

JANUARY 9, 2014

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, January 9, 2014, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Gallagher,
Ferramosca, Brueno

ABSENT: Member Coppola

PLEDGE OF ALLEGIANCE TO THE FLAG

STATEMENT BY PRESIDING OFFICER:

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

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

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public. Motion to open by Member Ferramosca and seconded by Member Brueno.

Robert Steiger, 13 Korda Place, Cedar Knolls, I don't mean to make your evening any longer than it is and I'm sorry but a couple of things. I want to thank you for reappointing me to the Green Team, it's an excellent group and they work very hard to try to make the public aware of the environmental changes and the recycling. My first one is you said that the economy is coming back quite nicely, you have some good stuff in place, the open space would like to get their money back. We would like to get the funds that were approved for 99, yes the open space tax back. We would like to get the full amount, we looked at some sites since they put the trail plan through, we've looked at some sites that are available and would really be perfect for the trail part and we

would really appreciate, if you could go back to what it was. I don't blame you for cutting it off when you did, because things were bad,

Mayor: It was appropriate at the time.

Mr. Steiger: We could really use the money, we really could. How was it that you were able to deduct it? What did you have to do?

Mayor: Originally it was .02 cents tax.

Mr. Steiger: I know that was by public referendum.

Mr. Giorgio: They have to do an Ordinance Bob.

Mr. Steiger: Ok, would you consider please going back to the .02 cents?

Mayor: I think the Township Committee would Bob, I think what we want to do to be open and honest, we would like to see what the numbers are that are coming in and we are very enthusiastic and it feels good, and but we have to see what the impact is going to be and are not quite out of the woods in the sense that we have tax appeals, Lucent Corporation a very heavy tax appeal, River Park, etc., appeals were successful and thanks to our Financial Officer, Silvio, and thanks to all the work that the Township did, we managed to take this large amount of funds that had to be refunded and we threw them out over a several years, so we may be in a position, maybe this year, to get that out of the way, once we do.

Mr. Steiger: Put it on a burner, if you would please.

Mayor: Ok, then we are dealing with what I call "Net Money" after that, pay our debts and I made a bit of a promise to the public and I'd like to hold up on that promise and I'd like the Committee to support me on the promise and that is after looking at the what the numbers are if there is any way that we can produce in this town a flat tax situation for the homeowner, that would be absolutely wonderful, and I think you deserve it, you've gone through some very lean tough years and know there is an opportunity, let's take a look at that. We are trying to do everything that we can to recover from staffing, and other needs that we have, so not to give you my tale of woe, but...

Mr. Steiger: I know you can talk, I appreciate that.

Mayor: But in conjunction if we can look at going down to a ½ a penny on the open space even if we can begin to bring it up in a gradual way, it would be something.

Mr. Steiger: I would appreciate that and so will the Committee. Also, what is the status of Eden Lane Dam?

Mayor: Gerry probably has more facts on it, and he will correct me if I'm wrong, but let me say that right now River Park, Eden Lane Dam is under the DEP request to have that Dam removed, some of that the last correspondence that I saw were pretty strong and Gerry do you have any updates on that?

Mr. Maceira: No, I do not have any updates.

Mayor: The only plans that have come in to Planning showed a reconfiguration of the Whippany River and the removal of the dam in compliance with the DEP would like to have done. Now,

Mr. Steiger: The Environmental Commission is concerned about it, Sal told us that it is coming down and that's the only reason why we started talking about it, but what we would like to do would be to send a letter to the DEP expressing our concerns about the environmental impact when that dam comes down, because there are thousands of cubic feet behind that dam that are going to find its way down stream sooner than later. I really do believe that the soil should be completely tested to see what is in it besides just soil and if there is anything in it that is not desirable rather than letting it go downstream I think it would be preferable to have it removed where it is. If enough soil went downstream it could change flood plains and everything down there. We have a six foot high dam and it goes back 50 foot wide, thousands of square feet of soil there that is going to go someplace. We are just going let them know of our concerns so that we can maybe get them to step up a little bit and also to the County Soil Conservation Commission Joe will get a copy of the letter.

Mayor: Has your board been able to amass any data and information for us, in other words, we would be happy to do a letter to them, trust me, but letters are just that. But if I have information and facts about your concerns and the boards concerns about environmental issues and we can know that, that would be a great help, on the County level can you research it?

Mr. Steiger: I don't know that we can do very much it would be either the owner of the property, or somebody, they would have to be responsible for the environmental impact part of it, the Commission we don't have, you know we don't have anything that we can do with that, to tell you the truth, but if we just want to put the DEP on record of our concerns, because they might, they have some crazy ideas down there, they might not have any idea how serious the silt is that sits behind that dam. There is only about 6 inches of water behind the dam, the rest is all soil, we know that is going to go down stream, it could even start to cause a flooding of the Eden Lane Complex if it filled into 2 or 3 feet of water down in that section, because those banks aren't that high.

Mayor: Not at all, that one bank is very short. My concern is giving me some ammunition for the DEP, and you said something that's...

Mr. Steiger: I'll give you a copy of the letter beforehand and if there is something you want to add to it you can, nothing is cast in stone, it's just as an environmental

commission when you know what is in that silt that they didn't want us to dredge, we have already been told that it was dredged back in the 60's I believe that's what made central park, but right now they don't want to dredge, so if there is something in that they don't want dredged we don't want it to go downstream either, so I just think we should put them on record on it.

Mayor: I'm not disagreeing, I think there isn't a member of the Committee that wouldn't be totally supportive, my question is Gerry, and would it be advisable to have George Van Orden do some soil samples there? George has modelled that river...

Mr. Steiger: He got it cleaned up, but that's the silt part not the water part that has been cleaned up.

Mayor: That's what I mean, if he could do some soil samples around the banks and the river he can give us an idea, I don't know what will be involved there, can you give us some sort of idea?

Gerry Maceira: We can talk to George about that, there will be a cost.

Mayor: The lab work, etc., maybe we should, like I said to Bob, it's one thing we write to Government Offices and say we don't like this or that, it's another thing if I tell them why.

Mr. Steiger: That's what we do, we are not saying we don't like it; we don't care whether the dam comes down or not, as long as the impact study is done so we do know where that soil is going to go and what the soil is, that's the most important part.

Mayor: Have you drafted anything yet?

Mr. Steiger: yes, I have a draft letter, I'll have it typed up and I'll see that Joe gets a copy of it and you get one. The Commission is not going to see it until next month anyhow, but it is something that we feel very strongly about and I do thank you, for the potential for it to be a nasty thing is very possible.

Mayor: I would like to believe that the DEP in wanting the dam down has come up with their own studies and rational

Mr. Steiger: And that is what we would like to know.

Mayor: What is going to take place and what the impact is going to be and what else?

Mr. Steiger: I think that you as a Committee should know what that is, so you can either accept or try to reject it based on what you feel are the possible problems with it. I thought maybe getting a letter to them might; this might be on a back burner someplace that they are thinking about the Passaic River or the Delaware River or

something like that, this might just raise some thoughts about a little spot in Hanover Township.

Mayor: That's fine, thank you.

Mr. Steiger: Another thing, at the Lowe's, where it is going in, there is quite a slope from top to bottom, the Commission feels very strongly that instead of green screen that at the lower end it should all be hay bales for soil erosion control, I really...

Mayor: I don't know what it is that they went from hay bales to burring the mesh screening? At least the hay is a filtration system at the same time that leaks water through, and still stops the sediment, and I don't see why we can't put that into position on them, even if we don't have to comply with the meshing, we can tell them that we want the bails.

Mr. Steiger: The Government did it when they did the Depot down here, and the bails if they are left there they just deteriorate, where the green screen winds up going into the storm drain. I would just appreciate if that could be said to the Planning Board.

Mayor: Gerry, can you make a note to bring that to their attention, the Planning Board is just about done with that, are they coming back in? Did they do their preliminary and final?

Mr. Maceira: No, they received the Planning Board approval; they have to meet certain conditions of that approval.

Mayor: So you will have another shot at them?

Mr. Maceira: Yes.

Mr. Steiger: And the other thing is that the Open Space and the Environmental Commission are considering meeting together, we had an Open Space meeting and a lot of times environmental issues go into Open Space and Open Space go into Environmental, not that the funds or anything would change hands but that the two groups will get together and then one hand knows what the other is doing.

Mayor: I think it's a great idea, and an idea that Bob Brueno had commented on when we were talking about toward the end of our year here of trying to mesh some of the layers we have here. Open Space, Environment, and Green Team, make a natural collaboration.

Mr. Steiger: Like the trails, it's going to involve Open Space and some of them are going to have to be environmentally safe trails because they are going over wetlands and whatnot, very good, thank you for your time, I don't mean to take you any longer. Dot is in hospital so I don't have to worry about what time. Her lungs...

Mayor: I think your comments are well taken; we will follow through on them.

Barbara Eames: I just want to mention, I sent an email to you but don't know if I copied to everybody, today.

Mayor: I got one today, about an article,

Ms. Eames: I'm thinking it was last week.

Mayor: The Township was doing me a favor of giving me a different cell phone today, so now I'm totally incommunicable.

Ms. Eames: Which one did you think I sent you today?

Mayor: I just got the opening on that, when they were changing over my cell phone, they just did. Your opening was to bring to my attention a particular article on this.

Ms. Eames: Ok, well let me talk to you about thing that I remember that I sent the email about, my conversation with Assembly women DeCroce at the Freeholder Reorganization, and she mentioned that there apparently an effort in Trenton to, since only 25% of school districts across the state don't already have full day Kindergarten that there is an effort to make it all day for everybody and I kind of said that maybe those 25% that don't have it all day, have a reason for not having it all day. As I walked away, I said duh that's us, so I reacted to that I didn't think, I conservative, republications, whatever it usually no more mandates that you don't pay for, so I just want to give you the heads up she is a Republican, Republicans Bills don't move there, but I can think that all the Democrats think that's a great idea.

Mayor: I'm taking a nonparty position and by the way, when I do, I have to be very careful because I speak for these gentlemen too, and I think they align themselves with it, but we are not in an abbot district, and I don't mind telling you a little quick story here and it's one that a neighbor of mine shared with his son and daughter with their grandchildren who live in Hoboken area, God Bless them, they are rather okay, affluent, but their transportation, school lunches, etc., extracurricular activities for the children are all funded for these children too. I have still a big objection to the way funding to the state of New Jersey is distributed among the school districts. I think Newark, doesn't know how to spend the money, I think the same thing is true, of the Paterson,

Ms. Eames: We all know that too well, right.

Mayor: That is my issue and I don't care if you are a republican, democrat, or a Tory, that's what it comes down too. I would love to see, again I'm not on the Board of Education, I'm not privileged to the information that these gentlemen have on that was to what the educational needs of our children are but that is their responsibility but my concerns are again on the funding sides of things and if there was a way for our school

system to recover a lot of the State aid that is lost in the redistribution of the Abbott District, I'd be the first one to stand up and say hey let's look at the value of a full day kindergarten system and what it does and secondly I think a lot of our board members that I have been told are looking at the value of a full day kindergarten, forget the dollars for a second, is it beneficial, does it give that child a better head start, etc. or is it paid day care.

Ms. Eames: I remember when I was on the board, this is obviously going back, we thought extending, you are going to have to pay for lunch time, and you weren't getting that much more educational time out of it, and it was day care, so we, but I'm just suggesting to you from a prospective if we think mandates are a good thing do we might like that, you might just like to pick up the phone and call her or write her a letter, if you don't think an additional mandate that would undoubtedly cost tax payers across the state of NJ money and I would, I don't need to remind everybody we are already in net exit of state because people can't afford to be here. I was just rather surprised to hear her say that in these times that she thought it might be a good idea. I just wanted to bring that to your attention. The other thing if the Republican Club Reorganization meet or nominating committee the other day, we did talk about programs a little bit and John was there, and we talked about maybe having a program down the line that might be about one of our favorite topics which is COAH, and explaining how it affects our Town and getting some people to come and hear about it.

Mayor: That's a full evening's meeting.

Ms. Eames: So just lay that out there for some time if you would like to figure out to put together a program and if you would like to come and bring whoever you would think, we could talk about when but we all agree that that is an important topic and we would like to make the town people a little bit more familiar with it.

Mayor: I would like to see something like that happen with not only us we local representatives, I would like to see a subject of COAH for instance then have one of our State Representatives come in on this as well.

Ms. Eames: Michael Patrick Carroll is a good person,

Mayor: I would like our community to think that we operate here and our positions on COAH and our positions that what are happening here are operating just a little fight them, it's not, it's everybody, it's all the other towns, but somebody else other than us has to say it.

Ms. Eames: Well if we sponsored it, we could open up Republican Clubs and we could invite all the Republican Club of the County, or whoever we wanted, if the venue was large enough, or if we had it in the Municipal Building, I agree that it would be important enough to attract other folks too, not just the Republican Club

Mayor: The more people know about COAH the more they understand the restrictions we have to work on, regardless of what we built, COAH doesn't just mean housing, COAH affects commercial, retail building, anything that gets built, a garage has a COAH component. So people have to understand that.

Ms. Eames: So maybe we can have a conversation at some point about how to structure that and when and who we would like to include in that, but I just wanted to throw that out to let you know we did talk about that it was timely and would help taxpayers understand what is going on in New Jersey,

Mayor: Traffic is the other big issue in our town. It is another whole meeting, what is going on, because everyone I talk to and everyone I run into, even in the new ShopRite, I can't get across town, I can't get here and I can't get there, you're right, and why? We have that information but we have no solutions at hand unless we had a ton of money to start putting into the infrastructure and not just our infrastructure. We are blessed in Hanover with this great highway system it is wonderful, 287 to bad they got to be working on the bridge for the next two years. That bridge has been such a problem, it's going to be great, but it's a problem. Route 24, 80, 287, 280 it's brings a blessing to all the corporates that want to be here, the Airport etc., but at the same time, everybody wants to get to the highways, comes through Hanover. So that is something we have to talk about.

Ms. Eames: Well, I'm looking, I got appointed Program Chairman for a Republican Club this year, we are looking to do, tentatively have a January 27 meeting and I was tossing out a couple of ideas today, and sent an email to somebody about possibly doing one, if that is something that you want to come on the 27th and spend a little bit of time talking about that issue we are still nailing down an issue for the 27th of January.

Mayor: I'm wide open, and with advance notice even if it's on the issue of traffic I'm happy to reach down to the State and grab someone from the DOT and tell them to come up here and I'm happy to grab somebody from the County, a County Engineer etc. and have a whole forum as to what is going on, where we can go.

Ms. Eames: I will talk to you about it a little bit later. Thank you.

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

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of December 23, 2013 had been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Brueno moved that the Minutes of the Regular Meeting of December 23, 2013 be accepted and approved as presented by the Township Clerk. The motion was

seconded by Member Ferramosca and was passed by all except Member Gallagher abstained. (Stating at the time he wasn't a Committeemen for that meeting)

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Property Maintenance	E.DeSimoni	Month Ending 12/18/13
Engineering Department	G. Maciera	Month Ending 01/09/13

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 20-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPOINTING JOHN V. DONALDSON TO SERVE AS THE ALTERNATE 1 MEMBER OF THE BOARD OF ADJUSTMENT IN FILLING THE UNEXPIRED TWO (2) YEAR TERM OF OFFICE OF DANIEL J. BREEN WHICH TERM OF OFFICE SHALL EXPIRE ON DECEMBER 31, 2014

WHEREAS, by e-mail dated January 2, 2014, Daniel J. Breen, the Alternate 1 member of the Board of Adjustment advised the Business Administrator that as a result of his election to the Hanover Township Board of Education, he will not be able to continue his service on the Board of Adjustment and therefore has resigned his position effective immediately; and

WHEREAS, the unexpired two (2) year term of office of the Alternate 1 member position shall expire on December 31, 2014; and

WHEREAS, Committeeman and Director of Planning John L. Ferramosca has recommended that **John V. Donaldson**, a former Alternate 2 member of the Board of Adjustment and currently a Class IV member of the Planning Board has the necessary experience and expertise to fill the Alternate 1 position vacated by Mr. Breen; and

WHEREAS, the Township Committee concurs with the nomination and recommendation of Mr. Ferramosca that **Mr. Donaldson** be appointed to fill the Alternate 1 position; and

WHEREAS, **Mr. Donaldson** shall fill the remaining two (2) year term of office which term of office shall expire on December 31, 2014 or until **Mr. Donaldson's** successor shall be appointed and qualified.

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 **John V. Donaldson** residing at 49 Poplar Drive (Morris Plains 07950) in the Cedar Knolls Section of the Township is hereby appointed to fill the unexpired term of the Alternate 1 member position on the Board of Adjustment which position is classified as a two (2) year term of office.
2. **Mr. Donaldson's** unexpired term of office shall end on December 31, 2014 or until such time as **Mr. Donaldson's** successor is appointed and qualified.
3. The appointment of **Mr. Donaldson** as the Alternate 1 member of the Board of Adjustment shall take effect immediately upon the approval of this resolution.
4. That a certified copy of this resolution shall be transmitted to the Secretary of the Board of Adjustment and **Mr. Donaldson** for reference and information purposes.

INTRODUCED AND SPONSORED BY COMMITTEEMAN JOHN L. FERRAMOSCA

RESOLUTION NO. 21-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE EMPLOYMENT OF DAVID C. MANNHERZ AND DAVID PECK AS PART-TIME ASSISTANT BUILDING INSPECTORS/ASSISTANT ZONING OFFICERS/ASSISTANT PROPERTY MAINTENANCE OFFICERS ON A TEMPORARY, AS NEEDED BASIS, AT THE RATE OF \$30.60 PER HOUR UNDER SALARY GUIDE "C", JOB GROUP IX AND FURTHER AUTHORIZING THE EMPLOYMENT OF SAL SIMONETTI AS A PART-TIME PLUMBING INSPECTOR ON A TEMPORARY, AS NEEDED BASIS, AT THE RATE OF \$30.60 PER HOUR PURSUANT TO ITEM 4. OF SECTION 9. UNDER SALARY ORDINANCE 15-13

WHEREAS, the Township is experiencing significant residential and commercial development, and with the construction season in full swing, the Construction Official has requested that the Township Committee authorize the employment of two (2) part-time assistant building inspectors and a part-time plumbing inspector, all three (3) on a temporary, as needed basis whenever the Construction Official deems such assistance is needed; and

WHEREAS, the Construction Official recommends that the following individuals who are licensed by the State of New Jersey to serve as building inspectors and plumbing inspectors be authorized to perform building inspection and plumbing inspection services on an as needed basis:

David C. Mannherz
David Peck
Sal Simonetti

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

1. The governing body hereby authorizes the Construction Official to retain the services of the individuals named below as temporary, part-time Assistant Building Inspectors/Assistant Zoning Officers/Assistant Property Maintenance Officers in order to assist the Building Department with residential and commercial building inspections:

David C. Mannherz
4 Moraine Road
Morris Plains, New Jersey 07950

And

David Peck
3 Highlands Lane
Hardwick, New Jersey 07825

2. **Messrs. Mannherz** and **Peck** shall be compensated at the rate of \$30.60 per hour under Job Group IX, Salary Guide "C" of Salary Ordinance No. 15-13. Neither **Mr. Mannherz** or **Peck** shall work more than twenty (20) hours in any week.
3. The governing body hereby further authorizes the Construction Official to retain the services of the individual named below as a temporary, part-time Plumbing Inspector in order to assist the Building Department with residential and commercial building inspections:

Sal Simonetti
71 Mountain Avenue
Cedar Knolls, New Jersey 07927

4. **Mr. Simonetti** shall be compensated at the rate of \$30.60 per hour under Item 4. of Section 9. as set forth in Salary Ordinance No. 15-13. **Mr. Simonetti** shall not work more than fifteen (15) hours in any week.
5. The authorization given to the Construction Official to retain the services of **Messrs. Mannherz, Peck** and **Simonetti** as temporary, part-time building inspectors and plumbing inspector on an as needed basis shall expire on December 31, 2014.

6. As temporary, part-time employees of the Township authorized to work on an as needed basis, **Messrs. Mannherz, Peck and Simonetti** shall not be eligible to receive any prior service credit or receive or accrue any paid vacations, holiday pay, sick leave or health and dental benefits coverage of any kind whatsoever during their temporary employment with the Township.
7. That certified copies of this resolution shall be transmitted to the Construction Official, the Township's Chief Municipal Finance Officer and **Messrs. Mannherz, Peck and Simonetti** for reference and information purposes.

RESOLUTION NO. 22-2014

PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF FRED SEMRAU, ESQ AND THE FIRM OF DORSEY & SEMRAU AS "TOWNSHIP ATTORNEY" DURING CALENDAR YEAR 2014 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. SEMRAU IN AN AMOUNT NOT TO EXCEED \$160,000.00 WHICH AMOUNT INCLUDES A RETAINER AT \$75,000.00 COVERING GENERAL LEGAL SERVICES, AND LITIGATION AND TAX APPEAL SERVICES AT \$85,000.00 (NOT INCLUDING AN AMOUNT NOT TO EXCEED \$3,000.00 FOR OUT-OF-POCKET DISBURSEMENTS, IN REM TAX FORECLOSURE ACTIONS AT THE RATE OF \$1,000.00 PER TAX SALE CERTIFICATE OR EXTRAORDINARY LITIGATION), ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the provisions of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township of Hanover has a need to retain the services of an attorney as a non-fair and open contract in order to provide the Township with legal counsel and representation in the conduct of the Township's business including the defense of the Township in matters of litigation; and

WHEREAS, in keeping with the requirements of the Non-Fair and Open process of the Pay-to-Play legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated value for the performance of the legal services to be performed during calendar year 2014 has an anticipated value in excess of \$17,500.00; and

WHEREAS, **Fred Semrau, Esq.** and the firm of **Dorsey & Semrau** have served the Township of Hanover as Township Attorney during the last thirty-seven (37) years; and

WHEREAS, the Township Committee reappointed **Mr. Semrau** at its January 1, 2014 Reorganization Meeting and is desirous of memorializing his reappointment and that of the Firm of **Dorsey & Semrau** in rendering legal services to the Township during calendar year 2014; and

WHEREAS, the Township finds itself in what is described as difficult financial times, particularly for the 2014 budget year, and, as a result wishes to restrict to the extent that it can, legal fees within the current budget year; and

WHEREAS, Dorsey & Semrau have completed and submitted a Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure form and the Stockholder Disclosure Certification. **Dorsey & Semrau** have certified that the Firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one (1) year, and that the new professional services agreement will prohibit **Dorsey & Semrau** from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5. (1)(a)(i), requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids, and the contract itself, must be available for public inspection; and

WHEREAS, Fred Semrau, Esq. and the Firm of **Dorsey & Semrau** hereinafter referred to as the "Township Attorney" shall be paid a retainer of \$75,000.00 during calendar year 2014 which retainer shall cover all general legal services required by the Township; and

WHEREAS, in order to cover those issues involving litigation, tax appeals, condemnations and representation involving land use and corporate development, the Township Attorney shall be compensated based on the Firm's hourly rates, except, however, that the maximum amount for the litigation services shall not exceed \$85,000.00; and

WHEREAS, in addition to the annual retainer and those services rendered for general litigation, the Township Attorney shall be reimbursed for out-of-pocket disbursements in an amount not to exceed \$3,000.00; and

WHEREAS, the maximum amount of the Agreement shall not exceed \$160,000.00 during calendar year 2014 plus \$3,000.00 for out-of-pocket disbursements. Except, however, the amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours and is, therefore, considered to be extraordinary litigation; and

WHEREAS, In Rem Tax Foreclosure actions, while classified as litigation, will be billed separately at the rate of \$1,000.00 per tax sale certificate and will not be covered under the \$160,000.00 nor will any item or items of litigation considered

extraordinary in nature; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2014 Temporary Current Fund Budget - Legal - Other Expenses, Line Item No. 124-0009-083 to meet the need of this award during the first quarter of 2014 and, it is anticipated that sufficient funds will be appropriated and available in the 2014 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. That **Fred Semrau, Esq.** and the law firm of **Dorsey & Semrau**, located at 714 Main Street, P.O. Box 228 in Boonton, New Jersey 07005, are hereby retained as the "Township Attorney" during calendar year 2014 in providing the Township with professional legal services, including the preparation of legal opinions and the representation of the Township in litigation, and in any negotiations or representations involving developers and/or corporate property owners, all of which are more particularly described in the attached Agreement.

2. For general legal services, the Township Attorney shall be paid a retainer of \$75,000.00 during calendar year 2014. The Township Attorney shall also be compensated, based on the Firm's hourly fee schedule, in rendering professional legal services regarding litigation, tax appeals, condemnations and in representing the Township regarding any proposed land use and corporate developments at the following hourly rates:

Fred Semrau, Partner.....	\$163.00 per hour
Associate.....	\$137.00 per hour
Paralegal.....	\$ 87.00 per hour

The amount for this portion of the Agreement shall not exceed \$85,000.00, except that this amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours, and is considered to be extraordinary litigation. The total contract amount, however, for all legal services, shall not exceed the maximum amount of \$160,000.00 plus an amount not to exceed \$3,000.00 for out-of-pocket disbursements. However, In Rem Tax Foreclosures, while classified as litigation, shall be billed separately at the rate of \$1,000.00 per tax sale certificate and shall not be covered under the \$160,000.00 cap.

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

4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2014 Temporary Current Fund Budget - Legal - Other Expenses, Line Item No. 123-0009-083 to meet the need of this award during the first quarter of 2014 and it is anticipated that sufficient funds will be appropriated and available in the 2014 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

5. The Mayor and Township Clerk are hereby authorized to execute an Agreement with **Fred Semrau, Esq.** on behalf of the Township in an amount not to exceed \$160,000.00 (except In Rem Tax Foreclosure cases which shall be billed separately at the rate of \$1,000.00 per Tax Sale Certificate and cases classified as extraordinary litigation which are not covered under the \$160,000.00 cap) plus out-of-pocket disbursements in an amount not to exceed \$3,000.00.

6. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) because the services performed are by a person authorized by law to practice a recognized profession as a licensed attorney of the State of New Jersey and such services are not subject to competitive bidding.

7. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

RESOLUTION NO. 23-2014

A PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF STEPHEN E. TRIMBOLI AND THE FIRM OF TRIMBOLI AND PRUSINOWSKI LLC AS "SPECIAL LABOR COUNSEL" TO THE TOWNSHIP DURING CALENDAR YEAR 2014 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. TRIMBOLI IN AN AMOUNT NOT TO EXCEED \$60,000.00 BASED ON AN HOURLY RATE OF \$130.00 PER HOUR PLUS AN AMOUNT NOT TO EXCEED \$750.00 FOR OUT-OF-POCKET DISBURSEMENTS, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the provisions of the Local Public Contracts Law and in conformance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 44A-20.26 et seq., the Township of Hanover needs to retain the services of a labor attorney as a non-fair and open contract in order to provide the Township with labor and personnel legal counsel and representation in the conduct of the Township's business; and

WHEREAS, in keeping with the requirements of the Non-Fair and Open process of the Pay-to-Play legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination and

Certification”, (a copy of which is attached hereto and made a part of this resolution), that the estimated value for the performance of the legal services to be performed in calendar year 2014 has an anticipated value in excess of \$17,500.00; and

WHEREAS, Trimboli and Prusinowski LLC have completed and submitted a Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure Form, and the Stockholder Disclosure Certification. **Trimboli and Prusinowski LLC** have certified that the Firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one (1) year, and that the new professional services agreement will prohibit **Trimboli and Prusinowski LLC** from making any reportable contributions through the term of the contract; and

WHEREAS, it is the intention of the Township Committee to retain the services of **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC** (hereinafter referred to as the Special Labor Counsel) to serve as the Township's Special Labor Counsel during calendar year 2014; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) et seq., requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids, and the contract itself, must be available for public inspection; and

WHEREAS, the Special Labor Counsel shall be paid for all professional legal services at the rate of \$130.00 per hour plus reimbursement for all necessary disbursements incurred during the performance of legal services; and

WHEREAS, the maximum amount of the agreement shall not exceed \$60,000.00 for all legal services plus an amount not to exceed \$750.00 for out-of-pocket disbursements during calendar year 2014; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2014 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 123-0009-095 to meet the need of this award during the first quarter of 2014 and that it is anticipated that sufficient funds will be appropriated and available in the 2014 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. That **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC**, located at 268 South Street in Morristown, New Jersey 07960, are hereby retained to provide the Township with professional legal services, as Special Labor Counsel, for calendar year 2014. Services shall include, but not be limited to, preparation for and attendance at negotiations meetings with various labor organization representatives, the preparation of written legal opinions and the representation of the

Township in litigation arising out of matters for which the attorney is retained.

2. For all services rendered under the terms of the Agreement, **Mr. Trimboli** shall be paid at the rate of \$130.00 per hour plus reimbursement for all necessary disbursements incurred during the performance of legal services. The total contract amount for all legal services, shall not exceed the maximum amount of \$60,000.00 plus an amount not to exceed \$750.00 for out-of-pocket disbursements.

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

4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2014 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 124-0009-095 to meet the need of this award during the first quarter of 2014 and that it is anticipated that sufficient funds will be appropriated and available in the 2014 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

5. The Mayor and Township Clerk are hereby authorized to execute an agreement with **Stephen E. Trimboli** and the Firm of **Trimboli and Prusinowski LLC** on behalf of the Township in an amount not to exceed \$60,000.00 for all legal services plus an amount not to exceed \$750.00 for out-of-pocket disbursements.

6. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) because the services performed are by a person authorized by law to practice a recognized profession as a licensed attorney of the State of New Jersey and such services are not subject to competitive bidding.

7. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

RESOLUTION NO. 24-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RENEWAL OF A SHARED SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP OF HANOVER AND THE BOARD OF EDUCATION OF THE HANOVER PARK REGIONAL HIGH SCHOOL DISTRICT FOR THE PERIOD BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014 IN REIMBURSING THE DISTRICT FOR THE SALARY OF THE SAFE SCHOOLS RESOURCE SPECIALIST AND FURTHER AUTHORIZING THE

MAYOR AND TOWNSHIP CLERK TO EXECUTE A SHARED SERVICES AGREEMENT, ALL IN ACCORDANCE WITH N.J.S.A. 40A:65-4 ET SEQ.

WHEREAS, by resolution dated April 28, 2011, the Township Committee authorized the appointment of **Michael J. Murphy** as the Township's part-time civilian Drug Abuse and Resistance Education (DARE)/Safe Schools Resource Specialist (SSRS) for the purpose of developing and implementing substance education and prevention programs to help educate pupils, parents and educators concerning the dangers of alcohol and drug abuse; and

WHEREAS, commencing on May 23, 2011, **Mr. Murphy** was assigned to provide his services as a substance abuse educator on the elementary school level and at Whippany Park High School; and

WHEREAS, as the SSRS at Whippany Park High School, **Mr. Murphy** has played an integral role in educating students to the dangers of alcohol and drug abuse as well as assuming other duties in assisting the faculty and administration at the high school; and

WHEREAS, both the Township of Hanover (hereinafter referred to as the "Township") and the Hanover Park Regional High School District (hereinafter referred to as the "Regional District") recognize the benefit of having **Mr. Murphy** continue his services to Whippany Park High School as an employee of the District; and

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

WHEREAS, by resolution dated August 23, 2012, the Township Committee authorized the transfer of **Mr. Murphy** whereby **Mr. Murphy** became an employee of the Regional District with the Township reimbursing the Regional District the sum of \$40,000.00 to underwrite **Mr. Murphy's** salary; and

WHEREAS, the Township Committee is amenable in renewing the Shared Services Agreement by and between the Township and the Regional District whereby **Mr. Murphy** shall continue to serve as the Safe Schools Resource Specialist including the assignment of other duties as may be determined by the Board of Education and the Superintendent of the Regional District; and

WHEREAS, in keeping with the terms and conditions of the renewed Shared Services Agreement (a copy of which is attached hereto and made a part of this resolution), the Township will underwrite the cost of **Mr. Murphy's** salary as part of the shared services arrangement.

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

1. In accordance with the shared services regulations promulgated under N.J.S.A. 40A:65-4. et seq., the governing body hereby approves the renewal of a Shared Services Agreement by and between the Township of Hanover and the Hanover Park Regional High School Board of Education in reimbursing the Regional District in an amount not to exceed \$40,000.00 to underwrite the cost of employing **Michael Murphy** as the Regional District's Safe Schools Resource Specialist.
2. The Shared Services Agreement shall commence on January 1, 2014 and terminate on December 31, 2014.
3. In performing the duties and responsibilities of the part-time civilian Safe Schools Resource Specialist, including any other duties and responsibilities assigned by the Regional District's Superintendent of Schools and/or the Principal of Whippany Park High School, the Township shall pay the Regional District the sum of \$40,000.00 in four
4. (4) equal installments on January 15th, April 15th, July 15th, and October 15, 2014.
5. The Mayor and Township Clerk are authorized and directed to execute the Shared Services Agreement on behalf of the Township.
6. That certified copies of this resolution shall be transmitted to the Superintendent of the Regional School District, the Principal of Whippany Park High School and the Township's Chief of Police and Chief Municipal Finance Officer for reference and information

RESOLUTION NO. 25-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE TOWNSHIP'S CHIEF MUNICIPAL FINANCE OFFICER TO RETURN A 2013 IN LIEU OF TAX DONATION IN THE AMOUNT OF \$2,288.25 TO THE ASSOCIATION FOR RETARDED CITIZENS, MORRIS UNIT

WHEREAS, the Morris Unit of the Association for Retarded Citizens (ARC) presently operates four (4) group homes in Hanover Township for the developmentally disabled; and

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

WHEREAS, in accordance with this policy, ARC submitted a check to the Township of Hanover dated December 19, 2013 in the amount of \$2,288.25 as an in

lieu of taxes donation to the Township; and

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

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

1. That the governing body has determined to return the \$2,288.25 donation of the Association for Retarded Citizens, Morris Unit, which donation served as an in lieu of taxes contribution to the Township.
2. That the Township's Chief Municipal Finance Officer is hereby authorized to issue a check in the amount of \$2,288.25 to the Association for Retarded Citizens, Morris Unit, as reimbursement in full for its in lieu of taxes donation which was deposited with the Township on January 6, 2014.
3. That a certified copy of this Resolution along with the reimbursement check shall be transmitted to the Township's Chief Municipal Finance Officer and the Executive Director of the Morris Unit ARC for their reference and information.

RESOLUTION NO. 26-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE VIDEO TAPING OF TOWNSHIP COMMITTEE MEETINGS FOR A TWELVE (12) MONTH PERIOD COMMENCING JANUARY 1, 2014 THROUGH DECEMBER 31, 2014 BY ROBERT KOPACZ, D/B/A ROSENETTV BASED ON A FEE OF \$350.00 PER TAPING WHICH COST SHALL NOT EXCEED \$8,750.00 AND FURTHER AUTHORIZING THE BUSINESS ADMINISTRATOR/TOWNSHIP CLERK TO ISSUE A PURCHASE ORDER BETWEEN ROBERT KOPACZ AND THE TOWNSHIP

WHEREAS, the Township Committee of the Township of Hanover believes that open government and transparency are key elements in communicating to the residents of the Township and the public in general, the actions and decisions made by the governing body; and

WHEREAS, technological advances in the communications industry provide governmental entities with the necessary state-of-the-art tools to transmit information in verbal and visual formats to their constituents, using such mediums as cable TV and the Internet, and most recently via YouTube; and

WHEREAS, it is the philosophy of the governing body that residents of the community should actively participate in the decision making process by attending Township Committee meetings and the meetings of other boards and commissions in order to assist the Township's government in formulating policy; and

WHEREAS, the Township Committee further believes that by video taping and televising meetings of the governing body via cable TV and YouTube, this action will energize members of the community to attend and participate at meetings of the governing body; and

WHEREAS, an informed community is the cornerstone to good government, and in this regard, the Township Committee wishes to retain the services of **Robert Kopacz, d/b/a RosenetTV**, as videographer, in recording and converting into suitable formats for television and the Internet, the regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2014 through December 31, 2014.

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

1. In accordance with the Township Committee's philosophy of open government and transparency, and the need to inform its constituents of actions and decisions that affect the welfare of the community, the governing body hereby authorizes the video taping of all regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2014 through December 31, 2014.
2. The governing body hereby retains the services of **Mr. Kopacz, d/b/a/ RosenetTV** for the purpose of videotaping all regular public meetings of the Township Committee during calendar year 2014 which meetings are held at 8:30 p.m. in the Main Meeting Room of the Municipal Building on the second and fourth Thursdays of each month except in July, August, November and December when only one (1) meeting may be convened.
3. **Mr. Kopacz** shall be paid a fee of \$350.00 to tape each Township Committee meeting which fee includes the taping of meetings, the conversion of the tape into suitable formats for broadcasting on Cablevision's Access Channel 21 and for streaming on demand over the Internet via YouTube and the Township's web site. This fee also includes providing the Township with three (3) standard definition DVDs for the Township and the Whippanong Library.
4. That the Business Administrator/Township Clerk is authorized and directed to issue a Purchase Order in an amount not to exceed \$8,750.00 for the taping of Township Committee meetings at the rate of \$350.00 per meeting for the period beginning January 1, 2014 through December 31, 2014.
5. That a certified copy of this resolution shall be transmitted to **Mr. Kopacz** and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 27-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RELEASE OF THE \$2,290.00 CASH BOND – BOND RELEASE NO. 2-FINAL TO ABUNDANT LIFE WORSHIP CENTER OF WHIPPANY, INC. REGARDING THE COMPLETION OF IMPROVEMENTS TO THE EXISTING FACILITIES AND TO OPERATE A SCHOOL ON PROPERTY LOCATED AT 43-45 SOUTH JEFFERSON ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND ALSO KNOWN AS LOT 11 IN BLOCK 3901 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, on November 19, 2009, the Board of Adjustment granted preliminary and final variance approval and subsequently final site plan approval on April 6, 2010 to **Abundant Life Worship Center of Whippany, Inc.** (hereinafter referred to as “**Abundant Life**”), as the applicant and developer to alter an existing facility and to operate a school on property located at 43-45 South Jefferson Road in the Whippany Section of the Township and known as Lot 11 in Block 3901 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, in accordance with the June 10, 2010 Developer’s Agreement, **Abundant Life** was required to make certain improvements; and

WHEREAS, in a letter dated January 7, 2014 to the Mayor and Township Committee, the Township Engineer has advised the governing body that a final inspection of the property was conducted and that **Abundant Life** has satisfied the punch list items which consisted of tree replacements and curb repairs; and

WHEREAS, in the same letter, the Township Engineer recommends that the total cash bond in the amount of \$2,290.00 deposited in a bank escrow account be released to **Abundant Life**.

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 January 7, 2014 letter, the governing body hereby releases to **Abundant Life** the total cash bond in the amount of \$2,290.00 which amount is deposited in a TD Bank Escrow Account, Account No. 7760845111.
2. The Township’s Chief Municipal Finance Officer is also authorized and directed to release to the Developer, the remaining balance of \$618.07 held in escrow in Trust Account No. 252-7018-499 which amount was deposited for Engineering inspections.
3. That certified copies of this resolution shall be transmitted to **Abundant Life Worship Center of Whippany, Inc.**, the Township’s

Chief Municipal Finance Officer and the Township Engineer for reference and information purposes.

RESOLUTION NO. 28-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A FIRST BOND REDUCTION BY REDUCING THE \$650,252.00 SURETY PERFORMANCE BOND SUBMITTED BY WATERVIEW AT HANOVER, LLC TO \$216,788.00 AND REDUCING THE 10% CASH BOND FROM \$72,250.00 TO \$24,088.00 PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985, c.315, AS A RESULT OF COMPLETING 70% OF THE BONDED SITE IMPROVEMENTS RELATED TO THE CONSTRUCTION OF SIXTY (60) DWELLING UNITS IN FIVE (5) MULTI-FAMILY BUILDINGS ON PROPERTY LOCATED AT THE INTERSECTION OF AMERICAN ROAD AND EAST HANOVER AVENUE AND DESIGNATED AS LOT 1 IN BLOCK 602, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER AND LOT 8 IN BLOCK 11 AS SET FORTH ON THE TAX MAP OF THE BOROUGH OF MORRIS PLAINS

WHEREAS, the Planning Board of the Township of Hanover granted Preliminary and Final Site Plan and Minor Subdivision approval, which was memorialized by resolution on October 18, 2011, and adopted on October 25, 2011, to **JMF Acquisitions, LLC**, Applicant, for the purpose of constructing 60 dwelling units in five multi-family buildings each containing 12 dwelling units along with driveways, parking areas and related site improvements on property located at the intersection of American Road and East Hanover Avenue straddling the municipal boundary between the Township of Hanover and Borough of Morris Plains; and

WHEREAS, Lot 1 in Block 602 on the Tax Map of the Township of Hanover, located in the PU Zone District, consists of 18.6243 acres and Lot 8 and Block 11 on the Tax Map of the Borough of Morris Plains, located in the I Zone District, consists of 3.6713 acres; and

WHEREAS, proposed Lot 1.01 consisting of 13.59 acres was dedicated to the Township of Hanover and proposed Lot 1.02 consisting of 5.04 acres accommodates the proposed multi-family development; and

WHEREAS, subsequent to the grant of said final Planning Board approval, **JMF Acquisitions, LLC**, Applicant, by assignment, dated January 3, 2012, (attached hereto as **EXHIBIT A**), assigned all their rights, title and interest in and to the property described herein as well as the aforementioned final Planning Board approval to **Waterview at Hanover, LLC, Developer**; and

WHEREAS, the Developer was required to install certain improvements for the residential development in accordance with the Planning Board approvals and the subsequent Developer's Agreement dated April 26, 2012; and

WHEREAS, in a letter dated October 14, 2013, to the Business Administrator/Township Clerk, the Land Development Manager for Lennar, also known

as **Waterview at Hanover, LLC** requested that the Township reduce its total performance guarantee as a result of completing most of the bonded on-site improvements; and

WHEREAS, in accordance with the October 18, 2011 final site plan and minor subdivision approval, and the Developer's Agreement dated April 26, 2012, **Waterview at Hanover, LLC**, has now completed 70% of the bonded site improvements based on an on-site inspection conducted by the Engineering Department for the purpose of ascertaining the percent of completion of the bonded public improvements; and

WHEREAS, the Township Engineer, in a letter dated January 7, 2014, to the 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 (dated December 4, 2013) to his January 7, 2014 letter which describes the percentages of reduction for the bonded 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. K07933113 dated April 23, 2012, as issued by the Westchester Fire Insurance Company, in the amount of \$650,252.00 be reduced to \$216,788.00. In accordance with this reduction, it shall be the responsibility of **Waterview at Hanover, LLC** to request Westchester Fire Insurance Company to submit to the Business Administrator/Township Clerk, a new Bond Rider to Surety Performance Bond No. K07933113 in the amount of \$216,788.00 in order to guarantee the completion of the remaining on site improvements.

2. The cash performance bond of **Waterview at Hanover, LLC** deposited with the Township in a TD Bank Escrow Account, Account #7760845128, in the amount of \$72,250.00 is hereby reduced to \$24,088.00. The Developer shall be returned a portion of the cash bond in the amount of \$48,162.00, 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 **Waterview at Hanover, LLC**, the Township Engineer, the Chief Municipal Finance Officer, and the International Fidelity Insurance Company for their reference and action purposes.

RESOLUTION NO. 29-2014

A RESOLUTION RETURNING A CASH BOND TO MOHAMMAD KABIR, J & L COMMUNICATIONS GROUP, INC. IN THE AMOUNT OF \$3,500.00 FOR THE SATISFACTORY COMPLETION OF A ROAD OPENING IN ACCORDANCE WITH THE RECOMMENDATION OF THE TOWNSHIP ENGINEER

WHEREAS, the permittee listed below has deposited a cash bond with the Township of Hanover for a road opening; and

WHEREAS, the return of a cash bond is conditioned upon the satisfactory road opening by the permittee in accordance with the requirements of the Engineering Department; and

WHEREAS, the following road opening has been inspected by the Engineering Department and has been found to be in satisfactory condition; and

WHEREAS, the Road Department has not been required to make any repairs; and

WHEREAS, the Township Engineer hereby recommends that the cash bond of the permittee set forth below be returned; and

WHEREAS, the following named person has complied with the provisions of the permit requirement and is entitled to a full return of his cash bond:

<u>DATE PERMIT</u>	<u>NO. PERMIT</u>	<u>NAME OF PERMITTEE</u>	<u>LOCATION OR ADDRESS OF LOT GRADING</u>	<u>AMOUNT</u>
09/27/2011	R-11-43	Mohammad Kabir J & L Communications Group, Inc. 85 Green Pond Road – Unit 1 Rockaway, New Jersey 07866	Elm Place, Boulevard Rd. and Eden Lane	\$3,500.00

1. That the permittee mentioned herein be refunded his road opening cash bond in the above amount in accordance with the satisfactory completion of a road opening at the above listed location.

2. That a certified copy of this resolution be transmitted to the Township's Chief Municipal Finance Officer and the Township Engineer for their reference and action.

RESOLUTION NO. 30-2014

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

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

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL. #</u>	<u>NAME</u>	<u>AMOUNT</u>
8604	19		George Cho Ching Wang & Jenny Haic 12 John Street Whippany, NJ 07981	\$3035.18

Are there any questions from the members of the Governing Body concerning any of the Resolutions – Member Ferramosca and seconded by Member Brueno and was unanimously passed to approve the consent agenda.

RAFFLES APPLICATIONS:

RA/RL No. 2710 – Rotary Club of Madison – 50/50 off premise
RA/RL No. 2711 – New Jersey Jazz Society – 50/50 on premise

Member Brueno moved, seconded by Mr. Gallagher
Members Ferramosca, Schleifer, Brueno and Mayor Francioli.

Payment of Bills

The governing body approved a grand total disbursement of \$3,795,317.11 for the payment of all bills as of this Regular Township Committee Meeting. A copy of the “Bills Payment List – by Vendor” is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Francioli and seconded by Member Ferramosca and unanimously passed.

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

OTHER BUSINESS:

Mr. Brueno: A couple items on the recreation side, actually one side, because of the fact that's its been so cold the skating is been available at Malapardis Park and we just want to caution everyone that the temperatures have been going up and down like a roller coaster, so please make sure the flag is up, when I drove by this evening the lights were on so ice skating is available, if you have any question I think tomorrow is going to warm up again, and get rain so if there is a question, please call the township Committee, last year I think we had skating at Malapardis was a limited to a total of one day. And it's already been open three days this year, so get the skates out and the other reminder from the DPW is once your road is plowed and obviously we have had a lot of chaos and had a lot of storms could be more on the way, please don't shovel snow into the street assuming that the plows are going to come around again. We've had a lot of issues with home owners with snow blowers blowing snow into the street, then it gets cold, it freezes and creating all kinds of chaos. So once the plows come through please make sure you don't throw snow back into the road, there is no guarantee that they will come back down that street, and you can cause some severe danger for your fellow homeowners. That's it for me.

Mayor: That is an excellent point, because every single one of us in our neighborhood have seen it where the plows just push from the driveways down into the street and they try to push it across the street and leave all the residual on the side. I would love to give our homeowners some direction as to what to do, they can call in the DPW or call the Police Department and we can have somebody come out and see it, because it does create a very hazardous situation especially with the freezing weather we had.

I'm thrilled that you have Malapardis Park up for skating. For years I beat my head against the wall, it was the greatest thing to have that pond freeze and have skating, the families came out and all had a great time.

Mr. Brueno: The polar vortex helped us this week. That was the key to our success, nothing that I did on my own, I would like to take credit, if at all possible.

Mayor: Just the idea that we put it back online as a skating facility, warms my heart, no pun intended.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public.

Hearing None, Motion to close:

Motion to close by Member Ferramosca and seconded by Member Brueno and unanimously passed.

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

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

Joseph A. Giorgio, Township Clerk