
Grawher, James	\$ 92,796	\$ 500	\$ 93,296	Step 7
Quinn, Joseph	\$ 92,796	\$ 400	\$ 93,196	Step 7
Williams, Ryan	\$ 92,796	\$ 400	\$ 93,196	Step 7
Looock, Michael	\$ 92,796	\$ 400	\$ 93,196	Step 7
Littman, David	\$ 92,796	\$400	\$ 93,196	Step 7
Magley, Erick	\$ 92,796	\$400	\$ 93,196	Step 7
Hermans, Peter	\$ 92,796	\$ 300	\$ 93,096	Step 7
Gundersdorf, Paul	\$ 92,796	\$ 300	\$ 93,096	Step 7
Leggour, Marc	\$ 92,796	\$ 300	\$ 93,096	Step 7
Kaiser, Dominic	\$ 92,796	\$ 300	\$ 93,096	Step 7

Carpenter, Robert	\$	92,796	\$ 300	\$ 93,096	Step 7
Schauder, John	\$	92,796	\$ 300	\$ 93,096	Step 7
Weaver, Paul	\$	92,796	\$ 300	\$ 93,096	Step 7
Pilipie, Bryan	\$	92,796	\$ 300	\$ 93,096	Step 7
Pledger, Jermaine	\$	80,299	\$ -	\$ 80,299	Step 5

February 1, 2011	Base	Longevity	Yearly Total	Step
Hermans, Peter	\$ 92,796	\$ 400	\$ 93,196	Step 7
Seely, Earle	\$ 99,199	\$ 600	\$ 99,799	Det
Zavaglia, Louis	\$ 92,796	\$ 600	\$ 93,396	Step 7

May 1, 2011	Base	Longevity	Yearly Total	Step
Quinn, Joseph	\$ 92,796	\$ 500	\$ 93,296	Step 7

July 1, 2011	Base	Longevity	Yearly Total	Step
Gundersdorf, Paul	\$ 92,796	\$ 400	\$ 93,196	Step 7

January 1, 2012	Base	Longevity	Yearly Total	Step
Vitanza, Nicolo	\$ 108,710	\$ 600	\$ 109,310	S-3
Zvolensky, Martin	\$ 108,710	\$ 600	\$ 109,310	S-3
Peslis, Demetrios	\$ 108,710	\$ 500	\$ 109,210	S-3
White, David	\$ 108,710	\$ 500	\$ 109,210	S-3
Siino, Salvatore	\$ 108,710	\$ 600	\$ 109,310	S-3
Seely, Earle	\$ 101,183	\$ 600	\$ 101,783	Det
Yanovak, Glenn	\$ 101,183	\$ 500	\$ 101,683	Det
Thompson, Christopher	\$ 101,183	\$ 500	\$ 101,683	Det
Reisen, Raymond	\$ 94,652	\$ 600	\$ 95,252	Step 7
Martino, Christopher	\$ 94,652	\$ 500	\$ 95,152	Step 7
Zavaglia, Louis	\$ 94,652	\$ 600	\$ 95,252	Step 7
Grawher, James	\$ 94,652	\$ 500	\$ 95,152	Step 7
Quinn, Joseph	\$ 94,652	\$ 500	\$ 95,152	Step 7
Williams, Ryan	\$ 94,652	\$ 400	\$ 95,052	Step 7
Loock, Michael	\$ 94,652	\$ 400	\$ 95,052	Step 7
Littman, David	\$ 94,652	\$ 400	\$ 95,052	Step 7
Magley, Erick	\$ 94,652	\$ 400	\$ 95,052	Step 7
Hermans, Peter	\$ 94,652	\$ 400	\$ 95,052	Step 7
Gundersdorf, Paul	\$ 94,652	\$ 400	\$ 95,052	Step 7
Leggour, Marc	\$ 94,652	\$ 300	\$ 94,952	Step 7
Kaiser, Dominic	\$ 94,652	\$ 300	\$ 94,952	Step 7
Carpenter, Robert	\$ 94,652	\$ 300	\$ 94,952	Step 7

Schauder, John	\$	94,652	\$ 300	\$ 94,952	Step 7
Weaver, Paul	\$	94,652	\$ 300	\$ 94,952	Step 7
Pilipie, Bryan	\$	94,652	\$ 300	\$ 94,952	Step 7

January 1, 2012		Base	Longevity	Yearly Total	Step
Williams, Ryan	\$	94,652	\$ 500	\$ 95,152	Step 7

February 1, 2012		Base	Longevity	Yearly Total	Step
Leggour, Marc	\$	94,652	\$ 400	\$ 95,052	Step 7
Kaiser, Dominic	\$	94,652	\$ 400	\$ 95,052	Step 7
Yanovak, Glenn	\$	101,183	\$ 600	\$ 101,783	Det

July 1, 2012		Base	Longevity	Yearly Total	Step
Carpenter, Robert	\$	94,652	\$ 400	\$ 95,052	Step 7

October 1, 2012		Base	Longevity	Yearly Total	Step
Schauder, John	\$	94,652	\$ 400	\$ 95,052	Step 7

January 1, 2013		Base	Longevity	Yearly Total	Step
Vitanza, Nicolo	\$	110,884	\$ 600	\$ 111,484	S-3
Zvolensky, Martin	\$	110,884	\$ 600	\$ 111,484	S-3
Peslis, Demetrios	\$	110,884	\$ 500	\$ 111,384	S-3
White, David	\$	110,884	\$ 500	\$ 111,384	S-3
Loock, Michael	\$	105,765	\$ 400	\$ 106,165	S-1
Williams, Ryan	\$	105,765	\$ 500	\$ 106,265	S-1
Siino, Salvatore	\$	103,206	\$ 600	\$ 103,806	Det
Seely, Earle	\$	103,206	\$ 600	\$ 103,806	Det
Yanovak, Glenn	\$	103,206	\$ 600	\$ 103,806	Det
Thompson, Christopher	\$	103,206	\$ 500	\$ 103,706	Det
Reisen, Raymond	\$	96,545	\$ 600	\$ 97,145	Step 7
Martino, Christopher	\$	96,545	\$ 500	\$ 97,045	Step 7
Zavaglia, Louis	\$	96,545	\$ 600	\$ 97,145	Step 7
Grawher, James	\$	96,545	\$ 500	\$ 97,045	Step 7
Quinn, Joseph	\$	96,545	\$ 500	\$ 97,045	Step 7
Littman, David	\$	96,545	\$ 400	\$ 96,945	Step 7
Magley, Erick	\$	96,545	\$ 400	\$ 96,945	Step 7
Hermans, Peter	\$	96,545	\$ 400	\$ 96,945	Step 7
Gundersdorf, Paul	\$	96,545	\$ 400	\$ 96,945	Step 7
Leggour, Marc	\$	96,545	\$ 400	\$ 96,945	Step 7

Kaiser, Dominic	\$ 96,545	\$ 400	\$ 96,945	Step 7
Carpenter, Robert	\$ 96,545	\$ 400	\$ 96,945	Step 7
Schauder, John	\$ 96,545	\$ 400	\$ 96,945	Step 7
Weaver, Paul	\$ 96,545	\$ 300	\$ 96,845	Step 7
Pilipie, Bryan	\$ 96,545	\$ 300	\$ 96,845	Step 7

February 1, 2013	Base	Longevity	Yearly Total	Step
Looch, Michael	\$ 108,323	\$ 400	\$ 108,723	S-2
Thompson, Christopher	\$ 103,206	\$ 600	\$ 103,806	Det

April 1, 2013	Base	Longevity	Yearly Total	Step
Martino, Christopher	\$ 96,545	\$ 600	\$ 97,145	Step 7
Weaver, Paul	\$ 96,545	\$ 400	\$ 96,945	Step 7

June 17, 2013	Base	Longevity	Yearly Total	Step
Prach, Matthew	\$ 52,100	\$ -	\$ 52,100	Step 7

July 1, 2013	Base	Longevity	Yearly Total	Step
Pilipie, Bryan	\$ 96,545	\$ 400	\$ 96,945	Step 7

BE IT FURTHER RESOLVED, that certified copies of this resolution shall be transmitted to the Chief Municipal Finance Officer and Chief of Police for record and action purposes.

RESOLUTION NO. 164-2013

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER
 RELEASING THE TOWNSHIP COMMITTEE’S JULY 26, 2012 THROUGH DECEMBER 20,
 2012 EXECUTIVE SESSION AND CONFERENCE WORK SESSION MINUTES**

WHEREAS, the Township of Hanover’s Department of Administration has determined that Executive Session Minutes should be reviewed for release to the public on a quarterly basis; and

WHEREAS, the Department of Administration has reviewed the Executive Session and Conference Work Session Minutes for the period beginning July 26, 2012 through December 26, 2012 and has determined that the attached minutes were noted from Executive Session Agendas should be released to the public.

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 Executive Session Minutes marked and attached to prior Executive Session Agendas and designated with an “R” for release shall be on file in the Business Administrator/Township Clerk’s office and shall be released to the public.

RESOLUTION NO. 165-2013

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE
ADVANCE PAYMENT OF MONEYS IN ACCORDANCE WITH N.J.S.A.
40A:5.16.1 TO THOSE OFFICIALS AND EMPLOYEES OF THE TOWNSHIP
ATTENDING THE NOVEMBER 19 TO 21, 2013 NEW JERSEY LEAGUE
OF MUNICIPALITIES CONVENTION IN ATLANTIC CITY IN AN AMOUNT
NOT TO EXCEED \$350.00**

WHEREAS, N.J.S.A. 40A:5-16.1 states that the governing body of any municipality, may, by Resolution, provide for and authorize payment of moneys to the elected officials, board members and employees of that municipality toward their expenses for authorized official travel and expenses related to travel to an authorized meeting or conference; and

WHEREAS, any such Resolution shall provide for the verification and adjustment of any such expenses and advances, and the repayment of any unused moneys advanced to those elected officials, board members and employees; and

WHEREAS, the Statute also requires that within ten (10) days after the completion of the travel and attendance at that meeting or conference, the elected officials, board members or employees shall submit a detailed and itemized listing of expenses together with any receipts, and shall certify upon the municipality's standard voucher the exact expenditure of public funds; and

WHEREAS, any excess moneys advanced which are not used shall be repaid to the Township within (10) days after the completion of travel for which an advance was made; and

WHEREAS, it is the policy of the Township to permit an expenditure of One Hundred Sixteen (\$116.67) Dollars and Sixty Seven Cents per day and not to exceed Three Hundred (\$350.00) Dollars for attendance and participation at the New Jersey League of Municipalities Convention to be held between November 13 through November 13, 2012 in Atlantic City; and

WHEREAS, the Township Committee desires to permit the advancement of funds for travel and attendance at the various League meetings and conferences to be held at the Atlantic City Convention Center between November 19 and 21 in accordance with N.J.S.A. 40A:5-16.1.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of

the Township of Hanover in the County of Morris as follows:

1. Pursuant to the requirements of N.J.S.A. 40A:5-16.1 the governing body hereby authorizes the advancement of One Hundred Sixteen (\$116.67) Dollars and Sixty Seven Cents per day and not to exceed \$350.00 to those elected officials, board members and employees who attend and actively participate in the various meetings and conferences sponsored at the New Jersey League of Municipalities Convention to be held in Atlantic City between November 19 through November 21, 2013.
2. In accordance with the requirements of N.J.S.A. 40A:5-16, each elected official, board member and employee attending and participating at the Convention shall complete and certify a Township of Hanover Voucher providing a detailed and itemized listing of expenditures. The Voucher shall be presented to the Business Administrator and CMFO within ten (10) days after the Convention for verification and approval.
3. Within ten (10) days after attending the Convention, it shall also be the responsibility of each elected official, board member and employee to make repayment to the Township of any moneys advanced which have not been utilized for legitimate Convention purposes.
4. That a certified copy of this Resolution shall be transmitted to all Convention participants and the Township's Chief Municipal Finance Officer for their reference and information.

RESOLUTION NO. 166-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-019-006 KNOWN AS RESTONNA, LLC 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. 1412-33-019-006 in the possession of **Restonna, LLC** has been inactive since January 31, 2007: and

WHEREAS, **Restonna, LLC** applied for renewal of its license for the 2013-2014 and 2014-2015 license terms, 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 to permit renewal of the license; and

WHEREAS, pursuant to N.J.S.A. 33:1-12.39, **Restonna, LLC** 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 it was purchased from SMK Foods, Inc. trading as Durkin's Steak and Ale House on September 25, 2008; 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; and

WHEREAS, by letter dated August 27, 2013, 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 **Restonna, LLC** ceased active operations on or about January 31, 2007, and **Restonna, LLC** purchased the license from SMK Foods, Inc., trading as Durkin's Steak and Ale House on September 25, 2008; and

WHEREAS, due to current depressed conditions in the commercial marketplace, **Restonna, LLC** has delayed plans to operate a restaurant located at Cedar Knolls Plaza, 235 Ridgedale Avenue in Cedar Knolls, and therefore 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 **Restonna, LLC** 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 **Restonna, LLC'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 **Restonna, LLC**, the governing body hereby approves the renewal of Plenary Retail Consumption License No. 1412-33-019-006 for the period commencing July 1, 2013 through June 30, 2014 and July 1, 2014 through June 30, 2015.

2. As the licensing authority, the governing body hereby imposes the following special condition on the license:

“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 **Restonna, LLC**, the New Jersey Division of Alcoholic Beverage Control and the Detective Bureau of the Hanover Township Police Department.

RESOLUTION NO. 167-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PURCHASE OF ONE (1) NEW 31-CUBIC YARD AUTOMATED SANITATION COLLECTION TRUCK EQUIPPED WITH AN ARTICULATED ARM PLUS BID OPTION NOS. 1, 2 AND 3 FROM CAMBRIA AUTOMOTIVE, INC. IN THE TOTAL AMOUNT NOT TO EXCEED \$432,745.00 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH CAMBRIA AUTOMOTIVE, INC.

WHEREAS, in order to increase operational efficiency and productivity, and reduce work related injuries in the collection of sanitation, the Township is phasing in a new Township-wide sanitation collection schedule with the acquisition of 31- cubic yard automated sanitation trucks that eliminate the need for two (2) weekly collections ; and

WHEREAS, in November, 2011, the Township purchased the first of three automated sanitation trucks that will reduce the sanitation truck fleet; and

WHEREAS, in 2012, the Public Works, Buildings and Grounds and Park Maintenance Department initiated the collection of sanitation to once a week in one section of the Township with the use of the 31-cubic yard automated sanitation truck; and

WHEREAS, in keeping with its planned phase-in program, the Township Committee desires to authorize the purchase and acquisition of a second, new 31-cubic yard automated sanitation truck with an articulated right arm plus all related equipment including various bid options; and

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department, in cooperation with the Engineering Department, has prepared a Specification dated July, 2013, and a Notice to Bidders for the solicitation of competitive bids, all in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for the receipt of competitive bids on July 13, 2013 for the purchase of one (1) new 31-cubic yard automated sanitation collection truck equipped with an articulated arm plus the selection of equipment options or approved equals as specified in the Township's Specifications; and

WHEREAS, the Specifications also provided for Bid Option No. 1, the purchase of ninety-five (95) gallon Schaefer Universal Garbage Containers or approved equal; Bid Option No. 2, the purchase of one (1) dual tipper; and Bid Option No. 3, the purchase of a reversible snowplow; and

WHEREAS, on July 30, 2013, pursuant to public advertisement, the Township's Bid Reception Committee, received and opened one (1) sealed competitive bid out of a total of six (6) prospective bidders who obtained the written specifications; and

WHEREAS, Cambria Automotive, Inc. was the lone bidder who submitted a bid for the new 31- cubic yard automated sanitation collection truck equipped with an articulated arm in the net delivery price of \$293,920.00; and

WHEREAS, in accordance with N.J.S.A. 40A:11-1 et seq., the Township Engineer and Superintendent of the Public Works, Buildings and Ground and Park Maintenance Department, have carefully examined the one (1) bid document, and have determined that the competitive bid submitted by **Cambria Automotive, Inc.** to furnish one (1) new 31-cubic yard automated sanitation collection truck equipped with an articulated arm plus all related equipment, is in conformance with the Township's Specifications and does not include any exceptions, deviations or deficiencies and is therefore, deemed the only lowest responsible and responsive bidder; and

WHEREAS, pursuant to their review, the Township Engineer and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department, in a letter dated August 1, 2013 to the Mayor and Township Committee recommend the award of a contract to **Cambria Automotive, Inc.** located at 565 Dowd Avenue in Elizabeth, New Jersey 07201 for the purchase of the one (1) new 31-cubic yard automated sanitation collection truck equipped with an articulated arm plus the acquisition of two thousand 95 gallon Schaefer Universal Containers or approved equal, a dual tipper and reversible snowplow described as Bid Option Nos. 1, 2 and 3 in the Township's Specifications; and

WHEREAS, in response to the Township's Specifications under Bid Option No. 1, 2 and 3, **Cambria Automotive, Inc.** submitted a price of \$58.09 for each ninety-five (95) gallon garbage container; \$13,500.00 for one (1) dual tipper and \$9,145.00 for one (1) reversible snowplow.

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 is awarded to:

Cambria Automotive, Inc.
565 Dowd Avenue
Elizabeth, New Jersey 07201

the only responsive and responsible competitive bidder for the purchase of one (1) new 31-cubic yard automated sanitation collection truck equipped with an articulated arm plus Bid Option Nos. 1, 2 and 3 as described below:

Total Delivery Price:.....	\$293,920.00
Less Trade, Taxes & Deductions.....	(\$ 0.00)
Net Delivery Price:.....	\$293,920.00
Option Nos. 1 – Purchase of 2,000 Ninety-Five Gallon Schaefer Universal Containers @ \$58.09 for each (not to exceed) ..	\$116,180.00
Option No. 2 – One Dual Tipper.....	13,500.00
Option No. 3 – Reversible Snowplow.....	9,145.00
TOTAL PURCHASE PRICE:.....	\$432,745.00

The letter recommendation of the Township Engineer is attached hereto and made a part of this resolution as if set forth in full.

2. The Township’s Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Capital Improvement Ordinance No. 23-13 – Line Item No. 410-5686-499 for the purpose set forth in this resolution, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

3. The Mayor and Township Clerk are hereby authorized to execute a contract with **Cambria Automotive, Inc.** on behalf of the Township, in the total amount not to exceed \$432,745.00.

4. A certified copy of this resolution shall be transmitted to **Cambria Automotive, Inc.**, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department, the Township Engineer and the Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 168-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE RELEASING THE SURETY PERFORMANCE BOND IN THE AMOUNT OF \$5,454.00 AND THE \$606.00 CASH PERFORMANCE GUARANTEE TO NEW YORK SMSA LIMITED PARTNERSHIP D/B/A AS VERIZON WIRELESS CONCERNING THE COMPLETION OF THE INSTALLATION OF A GROUND MOUNTED 60 KW DIESEL POWERED EMERGENCY GENERATOR ON THE ROOFTOP OF A FOUR (4) STORY OFFICE

COMPLEX ON PROPERTY LOCATED AT 240 CEDAR KNOLLS ROAD IN CEDAR KNOLLS AND DESIGNATED AS LOT 2 IN BLOCK 2402 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, on June 9, 2009, the Planning Board granted preliminary and final site plan approval to **New York SMSA Limited Partnership, d/b/a Verizon Wireless (hereinafter referred to as New York SMSA)**, as the applicant and developer for the installation of a ground mounted 60 KW diesel powered emergency generator with sound enclosure and related improvements to service the existing wireless communications facility on the rooftop of a four (4) story office complex on property located at 240 Cedar Knolls Road in the Cedar Knolls Section of the Township, and also known as Lot 2 in Block 2402, as set forth on the Township of Hanover; and

WHEREAS, **New York SMSA** is the Lessee of property owned by The Realty Associates Fund VI, LP with offices located at 2 North Street, Suite 1A, in Waldwick, New Jersey 07463; and

WHEREAS, in accordance with the June 24, 2010 Developer's Agreement, by and between **New York SMSA Limited Partnership** and the Township, the Township Engineer, in a letter dated August 22, 2013 to the Mayor and Township Committee has advised that all of the required improvements have been satisfactorily completed and recommends the release of the surety performance bond in the amount of \$5,450.00 and the cash performance bond in the amount of \$606.00.

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 August 22, 2013 letter recommendation from the Township Engineer, the governing body hereby releases the \$5,454.00 Surety Performance Bond, Bond No. CMS252128, issued by RLI Insurance Company to the Developer.
2. The cash bond in the amount of \$606.00 deposited in a TD Bank Escrow Account, Account No. 7760845112 is also released to Cooper, Levenson, April, Niedelman & Wagenheim, P.A. which Firm submitted the cash portion of the performance guarantee on behalf of the Developer.
3. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer, **New York SMSA Limited Partnership** and the Developer's attorney as mentioned above for reference and action purposes.

RESOLUTION NO. 169-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE RELEASING THE IRREVOCABLE STANDBY LETTER OF CREDIT IN THE AMOUNT OF \$323,052.00 AND THE CASH PERFORMANCE BOND IN THE AMOUNT OF \$35,895.00 PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985, c.315 TO THE DEVELOPER, HANOVER AND HORSE HILL DEVELOPMENT, LLC, REGARDING COMPLETION OF PRELIMINARY SOIL MOVEMENT AND GRADING ACTIVITIES

AND THE DEMPLITION OF BUILDINGS PURSUANT TO A LIMITED SITE IMPROVEMENT CONSTRUCTION AGREEMENT AS IT RELATES TO PROPERTY LOCATED ON THE NORTHWEST QUADRANT OF THE INTERSECTION OF HANOVER AVENUE AND HORSE HILL ROAD IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND ALSO KNOWN AS LOTS 1, 2 AND 3 IN BLOCK 701 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, in accordance with a Limited Site Improvement Construction Agreement dated February 26, 2013 by and between **Hanover and Horse Hill Development, LLC** (the Developer) and the Township, **Hanover and Horse Hill Development, LLC** was granted approval to perform preliminary soil movement and grading activities and the demolition of existing buildings on property located on the northwest quadrant of the intersection of Hanover Avenue and Horse Hill Road in the Cedar Knolls Section of the Township and also known as Lots 1, 2 and 3 in Block 701 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, by resolution adopted by the Planning Board on August 21, 2012, **Hanover and Horse Hill Development, LLC**, as applicant and property owner, received preliminary and final site plan and variance approval for the construction of a new supermarket building, bank, retail buildings and related improvements at the location set forth above; and

WHEREAS, in accordance with the February 26, 2013 Developer's Agreement, **Hanover and Horse Hill Development, LLC** has satisfactorily completed all of the work described in the Limited Site Improvement Construction Agreement ; and

WHEREAS, in a letter dated August 16, 2013 to the Mayor and Township Committee, the Township Engineer has advised the governing body that based on an inspection of the project site, all of the components of the development have been satisfactorily completed; and

WHEREAS, in the same letter, the Township Engineer recommends the release of the Irrevocable Standby Letter of Credit in the amount of \$323,052.00 and the \$35,895.00 cash bond plus a portion of the interest in accordance with P.L. 1985, c.315.

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

1. The Irrevocable Standby Letter of Credit, Letter of Credit No. IS0023459U issued by Wells Fargo Bank, N.A., on February 2, 2013 in the amount of \$323,052.00 is hereby released.
2. That the total cash performance bond in the amount of \$35,895.00 posted by **Hanover and Horse Hill Development, LLC** and deposited by the Township in a TD Bank NA Escrow Account, Account No. 7760845132 be released to the Developer along with a portion of the interest, all in accordance with P.L. 1985, c.315.
3. The unused Township Engineering review, inspection and supervision fees in the amount of \$17,695.00 deposited in Trust Escrow Account No. 252-7038-499 is also released to the Developer.
4. That a certified copy of this resolution shall be transmitted along with the check and the Irrevocable Standby Letter of Credit to **Hanover and Horse Hill Development, LLC**, a wholly owned subsidiary of Village Supermarket, Inc. with offices located at 733 Mountain Avenue in Springfield, New Jersey 07081, and copies to the Township's Chief Municipal Finance Officer and Township Engineer for information purposes.

RESOLUTION NO. 170-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE RELEASING THE \$466,184.00 SURETY PERFORMANCE BOND AND THE \$51,798.00 CASH PERFORMANCE BOND PLUS A PORTION OF THE INTEREST TO QUICK CHEK CORPORATION REGARDING THE COMPLETION OF IMPROVEMENTS CONSISTING OF THE CONSTRUCTION OF A CONVENIENCE FOOD STORE AND GASOLINE SERVICE STATION ON PROPERTY LOCATED AT 2 PARSIPPANY ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND ALSO KNOWN AS LOT 6 IN BLOCK 4204 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, the Board of Adjustment, during its November 1, 2011 regular meeting, granted final site plan approval to **Quick Chek Corporation** for the

construction of a convenience store and gasoline service station located at 2 Parsippany Road in the Whippany Section of the Township, and also known as Lot 6 in Block 4204 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, the improvements set forth above were constructed in accordance with a Developer's Agreement executed by and between the **Quick Chek Corporation** and the Township on April 12, 2012; and

WHEREAS, in a letter dated August 13, 2013 to the Mayor and Township Committee, the Township Engineer has advised the governing body that he and the Executive Director of the Hanover Sewerage Authority concur that **Quick Chek Corporation** has completed all of the site improvements as shown on the final site plan approved by the Board of Adjustment, and in accordance with the April 12, 2012 Developer's Agreement; and

WHEREAS, in the same letter, the Township Engineer recommends the release of the total performance bond consisting of a surety performance bond in the amount of \$466,184.00 and the cash performance bond in the amount of \$51,798.00 plus a portion of the interest pursuant to P.L. 1985, c.315.

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

1. That surety performance bond, Bond No. CMS241541 in the amount of \$466,184.00 issued by RLI Insurance Company and dated March 13, 2012 is hereby released.
2. That the cash performance bond in the amount of \$51,798.00 deposited in a Commerce Bank Escrow Account, Account No. 7760845126 plus a portion of the interest in accordance with P.L. 1985, c.315 be released to the Developer.
3. The sum of \$25,899.00 was posted by **Quick Chek Corporation** representing Township Engineering review, inspection and supervision of all the improvements. The Finance Department is authorized and directed to release \$23,205.05 which money is deposited in an Engineering Inspection Escrow Account, Trust Line Item No. 252-7023-499. The balance of funds will be retained in the account for future inspections and shall not be released by the Finance Department until so authorized by the Township Engineer.
4. A balance of \$896.40 remains in the Sanitary Sewer Inspection Escrow Account, Trust Line Item No. 252-6012-499 (INSP Quick Chek 4/12) which shall be retained in the account during the maintenance period. Any remaining funds shall only be released upon authorization by the Executive Director of the Hanover Sewerage Authority.
5. As a condition in the release of the Surety Performance and Cash

Bond, **Quick Chek Corporation** has furnished the Township with a two (2) year Public Improvements Maintenance Bond in the amount of \$77,697.00 which represents 15% of the total performance guarantee which amounted to \$517,982.00. At the end of the two (2) year period, a final inspection will be made. Following the completion of any corrections, the Public Improvements Maintenance Bond will be released to the Developer.

6. That a certified copy of this resolution shall be transmitted to **Quick Chek Corporation**, RLI Insurance Company, the Township's Chief Municipal Finance Officer and Township Engineer for reference and action purposes.

RESOLUTION NO. 171-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RELEASE OF THE \$18,225.00 TWO YEAR CASH SITE IMPROVEMENT MAINTENANCE BOND DEPOSITED BY RSV PROPERTIES, INC. (PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985, c.315) AS A RESULT OF COMPLETING ALL OF THE REMAINING IMPROVEMENTS RELATED TO THE CONVERSION OF AN OFFICE/WAREHOUSE BUILDING TO OFFICE USE ON PROPERTY LOCATED AT 6 SADDLE ROAD, IN CEDAR KNOLLS AND ALSO DESIGNATED AS BLOCK 701, LOT 14, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, on July 15, 2008, the Planning Board of the Township of Hanover granted preliminary and final site plan approval, variance and a design standard exception approval to **RSV Properties, Inc.**, Owner and Developer, for the conversion of an office/ warehouse building to office use and related site improvements on property located at 6 Saddle Road in Cedar Knolls, and also known as Lot 14 in Block 701 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, the Developer was required to install certain improvements for the project in accordance with Planning Board approval of the plans and the subsequent Developer's Agreement dated October 8, 2009; and

WHEREAS, on February 24, 2011, the Township Committee approved by resolution Bond Reduction #2 whereby the performance cash bond in the amount of \$95,330.00 be reduced to \$71,872.00 and the 10% cash bond was reduced from \$10,592.00 to \$7,986.00 plus a portion of the interest pursuant to P.L. 1985, c.315; and

WHEREAS, subsequently on September 22, 2011, the Township Committee approved a resolution releasing the balance of the cash performance bond and 10% cash bond as set forth in the paragraph above; and

WHEREAS, however, as a condition of releasing the bonds and in order to guarantee the faithful completion of outstanding improvements, the Township

retained \$18,225.00 from the Developer's cash performance bond which represented the Township's requirement for a two (2) year Site Improvement Maintenance Bond; and

WHEREAS, the Engineering Department performed a final inspection of the development on August 20, 2013 and determined that all of the bonded site improvements have been satisfactorily completed; and

WHEREAS, the Township Engineer in a letter dated September 12, 2013 to the Township Committee has recommended the release of the \$18,225.00 two (2) year Site Improvement Maintenance Bond.

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

1. In accordance with the Township Engineer's letter recommendation to the Township Committee dated August 20, 2013, the governing body hereby releases the two (2) year cash Site Improvement Maintenance Bond to, plus a portion of the interest pursuant to P.L. 1985,c.315, to **RSV Properties, Inc.** which amount is held in TD Bank Account No. 7760845104.

2. The balance of the Engineering inspection fees in the amount of \$874.05 which amount is held in Trust Fund Account No. 252-7011-499 (ENG RSV Properties 10/09) is also released to the Developer.

3. A certified copy of this resolution shall be forwarded to **RSV Properties, Inc.**, the Township Engineer and the Chief Municipal Finance Officer for reference and action.

RESOLUTION NO. 172-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING BOND REDUCTION NO. 1 BY REDUCING THE \$1,389,011.00 SURETY PERFORMANCE BOND DEPOSITED BY MBI DEVELOPMENT, INC. TO \$416,704.00 AND REDUCING THE 10% CASH BOND FROM \$154,335.00 TO \$46,300.40 AS A RESULT OF COMPLETING 70% OF THE BONDED SITE IMPROVEMENTS RELATED TO THE CONSTRUCTION OF SEVENTY EIGHT (78) MULTI-FAMILY DWELLING UNITS IN SIX BUILDINGS, INCLUDING, A COMMUNITY BUILDING, 132 SURFACE PARKING SPACES AND ASSOCIATED IMPROVEMENTS, ON PROPERTY FRONTING ON RIDGEDALE AVENUE AND HORSE HILL ROAD IN CEDAR KNOLLS, AND DESIGNATED AS LOT 12.02 IN BLOCK 1702 AND A PORTION OF LOT 4 IN BLOCK 1603, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, on June 28, 2011, the Planning Board of the Township of Hanover granted preliminary major site plan approval to **MBI Development, Inc.** as applicant, for the construction of seventy-eight (78) multi-family affordable dwelling units

in six (6) buildings, a 1,954 square foot community building with an adjacent tot lot of approximately 1,500 square feet, 132 surface parking spaces and associated improvements including refuse and recycling enclosures on property having frontage on Ridgedale Avenue and Horse Hill Road in the Cedar Knolls Section of the Township and designated as Lot 12.02 in Block 1702 and a portion of Lot 4 in Block 1603, as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, by resolution memorialized on January 24, 2012, and adopted on February 14, 2012, the Planning Board granted an amended preliminary and final site plan approval; and

WHEREAS, the Developer was required to install certain improvements for the project in accordance with the Planning Board approvals and the subsequent Developer's Agreement dated April 30, 2012; and

WHEREAS, the Township Engineer has received a request from the Developer requesting that the surety and cash performance bonds to guarantee the bonded on-site public improvements be reduced; and

WHEREAS, as a result of the request, the Engineering Department conducted an on-site inspection for the purpose of ascertaining the percent of completion of the bonded public improvements; and

WHEREAS, in accordance with the February 14, 2012 amended preliminary and final site plan approval, and the Developer's Agreement dated April 30, 2012, **MBI Development, Inc.**, has now completed 70% of the bonded site improvements; and

WHEREAS, the Township Engineer, in a letter dated August 28, 2013, to the Mayor and Township Committee has recommended a first bond reduction of the total performance guarantee in terms of the surety performance bond and the 10% cash bond; and

WHEREAS, the Township Engineer has attached a Schedule "A" Bond Reduction No. 1 Report to his August 28, 2013 letter which describes the percentages of reduction for the on-site improvements, and the total dollar amounts of the surety and cash performance bonds to be retained in favor of the Township.

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 Surety Performance Bond, Bond No. 58692507 and dated April 23, 2012 as issued by the Western Surety Company, in the amount of \$1,389,011.00 be reduced to \$416,704.00. In accordance with this reduction, it shall be the responsibility of **MBI Development, Inc.** to request Western Surety Company to submit to the Business Administrator/Township Clerk, a new Bond Rider to Surety Performance Bond

No. 58692507 in the amount of \$416,704.00 in order to guarantee the completion of the remaining on site improvements.

2. The cash performance bond of **MBI Development, Inc.** deposited with the Township in a TD Bank Escrow Account, Account #7760845127, in the amount of \$154,335.00 is hereby reduced to \$46,300.40. The Developer shall be returned a portion of the cash bond in the amount of \$108,034.60, plus a portion of the interest, all in accordance with P.L. 1985, c.315.

3. A certified copy of this resolution shall be forwarded to **MBI Development, Inc.**, the Township Engineer, the Chief Municipal Finance Officer, and the Western Surety Company (with offices located at 333 South Wabash 13 South, Chicago, Illinois 60604) for their reference and action purposes.

RESOLUTION NO. 173-2013

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO STANZIALE CONSTRUCTION, LLC CONCERNING THE RESURFACING OF BEE MEADOW PARKWAY FROM REYNOLDS AVENUE TO FENWICK ROAD BY INCREASING THE TOTAL ADJUSTED DOLLAR AMOUNT OF THE CONTRACT FROM \$243,346.00 TO \$264,550.06 OR A \$21,204.06 INCREASE WHICH REPRESENTS AN 8.71% INCREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover awarded a contract through the competitive process to **Stanziale Construction, LLC**, by resolution dated August 23, 2012 for the resurfacing of a portion of Bee Meadow Parkway from Reynolds Avenue to Fenwick Road; and

WHEREAS, the amount of the competitively bid contract was \$243,346.00; and

WHEREAS, the Township Engineer has submitted Change Order No. 1 (Final) which describes the need for extra and supplemental work that was unforeseeable at the time the project was bid, thereby resulting in an increase over the original contract amount; and

WHEREAS, Change Order No. 1 (Final) has been signed by the Township Engineer and Assistant Township Engineer and is attached hereto and made a part of this resolution as if set forth in full; and

WHEREAS, Change Order No. 1 (Final) represents a \$21,204.06 increase or an 8.71% increase in the total dollar amount of the contract; and

WHEREAS, the Township Engineer has now determined that the extra and supplemental work set forth in Change Order No. 1 (Final) shall increase the total contract amount from \$243,346.00 to \$264,550.06.

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

1. The governing body approves the recommendation of the Township Engineer that Change Order No. 1 (Final), in the amount of \$21,204.06 be accepted, and that the final total adjusted contract amount of the contract with **Stanziale Construction, LLC** be fixed at \$264,550.06.

2. The Business Administrator/Township Clerk is hereby authorized to execute Change Order No. 1 (Final).

3. A certified copy of this resolution be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **Stanziale Construction, LLC**.

RESOLUTION NO. 174-2013

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO STANZIALE CONSTRUCTION, LLC CONCERNING THE RESURFACING OF A PORTION OF CROSS ROAD AND OLD FARM ROAD BY INCREASING THE TOTAL ADJUSTED DOLLAR AMOUNT OF THE CONTRACT FROM \$193,724.50 TO \$205,195.91 OR AN \$11,471.41 INCREASE WHICH REPRESENTS AN 5.92% INCREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover awarded a contract through the competitive process to **Stanziale Construction, LLC**, by resolution dated August 23, 2012 for the resurfacing of a portion of Cross Road and Old Farm Road; and

WHEREAS, the amount of the competitively bid contract was \$193,724.50; and

WHEREAS, the Township Engineer has submitted Change Order No. 1 (Final) which describes the need for extra and supplemental work that was unforeseeable at the time the project was bid, thereby resulting in an increase over the original contract amount; and

WHEREAS, Change Order No. 1 (Final) has been signed by the Township Engineer and Assistant Township Engineer and is attached hereto and made a part of this resolution as if set forth in full; and

WHEREAS, Change Order No. 1 (Final) represents a \$11,471.41 increase or an 5.92% increase in the total dollar amount of the contract; and

WHEREAS, the Township Engineer has now determined that the extra and supplemental work set forth in Change Order No. 1 (Final) shall increase the total contract amount from \$193,724.50 to \$205,195.91.

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

1. The governing body approves the recommendation of the Township Engineer that Change Order No. 1 (Final), in the amount of \$11,471.41 be accepted, and that the final total adjusted contract amount of the contract with **Stanziale Construction, LLC** be fixed at \$205,195.91.
2. The Business Administrator/Township Clerk is hereby authorized to execute Change Order No. 1 (Final).
3. A certified copy of this resolution be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **Stanziale Construction, LLC**.

RESOLUTION NO. 175-2013

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)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013, which item is now available as a revenue from:

State of New Jersey:	\$4,400.00
2013 - Drive Sober or Get Pulled Over Crackdown Grant	

Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$4,400.00 be and the same is

hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	\$4,400.00
Drive Sober or Get Pulled Over: OE	

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION NO. 176-2013
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)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 which item is now available as a revenue from:

Bayer Contribution	\$13,500.00
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Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$13,500.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
Reserve Bayer - Contribution	\$13,500.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION NO. 177-2013
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:

<i>BLOCK</i>	<i>LOT</i>	<i>QUAL. #</i>	<i>NAME</i>	<i>AMOUNT</i>
303	10		Eugene Perotta Trust Account 16 Valley Road Clark, NJ 07066 RE: 33 Cross Road	\$644.65
609	4	C0404	Gregory & Helen Russo 404 Viera Drive Cedar Knolls, NJ 07927	\$291.67
1303	4		Steven & Heather Shostack 60 Summit Avenue Cedar Knolls, NJ 07927	\$2611.00
2403	2		Howard Goldberg Attorney Trustee Whippany Office Park 33 Clinton Road West Caldwell, NJ 07006 Location: 80 South Jefferson Road Reserve for Tax Appeal	\$78,317.00
2801	5		Stan J & Anna Liguz 108 Malapardis Road Cedar Knolls, NJ 07927	\$578.16
4301	2	C2407	Tina Grech 875 Union Valley Road West Milford, NJ 07480 RE: 2407 Whippanong Way	\$143.65
4508	4		Claude D Chevance 31 Fieldstone Drive Whippany, NJ 07981	\$1885.70
5703	19		Jeffrey & Patricia Schwartz 11 Bunker Hill Place Whippany, NJ 07981	\$33.82
6701	3		Horowitz Rubino & Patton Trustee: 15 Melanie Lane LLC 400 Plaza Drive PO Box 2038	

		Secaucus, NJ 07096 Location: 15 Melanie Lane Reserve for Tax Appeal	\$163,022.00
7702	7	Corelogic Real Estate Tax Service PO Box 961250 Fort Worth, TX 76161-9858 RE: 128 Troy Hills Rd	\$1482.61
7703	29.01	Hian Chew 1 Hubert Street Whippany, NJ 07981	\$217.21
7901	25	Christopher & Randi Monaco 28 Grove Place Whippany, NJ 07981	\$143.82
8501	28	Corazon T Bui 12 Washington Avenue Whippany, NJ 07981	\$266.79

RESOLUTION NO. 178-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE PURCHASE OF ONE (1) NEW REPLACEMENT 720 TINK CLAW ATTACHMENT FOR THE PUBLIC WORKS DEPARTMENT CATERPILLAR FRONT END LOADER IN AN AMOUNT NOT TO EXCEED \$15,330.00

WHEREAS, the Public Works Department is in need of replacing the claw attachment for the Department's Caterpillar Front End Loader; and

WHEREAS, the attachment in question is known as a Tink claw and is a specialized piece of equipment that is not carried by all heavy equipment dealers; and

WHEREAS, the Tink claw is not available directly from Tink, Inc., the manufacturer, but only through an authorized Caterpillar heavy equipment dealership; and

WHEREAS, the Public Works Department was only able to solicit one (1) written quotation from **Foley, Inc.**, a Caterpillar dealership which carries the Tink claw; and

WHEREAS, it is the intention of the Township Committee to authorize the purchase of the Tink claw from **Foley, Inc.** in an amount not to exceed \$13,710.00 plus shipping cost in an amount not to exceed \$1,620.00.

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 Superintendent of the Public Works Department is hereby authorized and directed to purchase one (1) new replacement 720 Tink claw as an attachment to the Department's Caterpillar front end loader. The claw shall be purchased from **Foley, Inc.** located at 855 Centennial Avenue, P.O. Box 1555 in Piscataway, New Jersey 08855-1555.
2. The total cost for the purchase of the new replacement Tink claw shall not exceed \$13,710.00 plus \$1,620.00 for shipping for a total cost not to exceed \$15,330.00.
3. The Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Township's 2013 Current Fund Budget through the Reserve For Clean Communities Account and the Recycling Non-Grant Account, Line Item Nos. 190-0132-685 and 252-3026-271 respectively.
4. That certified copies of this resolution shall be transmitted to the Superintendent of the Department of Public Works, Buildings and Grounds and Park Maintenance and the Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 179-2013

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL SPEF IMPROVEMENT AND AUTHORIZATIONS

BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that the amounts listed in the following items be and they are hereby cancelled:

ORDINANCES:
Capital Account:

NUMBER	DESCRIPTION	AMOUNT
11-13	Improvements – Bee Meadow Pool 1. Filter Media System	\$5,960.00

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the Township's CMFO for his information and action.

RESOLUTION NO. 180-2013

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY ACCEPTING THE BIDS FOR THE SALE OF CERTAIN MUNICIPAL LAND AND PROPERTY FROM THE TOWNSHIP'S PUBLIC AUCTION OF SEPTEMBER 11, 2013

WHEREAS, on September 11, 2013, the Township of Hanover conducted the sale of municipal property that is no longer needed by the Township in accordance with a Resolution adopted on July 11, 2013; and

WHEREAS, the Business Administrator/Township Clerk reports that the attached schedule outlines the bidder and his respective proposal to purchase said land and recommends that the Township Committee accept this bid.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that the proposal set forth in the attached schedule is hereby accepted and incorporated herein.

BE IT FURTHER RESOLVED, that the terms of such acceptance will be set forth in the Contract of Sale prepared by the Township Attorney as set forth in the Resolution adopted on July 11, 2013.

RESOLUTION NO. 181-2013

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING KRISTA M. DIGIORGIO AS THE TOWNSHIP'S REPLACEMENT FULL-TIME EXECUTIVE SECRETARY II IN THE DEPARTMENT OF ADMINISTRATION FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING MONDAY, SEPTEMBER 23, 2013 AND ENDING SUNDAY, MARCH 23, 2013 AND ESTABLISHING HER COMPENSATION AT \$43,000.00 PER ANNUM UNDER JOB GROUP VII IN ACCORDANCE WITH SALARY GUIDE "C" OF SALARY ORDINANCE NO. 15-13

WHEREAS, with the impending retirement of Rita Rewick in the Department of Administration effective November 1, 2013, a need exists to fill Ms. Rewick's vacant position of Executive Secretary II; and

WHEREAS, the position of Executive Secretary II is classified under Job Group VII under Schedules "B" and "C" of Salary Ordinance No. 15-13; and

WHEREAS, on July 23, 2013, the position vacancy notice was transmitted by the Business Administrator to all Township employees; and

WHEREAS, as a result of that posting, four (4) employees submitted applications to the Business Administrator; and

WHEREAS, a total of four (4) applications of were received by the Business Administrator; and

WHEREAS, in accordance with the Township's job application process, the four (4) applicants were initially interviewed by the Deputy Township Clerk and the Township's Human Resource Specialist; and

WHEREAS, the applicants were rated on their current employment experience and expertise, and their overall skills and abilities to perform the duties and tasks of Executive Secretary II and whose background and experience closely matched the job description and requirements of the Executive Secretary II position; and

WHEREAS, subsequently, the Business Administrator and Assistant Business Administrator conducted a second round of interviews with the four (4) applicants on August 27, 28 and 29, 2013; and

WHEREAS, as a result of the second round of interviews with the four (4) candidates, the Business Administrator believes that **Krista M. DiGiorgio** residing at 9 Halko Drive in the Cedar Knolls Section of the Township has the necessary work experience, job qualifications and administrative skills closely matching the Township's job description for the Executive Secretary II position and should be appointed to fill the vacancy; and

WHEREAS, Ms. DiGiorgio currently serves as the part-time Assistant Control Person/Account Clerk in the Building Department since her appointment effective May 29, 2012; and

WHEREAS, Ms. DiGiorgio shall serve as the full-time Executive Secretary II for a six (6) month probationary period commencing Monday, September 23, 2013 and ending on Sunday, March 23, 2014 ; and

WHEREAS, in accordance with Schedule "C" of Salary Ordinance No. 15-2013, **Ms. DiGiorgio** shall be compensated at \$43,000.00 per annum under Job Group VII. Pursuant to Township policy, **Ms. DiGiorgio** shall not be entitled to receive any other remuneration such as overtime or compensatory time, other than the annual cost of living adjustments that may be granted to non-union civilian employees by the Township Committee, and subject to receiving a satisfactory Job Performance Evaluation performed by the Business Administrator; and

WHEREAS, Ms. DiGiorgio 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.

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 **Krista M. DiGiorgio** residing at 9 Halko Drive in the Cedar Knolls Section of the Township is hereby appointed as the full-time replacement

Executive Secretary II for a six (6) month probationary period commencing Monday, September 23, 2013 and ending Sunday, March 23, 2014.

2. In accordance with Schedule "C" of Salary Ordinance No. 15-2013, **Ms. DiGiorgio** shall be compensated at \$43,000.00 per annum under Job Group VII during the probationary period. Subject to the receipt of a satisfactory job performance evaluation performed by the Business Administrator at the conclusion of her probationary period, **Ms. DiGiorgio** shall receive an additional \$4,000.00 under Salary Range Guide "C" for a total salary of \$47,000.00. Pursuant to Township policy, **Ms. DiGiorgio** shall not be entitled to receive any other remuneration such as overtime or compensatory time, other than annual cost of living adjustments that may be granted to non-union civilian employees by the Township Committee, and subject to receiving a satisfactory Job Performance Evaluation performed by the Business Administrator.

3. **Ms. DiGiorgio** 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. In the event that **Ms. DiGiorgio** receives an unsatisfactory job performance evaluation during her probationary period, **Ms. DiGiorgio** may be returned to her former part-time position or an equivalent position at the conclusion of the probationary period or sooner, whichever is applicable.

4. As a full-time employee, **Ms. DiGiorgio** shall accrue sick and vacation days starting on October 1, 2013 and calculated in accordance with Sections 61-10.C.(1) and 61-11.A.(3) under Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies.

5. In the event that **Ms. DiGiorgio** requests medical and dental benefits coverage in the future **Ms. DiGiorgio** shall be required to comply with the provisions of the Township's Health Benefits Coverage requirements described under Section 61-14. Entitled "Health benefits Coverage" of Chapter 61 of the Code of the Township.

6. That certified copies of this resolution shall be transmitted to the Chief Municipal Finance Officer and **Ms. DiGiorgio** for reference and information purposes.

Mr. Giorgio: Any question to the present consent agenda for the resolutions?

Motion by Mr. Coppola and second by Mr. Ferramosca.

ORDIANCE 17-13:

Mayor: Ladies & gentleman we are going to propose for final reading and at this particular time. Opening public hearing motion made by Mr. Brueno and second by Mr. Ferramosca. All in favor

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting. Reminder we know everyone has a comment to make we hope you will be kind in them to us. And as such, we will provide 5 minutes of each of you at the podium. I would hope you will give other people that would like to make a comment the opportunity to do so by taking the podium one session of that.

Mr. Giorgio for the benefit of the public accordance with the Municipal Land Use Law the Ordinance and the Notice of Introduction appeared in full in the Daily Record on 29th August, this is a requirement by law. Also a requirement by law that everyone within 200 feet of the proposed zone change be notified by certified mail and regular mail and finally that the notice of the introduction of the ordinance be submitted to the planning board for review and recommendation, which it was. And also filed with the Morris County Department Planning and Development and also sent to all of the 5 contiguous municipalities to Hanover Township. Those are the requirements under the law.

Mayor: Ordinance 17-13. Land Use and Zone classification change for Block 9202 Lot 15. Known as 62-66 North Jefferson Road, presently a R-40 Zone or 40,000 square foot lot. To be proposed is a R-10A Zone, which is less than 10,000 square foot lot. At this time I will motion to open the floor for comments:

Moved by Mr. Brueno, seconded by Mr. Ferramosca

Floor is open again ladies and gentlemen even though it seems repetitious for the record we will need your name and address.

Fred Semrau: Mayor if I may this is a public hearing with respect to the Ordinance so the comments that are directed to the Ordinance are as well made part of the permanent record, I should also note that the last time zoning for this property was considered for a public hearing this Governing Body defeated this Ordinance at the conclusion of the public hearing. And so, the comments are certainly are important. I also just want to point out that I know that there are some materials that have been discussed or have been discussed about the fact about school age children. I just want to point out that the courts have time and again advised that Municipalities may not zone in a manner to restrict the number of families a municipality more to restrict or control the number of school age children and keep down local educational costs and the Supreme Court has said and this is what we are tied to. "Such restrictions are so clearly contrary to general welfare as to not further require discussion." So I just point that out that we will certainly, you may want to make a lot of points and relevant facts, understand that the comments you make regarding the legislation of school costs or school age childrens, or families, there is nothing the Township Committee from a legal

perspective, legislate and do. That's how all the affordable housing litigation was initiated and things of that nature. So while there is other points and things that the Committee can be in the position to respond to and consider that is one consideration is prohibited whether it be by the Planning Board or the Township Committee. Thank You Mayor.

Mayor: Thank you. Again, the floor has been open.

Joseph Mihalko, 12 Anna Terrace, Whippany. I would ask the Mayor and esteemed Committee notice I'm trying to make up. If it might not be beneficial to both parties, the developer and those that are concerned to this particular Ordinance to take a five to seven minute break to have the tutorial that the developer has been brought in so we may have the opportunity to inspect them before we make comments.

Mayor: Absolutely. That's fine, Committee agree to a 5 minute break.

Members: Absolutely.

Mayor: Joe, I think what we will do is put them out and put them on the table.

Putting pictures on table –

Mayor: Ladies and Gentleman we are going to start voting, thank you very much, I appreciate it. I hope everyone has had the opportunity to look at the visual ads that have been laid out for you. I'm sure you are going to have your questions, and comments. We have members of the Planning Board with us tonight as well as Director of Planning John Ferramosca with us. So we are going to do our best to try and answer any questions that you have. Before we adjourn the floor was open and I'm going to return to that status. The floor is open if you would like to address the Township Committee on Ordinance 17-13 you can do so from the podium giving us your name and address for the record and there will be a 5 minute clock.

Michael Mihalko, Nye Avenue, these pictures, although they are trying to make it look bad that's been cleaned up already, somebody came in and took all the scrap out, this is buried behind the building. I'm the one that has to look at this. I rather look at that or what's left than this. But digress. We came before you guys a year ago. This was a breath away from being 34 condo's 45 ft. high 30 feet off my property. It was an abomination. It was not should have been there, you guys voted it down. We said we wanted single family homes you went to the developer and said "single family homes this is too dense." He came back with 26 family homes then 16 you know this now we are at 15. Let me put this into perspective these single family homes, we wanted a neighborhood we wanted neighbors. Mr. Brueno, if they were to put these homes on your property there would be 6 1/2 of them. Mr. Coppola, there would be 3 1/2 of them on your property. Mr. Ferramosca, 3. Mr. Schleifer 3 1/2, Mr. Francioli about 2 1/2. That's not a neighborhood it's a condo split up. All you did was slice it open. This not a neighborhood, there is no outside there is no backyard, the Ordinance also allows for 35 foot setbacks, deemed appropriate. So that means anyone can come in and petition to get a 35 foot set back. No where in town is a rear yard 35 feet residential? Why are we

allowing it here? It troubles me that we are considering this. Again, it's a blighted property, I agree. It was on the market for a month maybe a month and a half for sale before it was put under contract. This is not a property; Kathy's Corner was up for sale for years, years and years. It's an eye sore that everyone that drives down Whippany has to see. This is not the case. This is a property, it's an open field, I don't mind an open field. I would like to see neighbors; I would like to see houses. Some other will get into the density. One more point, we talked about the COAH we understand it's a constraint that you have work with and you have done a great job trying to wrestling with this thing, even though we don't know where it's it going to go or going to be. I learned a lot of that on Tuesday. But won't adding these units make us put more COAH in to exasperate the problem on the COAH end? I came three months ago, I asked one question. "What's the benefit?" Is there a benefit?

Mayor: Do you want a response to that?

Mr. M. Mihalko: If you have one please.

Mayor: I don't want to interrupt your time.

Mr. M. Mihalko: What's the benefit, its residential. It's not a ratable. I will cost us money. Again, the figures, the more high density you have the taxes go up. Time and time again. There is none with high density that have low taxes. Thank you for your time. Do we have an answer?

Mayor: Michael, the only, you rightfully ask what the benefit and you have asked that in the past too. I think the Planning Board has studied this and obviously you have a comment regard to the fact that this yes, this started out as 36 odd units or 35 units and then came back lower. But one of the things I had to respond to was that the process is such that the planning board has no control over the developer who wants to come in and out and pay his concept fees to be seem by the planning board. 20 times 50 times. The bottom line is what you want and what I want the bottom line is what finally is acceptable and not a detriment to the law says. To what the zone says or the planning board or the Township. I think

Mr. M. Mihalko: I'm sorry, What the attorney said before, the way I construe what you said was pretty much is that there is no such thing as zoning. If we don't do what people want we are going to get sued? Why do we have to change it? I guess the question is, why would we have to change it?

Mayor: Why do we have to change it?

Mr. M. Mihalko: We have to change it to allow it.

Mayor: The basic reason for any zone change, such as the one we are considering, we are considering several zone changes in the town and you know that.

Mr. M. Mihalko: Yes

Mayor: You are on the fire company, you are a commissioner for the fire company, you know exactly what is going on in that area. And we are proposing a major zone change from Route 287 to the Algonquin Parkway east and west from 287 down to route 10. That zone change and the Planning board's option was part of a year long study to start to finally upgrading the community taking properties that were demised or not being utilized in the best possible way and get better use out of it. We did the same thing on Hanover Avenue. It took zones which were ____ zones, they created only 10 acre lots on Hanover Avenue from Ridgedale to American Way. Why did they do that? They are trying to attract better brands, better uses, more upscale.

Mr. M. Mihalko: I get that.

Mayor: I think in every zone and again as the Mayor sits as a class member of the Planning Board I can only reflect what I steal the sentiment of the planning board is that they are looking as the upgrade aspect of it. They can't look at the economics; I can look at the economics. I can tell you that the slaughter house is only paying \$11,000 a year in taxes.

Mr. M. Mihalko: It doesn't cost us anything either.

Mayor: Pardon me,

Mr. M. Mihalko: repeat

Mayor: It doesn't cost us anything but at the same time, what you're saying is its as good as open space. It's not dueling anything but the planning board doesn't look at the economics and I always caution them about that anyway when we get into some of these discussion. They are looking at the upgrade of the property. The best use of the property. As a transitional type of use. They finally reduced this down to this new 10A zoning as to what they compared to the zoning to across the street in Windermere. It's the same type of densities, give or take a foot.

Mr. M. Mihalko: This is more, we understand.

Mayor: Windermere density well the history that we got seems to work out very well. I tell you that was a strong influence on the Planning Board in looking at what they wanted here. The R40 zoning single family R40 homes possibly can support 3 homes in there possibly 4. And I think in their estimation that zone went back to the late 1960's and hadn't been looked at, it was part of the study plan and what they did and looked at. And they came up with finally listening to the arguments that the developer presented and try to get a higher density use on there. Did they allow what he first came in with? Well, the process works.

Mr. M. Mihalko: Yes, they did. They did and it was a breath away from going through.

Mayor: We know the process works, we stopped it. We said no it was too much, went back, okay so here we are. The best explanation I can give you at this particular point on that...

Mr. M. Mihalko: My point is that it wasn't up for sale that long, there could be other buyers out there that can develop it in a way that is better suited for the town. Again, the homes that's not the neighborhood that we are looking for. We are losing the fabric of what I think a lot of people are looking for. That's not the fabric, it's still high density. Yes, it's less but it's still high density. The fabric is not there. Did I use up my time?? However, there was an email that went around, I signed it, I wrote it more or less. The numbers, there seems to be some discrepancy. Those are true numbers that were on there, I think there was one that I was a little off on that was the Bee Meadow. But that's true numbers so to say that my numbers were false and defamatory, you took offense I took offense.

Mayor: I am entitled to respond to you.

Mr. M. Mihalko: One more thing, Mr. Giorgio I'm sorry that was the only email I had if he emailed you it was a way to get to the rest of the councilmen. I didn't want to give out personal email addresses. So.

Mayor: I had conversations with the Superintendent as early as 2:00 this afternoon to be updated. His kindergartens for the coming year 2015 indicate that his enrollment is going to go down on the kindergarten side to about 110 coming in.

Mr. M. Mihalko: I think there is a couple of things here. Enrollment is up this year. Even with the 8 grade class moving out. Which fortunately for you guys was a big class.

Mayor: We have differences in opinion.

Mr. M. Mihalko: I hope some other people stand up and back me up on this one.

Mayor: In fact this is your superintendent of schools.

Mr. Mike Mihalko: Ok, I'm getting it from members also.

Mayor: I can only go by reports I get. 185 pupils 8 th grade. The kindergarten this year will start 2015 with 110. It was 140. He is showing a 5 year decline. Now granted, granted, I'm gonna go back to what Joe commented earlier, its without the additional numbers that are before us now for consideration. That will impact the schools.

Mr. M. Mihalko: Absolutely,

Mayor: Now, I had a very in-depth conversation with Scott Pepper on where we think the changes in this population are coming from present day. And he and I both realize that economic conditions are “thank you lord” getting better. House values are if you have Zillow on your smart phones and you’ll find out the value of your house current market. You can find that markets now are increasing inventory is decreasing real estate people that we talk to are hungry for property. The resales are coming at of just that resales not new stores. In the school studies that we did no more than 3 4 years ago also indicated that the greatest brunt of the younger student population in this particular case your third grade, your third grade is coming from those re-sales. So if we stopped everything and put a lock on Hanover right now and stopped everything the re-sales in the demographics for the children are still going to happen. It goes up it goes down.

Mr. M. Mihalko: I agree.

Mayor: I had this conversation with George. George has been on the school board for thirteen years. He’s seen higher population in the student population in the student population and he’s seen lower. If we can put a finger on the button that makes the change we’d be great. We’d be doing our best.

Mr. M. Mihalko: I understand there is going to be fluctuations, but we don’t need to encourage them either. We don’t need to exasperate them by building higher density. I’ve been over my time, thank you very much.

Mayor: That’s ok

Mr. M. Mihalko: Hopefully some other people will chime in on this matter.

Mayor: well by us doing this I hope we have answered a lot of questions.

Mr. M. Mihalko: These are a lot of the concerns. Again, we are looking for single family homes, a neighborhood not a condo cut up. That’s what these are and this is the densities we are talking about. Picture your own yard, picture three house, five houses, six houses on that yard. That’s what we’re getting. That’s not a neighborhood. Thank you. (applause)

Mayor: You are entitled to a round of applause. I think what the Township Committee has to also consider as a statement here is that this Ordinance for a zone change will allow to a maximum density on that particular piece of land. Operative word “to a maximum density.” It doesn’t mean that the suggested amount of footprints can happen or not. That’s a planning board matter that goes before the planning board in a separate application.

Mr. M. Mihalko: Not speaking into microphone and can’t hear....

Mayor: Yup, we said it. I understand.

Mayor: Madam name and address.

Andee Mihalko, 7 Nye Avenue, Whippany. That's our house on the board the top right of the board.

Mayor: Are you related to the gentleman next to you?

Mrs. Mihalko: Yes that's my husband, sometimes. I had a couple points to make, 1. The requirements that were talked about before about posting this information and making the residents aware of what is going on these meetings, its all well and good to put it in the paper a month ago and everything else. I know as late as Monday night about 11:00 this agenda was not posted on the website for tonight's meeting. I forgot to look afterward to actually see when it did go up. You have to realize that probably where people are going to go. That's where we are told to go when we come to these meetings to get that information. That it is posted on the website. But three days ago, it still not posted that this was coming before the board tonight.

Mr. Giorgio: It was posted Tuesday.

Mrs. Mihalko: Ok,

Mr. Giorgio: That's normally the day we do it because we have to wait and see exactly what we have for the agenda. So its' a work in progress

Mrs. Mihalko: Ok, thank you. Another point again, you keep standing up there saying you have no control what comes before the Planning Board. We know that is true, but one year ago, the 36 units for this property was approved by the Planning Board. It was introduced by this committee and you can sit up there and say what you will but I have no doubt that if 30 somewhat people didn't show up that meeting this board would have pushed this right through.

Mayor: You are entitled to that opinion.

Mrs. Mihalko: I say it because you guys seemed shocked when we showed up in opposition to the plan. We were reprimanded by Mr. Brueno saying why didn't you come up before. We had no idea anyone was against this. Because we didn't know about it. That's why. So that's what happened. My husband and I put out the email that went around, we sent it, yes its true, that this property in this ordinance abuts our property we have concerns about how it will be developed. But I do take offense to the accusation that that email was sent only in attempt to get people out here to this meeting tonight. To defeat this particular ordinance. If you heard tonight I like everyone here have many concerns about the direction this council is taking with regards to development in this town. And we just want the residents to be informed. We want to get an email out saying "hey come to the meeting this is what is going on," some people said the talk around the mailboxes is everyone is upset. So we are trying to get people to come out to this meeting and hear for themselves. And believe me you will continue

to see me and hear me at these meetings after tonight, after whatever vote is made tonight on this ordinance. I also take offense to the accusation that my email contained many false statements. It's true that the Saddle Brook unit on Horsehill Road put 20 students into Mountview Road School. Again, you can say enrollment is down cause we had a very large outgoing 8th grade class. Kindergarten is not as big, doesn't change the fact that you are not looking at other grades and the class sizes. Mountview Road had to add a 4th 3rd grade class. They had to lose their aftercare room, my friend was told her Girl Scout Troop can no longer meet in the school building, because there is not a place for her troop to meet. My kids go to Bee Meadow. I stood there on the first day of school and listened to Mr. Stark make the announcement that there were 24 new students in Bee Meadow School. 10 of them in 5th grade. Bringing both 5 grade classes up to 25 in each class. And that is true. And the secretary at Bee Meadow who worked there longer than she will say, said there has never been this many new students coming in the beginning of a school year for as long as she worked there. They are having a new student breakfast for the first time ever, cause there are so many new students. And it came from the board of ed that MTV and Salem are 10 students away from capacity. So I don't know what was not true in my email. I'm not going to take up any more time just wanted to make those points, and again we are the ones that have to look at these properties, we would rather look at an open field than what you are planning on putting there. Whether or not that many go in I guess we'll have to see. Thank you. (Applause)

Mayor: Father, may I respond. I use in a personal email to a gentleman who globally circulated an email, in my opinion some of the statements were incorrect and inflammatory and irresponsible I stand by that. This is another letter from the Superintendents of Schools, Bee Meadow can accommodate 400 students current population is 333. The capacity I have for Salem differentials there too, same as true at Memorial. Memorial can accommodate 600 presently we are at 540. So, look you don't zone on the bases of how many students go in, I think we heard this earlier. About how many students are in and out of schools. You don't zone on the bases of economics of how much money you can make, and buy the way if you want to know what that number is I quoted you a present number of that property at \$11,058.00 and the financial officer tells me that the proposed zoning that you have that, and I can talk economics these gentlemen up there can't, would be 114,750 that would be ½ a tax point folks if you want to look at it that point. Let's ignore that and secondly, I just want to keep the record straight on the case. But that's also not a good reason for the zoning either or is it a good reason to zone against market conditions. It's not a developer that doesn't come into the Planning Board lately or before this Township Committee that isn't looking for rentals, rentals, rentals. It wasn't too many years ago they were looking for warehouse, warehouses, and warehouses. The same thing was true when then wanted office buildings, office buildings and office buildings and we held back because now there is a tremendous clog of office buildings. But we can't go on the basis of market trend we have to go on the basis on what balances our community's needs housing for employees that work here, industry that has certain requirements. You heard a comment earlier about Bayer Cooperation. Bayer Cooperation on their properties do want upscale rentals on the rear of their property for people that they know that their

employees that are going to want to use it. Is it going to impact our schools, look I can stand here and say that that kind of use has a very limited amount of children maybe 35 units to 1 or something like that, I can quote facts all night, we don't want to hear that and I understand. Having said that, I apologize, I just want to keep the record straight on the student population, again I am quoting from stats, that I am getting from the Superintendent of Schools. So on that note, Father you wanted to speak. I'm sorry.

Father Roman, 60 North Jefferson Road, Whippany. I'm sort-of concerned because despite that everything that has been said and we have been assured that its going to be condo regulations etc. I still don't know where those children are going to play. They are going to be deprived of having swings, they are deprived to play. They are going to see this beautiful place across the fence and we get them from Woodmere court and everything on our property. Skating on our property, we have cars constantly off. They are going to be on our property and we don't need that. Secondly, I don't see if there is a party or something going on over there, I don't see where they are going to park. Fortunately people in Woodmere and the other place, they have on street parking. Here, there is no place to do that. Where are they going to put their cars? Also, I mean we have to be realistic we have a huge debt we have to pay it off. All we need is more neighbors like the neighbor in back who constantly complains and now put up a house that he complains he can here the sounds. We don't need it going into that with the new neighbors, that your noise is too much, cut down. We have services going on in the church, we have processions around, we would want people saying we'll you are interfering on our Sunday Mornings. Given the trends of our Government limiting religious expressions and everything like that, and trying to salvage the rights of the individual, we don't want down the line to be told you can't have a procession you can't ring your bells, you can't do this, you can't do that. Also, we find it kind of offensive that in all this time the developer, knowing I have spoken many times in opposition, had never taken the time to come over and ask about the concerns of the parish about this. It's always we're put before the fact. I think diplomacy on his part would have been better if he came and worked with us, just as we tried to work them. We don't live across the street; we are right next to him. But I am still very concerned of what is going to happen on that little piece of land with all of those houses and possibly all of those children, and god willing all of them have 3 or 4 children so our population can live. Where are they going to be? I don't know. I think you should take that into consideration before you even allow that, I know I've been assured that possible the house next to the rectory but we would like that to be taken into consideration, and also the cul-de-sec turn about will be turned going the other way so that those houses will flipped up there so you have less neighbors next to our cultural center. Thank you. (Applause)

Mayor: Thank you Father.

Fareed Shaike - 35 Windermere Court, Whippany. Good Evening, obviously I live at Windermere Court, so when I look at the map and I talk to this it concerns me for the safety of the roads, the safety of the kids. I walk in the road and people bust through the roads sometimes going to church. So the more (inaudible) the last session

I was there once to. At least for me I find it difficult to find to understand the benefits. Im not understanding it. It might be my fault but I don't understand the benefits. I don't understand why roads get bigger with this set up. Our children going to be safer when they cross the streets in the roads? The schools get bigger, I know the answer, I want to understand it from you folks. How will they get better. The quality of life is bigger, in Whippany, a Town that I love. I've been here for about 10 years. Does the safety get better, do the Police get stronger? Do our Town services get better, does our community get stronger? Do our churches become stronger and bigger? Does the future of our kids gets better? I don't know the answer, I want you guys to help me there? I want to share of downsides of not doing this. I'm failing to understand it, I want to understand it I want to make sure we do the right things for our community, our churches, for our children. Clearly, I don't understand. So we can all contribute to what is good for the community, the people are failing to understand the benefit and I think it's important for this administration to help us understand it. If you are failing to understand. Thank you. (applause)

Mayor: Thank you sir.

Thomas Gallagher, 20 Woodfield Drive, Whippany. We've been talking about this quite a bit on the school board with enrollment projected enrollment and the fact that enrollment was going to go down this year. The reason why it was going to go down this year, was because we had 189 graduating 8th grade, and we always compare it to how many kindergartener are coming in. The actual is 129 and the projected was 1,411 and the actual as of September 1 is 1478. I talked quite a bit with Scott Pepper and our school board because we are concerned as you know we are all local and accessible and people are concerned. We all got a lot of phone calls and emails of people who come to public board meetings but the numbers I got from Scott and we talked about it as a board, and we are concerned and we do have the 2% cap to and every time we have to add a section, we have to higher a new teacher and our district \$51,000 plus benefits usually comes to about \$70,000 and we already slightly above that 2% cap. So Mountview Road School the capacity is 340 and we are at 329 Bee Meadow 332 and currently 420. So we can put in theory 88 more children in Bee Meadow. Salem Drive can hold 300 right now there is 275 and that's 25 different. But we also don't know how many people are going to be at the Saddle Brook project and we anticipate they are going to be bussed over to Salem Drive. Which we have done before when we had large classes. MJS has 540 and it can have up to 600. That 184 students. So as a school board member and as a father and as Hanover Township resident I spent quite a lot of time talking to many people in town about the schools in the last 5 1/2 years and we are not exactly sure what's gonna happen next, I even asked Scott Pepper a couple different time, "what are we gonna do, we have the 2% cap" and Scott's answer to me was "we're not sure right now." So Mr. Mihalko I understand a lot of your concerns and we went back and forth with the numbers and a lot of people have. I just want to weigh in on the schools as a School Board of Education Member. Thank you.

Mayor: Thank you, and we will keep you honest cause your numbers are absolutely correct and those are the numbers we are quoting from Mr. Pepper. So again, we have to depend on the reports and the studies and the work we get and the research that the board has done over the time. I know I'm belaboring and I know we are concerned with the school children in this Township, we all are. It's a fact that comes up at every planning board application that has housing in it. It comes down to the children. We are not looking to expand our schools. On the other hand this is gonna sound, to many out here, who want our town...who...Len Ferraiuolo sat in this seat along time ago, maybe he should still be here. But in any event, I used to tease Len because I said the best thing that Len wanted in this Town was remain as dirt roads and tepees. And while I teased him of that that was his philosophy for the Township. Hanover is not going to remain that way, Hanover is a new dynamic town it's changing to a farmer town. It's gonna have different needs, housing needs, COAH is a whole other thing, probably the worst thing that the State of NJ did to suburban towns like ours, I hold it right up their with the Highlands Act. If the Governor was here he would share my feeling on that. With that having been said we fight over this all the time and I almost think even with the development that we are doing now with Bayer Corporation. With all the things that you see, don't bring housing with them, but you know the Township Committee just tonight spent about 1/2 hour talking to our planner about the fact that even industry even offices, even retail uses and such that has square footage and provide additional jobs within the Township have a damn a COAH component. And we are going to fight on that, we are going to fight against that to prevent that from happening but that's what we are dealing with here. And that's what we dealt with for some 25 years ago as they sat on this board and that's way the five developments you have in this town that Mr. Mihalko quoted so accurately on the densities. Oak Ridge, Eden Lane, Sunrise Hanover Hills, Sterling Mist, all those developments have higher density to accommodate as we called them at the time 22% set aside for low and moderate housing as per the State of New Jersey held a gun to our heads and said we had to do. We did it as a mixed venue we put it in with market housing. We have not had any issues we have not had any public safety issues we haven't had any domestic issues with it, etc. That's what brought us to where we are. Again, I'm gonna get off my podium, the floor is still open. Please anyone would like to address the Township Committee:

Bob Nardone, 4 Shindler Court, Whippany, member of the Planning Board. I just thought it might be a good idea for just a couple of minutes, instead of having the Planning Board vilified maybe we just give you a perspective as to how we get here. So, at the risk of being "booed" ...Ron, the Mayor actually made a couple of points that are salient to this but I would like to emphasis this. About a year ago, the Planning Board undertook a project to take a look at the way we are looking at our Master Plan and land use. That is our jobs, looking at land uses, as assets for the communities for a number of reasons. And one of the things that was hitting us right between the eyes, was what I would call a "cross in our town" that's the core of our town that was in serious need of revitalization. A lot of boarded up empty buildings, dilapidated buildings, some of it was a sign of the times, with hard economics that hit us in 2008, but also a lot of its function of obsolete zoning. Because a lot of that zoning was getting

in the way of what was really practical on a go forward basis. So a couple of facts, you just can't keep building office spaces. In Morris County alone there is a 45% vacancy rate, that's not just temporary, that's a trend. You don't have room for industrial zones, anybody that drove down Hanover Road, 4 or 5 years ago, it was a perfect sign of suburban blight. It's an effort to revitalize that. Route 10 & Jefferson Road are consistent in many ways with that, and anybody that has lived in town, I've been in town for 36 years, I've raised by family here, knows it's a serious problem and it effects all of us. Because it devalues the quality of the town, it devalues our property values, and while it's not important, the retail are not the main reason for zoning. Land use brings retail. So we get ideas from a variety of sources for zoning. It comes from developers, from property owners, comes from even the Planning Board and Township Officials. We have a group the Economic Develop group in town that made several recommendations. This site is consistent with the things I just said tonight. It is in the middle of Jefferson Road, it's a zone that is totally obsolete R-40. R-40 was the things that created COAH, with that restricted zoning goes well back into the 40's and 50's and restricts the diversity of housing that you need. This was a blighted sight, this was an opportunity to take a look at our zoning to see if it met some of our criteria for improving Jefferson Road and to create a diversity of housing. The housing pictures that you see, the development that you see, actually came out of the planning board and planning officials on how to use these sites. And there are many other communities that have used these sites with a lot of success, because not everybody wants a 1 acre lot with a 3000 sq. ft. home or 4000 sq. ft. home, by the way sometimes impacts the communities and neighborhood fields. This seemed like it was a good alternative, its zoning, I know everybody is saying its dense zoning, but its zoning that is consistent with R10 and R15 zoning which we have an abundance of in our town and that also creates diversity housing. So I just want to say its consistent with our plans to try and revitalize the town and it's consistent with zoning that in many other places in our town, even across the street, in Windermere and we pushed after the first failure we pushed to get this consistent as much as we could with Windermere, R10 & R15 zoning. That's all I have to say.

Mayor: Thank you,

Fareed Shaik - 35 Windermere Court, Whippany. I am really hoping somebody can explain to me the benefits, I'm not really technical. I just don't understand the benefits, I want to get convinced, I want to believe, I want someone to explain to me. I live on Windermere, the only thing that I see clearly is that the streets will be busy. I walk with my son to the library, sometimes go to church, it's gonna get complicated. So, I'm not understanding the benefit. I'm sure

Mayor: Aren't the benefits you just mentioned, like walking to the library

Mr. Shaik: I think the roads are gonna get busy, complicated to walk across the street. The traffic is really bad at evenings as well. I'm hoping someone will talk about the benefits. This is gonna improve, you live on 35 Windermere, your quality of life is X, it's gonna be x + this is what you'll get.

Blais Brancheau: I don't think there is any question that the development activity generally has negative impact. It's pretty much a given. All development including single family development that is predominant in most suburban communities has negative benefits. There is environmental impacts, the clearing of trees, the disturbance of soil, and other environmental impacts and just the use of the property. The traffic that single family generate, the school kids that single family generate, the demand of services that they generate. What positives do all the single family homes in the township have, well one of the positives that they provide a place to live. They configure to a communities character. It might argue one way or another where that is a benefit or not but because all development has negative impact you can't really look at zoning from the stand point of anything being better. Any development on that property will generate more traffic, but I would argue that the amount of traffic that this is going to generate is going to be fairly minor. If you had a commercial development there it would be far worse. I would suggest that given the volume on Jefferson Road it's tiny tiny proportion of what is contributed to by one I call more the regional traffic patterns or people coming down Parsippany Road down Rt 10, or going up to Route 287 is duly far more to the traffic conditions on Jefferson Road than this development is going to do. You can't look at it as a quantity that we want no negatives, there is going to be negatives in any development. I think the Planning Board is thinking as far as positives it would A) get rid of what is there, which they consider a blight condition, the size and shape of the property is sized that it doesn't lend itself well to the current zoning because it's not, we may have mentioned 3 or 4, you couldn't do more than 2 lots on a property, unless you put in a street, once you put in a street that takes up land, there is no way you can get 3 without variances on the property. The Planning Board doubts very much that 2 lots would be sufficient economically to justify costs of the land, demolition and construction. More felt that this type of housing is one on a small lot that is in greater demand that I think Mr. Nardone was speaking to, when he spoke as zoning lessons, I think he is speaking to changing market conditions where people, not everybody, but some people and more people are seeking in a home with lower maintenance needs, and this speaks this zoning, it does not create individual lots that each homeowner has to maintain but is maintained by an association. So there is lower maintenance. So it meets a market niche a housing type that many people prefer and the board looked at the density and pattern of development along Windermere Court, and thought this is similar to that, there are some differences because of the size and shape of the property and put in a road part of the rear yard problem that was spoken to by Mr. Mihalko is due in part because of the dimensions of the property. And you need to have a building set back sufficiently from the road so you can park a car in the driveway without it being half in half out of the garage. Once you put a house on the property that leaves only some much for the rear yard. That being said this zone was designed to allow some flexibility not only so they didn't have a straight row of home all with the same front yard, but that where the rear yard would be reduced it would be at the Boards discretion to place it adjacent to wet land areas and not necessarily adjacent to someone else's home. So the board review of this, if and when it would get to the board, we would be looking at that specific type of thing. So, I just wanted to say as far as benefits, just like all the single family homes in town, if you want to look at a fiscal

benefit it's not gonna be there. You want to look at an environmental benefit, IT'S not gonna be there. If you want to look at it from a traffic benefit, It's not gonna be there. It's gonna be worse, worse than it was before. The benefits are as I said before, getting rid of what is there, providing a housing type that is in demand, lower maintenance, lower size unit and is comparable or compatible with what's on Windermere Court across the street. That was I think the main focus of the Board's thinking is what the benefits were. But all developments are gonna have negatives.

Mayor: Thank you Blais. The floor is still open.

Mary Connor, Jacque Terrance, Whippany. I'm very confused. You just said, you made a statement that you didn't want the houses to be in a row, they look like they are in a row to me. And I live in a development, which our lots are not oversized. They are a normal sized lot. We do have streets that connect because that's what gives you the feeling of having a development. And then it troubles me that you did say that an association will be taken care of the property, well that does make me feel that it is basically like a condo type of development but the houses are individual but you can almost shake each other's hands. So, I just don't understand why does it have to be rezoned? Why can't it be, like the neighborhood that I live, like many of the neighborhoods in the area in the Township where it's a neighborhood? Because it's not a row of homes that almost, kind of all are going to look very similar, and that's it, only one street that goes down the street, its' not where little kids can take a bike and ride their bike around in the neighborhood. So, yes if you have to put a street into connect different areas if you reconfigure the lots and you lose a home here and there, to me its just economics for the person who owns the property. It's not for what that the neighborhood is going to look like. And I kind of feel that's what the people here are talking about that they don't want to lose that feeling. That little feeling of a neighborhood which definitely is not. That to me does look like, your living in, you know, where my mom grew up where the house are right next to each other. So, I would feel you should maybe look at the zoning and look try to leave the zoning as it was. In my neighborhood right now there is a woman that wants to put an addition on her home and she has to go for a variance. Well, what kind of variances are there? I mean on little lots. So, thank you.

Mayor: Mary, let me just speak to one area that you brought up. Wow this is some night ~ a two taper!!

Nancy Bergmasco - 85 Reynolds Ave, Whippany : According to the green picture I think that's 12 houses in this picture, (MAYOR: Are you going to give your name and address or you just gonna speak), sorryaddress) that's 16 houses times two adults, if that's all that driving that 32 cars. That picture looks like 4 house times 2 adults that 8 cars. So that's already double, triple, quadruple, so I don't understand how you can tell me that's less traffic, where it's not gonna be a factor.

Mayor: I never said that it would be less.

Mrs. Bergamasco: You said it wouldn't be a big factor in traffic because there's not that many more cars, but they are. Every road is crowded. Every road is congested. No matter where you want to go in rush hour you have to sit and wait. So yeah a couple of houses you're gonna start with 2 or 3 adult drivers, if now you add 2 teen agers to those houses you have 64 cars coming in and out. I see 8 adults is 8 children driving later on, I see 16 drivers, so still in the end I understand the townhouse part, where people want to live in an area where they might not want to take care of their lawn and have an association, but you can't tell me that 64 cars is not gonna make more traffic on a road that already is traffic where you can't drive down Route 10 at 3:00 in the afternoon and the Jefferson Road, Municipal area at 3:00 you can't drive here. You have to take (Mayor: You are correct) the outskirts and go around everywhere because you can't go on Route 10 starting at 3:00. 16 cars maybe in 10 years or 64 cars maybe more depending on how many kids they have. So never mind the impact on the schools is you are talking more traffic. I don't know how you say

Blais: My point was that any development will have more traffic.

Mrs. Bergamasco: You can't say there is not gonna be a traffic situation.

Blais: In the grand scheme of what traffic is on Jefferson Road, the Board did not consider Jefferson Road the Board did not consider the amount of traffic generated by this development to be

Mrs. Bergamasco: Well that needs to be considered. It's the quality of life in Whippany and the traffic that is already there.

Blais: It's a miniscule percentage.

Mrs. Bergamasco: That's my comment, thank you.

Mayor: I didn't have the opportunity to answer Mary on something but now you brought up an area of traffic that I think we need to understand something as a community and that Hanover seems to be taken a responsibility for all the traffic build up on Jefferson Road all the traffic on Route 10 all the traffic on Whippany Road. We had AT&T on Whippany Road for the longest time, 1 million sq. ft. of office space, presently it's 650,000 and Bayer is not even in their yet and the traffic is there, where is the traffic coming from? Same thing is on Jefferson Road, The Crossings, which the the Bear Sterns property, Chase Manhattan Bank on the far end are gone, they are out of here, they used to add to the traffic. Where is all this new traffic coming from? The town went into a traffic study plan, I was on that board for a while, it was three years in progress. We were getting such transitional traffic in Hanover Township that we are getting responsibility for and god bless us all, including myself, I can wait at this traffic light on Jefferson Road some nights at 6:00 and wait 5,6,7 lights before I get to Town Hall. But the point of that is, that's not all of our traffic. That's coming across, that detours cutting across Whippany Road, coming up this way because they don't want to get on 287 backups over there. We're inhering a lot of this stuff, we are complaining to

the Township. They finished their regional study, they know where all the hot spots are, so hopefully some time, maybe in my lifetime, I hope I ever see it, they will start on the process of putting money forward to fix it on a greater scheme. But having said that, I don't want us to feel that we have all the blame for the traffic that is happening to this town when in fact, the net sq. footage of the office buildings and business in this town has gone down.

Gene Pinadella, 38 Sunset Drive, Whippany, I am also a member of the Planning Board. I guess im the elder statesman on the Planning Board. When I started I had all brown hair now it's all gray. With regard to this whole process, you have to remember and many of you probably don't know it. Way back when, this property was of interest to many developers. Not only this property, but also the property that the church was on, when it was vacant. All the developers that came in wanted to put condos or apartments. In this Township, this committee, the planning board and those that came before all of us, have never ever considered the high densities that they wanted at that time. We fought like hell to keep it out. When COAH came along this was one of the properties along with the property that the church was on, was under consideration to become one of the COAH properties. But because of its location, we all agreed that it want' the right spot to put in COAH apartments. And the young developers we had, they were talking about 25 and 30 to the acre. Which means you would have had a tremendous number of units in this property. At the end of Nye Ave, where there are now single family homes, there were more concept plans to put in condos that we can even remember. We used to get them maybe once a month. The whole point of this is, you listened to Blais talk, you listened to Mr. Nardone, we as a planning board have looked at a lot of things, and we've given a lot of consideration to many ideas for not only property but other properties in town. Thanks to our director of planning, Mr. Ferramosca, we recently had a study done, because he also was concerned of the number of multifamily houses that were going up in this town. With the impact that it would have, on our school, on our children and everything else. And the meeting that you heard Michael & Joe Mihalko talk about the planning board the other night, when we went over a draft of the results of that study. And we did get information. More so than we ever had before, with regard to a lot of that. And the reason why we got that information and the reason we even considered it, is because he was concerned with the direction the Town was going. We have not sold out to developers, Ever, in this town, ever. I take great deal of pride in the fact that I have been part of this planning board for over 30 years and to be quite honest with you we have negotiated with lots of developers and we have gained from every negotiation we ever been in. Secondly, you heard Blais talk about this property and said the way its zone now it will never get developed. Every property in this town has their right to develop their property. They have a right to develop it as we as a Township believe will be the most beneficial way for the town. Not necessarily all the benefits, is it going do this is, is it gonna do that? But we know its gonna get developed. It could have been developed as office years ago. But we rejected that. We look at it as a transition from the commercial zone and believe it or nor the church zone. I know a lot of people here don't believe in transition. Alright, but that exactly what this is. Because you are never gonna get single family homes on this piece of property. And something is going to get

developed on it. Now, I don't know what else can be said, but when you look at the history as to what has gone on this property, if you go back and look at the fact, the town tried at one time buy the property that the church was on to keep it as open space. And in affect because it came to a better use and we congratulate Father Roman and the church for being able to open up. There was a time when we wanted that for open space, because we wanted to create a transition zone. We also tried to buy this property at one time, and couldn't get the property didn't want to talk about a reasonable price to purchase it. So when you look at all of that, we have here, a piece of property that we continue to negotiate with the developers to come up with the best plan that we believe is a benefit to the town over all over the other concepts that have been brought before us as a town. That would have been more detrimental than anything you are looking at here now. Does this mean this is a bad plan? I don't believe so. I happen to believe this is a good plan, there is more we have to do with the developer when he comes in with his plan after the ordinance get's developed. But the real answer is this planning board has put a lot of time in many of the open areas of this town, we have rejected a lot of things that you don't hear about. You come out to the Township Committee Meetings nobody comes out to the Planning Board meetings. Maybe it's time you start coming out. Then we can hear there also. We hear very few people, that doesn't mean we don't talk to a lot of people because we all do. But the real answer is that this is the best concept you are going to find for this property that has a reasonable chance of being properly developed. Thank you.

Anna Kosonocky, 39 Malapardis Road, This property was I believe was used as a slaughter house. Is the land clean for housing to be put on there? Because when it was in existence I believe the laws were not as stringent as to the cleanliness of the property.

Mayor: You're being kind, but go ahead.

Mrs. Kosonocky: Well, I'm just concerned about perhaps the two houses on the one side of the front of Jefferson Road, perhaps that land is cleaner while the place that was used where the animals were taken, perhaps that land is not that clean and the houses that are going to be put up there, perhaps those people might suffer with unclean water, whatever. That is my concern. And second, the houses that are going up, are they going to be low middle class or are they going to be on the quality of the Windermere Estates, what is the price range?

Mayor: The price point that we are being told on these homes are \$700,000.00 +. These are not going to be in the category

Mrs. Kosonocky: That sounds nice, it sounds like a lovely home. (Laughter)

Mayor: These are not in my opinion affordable, but that's my opinion.

Kosonocky: It sounds like it's going to be elegant. But the concern also is that with those homes do you want to squeeze them so that I have to look into my neighbors

window when the she is making breakfast, I don't know. Because I look in Parsippany when I'm going the back way to 46 by the nursing home there those are \$350,000. Its like a new York apartments. You are looking into your neighbors back yard. That is one concern of mine and also I just want to bring to attention, I know I am taking up people's time. The youth is not being occupied with their spare time where they can go and I look at that post office that is standing on Jefferson Road, that is such a beautiful piece of property, if someone can use it perhaps these kids can go there.

Mayor: The post office on Jefferson Road

Mrs. Kosonocky: The facility on South Jefferson Road/

Mayor: that is being using now by a corporation known as Unifirst. That shows how quietly they fit into our community. They have over 100 employees and they uniform laundry for commercial uniforms etc. And they do delivery service of those uniforms,

Mrs. Kosonocky: Ok,

Mayor: You're point is well taken.

Mrs. Kosonocky: I thought perhaps the youth might have a place to go to relieve their frustrations from school from 8-3.

Mayor; I think they found the Quick Check on Whippany Road.

Mrs. Kosonocky: Thank you and I'm sorry to take up your time.

Blais: If I can answer your question about the cleanup issue, the State has regulations that won't allow residential use unless it's clean. So before it's ever approved the developer would have to higher an expert to document that they are in compliance with the state law.

Mr. Ferramosca: Mr. Brancheau would you qualify in terms of clean up at sites in terms of the benefits in this township of having a residential clean up as to a commercial clean up.

Blais: There are two levels of clean up. There is clean up to commercial standards and clean up to residential standards. Clean up to residential standards involves higher costs and higher levels of remediation of soil or ground water or whatever it is so that there are no health concerns for people living there, because they are there longer than someone who is working at a job. So obviously using a property for residential use if it is contaminated results in a higher degree of clean up then it would be otherwise.

Diana Plaza, 2 Briarwood Court, Whippany. I am hear to mention a couple of things that came up during this discussion, A) the traffic that I have to travel on every single day on North Jefferson Road is horrendous, adding 32 plus more cars is going to make it that much worse and I think we all know that as soon as there are any issues on Route 10 Jefferson Road becomes the artery for accessing 287, 80 etc., so that traffic is ridiculous. And to wait 5 or 6 lights to be able to make a turn is outrageous. I also want to address a comment that was made that people don't attend the Planning Board, because I have been to multiple planning board meetings and during those sessions we are clearly told that those are planning board session meetings they are not public open to the public for discussion. We can sit and listen but we have to keep our mouth shut essentially so we do go to those meetings, but we are told we have to keep our mouths shut. I just wanted to address that as well. Thirdly, as far as antiquated R40 zone's I just want to remind people in this room that one of the newest developments that have gone up and sold like hot cakes in our community are the Nye avenue extensions which is an R40 zone, and if we all recall those sold for at least \$1.2, 1.3 million. One is one market right now for \$1.67 million, so there is still a desire for people to have those. They are not antiquated developments. That developer, that same exact builder made a lot of money the last time he sold all of those and he continued to profit from keeping at the R40 zone and still he can profit as keeping it as it is, and putting up less dense homes. That's it. (Applause)

Mayor: Let me just correct one comment for the record, because I don't want it left that the Planning Board does not during it's public session which completely complies with transparency and 231 of the Sunshine Law, every session of the Planning Board that is a public session not the second Tuesday, and by the way thank you, you do attend those meetings. Concept Session don't open to the public for comment although the chairman from time to time has done that. But every other public session which is the third and fourth Tuesday's of every month, whether you are out in this room and they are out there with developers and people from our community that want to. There is a portion that meeting for public comment after every single application. That's the law. So that statement is not entirely true. Thank you.

Mrs. Plaza: Inaudible)

Mayor: To my knowledge, no one has ever tried to stop you from having your comments heard.

John Ferramosca: Just for clarification, the Planning Board work sessions typically occur in the conference room behind this wall on the second Tuesday of the month beginning at 7:00 if anyone would like to attend it. On the third and fourth Tuesday of the month the Planning Board has public sessions that are in this room. During a time of the public session there is an opportunity the member of the public to ask questions, make statements there are times to do that. I just wanted to clarify how this happens.

Mayor: Sir

Joe Shatynski, 40 Windermere Court, Whippany. I will make it brief; I know it's getting late. Mayor, you made a comment that we don't rezone for consideration of number of children in schools, and things like that, but we also should not be rezoning based on what a particular developer wants. The zones are put in for a reason. When that neighborhood was created I'm sure the forefathers of the Planning Board and the Township Committee took that into consideration and had North Jefferson one lane each way no continuous sidewalks they still don't exist today. I'm sure somebody had a conversation that this would never be high density, we don't need sidewalks. Things like that. So the zone was put in for a reason. So if we talk about changing the zone it should be done for a good reason. The comments we heard about there is no market for R40 I absolutely reject. We heard about the extension on Nye Avenue, those houses aren't that old they sold. There is a new house on Briarwood which would fit into an R40, well that house is sold. There is a number of people that we are actually aware of that tried to buy that house but it is under contract. The houses on Adela they have been moving rather quickly. So I absolutely object that there is no market for R40. There is a market for R40. The other thing I want to comment about is from the Planning Board. So, before we got involved in this particular case, I had a lot of respect for the Planning Board, the things that were done, the Township Committee, everything not getting involved, everything seemed to be going well. The town was well managed, the taxes been low. This particular experience on this particular case has been really disappointing. From the beginning this was done so non transparently. The one gentleman, I don't know if he is still here, talked about Saddle Brook, he lives in the neighborhood and didn't know anything about it. We live in that neighborhood and we didn't know anything about it. That development plan, which went through planning board, which some of the township committee you guys sit on that planning board you voted and approved the 36 units. It flew through that, went through the Township Committee for a final approval, the notifications to the residents 200 feet that never apparently never happened. Because of that technicality of the law it had to be rescheduled. So then the residents started finding out. But the fact that thing was done so nontransparent was a real big concern. And that non transparency continued because when we went to the Township Committee and we thank you for rejecting it, so you did the right thing there you didn't approve that. But I remember Mr. Brueno in particular you told us to go to the Planning Board, don't wait until the end which again we didn't know about it, so we didn't wait until the end it's just the first time we found out about it. Took your advice went to the planning board, had a lot of residence, it was discussed the residents wanted to comment on it and we were told we could not address it. If you remember Father McChook, got up and almost was uphold of a little riot, he said I want to speak. I remember that day, we were not allowed to speak after we were told by Mr. Brueno to go to that meeting, you're on the planning board and nobody stood up at that planning board meeting and said no no we told those residents to come here and speak. I'm sorry with all due respect we were told we could not speak and it was only because Father Roman jumped up and said I want my voice heard. Then the planning board opened up. So we have to be honest with each other, how this process in. I specifically remember residents here feel to verify that.

Mayor: That was a conference session, sir. You have to forgive me if I want to interrupt. For the record, I want to keep up on an even course. In a conference session there is no open rebuttal or statements. You are allowed, I was here that conference session was held out here...

Mr. Shatynski: We were advised by Mr. Brueno, he advised us to go to that meeting and voice it.

Mayor: I can't speak for Mr. Brueno, I'm telling you that I was here

Mr. Shatynski: You were here when he said that...

Mayor: I was here sir...

Mr. Shatynski: You were here with the Township Committee

John Ferramosca: Let me just clarify, it was the meeting of 3/12 it was the second Tuesday of the month. That meeting was conducted in the conference room behind this wall. So the protocol for that meeting in work session, is that the members of the public are invited, they are ALWAYS invited to meetings. But they do not speak, normally, in terms of asking questions. However, at that meeting, correctly Father Roman spoke at that meeting.

Mr. Shatynski: Because he jumped up.

John: As a result of the chairman allowing it to happen and he spoke about the tension basins. He spoke about having a fence around the property, which subsequently was agreed upon. They also spoke about the height of the building verses the church. He also spoke about the Heritage and he was proud to be a member of this community. So I do, keep copious notes.

Mr. Shatynski: So I agree, but there was a piece before that at that meeting, where were asked to speak and we were told we cannot speak. Even though that was discussed. And that was requested by multiple residents and it was only until Father Roman got up and basically over took the podium that's when the planning board allowed that. A lot of us were there so we remember that. If anyone else wants to confirm that we remember that very well. But again, the whole process has been very disappointing. The other thing I want to mention is hearing the conversation by the planning board. There was a point where there was a vote taken, does the planning board just consider multifamily or single family. Because the builder wanted multifamily the planning board I think I don't know the percentage but I think 80% absolutely only multifamily. We will not consider single family. Mr. Ferramosca you were one that objected, I think Mr. Steiger was the second. Mayor you abstained. So right there, the planning board was acting on the interest of the builder and not the residents. So my comment is we got back to you, you appoint the planning board, you've done some good work the planning board with Bayer and some other things, but this particular

development was not handled well. There is a market for R40, that's what the zoning is that's what the zoning should be. We don't need the high density there is safety issues. No continuous sidewalks, the traffic, etc. The effects on the schools, you keep talking about the aggregate numbers about the numbers are up down, it's the effect on the individual classes. The Daily Record had an article a couple days ago, where they talked about the chaos caused at Mountview because of the unplanned students coming in from Saddle Brook. It had an effect, you talk to the parents at Mountview they are furious. Somebody...

Mayor: I read the article.

Mr. Shatynski: Obviously, it had a negative impact. So you can talk about gross numbers but it's affecting the schools and again this is one development plus another development plus another.

Mayor: Thank you for your five minutes sir.

Mr. Shatynski: Please look out for the residents that are what we can ask.
(Applause)

Joe Mihalko: Who controls the thermostat, it's getting warm. Just a couple of brief comments, even though I've never been brief: I'd like to clarify one comment that my friend Blais made. He said that it was not economically feasible for the builder to stay within the R40 zone financially. Not our problem, his. (Applause) This is going to be like good news bad news. Having said that, I think conceptually the man is almost there, with a good product in addressing some of the concerns that I've heard tonight I think the elimination of about 4 of those units would satisfy Father Roman especially if of 2 of those units or at least 1 were made a play park or a gathering center if you would and put it right behind the church, so he has no house there. The other 2 units make it a public parking area for guests and over abundance vehicles of residents. I think that someone mentioned about services. And what has been lost in translation. This is a condo development proposed. As such, an association will run this place. The laws and roads and sanitation will be absorbed by the condo association. No cost to the town. So expense wise I can't address the student issue, and that's one that's, as Mr. Coppola mentioned to me the other day, the number goes up and the number goes down, it goes left, it goes right. It's a toss of coin, see what happens. But I think with some modification I don't know that this would not be a bad proposition. Keeping in mind the factors that I said, worrying about how much the builder makes, is not the Township's problem. Worrying about the quality of life, is our problem.

Mayor: What he paid for the property, you are absolutely right Joe. Did he gonna be over paid, to bad. He's a wise enough developer as we all know to make his own deals but that is not a concern with the Planning Board at all. Blais' remark indicated that the economics didn't work for housing we have no idea of what his base costs. I'm not even gonna go there. You did mention something and Mary mentioned something earlier that I want to go back to. And thank you for those remarks, I think

there are some aspects of what you said and the characteristics of this layout that the Planning Board should move forward and address. I'm sure they heard it. I want to talk about one of the conditions in this particular zone, it's the condo aspect. Meaning, that Massachusetts does this a lot, maybe you heard me talk to this. Although this was not my proposal, I certainly didn't disagree with the way it works. The land is condominium you own your own home. With the way I had my summer home. So you can do what you wish with that regard, but outside your home, outside those four walls you are not going to put a swimming pool in you are not gonna put a play set in. You're not gonna put a patio up you are not gonna do anything the condo association does not govern. And that was one of the things that the planning board took into consideration at the time, because a lot of the comments we did hear from the public were that well we are gonna have kids running around the backyards we are gonna have different fences, all kind of different changes to it. Well that couldn't happen under these conditions. It's totally controlled by the association. Which is very unique in that this type of home, again I'll mirror image it to a home similar square footage in Windermere. Windermere people own their home, own their property. They are going to plant their flowers, they are gonna put a deck on if they need a variance, I hope they don't, and do what they need to do. So I just want to punctuate that a little bit. It's a little extra control here. I think you make some relevant points. I speak for myself by the way I'm not speaking for these other gentlemen they are gonna have their own comments. I think you make some relevant points, to the amount of units on there but I also remind you that the ordinance that is going to be voted on uses the operative word to a maximum of. Which means the planning board can act on something like this within the limits on the ordinance and still control what on a planning stage, when it comes for site plan. Additional parking, relevant point. We talked about the street widths; we talked about parking on the streets. We compared this to some of our upscale units in Viera on Horsehill Road it's 42 units in there. You wouldn't know they are in there and I think the latest selling price, help me Silvio, top of the \$600,000 that's before you choice your kitchen appliances that he doesn't supply. And garages, two cars per unit in that community and we have not realized an issue, or a traffic issue coming off of it. That's Viera. I can only hope if we go forward that this type of project or product will mirror images that. That's quality. Viera I can safely say brought no children, but then again, later on you are going to say that it's an age restricted community, so that's how that works. Having said that I am going to stop right here is there any other members of the public that want to comment, I want to give everyone an opportunity before I cut off the dialogue and then I want to hear from our Township Committee.

Mrs. Andee Mihalko, 7 Nye Avenue, I just want to address the COAH issue, not specifically for this property, but going forward. I don't have a complete understanding of it, I do know Governor Christie tried to abolish it a couple of months ago, and was over turned by the Supreme Court

Mayor: Boy I'm backing him

Mrs. Mihalko: So I don't know what's going to happen with that, it seems like everyone is unhappy with it and they are trying to look for other alternatives. So

hopefully it's something we don't need to consider in the future. But from what I understand it if you are taking a property and putting 15 homes on a property that previously allowed 4. You are only increasing your COAH requirements going forward, and not only for this property but for the Paper Board property where I forgot the number 1,100 proposed units on that property. Again, that is going to increase our COAH requirements.

Mayor: Not in my life span, but go ahead.

Mrs. Mihalko: Ok, well again, proposed.

Mayor: Again, I don't want to... That was a comment from me.

Mrs. Mihalko: I think we need to stop, again, maybe I don't have an understanding of it, but it seems the more we build in town the more COAH we are going to have to put up. So maybe we just stop the building a little bit. Again, I agree with everybody that stood up and said R40 zone is not an obsolete zone. We live on Nye, Maple Shade, a beautiful neighborhood up there. R40 all the houses are occupied. Somebody said that there is R10A that we are trying to change the zone to, Windermere is I understand is R10 and somebody from the Planning Board there is an abundance of R10 zoning in town. Can you tell me where the other R10 is?

Mayor: It is the our fact is the older sections of Cedar Knolls area, many of those zones were donned as vacation spots, years ago, you and I might know if from, Joe and I might know. And those are smaller lots, and we still have done some R10 current day, but that is the preponderance. Now the Bee Meadow Area are R25, many of them are R15, and certain areas of Countrywood and Heritage are R40, I'm just going from memory. But in any event to answer your questions, most of the R10's are.

Mrs. Mihalko: So the R10's are from many years ago, but yet you are saying the R40 is an antiquated zone.

Mayor: You're current R10 are Windermere too.

Mrs. Mihalko: there are a lot of complaints about Windermere, everyone says it's too dense. Anyway, there are other options. Then R10A, I'd be much happier with R25 or even an R15 on this particular property. So again, going forward I think we need to just tone down the building in town and also to address the Planning Board that says this is the best we went through many processes and the Planning Board is telling us this is the best, I know you work hard on the Planning Board it's a difficult job and I wouldn't want it, but you defeated a lot of other things that came before this and this came from a lot of meetings and going over what is best for this property. I just want to remind you again, the Planning Board approved 36 condo units, for this property also, so maybe saying this is the best, I don't agree. I think its zoned R40 I feel we should keep it R40 I ask you to vote no on this Ordinance, again it's only been on the market for a month and ½ lets see if anyone else can do anything better. I don't believe this

benefits the Town at all. It benefits only the developer I think we can do something more beneficial for the Town. (Applause)

Mayor: Once again, I'll keep the floor open. No further comment.

Motion to Close:

Karen Detrolino, 12 Sharon Drive, Whippany. I am commenting on this ordinance and also on going forward in this town, also being concerned about wanting to stay here have a family here, have kids in the school. I come from the stand point, I teach AP Environmental Science, so that is what I know most about. I don't know much about the ordinance or zonings and that things. But what I do know about environmental issues. And that is something that was mentioned only a really a little bit tonight, and it is huge concern that I have and everyone else in this room should also have. The developing that is happening and not only this, but all the other things that are being talked about. They are not going to do anything good for the quality of life in terms of the environment. Something I was just teaching my students this morning was about how pretty much all environmental issues can be linked back to population growth and the more people you have the more resources you use the more pollution that there is and that's what's happening in this town. Something else I teach my students a lot about is the quality of drinking water and what's important for the quality of our drinking water is that the water can infiltrate through the ground through the soil and naturally be filtrated through the water cycle, and that's not gonna be happening the more we build the more impervious services we have. So I just ask you that not only with this but in going forward that's something you think and it's put as more of a priority. Thank you (Applause)

Mayor: There is a whole process in the approval cycle from the planning board that have to do with environment, with compliance with DEP rules and by the way, Collide, a perfect example, the millions of dollars that have been spent in which is known as due-diligence is to get the property up to a standard that's either residential or commercial. There is two different standards, the residential and commercial. Several thousand 55 gallon drums were taken out of the ground at Colloid because for years we in Hanover Township, we thrived that we were industrial town. We made bricks, we made paper, we had chemical industries, etc. and before many of the laws that you and I understand today, way to dispose of waste, etc. was put it in the river throw it in the dirt that's it. Now, those clean ups mean that some of these property owners are involved in millions of dollars, millions of dollars in clean ups. Whippany Paper Board Company has gone through \$3.5 million in clean up in the lagoons and the property itself. You probable seen a lot of work going on right now, I'm just filling some blanks. Some planting going on, top soil going in. Finally that property owner is doing something that they have to comply with before a cut off deadline with the DEP. It's a shame they had to have a gun to their head to finally clean up the property as to where they did not have to comply with even stronger DEP laws of environmental clean up for next year. You see that property being cleaned up and that's a good thing. Colloid is the same deal, if the Township, that was a brown field, if the Township had to get involved with the clean

up with that property, I can't guesstimate what the number what would have been. So, due diligence, environmental clean ups have to be done compliance with our Engineering Dept. and Engineer as well as the State and the County on that. You can rest assured. Second, the water quality here in Hanover Township, we have the finest wells in the area. Wing Well, Todd Well, etc. all come out of Hanover Township, in the American water works, that we joined into, 20 years ago, quality of water in this township, I'll match it against your Poland spring bottles any day of the week. The quality is excellent. I wish I can get my wife to drink more of it, instead of buying water. Who would ever thought I'd so that. In any event, this gentleman wants to comment.

Freed Shaik - 35 Windermere Court, Whippany I just had one comment. I know there are some comments made earlier about the email that was sent out. What people were saying about it, but I think it was great. I think whatever makes citizens more involved I think is a great thing for the community. I think its fantastic to be engaged, whatever it goes this discussion is good. This is democracy in action. This is what separates us from the pigs and the bull. Great job. (Applause)

Mayor: Thank you, I appreciate that. To sum up on this side of the desk, did we motion for a close?

Accept a motion for close: Motion by George Coppola and seconded by John Ferramosca and all in favor.

On record, __, on the committee, and other committees we would have more discussions about these types of meetings. There was a time were we used to throw a State of Hanover Address Meeting and we came together like this and we spoke about anything and everything that you wanted to speak of. We spoke about zoning, growth in the Township, traffic issues, road conditions, Morristown Airport and we got a return more to that, there is a lapse somewhere here, and I don't know if I'm somewhat responsible for it, I propose to the Administration, and proposing to the Township Committee, it's nice that we have a website, it's nice we put this stuff up on our website it's nice for those people who do use the website and I know that a lot of you do, but we all don't. We still still need some print material that gets to you quarterly, newsletter that breaks out what currently is happening. Everything from school issues everything from improvements in town cover it all. And I for one would like to start to see that happen again, so it gets to your kitchen table at least once every quarter and keeps you up to date. And then bring that together with notifying you of some general meetings here and this type of meeting, here where we can have an exchange and you can address the Township Committee on issues.

Having said that, at this juncture gentleman it's 11:30. I am going to open it to my Township Committee for comment:

Fred Semrau: Just a couple of comments if I may, first overall I think it's worth noting, Hanover Township is such a desirable community that you do have a lot of planning pressure. And that's because of the hard work, of not just the residents, but

the Planning Board, and your Township Committee, and I understand that many of the comments that were made tonight and I just want to go over, one was, "well it's not our problem," well in a sense it is. Because we cannot zone for inutility. Because if you do someone else is going to be out of anyone's hands here, is going to place a zone on the property because a property owner is going to say they don't have the ability to develop, I'm giving you an example where I heard in the past there was whether be an office type site or another type of use or a more intense use that we heard previously. Those types of things if you cannot zone for a property to have some utility it can create a problem. I'm never gonna make a case for a developer, so I don't want to get into a bases for what someone can do about this particular property. But the facts are that the property itself has been dormant for an excessive period of time. I understand about the current zone and current concerns, but those are just the facts. And when we talk about affordable housing, this site doesn't have that component to it. And that is something that is part of the overall planning process, and the push and pull and the balance that's trying to construct. And I want to also say that there were comments made about the over development and things of that nature, but I want to tell you and just share and it might not be of total relevance to your particular property, but I sat through cases with respect to, River Park, where we saw a great town center presentation and they through in that after they showed us this entire town center with a fire house and everything else, they wanted 2,000 residential units, and I saw the Mayor get up and walk out of that presentation, and say forget it. And those are not necessarily before a board, because they don't get there for that point. I sat in court with the acquisition of the Muscarelle tract, to stop development and I also sat through litigation with respect to River Park, and affordable housing, all in defense to temper and plan development accordingly. And the other thing I want to mention, with respect to the transparency I understand the comments, but from the stand point of what your participating in this evening first of all, this really was generated by the fact that there was a prior hearing a prior public hearing, which many members here participated in the audience, and you are back again this evening, there was also personal notice served, and also in addition to this public hearing and I never seen this happen, it was scheduled at the request of the residents to be moved from August to September so that this discussion could take place.

I also want to say, with respect to the Planning Board, it's a difficult task and it is one that I thought I give a lot of credit, because I never quite seen this, where the planning board comes to a public hearing of the Governing Body. And still whether you agree with it or not, wants to stand up and say to you "here what we've gone through" "here is the process" "here is what we face," and "here is the recommendations that we made and why," and that to me, as a legal perspective in land use, that's quite a bit of transparency, because that is not required anywhere in this hearing type process. And while I speak about the planning board I'd like everybody to know, because you indicated about wanting to understand the process. If this Ordinance is adopted tonight that is one significant aspect of this development. But the other significant aspect is the land use application that will follow. There was never an almost approval, that was about an Ordinance, a Land Use Application that will follow means that everyone within 200 feet will receive notice of the application, and it also means that every single aspect of this application will be heard before you as a member of the public. You will have an

opportunity to get up and ask questions of the applicant directly. You will have the opportunity to get up and ask questions of the applicants engineer or planner under oath. You will also have the opportunity to express certain concerns esthetically that you said this evening that can't not necessarily be addressed, such as what about landscape, buffer, what about setting, what about parking, spacing requirements and things like that. All those items can be addressed by the Planning Board in the development process, and quite frankly, I will say this on behalf of the Township, if you are not happy with what is ultimately proposed, you have the opportunity to basically put pressure on the developer to make certain concessions and amend there application once they hear that. You can bring in your own experts as well as the Township's experts will be on hand to hear this case and offer their comments as well, such as the planner and engineer. So there is much more to this process that's involved before any approvals are given. And with respect to what you see there, that's the maximum drawing as indicated. We don't know, nor have we been provided with actual drainage plans, which are very specific, the drainage requirements, and the necessary improvements, and the actually engineering that will be required for this site, its' not as if this is going to look like and you will have a say and your trusted planning board will have a lot to say as to how it works. I just wanted to bring forward the entire process if it goes forward because the comment was made tonight about we want to make sure we understand and this is not the entire process. This does not mean if this ordinance is adopted that this development is necessarily approved. I think that is important to know Thank you Mayor.

Mayor: That accurately lays out the process and I am very happy to have tonight the members of our board here, planning board and chairman here. They heard your comments we heard your comments. Regardless of outcome, which will be in a few moments, I think some of the comments we heard from Mr. Milhalko and along with my opinions significant work on landscaping cause you're looking at a rather baron uninteresting layout on this thing. That's another whole matter. Not for this body but for the Planning Board. On that night, any Township Committeeman, Mr. Ferramosca.

Mr. Ferramosca: I want to thank everybody for their participation, their involvement. This is a good thing, we truly welcome it this is your community please be involved. We have esteemed colleague representing you in front of the room, he comes and he visits our meeting, we invite you to come as well. We've come a long way; we went from 38 to arguably 15 maybe a lower number. The planning board has listened to you; they have truly listened to you. We've moved from what, we moved from what we didn't want, we didn't want town houses, for all the right reasons, we wanted single family homes. While at the same time I've heard from some people that live in Windermere, who are my friends, they are concerned with I hate seeing when I pull out every morning across the street, it's a blighted condition, why didn't you people do something about it. Well we have something in front of us, which potentially will have very little impact upon services, I can't speak traffic, I don't have a crystal ball, but it will have very little impact on services because the ownership will be a condo association, so they take care of it themselves. The proposed rezone which the planning board goes through, each and every time, is that they try to understand does it conform with an adjoining area? Because often we are here getting places presented to us saying this is what we want to do, and this is what it conforms to the area. Well in this case the

planning board felt that this is very similar to the conforming using in the Windermere neighborhood which is a very very exclusive high quality neighborhood in the Township. In addition think about this type of housing, this type of housing is on trend with changing demographics. The days of people marrying early, raising large families seem to be changing. In fact, brought to my attention by a member of the board of adjustment was single family voters represented 42% of those who voted at the last presidential election. It's a huge change in the demography. If this vote is operative tonight on the change of zone we will still have an opportunity to fine tune clearly this plan. The good ideas that have come forward, we ask you to come back, I think Planning has heard them as well, so it's not what I call a done deal. Thank you.

Mayor: Any other members of the Committee at this time, none...

George Coppola: One comment that I'd like to make is, if this is approved this evening I would very much ask that Mr. Ferramosca, director of planning, and I thank the member for being here this evening, that take into consideration a number of really good recommendations that were made here this evening. I appreciate the people taking the time to come out, it's good to have them voice their opinion and concern. And I'm really happy that the Planning Board Members are here this evening to actually here what these concerns are coming from.

Mayor: Thank you George. Gentlemen at this time, Administrator need a motion

Mr. Giorgio: What is the pleasure of the Township Committee is there a motion is there a motion for adoption. Yes,

Motion by Mr. Coppola seconded by Mr. Ferramosca-- Yeas: Members Ferramosca,

Mr. Brueno, before I vote I just want to make a few comments but I guess at this late hour I held by tongue a little too long, just a quick background cause some made mention they lived in town their whole lives and I have also lived in town my entire life. So therefore, grew up in the community, always liked the community, choose to live in the community, and in terms, I'm not gonna rebut every point, but just in terms of the school population, when I was in Whippany Park, there were 1100 students in the schools about 260 270 in my graduating class, this year the entire population is about 666 670 so I think it does go in cycles. Overcrowding is a concern, I have a daughter in Mountview some of you know that, and when that Saddle Brook opened up their was pandemonium in the neighborhood and I was quite upset myself. I really was not aware of what was going on over there. I have a daughter in third grade; I heard there was another third grade class being added. There was a lot of yelling and screaming in my house. You're on the committee why can't you stop this? Quite frankly I called my friend, who is an attorney, to see what can be done about it, he said "you know what, everybody is gonna get emotional, all up in arms," but ultimately, this particular attorney lives in Livingston, at the end of the day cooler heads will prevail, and it probably won't have a big impact. As it turned out, my daughter has 18 students in her class, and each and every one of them were in the school last year. So not one new kid and after all the upset and excitement, my wife said, where's the new kids, we know there are some new kids, why did we add another section if there is not one new student in her class. My attorney friend was right, at least initially, hasn't had the impact. Someone mentioned earlier, there is 178 units, 74 actually is the number. With COAH I'm not gonna belabor the point on COAH or anything else.

But we want to be very careful about what's going on in Town, and some of the emotion that's coming out tonight is based upon what transported over there, I see this as a different development. Single family units in the 6 -7,000,000 range, I think its' been carefully thought out. Once again, as our attorney mentioned it's up to 15 but there is nothing to say that when it goes for final approval that the number 13 or 14, Mr. Mihalko made a very good point. One of my concerns, again, I grew up in town, I'll try to land the plane here quickly, but when this was a slaughter house you know there were times where goats running down Jefferson Road, we all know that, we did have to catch them. Not that this was the worst thing in the world. If this gets voted down, I think we mentioned previously, they would be allowed to open that slaughter house again, no one wants that. We've gotten a lot of complaints from people in town, "why can't you do something about that slaughter house property?" "It's an eye sore" "why can't we do something" "develop it," they we get someone to come in and develop and then the response is well but we don't want that. So there is that fine line and we have to balance things out here. I don't think I'd like to see anymore vacant office space there. I'd like to see a handful of homes, that would be ideal, but from economic fescability from what we heard to put a road in and put sewers in and sidewalks in the cost of the property and everything else, I think our attorney summed it up that if we don't make our own conscience decision as to what we are going to do with this property someone might come in and make the decision for us. I know I'm jumping around and I apologize for rambling, just wanted to give a little background and I will vote "YES"

Mr. Coppola: I worked for an old pharmaceutical and the goats did come by the back door on many occasions. I vote Yes, but I'm very adamant that Mr. Ferramosca the Director of Planning and along with the Planning Board members to truly take into consideration the number of very good recommendations that was made this evening.

Mayor Francioli: Yes, the recommendations that were made this evening, Mr. Administrator I'd like you to commit them to a memo and I'll sort that out with you. I'd like that memo delivered to the Chairman for consideration.

ORDINANCE ADOPTED:

Motion made by George Coppola and seconded by John Ferramosca and approved by all.

Thank you.

Motion to adjourn the meeting moved by John Ferramosca and seconded by Mr. Brueno – all in favor.

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

Joseph A. Giorgio, Township Clerk