

**October 23, 2014**

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, October 23, 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, Brueno and Coppola

ABSENT: Member Ferramosca

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**STATEMENT BY PRESIDING OFFICER:**

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

HANOVER EAGLE  
MORRIS COUNTY'S DAILY RECORD  
THE STAR LEDGER

And by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

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**PLEDGE OF ALLEGIANCE TO THE FLAG**  
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**OPEN TO PUBLIC**

Motion to open moved by Member Brueno and seconded by Member Coppola and unanimously passed.

Anyone in attendance that would like to be heard at this time?

Richard Dunne, 59 Manger Road, Cedar Knolls: I come before the Committee for two reasons, first this coming Tuesday at my house, I am holding an open house for a meet and greet or coffee to meet the Democratic Candidates that are running for Congress, Freeholder and Surrogate, that is Mark Dunec, Matt Davis and George Tannous. As of right now in attendance will also be former Governor Richard Codey and Assemblywoman Mila Jasey and my wife and I are opening our house for the second time to try and attract Hanover Township residents so they get to know the candidates and they can make an informed choice the following week on Election Day. I did attend the breakfast today at the Rotary and invited local business leaders to come, some seem interested. I don't personally care whether your affiliation is with Republican or Democrat but what I am interested in is having people come and listen to the candidates speak so that they can make an informed choice. I welcome anyone

who is politically inclined or politically interested to come to my house regardless of whether they are Republican registered voters or Democrat or Unaffiliated registered voters, I can't forget them because at least last couple of years they have been the largest block of voters.

Some of you may know that this past summer I was the manager of the American Legion Baseball team. After many, many years of having a team, the American Legion did not have a team the last three years. Mr. Minerowicz who is the Legion Commander and I resurrected that baseball team this past summer. We were at a baseball meeting last week together and we were having a discussion and he pointed out to me that last winter was the first winter that the American Legion did not have its parking lot and driveways plowed by the Township free of charge. He made me understand that someone was going to appear on behalf of the Legion tonight to request that this Committee revisit or reconsider. Mr. Ron Engle was supposed to appear, I don't know Mr. Engle and I'm not a member of the American Legion Post but I did speak to Mr. Minerowicz this afternoon and he did authorize me to speak on behalf of the Legion Post because of my association as its baseball manager and I am here to request that the Committee reconsider because it has an affect on what I do. I think this past year was the first year American Legion Post 155 had to assess a cost to its baseball players to participate; and while we did garner enough interest to present a sufficient roster Mr. Minerowicz and I would like to be able to command an even bigger presence in the community among children of that age that are of that ilk baseball ilk. I am not saying that Legion still would not have to charge but I think it would have an effect if they didn't have to spend the money on snowplowing services, I think Mr. Minerowicz mentioned they spend between somewhere of \$5,000-\$6,000 and it did become a factor in what was charged the kids. All I want is reconsideration by this Committee because it most likely will reduce the cost the Legion will have to charge to attract ballplayers on the team. Thank you.

Mr. Coppola: Ron Engle had mentioned to me, Ron was the former Commander and now he is Commander of the VFW that Ron was going to be here, so plans have changed.

Mr. Dunne: Bob told me he was going to be here. He also said that you, Mr. Coppola would speak on behalf of that issue as well.

Mr. Coppola: He was going to give me some information as to what the rationale is and I have seen Ron a couple of times and I still don't have anything from him as far as rationale.

Mr. Dunne: My reason is one; I'm not saying it is THE but I am saying it is A factor in why the Legion is requesting that.

Mr. Coppola: His was something to do with "Wounded Warriors."

Mr. Dunn: Well, Mr. Minerowicz didn't share that with me.

Mayor: I think over a year ago now, the Township adopted a policy on the snow plowing, but what was in years past is that once our Public Works Department had covered all the municipal streets and all the Municipal obligations that we would do churches, and we would do the Legion, etc. You bring up a point, Richard to cost to them and it was no different to equating the cost to know to the Public Works side, because those gentlemen were then putting in additional hours, overtime, to do that and in the past, and I don't sit here to say I have the exact answers to why it became an issue, but in the past it was one where we did this as a courtesy to the churches and to some schools. By the way, and as well as the Veteran's Services but I think we can talk about it again and revisit it. But, I think probably Bob, you are going to want Foran.

Mr. Brueno: I think, I am obviously sympathetic, I played baseball for the Legion, so I know where you are coming from, I think last year was an extremely bad winter. Hopefully, we won't get another one like that again but we could. I think this was stopped before I was involved in the Committee or involved with the DPW. But, I think we couldn't do for one, and not do for the other, so I think if we are going to say we will revisit it for the Legion, we have to reconsider the VFW and everybody else, because we took them all away at the same time.

Mayor: If we do for one- we have to do for all.

Mr. Brueno: Nobody was discriminating against the Legion I guess that's the point.

Mr. Coppola: I think it was all the non-profits.

Mr. Brueno: The 5 churches and the

Mayor: I've heard from every church we have in town.

Mr. Dunne: I'm not here suggesting I know all the details for all the cost figures because in fact as I mentioned I'm not a member but I am now associated and will continue to be the manager at least next year as well. We were just discussing it and he had mentioned that a request was going to be made and I told him I was going to be here to make my announcement about the meet and greet and that if he had no objection that I would make the request to the Committee.

Mayor: There is no harm in us revisiting it truly and looking at it and seeing what our experiences and we are happy to do that and like I said the proper people would be involved with that would be our Director of Public Works, Brian Foran. Certainly our liaison to them as well, Bob Brueno and the Administrator and we will, in one sense I am glad you are bringing up the subject because if it is still an issue before the Veteran's Alliances lets flush it out, clear it up. But all I do say is this what we do for one we have to do for all.

Mr. Dunne: And I don't mean to suggest you should prefer one organization over another. But, they made a request to reconsider and Mr. Minerowicz did make it a point to say to me let them know that we don't consider ourselves a preference organization in the sense that we can wait until all the other plowing is done but as Mayor as you pointed out there is an additional cost. He talked to me about it. It's only an additional half hour but if it's an additional half hour for the churches and schools and all the Veteran's organizations well then it amounts to 4 hours and then there is a cost to the Township, I understand that, all I'm asking in my capacity is that the Committee reconsider it.

Mayor: And we will.

Judy Iradi, 43 Locust Drive, Morris Plains: I know the background of this request and as a matter of fact I was talking with the Commander of the VFK Ron on Saturday with the One Day One School Program at the VFW, by the way thank you Ace they came and they did some landscaping at the VFW and it turned out beautiful. I was talking with Ronnie right at this time he is getting together with the commander of the Legion and making a presentation and they will be in here shortly to make the presentation to the Township Committee.

Mayor: Just want you to know we are receptive to hear whatever comment they have but so you know that whatever we do has to be equitable for...

Ms. Iradi: That's why they are taking their time too. I think you'll like the presentation, and that's why they are taking their time to do that. And another subject that I don't know if all the members know that on Tuesday night, the Planning Board okayed the Quick Chek property across the street. Mayor Francioli and Committeeman Ferramosca know that because they voted for it, but while it's debatable whether a Quick Chek is a good fit for that corner given the traffic situation and the pollution potential on that corner, I was very disheartened to learn that now our neighborhood Malapardis Road will have truck traffic 24 hours a day 7 days a week. That's noise pollution, fumes from truck traffic where residential homes were it was rezoned to allow this 24 hour a day operation for the gasoline stations and also they have entrance and exits from Route 10 and South Jefferson Road and now from Ukraine Road which was a residential street. It was rezoned to allow and the Planning Board okayed an entrance from Ukraine Street which is a residential street. And, I'm trying to rational this whole situation because I know that across town the vegetable stand there was a similar situation and as quoted in the paper Mayor Francioli said "No resident should have to be exposed to early morning truck noise, fumes, etc." which I agree with, but now here residents of Malapardis Road...

Mayor: I think you are not comparing apples to apples here; but go ahead. I think

Ms. Iradi: You don't think we don't deserve that quality of life?

Mayor: I think you are making a distinction between an industrial use inside a residential zone verses a retail use in a retail zone, but go ahead.

Ms. Iradi: Ok, you are right. There was a residential use, there is a commercial use being done in that residential use; there was a residential use over here, and you changed the zone to allow it as that use. So, if that's the case why don't you rezone Mary's property to allow her for commercial use? Because the truck noise over there affecting the neighbors over there is similar to the truck noise over here 24 hours a day affecting our neighborhood and I just want to say that even though I don't live there anymore, it's just a tragedy that those neighbors now have to put up with the site and sound of a 24 hour a day operation.

Mayor: Thank you Judi.

Motion to close made by Member Ferramosca and seconded by Member Brueno. Unanimously passed.

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**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of October 9, 2014 and the Bid Reception Meeting of October 15, 2014 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 October 9, 2014 and Bid Reception Meeting of October 15, 2014 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.

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**ORDINANCES FOR PUBLIC HEARING AND CONSIDERATION OF ADOPTION:**

**ORDINANCE NO. 40-14**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE PROVISIONS CONCERNING SITE PLAN EXEMPTION FOR MINOR CONFORMING DEVELOPMENTS**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 40-14 appeared in full in the October 2nd, 2014 issue of the Daily Record in accordance with the law.

We had notification from the County that the Ordinance was filed with the County as required by the Municipal Land Use Law and we also submitted the Ordinance as required by the Municipal Land Use Law to the Hanover Township Planning Board for referral and recommendation and I have in my possession a

letter dated October 14, 2014 from the Planning Board has determined that the Master Plan is silent on the subject of procedures for site plan exemption and the Board recommends adoption of the Ordinance as Introduced since the Ordinance would promote one of the purposes of the Municipal Land Use Law at N.J.S.A. 40:55d-2m which states in pertinent part:

“To encourage coordination of the various public and private procedures and activities shaking land development with a view of lessening the cost of such development and to the more efficient use of land.”

Motion to convene a public hearing was made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

Is there anyone present wishing to be heard at this time?

Judy Iradi, 43 Locust Drive, Hanover Township: One minor question, who will be determining if it is a minor conforming development situation. Is there criteria?

Mr. Ferramosca: There is an ordinance and within the Ordinance there is specific criteria which will identify whether this could qualify. So there are rules which are already established and the Planner has worked on this and its gone through the planning process and I think it is a good thing for the Township.

Ms. Iradi: So there is specific criteria?

Mr. Ferramosca: Absolutely.

Ms. Iradi: Okay thank you.

Mr. Giorgio: Motion to close public hearing made by Member Ferramosca and seconded by Member Coppola and unanimously passed.

Mr. Giorgio: Before I ask for a Motion on Adoption Mr. Brancheau brought to my attention the fact that there was one word missing from one of the exemption criteria under the Ordinance exemption criteria only improvements that meet the following criteria may be determined exempt and its item 1A-3A and it needs to read as follows:

The following site improvements other than accessory building or other roof accessory structures improvements that do not increase the total improvement coverage on the site by more than 1000 square feet. Inadvertently the word “Not” was omitted from that item 3 so when we do the motion for adoption it has to motion with the amendment.

Motion on Adoption with the Amendment made by Member Ferramosca and seconded by Member Coppola and unanimously passed.

Be it resolved that Ordinance entitled "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE PROVISIONS CONCERNING SITE PLAN EXEMPTION FOR MINOR CONFORMING DEVELOPMENTS,"** including the change with the amendment be passed on final reading and that a Notice of the final passage of the Ordinance be published in the October 30<sup>th</sup>, 2014 issue of the Daily Record.

So Adopted.

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**INTRODUCTION OF ORDINANCE:**

**ORDINANCE NO. 42-14**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF A TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT EASEMENT IN THE REAL PROPERTY KNOWN AS BLOCK 5801, LOT 4 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HANOVER FOR THE IMPROVEMENT OF THE INTERSECTION OF WHIPPANY ROAD AND PARSIPPANY ROAD**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Township of Hanover ("Township") is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-1 et seq., the Township has the power to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

**WHEREAS**, the intersection of Parsippany Road and Whippany Road currently experiences traffic congestion during peak travel periods and future traffic volumes are expected to increase due to general growth in traffic volumes and traffic volumes from future developments in the immediate vicinity, thus worsening the congestion; and

**WHEREAS**, the intersection of Whippany Road and Parsippany Road has been determined by the Township to be in need of improvement as evidenced by the study commissioned by the Township which is entitled "67 Whippany Road Redevelopment Traffic Capacity Analysis Report", prepared by the RBA Group, Inc., dated September 30, 2012; and

**WHEREAS**, the Township believes it is in the public interest to reduce traffic congestion and improve the existing and future flow of traffic in the vicinity of and at the intersection of Whippany Road and Parsippany Road to accommodate the current and anticipated future growth of traffic along this critical highway; and

**WHEREAS**, the Township Planning Board's Amendment to Land Use Plan Element and Circulation Plan Element to the Master Plan adopted October 23, 2012 included the recommendation to improve the intersection of Parsippany Road and Whippany Road in a manner consistent with the intersection improvements the Township has deemed necessary to undertake; and

**WHEREAS**, the Intersection Improvements require the Township to modify the access to the property located at 49 Whippany Rd, Whippany, NJ 07981 which property is designated as Block 5801, Lot 3 on the Township of Hanover, County of Morris, State of New Jersey tax map, by modifying Block 5801, Lot 3 access by eliminating its direct access to Whippany Road and replacing same with a new driveway exiting onto an existing easement held Block 5801, Lot 3 has over the adjacent Block 5801, Lot 4 (the "Property") on the Township of Hanover, County of Morris, State of New Jersey tax map;

**WHEREAS**, based on the recommendations of the Township Planner and Township Engineer, the Township has determined that in order to make the necessary improvements to the intersection of Whippany Road and Parsippany Road that are necessary for the benefit, health, welfare and safety of the public, and implement the modification of access for Block 5801, Lot 3, a temporary construction easement and permanent easement in the the Property are required; and

**WHEREAS**, the Township Committee of the Township has determined that, since the contemplated improvements to the intersection of Whippany Road and Parsippany Road will improve the traffic flow throughout the Township and the acquisition of a temporary construction easement and permanent easement in the Property will serve a public purpose and be to the benefit of the health, welfare and safety of the Township's citizens; and

**NOW, THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Hanover, County of Morris, State of New Jersey that:

**SECTION 1.** The Township of Hanover be and is hereby authorized to acquire, by negotiation, contract of purchase or, if necessary, by the exercise of its power of eminent domain pursuant to N.J.S.A. 20:3-1 et seq., a temporary construction easement and permanent easement in certain lands and/or any and all other interests in the Property for the purposes described hereinabove and take such other actions necessary to take the necessary title and possession of the temporary construction easement and permanent easement in the Property; and

**SECTION 2.** The Township Attorney, any special counsel retained by the Township and the Township Business Administrator are hereby authorized to hire and employ



such appraisers, consultants and experts as may be appropriate to effectuate such acquisition, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable fee for their services; and

**SECTION 3.** The amount to be offered by the Township of Hanover to the record owner of the Property pursuant to N.J.S.A. 20:3-6 shall be fixed by further resolution of the Township upon receipt and approval of an appraisal report prepared on behalf of the Township by a qualified licensed real estate appraiser; and

**SECTION 4.** The Township Attorney, any special counsel retained by the Township and the Township Business Administrator are hereby authorized to take any and all actions necessary to acquire the temporary construction easement and permanent easement in the Property and/or any other interests thereto, either through negotiation or, if necessary, the exercise of the Township's powers of eminent domain; and

**SECTION 5.** The Mayor and Township Administrator are hereby authorized to execute and witness any documents or instruments necessary to acquire the temporary construction easement and permanent easement in the Property and/or any other interests thereto; and

**SECTION 6.** The Township Administrator is hereby authorized to take all actions necessary to coordinate the Township's road improvements to the intersection of Whippany Road and Parsippany Road with the County of Morris; and

**SECTION 7.** If any word, phrase, clause, section or provision of this ordinance shall be adjudged by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect; and

**SECTION 8.** If any ordinances or parts thereof are in conflict with the provisions of this Ordinance, such ordinances or parts thereof are hereby repealed to the extent of such conflict; and

**SECTION 9.** All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 10.** This ordinance shall take effect immediately upon final passage and publication as required by law.

The Ordinance will be further considered for Public Hearing and Final Passage at the November 13<sup>th</sup>, 2014 meeting of the governing body and at time any person wishing to be heard will be given the opportunity to speak. The Ordinance and the Notice of Introduction will be published in full in the October 30<sup>th</sup>, 2014 issue of the Daily Record.

Motion on introduction made by Member Brueno and seconded by Member Coppola and unanimously passed.

So Introduced.

Mayor: Just for the public's interest this Ordinance is meant to be put in place should it be necessary to use it, we are in a very amicable negotiating position with property owners along Parsippany Road particularly the Quick Chek, the Church etc. for the widening of Parsippany Road for the alignment that is going to take place so there is an amount of property for that widening that will be taken from each side of the road and proper payment obviously for the land owner for the taking of that but what this ordinance does is if for whatever reasons whatever way shape or form these amicable arrangements don't move forward smoothly as I anticipated they will then the Ordinance in place for condemnation is there to be made use of, it is necessary that this widening that this takings be a part of the road design which realigns that entire intersection with Bayer Boulevard, so this is just an Engineering step that has to take place and wanted everyone to be aware of.

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**RESOLUTIONS AS A CONSENT AGENDA:**

**RESOLUTION NO.199-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE  
EMPLOYMENT OF GERALD SCHOFIELD AS A PART-TIME DIAL-A-RIDE DRIVER  
AT THE RATE OF \$12.33 PER HOUR IN ACCORDANCE WITH JOB GROUP I  
UNDER SCHEDULE "B" AND SALARY RANGE GUIDE "D" AS SET FORTH IN  
SALARY ORDINANCE NO. 23-14**

**WHEREAS**, in order to assist in the performance of various services offered by the Recreation and Park Administration Department, the Superintendent of the Department recommended to the Board of Recreation Commissioners that a part-time Dial-A-Ride driver be employed; and

**WHEREAS**, the Superintendent of the Department and the Township's Human Resource Specialist interviewed candidates for the following part-time position:

Dial-A-Ride Driver

**WHEREAS**, based on the recommendation of the Superintendent and the Board of Recreation Commissioners, in a memorandum dated October 22, 2014 to the Mayor and Township Committee recommend that the following individual be employed effective November 17, 2014:

**Gerald Schofield** as a Part-Time Dial-A-Ride Driver; and

**WHEREAS**, in accordance with the recommendation of the Board of Recreation Commissioners, the governing body hereby concurs with the appointment set forth above.

**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. **Mr. Gerald Schofield** residing at 20 Alanon Street in Whippany, New Jersey 07981 is hereby appointed to serve as a Part/Time Dial-A-Ride Driver. **Mr. Schofield** shall work a maximum of ten (10) hours a week as the need arises. Under no circumstances, shall **Mr. Schofield's** hours exceed twenty-eight (28) hours per week.

**Mr. Schofield** shall be paid at the rate of \$12.33 per hour under Job Group I of Schedule "B" and Salary Range Guide "D" set forth in Salary Ordinance No. 23-2014.

2. The appointment set forth above shall take effect on November 17, 2014.

3. That certified copies of this resolution shall be transmitted to the Superintendent of the Recreation and Parks Administration Department, the Township's Human Resource Specialist and the Township's Chief Municipal Finance Officer for reference and information purposes.

#### **RESOLUTION NO. 200-2014**

**A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH VINCENT M. MONTANINO, R.M.A. OF VM ASSOCIATES, INC. TO CONDUCT AN INDEPENDENT AUDIT OF THE TOWNSHIP'S FINANCIAL RECORDS FOR THE YEAR 2014 IN AN AMOUNT NOT TO EXCEED \$24,950.00 FOR THE GENERAL AUDIT, \$350.00 FOR THE ADDITIONAL TESTING REQUIREMENTS PURSUANT TO THE UNIFORM CONSTRUCTION CODE AND \$3,200.00 FOR THE SWIMMING POOL ENTERPRISE FUND AUDIT, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i) AND THE PAY-TO-PLAY PROVISIONS FOR NON-FAIR AND OPEN CONTRACTS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.**

**WHEREAS**, N.J.S.A. 40A:5-4 provides that the governing body of every local unit in New Jersey shall cause an annual audit of its books, accounts and financial transactions to be made and for that purpose shall employ a Registered Municipal Accountant of New Jersey; and

**WHEREAS**, it is necessary that examinations be made of the Year 2014 accounts and records of all Township departments to verify the Treasurer's, Comptroller's and Collector's accounts and records; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A.40A:11-1 et seq.) requires that the resolution authorizing the awards of contracts for "Professional Services" without competitive bids must be publicly advertised; and

**WHEREAS**, pursuant to the provisions of the Non-Fair and Open Contracts of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and N.J.S. 19:44A-20.26 et seq., it is the intention of the Township Committee to retain the services of **Vincent M. Montanino**, a Registered Municipal Accountant licensed by the State of New Jersey, and the Firm of **VM Associates, Inc.** which members of the Firm have the necessary expertise and experience to audit the financial transactions and accounts of the Township; and

**WHEREAS**, in keeping with the requirements of the Non-Fair and Open Contracts process of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination Certification" (a copy of which is attached hereto and made a part of this resolution) certifying that the estimated contract for the review of the Township's financial transactions and accounts including the preparation of the 2014 audit report has an anticipated value in excess value of \$17,500.00.

**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. Pursuant to N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. of the Non Fair and Open Contracts provisions of the Pay-to-Play laws, **Vincent M. Montanino**, a Registered Municipal Accountant of the Firm **VM Associates, Inc.**, a Professional Corporation located at 111 Howard Boulevard, Suite 212, P.O. Box 397 in Mount Arlington, New Jersey 07856, and whose members are licensed by the State of New Jersey, are hereby retained to conduct an independent audit of the Township's Year 2014 accounts and records.

2. The compensation for the services to be rendered shall not exceed Twenty Eight Thousand Five Hundred (\$28,500.00) Dollars which fee encompasses \$24,950.00 for the General Audit, \$350.00 for the additional testing examination and calculations pursuant to the Uniform Construction rule and \$3,200.00 for the Swimming Pool Enterprise Fund Audit.

3. The Business Disclosure Entity Certification Form, the Chapter 271 Political Contribution Disclosure Form and the Stockholder Disclosure Certification submitted by **Vincent M. Montanino** and **VM Associates, Inc.** 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 also 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 sufficient funds have been appropriated in the Year 2014 Current Fund Budget - Finance Department -OE, Construction Code Official-OE and the Swimming Pool

Budget - OE, to meet the expenditures necessary for the Annual Independent Audits.

5. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law because the services performed are by persons authorized by law to practice a recognized profession as Registered Municipal Accounts licensed by the State of New Jersey and such services are not subject to competitive bidding.

6. The Mayor and Township Clerk are hereby authorized to execute a Professional Services Agreement, not to exceed Twenty Eight Thousand Five Hundred (\$28,500.00) Dollars with Vincent M. Montanino, an R.M.A. of the Firm **VM Associates, Inc.** whose members are Registered Municipal Accountants licensed by the State of New Jersey.

7. 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. 201-2014**

#### **A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO VEKTOR CORPORATION, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$322,572.50 FOR THE CONSTRUCTION AND INSTALLATION OF SIDEWALK ON REYNOLDS AVENUE AND PARSIPPANY ROAD IN WHIPPANY, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY**

**WHEREAS**, Reynolds Avenue from its intersection with Highland Avenue to Parsippany Road and Parsippany Road from its intersection with Reynolds Avenue to Mount Pleasant Avenue does not have sidewalk; and

**WHEREAS**, there is a high volume of vehicular traffic along both Reynolds Avenue and Parsippany Road especially during the morning and afternoon rush hours; and

**WHEREAS**, pedestrians especially children attending Memorial Junior School walk down along the curb of Reynolds Avenue and Parsippany Road to reach several retail establishments in the Parsippany Road/Mount Pleasant Avenue area; and

**WHEREAS**, the Township Committee has determined that in the interest of pedestrian safety, there is a need to construct and install sidewalk along the easterly side of Reynolds Avenue from Highland Avenue to Parsippany Road and from Parsippany Road to Mount Pleasant Avenue; and

**WHEREAS**, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on September 25, 2014 for the above referenced sidewalk project; and

**WHEREAS**, on October 15, 2014, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of five (5) sealed competitive bids out of eleven (11) prospective bidders; and

**WHEREAS**, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this sidewalk project and has determined that the lowest competitive bid submitted by **Vektor Corporation** for the construction and installation of sidewalk along Reynolds Avenue and Parsippany Road is in total conformance with the Township's Specifications and Supplementary Specifications and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

**WHEREAS**, in a letter dated October 20, 2014 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the sidewalk project described herein to **Vektor Corporation** which bidder submitted the lowest competitive bid for this project in the amount of \$322,572.50; and

**WHEREAS**, sufficient funds have been appropriated and are available for the sidewalk project through the 2014 Current Fund Budget, Construction of Sidewalk Account, Line Item No. 124-0051-344, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. A contract is hereby awarded to:

**Vektor Corporation**  
P.O. Box 6892  
Monroe, New Jersey 08831

for the construction and installation of sidewalk on Reynolds Avenue from Highland Avenue to Parsippany Road and from Parsippany Road to Mount Pleasant Avenue in the Whippany Section of the Township, all in accordance with the Specifications and Supplementary Specifications which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$322,572.50.

2. Upon commencement of the work, **Vektor Corporation** shall be responsible in providing sufficient personnel, and to continue in completing the project in an expeditious fashion, all in accordance with requirements of the Township's Specifications. In addition, **Vektor Corporation** shall be required to submit a satisfactory work or progress schedule to the Township Engineer.

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through the 2014 Current Fund Budget, Construction of Sidewalk Account, Line Item No. 124-0051-344 in the amount of \$322,572.50 for the sidewalk project set forth in this resolution.

4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Vektor Corporation** in an amount not to exceed \$322,572.50.

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

#### **RESOLUTION NO. 202-2014**

### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RETAINING THE SERVICES OF ALFRED'S AUCTIONS, INC. TO CONDUCT THE SALE OF TOWNSHIP PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE VIA THE INTERNET ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-36. OF THE LOCAL PUBLIC CONTRACTS LAW AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN ON-LINE AUCTION CONTRACT**

**WHEREAS**, the Local Public Contracts Law at N.J.S.A. 40A:11-36. entitled "Sale or Other Disposition of Personal Property." provides that any contracting unit by resolution of its governing body may authorize by sealed bid or public auction the sale of its personal property not needed for public use; and

**WHEREAS**, the State of New Jersey recommends that municipalities sell personal property through an approved on-line auction system to broaden the market area for increased revenue; and

**WHEREAS**, although the Township has been successful in selling its personal property through the conventional method of advertising through the local official newspapers and on the Township's web site, the Township desires to expand its method of sale by utilizing an approved on-line auction vendor; and

**WHEREAS**, **Alfred's Auctions, Inc.**, with its principal place of business at 173 Applegarth Road in Monroe, New Jersey 08831 has previously conducted on-line auctions via the Internet for the Township; and

**WHEREAS**, it is the intention of the Township Committee to retain the services of **Alfred's Auctions, Inc.** to conduct the on-line public sale of Township personal property no longer needed for public use.

**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. **Alfred's Auctions, Inc.** with its principal place of business at 173 Applegarth Road in Monroe, New Jersey 08831(P.O. Box No. 861 in Hightstown, New Jersey 08520) is hereby authorized to conduct

the sale of the following Township personal property no longer needed for public use on-line via the Internet, all in accordance with N.J.S.A. 40A:11-36 of the Local Public Contracts Law:

One (1) 1993 Chevrolet Kodiak C7H042 Dump Truck;  
One (1) Ford Tractor 1910A;  
One (1) Toro Groundmaster 455 10' Deck;  
One (1) Toro 3 Point Hitch Blower;  
One (1) 14 Foot Landscape Trailer; and  
One (1) 2000 Full-Size, 4 Door Sedan Chevrolet Malibu Passenger Car

2. The Mayor and Township Clerk are hereby authorized and directed to execute **Alfred's Auctions, Inc.'s** "Contract for On-Line Auction", a copy of which is attached hereto and made a part of this resolution as if set forth in full.
3. That a certified copy of this resolution shall be transmitted to **Alfred's Auctions, Inc.**, the Township's Chief Municipal Finance Officer and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department for reference and information purposes.

#### **RESOLUTION NO. 203-2014**

### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF A PORTION OF RIDGEDALE AVENUE FROM MALAPARDIS ROAD TO MOUNTAIN AVENUE/ELM PLACE IN CEDAR KNOLLS**

**NOW, THEREFORE, BE IT RESOLVED**, that Council of Hanover formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2015 – Resurfacing of a Portion of Ridgedale Avenue – 00673 to the New Jersey Department of Transportation on behalf of Hanover Township.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Hanover Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

#### **RESOLUTION NO. 204-2014**

### **A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL**



**OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-025-008 HELD BY  
170EHLL,LLC WHICH SHALL REMAIN AS AN INACTIVE LICENSE FOR THE  
LICENSE TERM COMMENCING JULY 1, 2014 THROUGH JUNE 30, 2015 AND  
PLACING A SPECIAL CONDITION ON THE LICENSE**

**WHEREAS**, by resolution dated February 20, 2014, the Township Committee approved the Person-to-Person transfer of Inactive Plenary Retail Consumption License No. 1412-33-025-007 from JACCF, Inc. t/a Cinque Figlie, to **170EHLL, LLC** as an Inactive Pocket License; and

**WHEREAS, 170EHLL, LLC** applied for renewal of its license for the 2014-2015 license term as Plenary Retail Consumption License No. 1412-33-025-008, and filed the necessary application and fees with the Township of Hanover and the Division of Alcoholic Beverage Control; and

**WHEREAS**, prior to its transfer, JACCF, Inc. was granted a special ruling pursuant to a letter dated July 5, 2013 from the Division of Alcoholic Beverage Control to permit the renewal of the Inactive License pursuant to N.J.S.A. 33:1-12.39 for the 2013-2014 and 2014 and 2015 License terms; and

**WHEREAS**, subsequently, pursuant to N.J.S.A. 33:1-12.39, M. Murphy Durkin, Attorney for **170EHLL, LLC** filed a Verified Petition by letter dated May 21, 2014 petitioning the Director of the New Jersey Division of Alcoholic Beverage Control for permission to renew the license for the 2014-2015, 2015-2016 and 2016-2017 license terms as the license has been inactive since October 31, 2010; and

**WHEREAS**, because the Division of Alcoholic Beverage Control had previously issued a Special Ruling to permit the renewal of the Plenary Retail Consumption License previously held by JACCF, Inc. for two (2) License terms, namely, 2013-2014 and 2014-2015, the attorney representing **170EHLL, LLC** was advised by the Division of Alcoholic Beverage Control that the Verified Petition filed by **170EHLL, LLC** would be held in abeyance; and

**WHEREAS**, in view of the July 3, 2013 Special Ruling to permit the renewal of the Plenary Retail Consumption License, License No. 1412-33-025-007, formerly held by JACCF, Inc., and now held by **170EHLL, LLC**, the Township Committee sees no reason to deny the renewal of Plenary Retail Consumption License No. 1412-33-025-008 as an Inactive License for the 2014-2015 license term ending on 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 July 5, 2013 "Special Ruling to Permit the Renewal of an Inactive License" pursuant to N.J.S.A. 33:1-12.39 in the matter of the inactive Plenary Retail Consumption License previously held by **JACCF, Inc.**, the

governing body hereby approves the renewal of Plenary Retail Consumption License No. 1412-33-025-008 now held by **170EHLL, LLC** for the period commencing July 1, 2014 through June 30, 2015.

2. As the licensing authority, the governing body hereby imposes the following special condition on the license as imposed on all licenses in the Township:

“Nothing is permitted on the licensed premises which, in any way, depicts sexual activity or shows the genitals, private parts of persons or female breasts. This includes not only live entertainment of this type, but movies and other audio or video material and printed matter depicting it.”

3. That a certified copy of this resolution shall be transmitted to **170EHLL, LLC.**, the New Jersey Division of Alcoholic Beverage Control and the Detective Bureau of the Hanover Township Police Department.

#### **RESOLUTION NO. 205-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RELEASING THE SURETY PERFORMANCE BOND IN THE AMOUNT OF \$416,704.00 AND THE CASH PERFORMANCE BOND IN THE AMOUNT OF \$46,300.40 PLUS A PORTION OF THE INTEREST, PURSUANT TO P.L. 1985,c 315, TO MBI DEVELOPMENT, INC. UPON COMPLETION OF THE CONSTRUCTION OF THE SEVENTY-EIGHT (78) MULTI-FAMILY AFFORDABLE DWELLING UNITS AND ASSOCIATED IMPROVEMENTS ON SADDLE BROOK COURT OFF THE INTERSECTION OF HORSE HILL ROAD AND ALSO 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 granted Preliminary and Final Site Plan and Minor Sub-Division Approval to **MBI Development, Inc.** as the developer, in connection with the construction of seventy-eight (78) multi-family affordable dwelling units and associated improvements located on Saddle Brook Court off the intersection of Horse Hill in the Cedar Knolls Section of the Township and designated as Lot 12.02 in Block 1702 and Lot 4 in Block 1603 as set forth on the Tax Map of the Township of Hanover; and

**WHEREAS**, the Planning Board memorialized the resolution of approval on July 12, 2011 to **MBI Development, Inc.** as applicant; and

**WHEREAS**, by resolution dated September 12, 2013, the Township Committee approved bond reduction number 1 by reducing the Surety Performance

Bond from \$1,389,011.00 to \$416,704.00 and reducing the Cash Performance Bond from \$154,335.00 to \$46,300.40; and

**WHEREAS**, the Engineering Department recently performed an on-site inspection and determined that all of the improvements were found to be acceptable except for some tree and shrub replacements which will be addressed this fall within the Maintenance Bond period; and

**WHEREAS**, in accordance with the Developer's Agreement dated April 30, 2012, **MBI Development, Inc.** has completed the construction of the seventy-eight (78) affordable dwelling units and all site improvements located at the above referenced location; and

**WHEREAS**, in a letter dated October 21, 2014 to the Mayor and Township Committee, the Township Engineer recommends the release of the \$416,704.00 Surety Performance Bond and the \$46,300.40 cash performance bond subject to the submission to the Township Clerk of a two (2) year Site Improvement Maintenance Bond in the amount of \$231,502.00.

**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 October 21, 2014 letter recommendation of the Township Committee, **MBI Development, Inc.'s** Surety Performance Bond, Bond No. 58692507 issued on September 30, 2013 by Western Surety Company in the amount of \$416,704.00 is hereby released.
2. The cash performance bond in the amount of \$46,300.40 deposited in a TD Bank Escrow Account, No. 7760845127, plus a portion of the interest, in accordance with P.L. 1985, c 315 is also released.
3. Prior to the release of the Surety Performance Bond and cash bond, **MBI Development, Inc.** shall furnish the Township a one (1) year Site Improvement Maintenance Bond in the amount of \$231,502.00 which represents 15% of the total performance guarantee of \$1,543,345.00.
4. At the end of the one (1) year period, a final inspection will be made by the Engineering Department. After the Developer makes all corrections, the Township Engineer is further authorized by this resolution to then release to the Developer the Site Improvement Maintenance Bond and any remaining deposits in the Sanitary Sewer Escrow Account and Engineering Escrow Account.
5. That a certified copy of this resolution shall be transmitted to the Township Engineer, Chief Municipal Finance Officer and **MBI Development, Inc.** for reference and action purposes.

**RESOLUTION NO. 206-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE CONSENTING TO THE APPLICATION FROM HARDING HOLDINGS, L.L.C., FOR THE EXTENSION OF WATER SERVICE OUTSIDE THE DISTRICT OF THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY FOR TWO (2) EXISTING AND TWO (2) NEW SINGLE FAMILY RESIDENCES LOCATED AT 679 MOUNT KEMBLE AVENUE IN THE TOWNSHIP OF HARDING AND ALSO DESIGNATED AS LOTS 2, 2.01, 2.02 AND 2.03 IN BLOCK 27 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HARDING**

**WHEREAS**, the Southeast Morris County Municipal Utilities Authority has received a request from **Harding Holdings, L.L.C.** for water service connections to two (2) existing and two (2) new single family residences located at 679 Mount Kemble Avenue in Harding Township, and also designated as Lots 2, 2.01, 2.02 and 2.03 in Block 27 as set forth on the Tax Map of the Township of Harding; and

**WHEREAS**, the proposed new water service connections, outside the District of the Authority but not considered a new extension requires the approval of the Authority's four (4) creating municipalities; and

**WHEREAS**, the properties in question front on, or have reasonable access to the Authority's system and no "new extension" (as defined in the Service Contract between the Authority and its creating municipalities dated January 20, 1977) is required; and

**WHEREAS**, the Authority has determined and advised the creating municipalities that the proposed service connections can be made without any adverse effect on the system, and that no further extension of the system is foreseen as a result of providing service to the four (4) single family residences located at 679 Mount Kemble Avenue in Harding Township; and

**WHEREAS**, the Authority has requested that the creating municipalities give their consent to the proposed water service connection.

**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. Consent is hereby given to the Southeast Morris County Municipal Utilities Authority to provide water service connections for two (2) existing and two (2) new single family residential dwellings unit located at 679 Mount Kemble Avenue within the Township of Harding, and also designated as Lots 2, 2.01, 2.02 and 2.03 in Block 27 as set forth on the Tax Map of the Township of Harding.

2. A certified copy of this resolution shall be transmitted to the Executive Director of the Authority and the Municipal Clerks of the Township of Morris, the Borough of Morris Plains and the Town of Morristown for reference and action purposes.

**RESOLUTION NO. 207-2014**

**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 2014, which item is now available as a revenue from:

State of New Jersey:	\$ 4,415.62
Body Armor Grant Fund	

**Section 2.**

**BE IT FURTHER RESOLVED**, that a like sum of \$4,415.62 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	\$4,415.62

**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. 208-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING AN ACCESS AGREEMENT BY AND BETWEEN THE TOWNSHIP AND BRADLEY & SON, LLC AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT**

**WHEREAS**, the Township has determined the intersection of Whippany Road and Parsippany Road is in need of improvement as evidenced in the study commissioned by the Township which is entitled “67 Whippany Road Redevelopment Traffic Capacity Analysis Report”, prepared by the RBA Group, Inc., dated September 30, 2012 and the day-to-day traffic congestion experienced at this intersection; and

**WHEREAS**, the Township has determined it is in the public interest to reduce traffic congestion and improve the existing and future flow of traffic in the vicinity of and at the intersection of Whippany Road and Parsippany Road to accommodate the current and anticipated future growth of traffic along this critical roadway; and

**WHEREAS**, the Intersection Improvements require the Township’s exercised of its police powers to modify the access to Bradley’s property located at 49 Whippany Rd, Whippany, NJ 07981 which property is designated as Block 5801, Lot 3 on the Township of Hanover, County of Morris, State of New Jersey tax map (the “Bradley Property”) by revoking the Bradley Property’s direct access to Whippany Road and replacing same with a new driveway exiting onto an existing easement held by Bradley over the adjacent 45 Whippany Road, Whippany, New Jersey owned by Ridgedale Day Care, LLC which property is designated as Block 5801, Lot 4 on the Township of Hanover, County of Morris, State of New Jersey tax map (“Ridgedale Property”) as shown on the plan annexed hereto as Exhibit A (“Access Modification Plan”); and

**WHEREAS**, Bradley agrees that the Access Modification Plan shall provide the Bradley Property with reasonable alternative access, as same is defined under N.J.S.A. 27:7-89 and more specifically N.J.S.A. 27:7-94 and N.J.A.C. 16:47-1.1 including N.J.A.C. 16:47-4.33 and which is applied to Morris County Roads by the Section 103 of the Morris County Land Development Standards and N.J.S.A. 27:16-1 and also adhered to by the Township as required by N.J.S.A. 40:55D-38 and N.J.S.A. 40:67-1; and

**WHEREAS**, the Township shall acquire the necessary easements and rights to implement the Access Modification Plan; and

**WHEREAS**, pursuant to N.J.S.A. 27:7-94 and N.J.A.C. 16:47-4.33, the Township shall be responsible for the construction of the improvements provided for under the Access Modification Plan; and

**WHEREAS**, the Township shall not close the Bradley Property’s existing Whippany Road access until all the necessary improvements have been constructed and operable to permit the use of the Bradley Property alternative access over the easement on the Ridgedale Property; and

**WHEREAS**, this Agreement between the Township and Bradley is in the interest of the Township and its citizens.

**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 Access Agreement, a copy of which is attached hereto and made a part of this resolution as if set forth in full, is approved by the governing body.
2. The Mayor and Township Clerk are authorized and directed to execute the Agreement on behalf of the Township.
3. That certified copies of this resolution shall be transmitted to the Township Attorney, Bradley & Son, LLC, Vision Real Estate Partners and the Township Engineer for reference and information purposes.

## **POSSIBLE CONSIDERATION OF ADDITIONAL RESOLUTIONS**

Motion to approve my Member Coppola and seconded by Member Brueno and unanimously passed as consent agenda.

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### **RAFFLE APPLICATIONS:**

- RL-2798 – Parents Guild Oratory Prep -tricky tray**
- RL-2799 – Parents Guild Oratory Prep - 50/50 off premise**
- RL-2800 – Whippany Park Booster Club – 50/50 on premise**
- RL-2801 – Whippany Park Booster Club – tricky tray**

Motion to approve made by Member Brueno and seconded by Member Gallagher and unanimously passed.

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### **OTHER BUSINESS:**

Mr. Brueno: On Saturday, we will be having our Halloween Happenings at Malapardis Park. Looks like the weather is going to clear. Hopefully, no more rain in between 2-4. Come on out in your costumes. You can trick or treat right there at the park. Our Superintendent will not be there she is out for a medical procedure but we want to wish her a speedy recovery and hope to have her back sometime before Christmas.

Mr. Gallagher: I have a Halloween Safety message that I asked the Committee if I can read into the minutes:

Our Halloween Safety Message, Scott Pepper put it on the school website and Joe put it on the Hanover Township website and, East Hanover said they were going to use it.

“The School and Park Traffic Safety Advisory Committee would like to remind all residents that Halloween is falling on a Friday and we anticipate trick or treating will extend later in most neighborhoods, with that in mind we would like to provide some tips for everyone in an attempt to make Halloween a safer experience for everyone.

### Safety Tips for Children

Go out with a group and stay together; always look both ways and only cross at corners or crosswalks; Choose a costume that is light colored and has some type of reflective type of clothing on it carry a flashlight or a glow stick; Carry a cell phone. Call 911 if you get lost or scared.

### Safety Tips for Adults

Drive with extra caution due to increased pedestrian and vehicular traffic; • Escort your kids or plan a route for them to take; Carry a flashlight to help light the way and be more visible; Carry a cell phone and report anything suspicious immediately to the Police.com. to see this and get any other information. And, Jim I have a copy of it for you tonight.

Two more quick ones; on November 5<sup>th</sup>, the Senior Lunch, we will have a special guest there provided through AMA and Hanover Township PD. We have two secret service agents coming from AMA and the PD will brush up on situational awareness and holiday safety tips to our senior. We learned more and more in dealing with situation like this when it comes to our seniors and my mom is in that category and I did talk to her today I invited her to the lunch anyway. What we are going to discuss with the PD and secret service specific areas where our seniors are vulnerable to crime. We are also going to talk about internet awareness and Hanover Township PD is going to go over all the safety tips that our parents and older brother and sisters should be aware of when they are shopping and a little more vulnerable at walking out to their cars with their bags and not in a very well lit parking lot.

Before I hand it over to John, we did have our “One Day One School” this past Saturday in East Hanover. It went very well. We got many complements, and one thing that made me feel real good was we were complemented by the team we have in Hanover Township. It was also mentioned more than once that it looked like we all wanted to be there and I’m proud to say the entire Township Committee was there; Board of Ed members were there; our DPW, it was a great event and thank you for all your continued support.

Mayor: A great deal of thanks goes to Tom Gallagher. It’s been several years that One Day One School has been going on. The program is becoming more popular expanding to other Townships that we are in shared services with on this basis. If there was a program that was shared services this is it, but the more important part of this and the great thanks that have to go to all of the professional tree surgeons etc., who are out there that day; I mean 9.

Mr. Gallagher: 8 and one gentleman just showed up with a chipper; so 8 ½.

Mayor: Just amazing, it saves our BOE’s hundreds of thousands of dollars but more importantly, and, I’m learning more and more about it as I go out with this guy is the safety aspect of this thing. If you see some trees that have been let go for countless



years, the condition that they are in, and the potential of injury from some of these things is there, so you are doing a wonderful service and we thank you for that.

Mr. Coppola: It was really a joint effort between East Hanover and Hanover and we have to thank Public Works for both times; Police, our Chief was there, even the Knights of Columbus even though we are very active here in Hanover. We worked with the Knights of Columbus in East Hanover we did all the cooking throughout the course of the day and helped with security. But the fact that both groups worked together and met together at the Middle School was truly amazing to see the full cooperation and all the equipment going back and forth. Tom, as the originator, who orchestrated this from day one it's a great savings to our community and a great savings to East Hanover.

Mr. Ferramosca: Mayor, the EDAC has developed a working theme to describe our Community, the working theme is "Great Things Happen In Hanover". Well when you think great things are happening in Hanover, consider the following; from a Planning perspective we have recently had the pleasure to welcome many new corporates to our community, namely Bayer, the Red Bulls and UniFirst. Just this past week, the Planning Board after 13 months of revise addressed a blighted condition that we have probably 100 yards from this facility, and, that condition is where Kathy's Corner sits today and along with Kathy's Corner is an abandoned, polluted gasoline station. Well, in working with the applicant, the developer, we were able to transform the site into something that will be a state of the art facility and it will be a Quick Chek it will be a convenience facility. As a result of that facility coming into Hanover Township, the entire intersection of Jefferson Road and Route 10 which for anybody who travels that during rush hour is probably referred to as a difficult situation

Mayor: Failure

Mr. Ferramosca: Failed intersection, we will see an improvement, significant flow, so that is good news.

The second piece of good news here is that there will be significant site remediation to clean up the pollutants that are there. In order to really replace a gasoline station, the best way to replace a gasoline station especially one from 40 to 50 years ago is with replacing it with a new gasoline station. Why? The reason being is because of the requirements of the cleanup that the DEP puts in place. So the cleanup will happen and it will be brought up to today's standards and, it will be borne at no cost to the taxpayers of Hanover Township.

In addition, the Board worked very carefully and got an agreement from this applicant to numerous initiatives to protect the safety security and minimize the impact to the surrounding area namely in terms of the operation itself how it would be operated, buffering, use of lights, so there was significant intentions spent to that, as well as promoting an advanced area to allow individuals who live in the Malapardis area to safely exit onto Jefferson Road. In addition, the applicant will be paving the entire Ukraine Road at their cost.

From the School Board perspective, great things are also happening in Hanover. For those who are not aware of this Whippany Park High School was recently awarded the distinction of receiving from the Washington Post as one of the Nation's Most Challenging High Schools. From a sports recreation perspective, we have recently celebrated the success of our 10U Girls Softball Team who played on the state level. From a student safety perspective our Township Committee members, Gallagher and Coppola worked alongside without PD and namely Sgt. Loock in an organization called Trans-Option to form a school safety navigation initiative to improve safety throughout all of the school zones.

From an Environmental perspective, the Green Team led by Phil Glawe and Liaison Gallagher helped earn Bronze Certification from NJ Sustainability, so we will be able to have that for a four year period. From a scouting perspective, our local troop produced three Eagles. And, lastly I know it's been mentioned, I want to mention one more time we delivered "One Day One School" outside of Hanover Township. This Mr. Gallagher is relatively humble about this; this is a significant gift which was given to a nearby community of East Hanover in terms of making that facility a much safer one for the student body to enjoy. It was a fantastic turnout like we said; the service groups, namely, the Knights, were there all day along with representatives of our DPW Office of Emergency Management and the Police Chief and the BOE. Mayor that concludes my report.

Mayor: Very good.

Mr. Coppola: Under Landmark, they have done a significant job on that old Burial Area and have a beautiful stand that illustrates were all the right up to the Revolutionary War where everyone is currently buried. I brought up at the last meeting and it coincides with what Mr. Ferramosca said about Eagle Scout, what we are looking at right now is providing stakes for a purpose of a tour that will be put into; there is a number on the track that is on the extension going into the burial yard that numbers where all the graves are located going back and we are asking the Scouts it's a great Eagle Scout project, we will provide the materials and they do the work to implement them into each location. We also worked in conjunction with the Garden Club and they provided us with a couple of nice chairs, very attractive and they fit into the whole area. The Landmark has really done a lot and they improved the burial yard.

Secondly, I would like to ask the residents to please at night, when you park your cars in the driveway, lock them. Some nights people have a tendency, I know Hanover is really a wonderful community, we all realize that, but things can happen. So, just as an extra precaution when you leave your car in the driveway, just put the locks down. Sometimes kids get a little rambunctious and decide to see what's in there, so just as a warning.

Mayor: That's good advice. It's a mixed blessing. We are very, very comfortable here in our Hanover, and it never ceases to amaze me how many people I

speak to who come and go, take a short trip to the grocery and leave their doors open. They don't think about what could possibly happen. But leaving your car open overnight, a very dangerous situation. Now it's unfortunate but yeah, they can get to your garage door opener from that car and that's their access to your house. So that's good advice.

I just want to add a couple of things here that are very, very important to talk about. At a recent Board of Health meeting that I attended as a member discussed Hanover Township's position and protocol with a most devastating disease which is plaguing our nation, if not the world, at this time and that is Ebola. Our Fire Companies have been briefed and counseled by Dr. George Van Orden and let me say how proud we are at this time to have Dr. Van Orden on board he is known and he is renowned in the State of New Jersey for his work and respected in every area. Conferences and seminars have been put together with both the county and local fire companies, emergency management, etc., all consistent with Governor Christie activating the State Ebola Preparedness Plan. We just want our neighbors, our residents, to know that we are being vigilant, we are following protocols, we will continue to follow protocols to keep Hanover safe and we want you to know that.

Secondly, I want to address something that is important from an informational stand point, with all the social media we have today, Hanover Township has its website, our PD has one, we are doing more to consolidate that and Hanover Township is going to take a more active position, now taking a Facebook position as well. Social networking is becoming more and more important, but along with social networking comes a certain responsibility for the information that is exchanged on social networking, so what am I talking about? Recent blogs that I have read on a particular Facebook posting and, I don't think it was an official posting. I think it was a Hanover site that was on Facebook referred appropriately to some questions about Whippany Road and Parsippany Road intersections and the questions were germane to if that Bayer Boulevard isn't going to connect with the Algonquin Parkway on the far end then what value is it to us? Well, let me first answer this question with the fact that the realignment of Whippany Road and Parsippany Road came after, not just after Bayer coming into the site which by the way was occupied, as we know, by the Lucent Corporation for so many years, but a very extensive traffic circulation study plan that went into place that recommended the abandonment of the two driveways systems that we have there and the realignment of Parsippany & Whippany Roads and when I say realignment it's going further down past Quick Chek and past the Parish House to straighten that intersection out. It will cross Whippany Road with its entrance into Bayer Boulevard was also mentioned in some of these comments we had a condemnation of two homes that we are very aware of Dr. Giaquinta and Dr. Garcia. The condemnation of those homes, the costs for those condemnations, the cost for the market purchase of those properties, the cost for relocation for those individuals was not borne by any taxpayer of this town. It was offsite improvement that is totally the responsibility of Bayer Corporation and for the record and for the fact Bayer Corporation and 67 Whippany LLC, another allied cooperation on that site are responsible for all of that. That being the case the question then goes forward is to then what value is Bayer

Boulevard? Well Bayer Boulevard aside from the very, very obvious is a safe intersection alignment and the abandonment of the driveway will become assessable to the South Campus. That means that there is a cross agreement where South Campus access to Bayer Boulevard in the front portion will be available. There is a security aspect that most are not aware of, but Bayer Corporation is surrounded by a secure black fence that goes there, and that is halfway up the driveway. So at some point, it is clearly marked with signage that the driveway becomes private in that, the security of that Corporation and what they do there is first and foremost to them when they took the property itself. We, the Township of Hanover in conjunction with Bayer want the connection to the Algonquin Parkway at the far end; it's a continuum of a thought, for the road circulation system. We want the connection of Eden Lane to open up and go to the Algonquin Parkway and come across. It is important for the traffic circulation of that area for that critical site of some 210 acres of gross total. We are not moving forward with any density project on that site; via housing or other; until resolutions of the traffic situation have us satisfied the Township of Hanover. Those resolutions may involve the DOT, DEP, NJ Land Trust, many agencies involved in that Hanover has been down to Trenton many times on this thing, trying to facilitate this, it's not going to be an overnight thing and it is not going to be resolved overnight.

Finally, on the South Campus, we are hearing fairly justifiably concepts for the South Campus; those concepts may involve housing, may involve office buildings, may involve extended stay hotels, may involve assisted living facilities, may involve park like and recreational conditions, etc., and total mixed use on this site. There has been no resolution to any of that. That presently is an OBRL zone, Office, Building Research Lab that is what it has been for countless years and that is what it is now, we have not changed the zone and we are not altering the zone, are we hearing argument to the zone, sure, that is how the process works. Concepts come forward to use, the Planning Board examines those concepts, we will examine those concepts, but for the public's benefit there has been no commitment to anything in regards, density housing and the alike as indicated in some of these blogs. Ultimately, and then I'll be quiet, I sit here with four other Committeemen, there are five of us here, myself a Committeeman, we are more than happy to share factual information with you we are more than happy to answer your questions, through Facebook, whether through your blogs, through our own site. Stop here first, get the information get the facts straight, and it will cause less alarm for you in the long run. So thank you very much.

Happy Halloween to everybody and the guidelines are posted on the website.

John Ferramosca: In the resolutions we pass and consent, I just want to point out one of those resolutions. Everybody on this board who sits here really truly embraces the concept of job number one safety and I can speak that with 100 degree of certainty. Tonight one of those resolutions that were passed, was for the construction and installation of a sidewalk on Reynolds Avenue and Parsippany Road. This is a significant investment that the Town has made and it's a significant investment in safety. And, this is something everyone on this Committee really is proud of the fact that we were able to get this into the budget and I just want to let everyone know that that is

factual and is happening. We will keep everyone posted of the timetable, for implementation, a lot of that will be weather related.

Mr. Gallagher: I'm extremely proud and pleased that this is passed and we are moving forward on it because this is something we all discussed together when I was a BOE Member. People would repeatedly come up to me and said we never had it before why do we need it now; in the old days people would leave MJS go to the deli and go back, but now they walk to Johnny's and Quick Chek so I think it was great sitting at both sides of the desk on this one and it was great working with you on it. It was a lot of work and here we are.

Mayor: Anything else.

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### **OPEN TO THE PUBLIC**

Motion to open to the public made by Member Brueno and seconded by Member Coppola and unanimously passed.

Judy Iradi, 33 Locust Drive, Hanover: I want to thank you Mayor for giving accurate facts to a rumor and that's on the blog was presented as a rumor. I think that's all the residents want to know. They want to know accuracy on a situation and lots of times there are rumors that go around and when it goes from one person to another person you know it gets all mixed up. So thank you for clarifying that particular rumor. And, also I was thinking that you know the residents who come to one Township Committee person or the Township Committee by the time came out and talked to Joe a different story, and by the time it gets back its nothing like you said. So perhaps, when you do your social media Facebook you can have the residents post questions to you and maybe you can answer at a Township Committee Meeting; a short question like I heard this is it true. We don't need a formal written situation but sometimes people are really concerned about little things and to get the accurate facts in the beginning would be certainly helpful.

Mayor: The use of social media is a must; it's going to become a passion of mine and another passion of mine that is this Township starting to go paperless. That is a whole other program that we are starting to get involved with. George is starting to smile; but we are going to get him converted.

Judy: I couldn't agree with you more; and by the way, reading some of the blogs I have to agree with the intent for us to be more transparent and to deliver more information. We want to do that like EDAC as John might have mentioned about social networking which is the agency that they engage. Their next phase is social networking particular about Facebook to set up for Hanover and to encourage Facebook use

questions, comments, etc. They will be providing answers where they can and where they can't, they will get the answers that we come to conduit to the Township Committee, etc., we will be assigning a communications officer within the Township to monitor and to provide concise correct information. I think that is going to be a big help. We want to do more. There is more discussing in bringing back the quarterly newsletter, look many of our community, and I don't want to sound long, but we have another distinction in Hanover, we have the largest senior community in the County. 28% of Hanover Township is senior and above, doesn't include me though, and we don't all and not all on iPhone, iPad we are not all on computers, Joe is by the way, to those people we want to continue with conventional print materials so they are kept aware, gets to the kitchen table and read. That we are going to do. So EDAC, and John knows I am proud of that group, they are trying to move forward in all ways not just with our businesses and business retention but they can assure the public gets more information that they need right away.

Ms. Iradi: If you do the Facebook, if residents have a question they can post it on there you can see it, like if I had a question for Mr. Brueno about recreation, I thought I had a program that maybe would like it to be considered, maybe 20 other people in town are thinking the same thing, you don't want 20 responses, you just want mine, I was thinking about that too, it's a good sharing for the residents.

Mayor: Well maybe you can assist us in preparing what the formats could be and put you in touch with Brushfire, this is an area of media you are familiar with that you work with every day, I think you would be of help to us and I would like to see you work with them.

Ms. Iradi: I think I am familiar with what's on the resident's minds. So thank you very much.

Mayor: Joe, you remind me of Red Boykie, and, I want to tell you why and, I'm so proud of you, because Red stood up there one time after he had moved into his condominium, he was complaining about parking and people were taking parking spaces and it was making it inconvenient until someone said to him "Red you have handicap parking spaces right next to your unit, use it, and Red looked down, and, he said "do I look handicapped?" as he stood there with his cane and his crutch, but God Bless him.

Joe, I'm sorry.

Joe Mihalko, 12 Anna Terrace, Whippany: I am so pleased to hear your remarks; I echo Judy's accolades for your enlightenment as to proposals that are coming before you and the considerations that are being made. Speaking from a point of view of what I consider a grand silent majority who don't show up at these meeting, but surely voice

their opinions privately, some erroneous some factual, I would only like to emphasize we know we understand that you must entertain proposals, somebody says I like to make a proposal these are my suggestions, from my input with my personal interrelationships through social media through personal contact, I can only offer this piece for you all: we do not consider additional housing necessary to fulfill developmental projects. If a mass portion or a minimal portion is attached to a project by a developer and the contingency is you don't let me do this I'm not going to do anything. I think you have the right to say go to Parsippany, go to Morris Plains, go to Morris Township. You've been on the right track, you have restored a tremendous amount of faith in what I thought our Committee stood for and that is standing for the people of Hanover Township. I'm very proud of you and I hope you continue in that effort because it's my town as well as it is yours.

Mayor: Joe thank you, it's our Town and you hit it on the nose. Sometimes there seems to be a wall between this dais here and out there like it's us and you. We live here, we work here, our kids go to school here, we have every interest in this Town doing well retaining the suburban character that it always has been. If we grow we all know that we want to grow in the most positive way, not impact the town. We want to grow progressively. I use the word to so many people that we are "dynamic" in Hanover. We have to be dynamic, we have to move but we don't have to move in the wrong direction, so we are going to keep our eye on the ball you can be assured of that.

No further comments by the public.

Seeing none, hearing none, motion to adjourn made by Member Brueno and seconded by Member Gallagher and unanimously passed.

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

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Joseph A. Giorgio, Township Clerk