

OCTOBER 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, October 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 and Coppola

ABSENT: None

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

PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATIONS

A Proclamation of the Township Committee Declaring the Month of November as "Pancreatic Cancer Awareness Month" in Hanover Township.

OPEN TO PUBLIC

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

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

Judy Iradi, 43 Locust Drive, Cedar Knolls: I received the Hanover Happenings of the Newsletter today and thank you very much, it's very informative, and I just had a couple of questions, clarifications perhaps, because I also don't like misleading information. I just wanted some clarifications with this newsletter and in one area it says and this is concerning the Quick Chek, it says that the Quick Chek will pay the entire

cost for road improvements on Route 10 and South Jefferson Road. It says the road improvement plan has been reviewed and is in compliance with the NJDOT. I just wanted to ask...

Mr. Giorgio: Judy can you speak a little louder

Mr. Brueno: She is asking about the Quick Chek and who is going to pay for the road improvements. The article in Hanover Happenings says that Quick Chek is going to pay the full amount and I think that's what Ms. Iradi is questioning.

Ms. Iradi: So, I believe and wanted to be in compliance and get the DOT permission they have to extend the merging lane past South Jefferson Road.

Mr. Brueno: Whatever the DOT is requiring.

Mr. Ferramosca: Yes.

Ms. Iradi: SO they have to extend pass South Jefferson Road, who is going to pick up the cost for that?

Mayor: That is all of the cost for the off tract and on tract improvements for the roads are on Quick Chek. The Township is not going to go to the taxpayers for a dime. Now, I will say this that there is an opportunity for us to look at this side of the road. In other words, the Township Municipal Building side of the road. And, we are seeing now with Paper Mill Drive and now with Town Hall Drive, etc., part of the congestion on this end and traffic backs up and it is very difficult now we know for our own employees to get out of here at night. My point there is part of the State DOT plan was a taking of an isle on the Township side, in other words it would put an extra third lane in with an additional lane that would take about 15 feet from the Town Hall building, make the turn onto 10 and then go up and that was part of the improvement plan that we saw that was incorporated with the South Jefferson side. Do we want to go ahead with that plan, I think we want to look at the numbers. We said to Quick Chek in some conversations that we had with them that we might want to engage them in a traffic study on this side and or give us some recommendations for some kind of improvements. The last hearing you were there, you might have heard my comments to Quick Chek about signalization, and whether or not it would improve the intersection here on our side, they testified to that.

Let me go back to your question, they are responsible for all the widening on 10 on their excel/de-cel into their property. They are responsible for the widening and realignment of South Jefferson and by the way, I came into an EDAC meeting this past Friday, jumping for joy, because the box was left open and actually people from Ukraine were allowed into the cube. Something is actually working, beyond that on the road improvement, my recommendation too, is while they are in the process of the road improvement Ukraine Drive is a crater, it's a mess. My recommendation is that they be responsible for repaving Ukraine all the way down to Malapardis and getting that done to, and it's all on their dime.

Ms. Iradi: Let me clarify, the section of the merging lane back onto Route 10 which will be east of South Jefferson Road, which will include taking part of the Ukrainian Church property and probably part of the Bike Shop that is all those costs are going to be borne by Quick Chek?

Mayor: To my knowledge yes.

Mr. Ferramosca: Let me clarify, East of the existing jug handle, where we get our traffic, we have the bike shop and Mondeleze, the thinking is that easterly from that point, that there would be a third lane added, if that could be accomplished, And, the thought is that third lane would be supported by money that would have come from off track improvements that have been assessed, that the Township has retained, so we would not be going to taxpayers for money for that. But, if that were to happen is part of that expansion plan that's what I'm thinking

Ms. Iradi: What about the section from South Jefferson to the jug handle?

Mr. Ferramosca: The church property,

Mayor: Under the DOT plan if that side of the street, let's call it "that side of the street," let's take the church down the bike shop down to Mondeleze, the original plan calls for a 15 foot taking of the church property on Jefferson to widen that road, it creates now three lanes going north bound and it also calls for three lanes from Jefferson if they take the church property, it also calls for an improvement on the jug handle making it a two way so you can make the right hand turn onto 10 without having to go to the corner. And, then there is a taking in the front of the church which goes past the bike shop, that's part of the DOT plan, has that been talked about yet? Until someone comes forward with the uses for the balance of the church property, I don't think we are going to address it, but I'll tell you this, if it does come in and there is a proposal for a concept for that side under the new retail zoning that would be their responsibility, that would be the developers responsibility on the off track improvements.

Ms. Iradi: Okay to clarify, if the DOT approval is contingent upon them extending the I guess it would be an acceleration lane or a third lane, if the DOT was contingent upon the approval of that, would Quick Chek then have to build it and pay for it?

Mayor: I think Quick Chek is out of the picture, if in fact they get approved for this use and they do their roads, in other....

Mr. Semrau: Mayor, I think we have to be mindful in fact that this is a pending application before the Planning Board right now, because members here are sitting on the Planning Board, if the outcome were all dictated from this conversation, the applicant would turn around and say well there was a hearing going on that we weren't present at etc., so a lot of these concerns you can certainly make any comment that you want however we have to be careful about what our responses are because members

of this governing body such as the Mayor sit on the Planning Board and I don't want to jeopardize that application.

Mayor: Well understood, well said, that's why I say if should could, the hearing is going, and they are certainly there. They are good relevant questions, to ask, but what I would say is, taking the brand Quick Chek out of this equation for the moment, whatever the off tract improvements are from the development Tony's Tavern etc., stay with that piece of property, future development down 10 will have their own responsibilities to road improvements on off track improvements, that's the way we have always done business and or we have taken escrows.

Ms. Iradi: I think the DOT is not going to allow them to have their access in and out unless they extend that third lane which is now an acceleration lane pass South Jefferson and if that is the case and the DOT doesn't have the money to make these improvements and the town certainly is not going to have that money to make those improvements then they will not potentially get there okay from the DOT. That was what I was getting at.

Mayor: You are correct that the DOT does not seem to have deep pockets, and I can only say that the Township is prepared with escrow funds that we have been holding from other developers in the Town who we made responsible for improvements to various intersection. We have a certain amount of money as you know, and we are willing to bring that up with any developer that is going to be working in this area, in any road improvement that they need, and as long as it is consistent with the DOT plan for this intersection. That's why even with this applicant, we didn't want to move forward on the application. We are not moving forward on the hearing until we got word from the DOT that is something acceptable to them, otherwise it wasn't even worth us hearing.

Ms. Iradi: There was one other question that I had and that's about zone changes and in the newsletter it says that it talks about zone changes and multifamily housing and how the Township Committee will not endorse such proposals as it contains a rental component. This is on one of the properties, either South Campus or Eden Lane, and it kind of indicates that you are not going to make any zone changes to multifamily housing. Now the South Campus or what is half of the old Lucent property on Whippany Road, what is that currently zoned at John?

Mr. Ferramosca: OBRL

Ms. Iradi: So that is office use, no housing allowed on that site right now.

Mayor: That is correct.

Ms. Iradi: This newsletter indicates that you will not be obliged to vote for any zone change that would have a component of multifamily housing in it. So is that correct John you would not vote for a zone change for multifamily housing?

Mr. Ferramosca: The newsletter is as written,

Ms. Iradi: That is why I'm questioning it, because I don't understand it. If I was on the Planning Board and the Township Committee and I can't understand it, perhaps the general public might not be able to understand it either.

Mr. Ferramosca: The only clarification I can tell you is that it is zoned for OBRL like any zone anywhere that's its current zoning, in the event the Township Committee in its assessment believes that that zoning should change that's the only way it would change. You know the Planning Board can't change the zone. They can recommend but only the Township Committee can change zone, regardless of what piece of property.

Ms. Iradi: So let me get my own opinion, it's OBRL which is office research lab and half of it Bayer had acquired as corporate headquarters and they are an excellent ratable neighbor. But in the past, when we ran into financial difficulties, civic difficulties, we had jumped on the wagon and rezoned it and allowed multifamily housing we would have a real mess now. So the corporate neighbor of Bayer gives great potential, an excellent piece of land for another corporate entity to come in and relocate there. So what I'm saying is in my opinion, don't rezone that leave it as office OBRL. It's a great site, I hate to see mixed use multifamily housing when it's not really needed there. And, also on the Eden Lane site that probably already has a multifamily housing component in it but that would actually, years ago was talked about kind of having a mini town center and that whole area there the river is so beautiful that you can have shops along the river. And, even I would not oppose the shops along the river with a residential on top like they have in the middle of Madison, or something like that, that would put this town on the map so to say. So I'm asking you to relay this to the EDAC Committee to go out there and beat the bushes get a company that might want to come in if it's okay with the property owner and something that can be done is to go out there, get those companies to come in and develop that property as an open space, put shops, a little entertainment along the river, restaurants, and, we will be making a beautiful thing and those two things I would like you to convey over to EDAC.

Mayor: The Planning Board is treating... Fred go ahead

Mr. Semrau: Let me just say for the record, the property presently is zoned for that use. No, I'm talking about River Park. It's zoned for a mixed use component it is zoned for a Town type center. What came of that? It was rezoned in 2004 and what came of that was a challenge from the property owner because they just wanted too many residential units and the Township Committee would not agree to that but that zone is still in place. There is a settlement which would call for less. Well, it still has the town center but essentially it would be an overlay and they can build for a settlement senior units and an industrial units but no other type of use. But right now, as it presently stands, that property owner has had all this time to go out and actually develop that site exactly that was supposed to be a place where you can work, live and

have recreation and that's how it is zoned, it just has never been taken advantage of by the property owner, just for the record.

Ms. Iradi: I'm saying don't leave it up to the property owner. If we had EDAC looking for a company, somebody around the country that builds this type of place. If EDAC can go out and search for this type of company and bring them in, introduce them to the developer and maybe then she would be more receptive. I have no idea what is going on there.

Mr. Semrau: That's what it is

Ms. Iradi: There are also approved site plans on that property. But if you can bring in a company like that builds something like that, it would be excellent.

Mayor: There are many things that are afoot right now, you are correct that this property OBRL Bayer has been a wonderful neighbor and they are doing exactly, in my opinion, what they would do. And, they are attracting other neighbors. EDAC is reviewing all the interests on that property. But what they won't have us do, or the Committee do, or hopefully the Planning Board Director do, is commit ourselves too early on any aspect of this property where there are many attractive proposals, then I can tell Hanover there are many attractive proposals for this use, but we are going to cherry pick. We are going to get the best and we are in a position to do that, Council reminds us that the present use of a town center in River Park property is presently there but we went to court on that that was 1500 residential units they wanted at the time; that wasn't going to happen and it didn't. We have a court settlement on that. We have a court signed settlement on that and it calls for senior housing units 140 of those; flex buildings and 20 acres of the land to be given to the Township above the dam as you remember for Central Park. So we are rather firm in wanting that settlement to stand.

Anyone else like to me heard at this time.

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

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of September 25, 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 September 25, 2014 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Coppola and was abstained by Member Ferramosca.

COMMUNICATIONS:

Submission of Letter of Retirement from Dr. George Van Orden, Health Officer/Environmental Specialist effective February 1, 2015.

Motion to accept letter of Retirement from Mayor Francioli and seconded by Member Gallagher.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Human Resource	J. Johnston	Month of 9/2014
Public Works	B. Foran	Month of 9/2014 (2 Reports)
Police	S. Gallagher	Month of 9/2014
Construction Dept.	S. Donlon	Month of 9/2014
Property Maintenance	E. DeSimone	Month of 9/2014
Treasurer's Report	S. Esposito	Month of 9/2014

ORDINANCES FOR ADOPTION

ORDINANCE NO. 38-2014

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 AND SUPPLEMENTING VARIOUS PROVISIONS CONCERNING FENCES AND WALLS

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 38-14 appeared in full in the September 19th, 2014 issue of the Daily Record in accordance with the law.

We have a letter from the Township's Planning Board in accordance with the review procedure in the municipal land use law Planning Board has given it's letter of recommendation that Ordinance No. 38-14 should be adopted following the Public Hearing.

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

Is there anyone present wishing to be heard at this time

Motion to close public hearing made by Member Coppola and seconded by Member Brueno 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 AND SUPPLEMENTING VARIOUS PROVISIONS CONCERNING FENCES AND WALLS

be passed on final reading and that a Notice of the final passage of the Ordinance be published in the October 16th, 2014 issue of the Daily Record.

Motion on Adoption made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

So Adopted.

ORDINANCE NO. 39-2014

“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 PERMITTED USES IN THE I-B3 ZONE DISTRICT”

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 39-14 appeared in full in the September 19th, 2014 issue of the Daily Record in accordance with the law.

We have a letter from the Township’s Planning Board in accordance with the review procedure in the municipal land use law Planning Board has given it’s letter of recommendation that Ordinance No. 39-14 should be adopted following the Public Hearing

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

Motion to close public hearing made by Member Coppola and seconded by Member Brueno 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 PERMITTED USES IN THE I-B3 ZONE DISTRICT”** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the October 16th, 2014 issue of the Daily Record.

Motion on Adoption made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

So Adopted.

INTRODUCTION OF ORDINANCES ON FIRST READING:

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

WHEREAS, Chapter 166 of the Code of the Township entitled Land Use and Development Legislation currently sets forth various criteria and procedures whereby certain minor conforming development activities may receive an exemption from the requirement to obtain site plan approval from the Planning Board; and

WHEREAS, such site plan exemption would promote one of the purposes of the Municipal Land Use Law at N.J.S.A. 40:55D-2m, which is *“To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land”*;

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

Section 1. Paragraph (1) in Subsection E of Section 166-58., *Filing procedures; developments exempt from review*, in Article IX, *Filing and Review Procedures*, is hereby amended and supplemented to read as follows:

- (1) Exemption criteria. Only improvements that meet the following criteria may be determined exempt:
 - (a) The development shall be limited to the following, alone or in combination:
 - [1] Changes of use or occupancy.
 - [2] Accessory buildings or other roofed accessory structures that do not exceed 300 square feet of gross floor area.
 - [3] The following site improvements, other than accessory buildings or other roofed accessory structures:
 - [a] improvements that do not increase the total improvement coverage on the site by more than 1,000 square feet; and
 - [b] development that is limited to demolition activities, tree removal, grading, landscaping, fencing and similar activities; and
 - [c] minor lighting and drainage improvements; and

- [d] outdoor dining facilities accessory to a permitted restaurant; and
 - [e] exterior wall finishes, roofs, doors, windows and similar improvements to existing buildings; and
 - [f] solar or photovoltaic energy facilities or structures mounted on the roofs of buildings.
- (b) The development shall not include any of the following, which shall be required to obtain site plan approval:
- [1] New principal buildings or additions to principal buildings.
 - [2] Improvements that require conditional use approval.
 - [3] Freestanding principal signs.
 - [4] Developments that do not fully comply with all applicable conditions of prior approvals for the property.
 - [5] Developments on properties with outstanding health, fire or building code, zoning or traffic safety violations.
 - [6] Developments that in the opinion of the Site Plan Exemption Committee may be harmful to the public health, safety and welfare, or when in the opinion of the Site Plan Exemption Committee the development raises issues or questions of sufficient importance that should be subject to full Planning Board review.
- (c) The proposed development must comply with all applicable provisions of Chapter 166 of the Code including but not limited to the specific and general design guidelines, standards and construction specifications, performance standards, the zoning regulations and all other applicable laws, rules and regulations.

Section 2. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 4. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the November 13th, 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 16th, 2014 issue of the Daily Record.

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

So Introduced.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 192-2014

**A RESOLUTION PROVIDING FOR THE ADVANCEMENT IN GRADE AND
COMPENSATION FOR VIOLATIONS BUREAU EMPLOYEE DENISE BUOYE HAVING
RECEIVED A SATISFACTORY JOB PERFORMANCE EVALUATION**

WHEREAS, in accordance with Section 61-18. of Chapter 61 of the Code of the Township entitled "Employee Job Performance Evaluation System", the employee named below has received a satisfactory job performance evaluation from her Department Head, and subject to Township policy, is entitled to advance in grade and compensation based on her anniversary date; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified the correct advancement in grade and compensation for the employee mentioned below.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover, County of Morris and State of New Jersey, that the individual named below, in accordance with Salary Ordinance No. 23-2014, shall be advanced in grade and compensation on her anniversary date:

VIOLATIONS BUREAU:

Denise Buoye
Group IV - Step 5

\$31.67 per hr.
Effective: 10/01/14

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer for his reference and action.

RESOLUTION NO. 193-2014

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER AUTHORIZING A ONE-TIME INCREASE IN SALARY FOR CERTIFIED
MUNICIPAL COURT ADMINISTRATOR ANDREA T. CONTALDI FROM \$57,000.00
TO \$59,407.00 PLUS THE 2% ANNUAL COST OF LIVING ADJUSTMENT HAVING
RECEIVED A SATISFACTORY JOB PERFORMANCE EVALUATION**

WHEREAS, **Andrea T. Contaldi** was appointed as the Township's replacement Certified Municipal Court Administrator for a six (6) month probationary period commencing August 12, 2013 and ending February 12, 2014; and

WHEREAS, Ms. Contaldi's compensation was established at \$57,000.00 per annum during the probationary period under Job Group V of Salary Range Guide "C" as set forth in Salary Ordinance No. 15-2013; and

WHEREAS, paragraph 2. of the resolution of appointment approved by the Township Committee on August 8, 2013 stipulated that **Ms. Contaldi** shall be entitled to receive a one-time additional sum of \$2,407.00 provided she receive a Satisfactory Job Performance Evaluation from the Business Administrator; and

WHEREAS, due to management and performance deficiencies, the Business Administrator exercised his prerogative to extend **Ms. Contaldi's** probationary period subject to compliance with a written Corrective Action Plan; and

WHEREAS, in addition to withholding the \$2,407.00, the Business Administrator also withheld **Ms. Contaldi's** 2% across the board cost of living adjustment that was approved for all non-union civilian employees subject to the receipt of a satisfactory job performance evaluation; and

WHEREAS, during the course of the extended probationary period between February 14, 2014 through October 3, 2014, the Business Administrator and Human Resource Specialist met with **Ms. Contaldi** on numerous occasions to obtain progress reports as to the implementation of the Corrective Action Plan; and

WHEREAS, as a result of a meeting on October 3, 2014 with **Ms. Contaldi**, the Business Administrator concluded that operational protocols and procedural issues described in the June 20, 2014 Corrective Action Plan have been implemented, and therefore, **Ms. Contaldi** should not be denied the additional compensation and 2% cost of living adjustment; and

WHEREAS, it is the recommendation of the Business Administrator that the probationary period for **Ms. Contaldi** be concluded and, in accordance with the August 8, 2013 resolution of appointment, **Ms. Contaldi** receive the additional one time sum of \$2,407.00 retroactive to February 12, 2014 and the 2% cost of living adjustment retroactive to January 1, 2014.

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

1. In accordance with the recommendation of the Business Administrator, and, as set forth in paragraph 2. of the August 8, 2013 resolution appointing **Andrea T. Contaldi** as the Certified Municipal Court Administrator, **Ms. Contaldi's** probationary period is hereby concluded. As a result, **Ms. Contaldi** shall receive a one-time additional sum of \$2,407.00 retroactive to February 12, 2014. **Ms. Contaldi's** total annual salary is hereby established at \$59,407.00.

2. Pursuant to Section 15. of Salary Ordinance No. 23-14, **Ms. Contaldi** shall receive the 2% cost of living adjustment that was granted to all non-union, civilian employees retroactive to January 1, 2014.
3. That certified copies of this resolution shall be transmitted to **Ms. Contaldi**, the Township's Human Resource Specialist and the Chief Municipal Finance Officer for reference and action purposes.

RESOLUTION NO. 194-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RETAINING THE SERVICES OF PETER KING, ESQ. OF THE LAW FIRM OF KING AND PETRACCA AT \$155.00 PER HOUR NOT TO EXCEED \$12,000.00 FOR THE PURPOSE OF REPRESENTING THE TOWNSHIP IN THE STATE VS. MARY ESPOSITO APPEAL IN SUPERIOR COURT AS A "PROFESSIONAL SERVICE" PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40:11-5.(1)(a)(i)

WHEREAS, as a result of violations of the Township's Land Use and Zoning Regulations related to non-conforming uses on property located at 344 and 350 Whippany Road in the Whippany Section of the Township and also designated as Lots 2 and 3 in Block 2007, the Township issued Notices of Violation and Summonses to the owner of the property, Mary Esposito, as Defendant; and

WHEREAS, on September 8, 2014, the Township's Municipal Court Judge issued his Decision requiring the Defendant to abate the existing non-conforming uses within ninety (90) days of the date of the Decision, and pay a fine of \$14,899.00 which includes Court costs within six (6) months; and

WHEREAS, the law permits a Defendant to file a Notice of Appeal from a Municipal Court Decision within twenty (20) days of the date of the Decision; and

WHEREAS, on September 11, 2014, Defendant Mary Esposito filed an Appeal with Superior Court; and

WHEREAS, the Township Attorney has recommended that **Peter King, Esq.**, the Township's Municipal Prosecutor be designated by the Township Committee to represent the Township in Superior Court as **Mr. King** prosecuted the case in Municipal Court on behalf of the Township and is familiar with all the details of the case; and

WHEREAS, in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i), the Township Committee concurs with the recommendation of the Township Attorney and wishes to retain services of **Peter King, Esq.**, an attorney licensed by the State of New Jersey for the purpose of representing the Township in the

matter of State vs. Mary Esposito which case will be heard in Superior Court at a date to be determined.

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 **Peter King, Esq.**, an attorney licensed by the State of New Jersey and a Principal in the Firm of **King and Petracca** located at 51 Gibraltar Drive, Suite 1D in Morris Plains, New Jersey 07950 is hereby retained for the purpose of representing the Township before Superior Court in the matter of the State vs. Esposito.
2. **Mr. King** shall be compensated at the rate of \$155.00 per hour and not to exceed \$12,000.00 for services to be rendered on behalf of the Township.
3. Because the total dollar amount of the contract does not exceed the Township's bid threshold of \$36,000.00, the Business Administrator/Township Clerk is hereby authorized and directed to issue a Purchase Order in an amount not to exceed \$12,000.00.
4. The appointment is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) because the services to be performed are by a person authorized by law to practice a recognized profession as an attorney licensed by the State of New Jersey, and such services are not subject to competitive bid.
5. That a brief notice of this award shall be published in the Daily Record as required by within ten (10) days of its passage.
6. That certified copies of this resolution shall be transmitted to the Township Attorney, **Mr. King**, the Township's Certified Municipal Court Administrator and the Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 195-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE PURCHASE OF 940 ROUTE 10 AND ALSO KNOWN AS LOT 4 IN BLOCK 9001 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT FOR SALE BY AND BETWEEN THE TOWNSHIP AND THE STATE OF VIRGINIA HARDY

WHEREAS, the Township has negotiated the acquisition of 940 Route 10 in the Whippany Section of the Township which property consists of an abandoned, vacant, single story residential building, and a detached garage on .186 acres of land and also designated as Lot 4 in Block 9001 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, the seller of the property is the Estate of Virginia Hardy as administered by the attorney for the Administratrix of the Estate; and

WHEREAS, the seller and the Township have negotiated a purchase price of \$125,000.00 subject to the performance of a Phase I Environmental Site Assessment/Preliminary Assessment to determine the presence or absence of asbestos, underground storage tanks or any other environmental conditions which might be detrimental to the interest of the Township; and

WHEREAS, the Township wishes to proceed by finalizing the proposed purchase with the execution of a Contract For Sale which Contract has been prepared by the Township Attorney.

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. Subject to the receipt of a Phase I Environmental Site Assessment/ Preliminary Assessment that does not indicate any significant conditions such as the presence of asbestos, underground storage tanks or other significant environmental conditions, the governing body hereby authorizes the purchase of 940 Route 10 and also designated as Lot 4 in Block 9001 as set forth on the Tax Map of the Township of Hanover.
2. The Township agrees to purchase 940 Route 10 in the sum of \$125,000.00.
3. The Mayor and Township Clerk are hereby authorized to execute the Contract For Sale subject to the condition set forth in paragraph 1 above.
4. That certified copies of this resolution shall be transmitted to the Township Attorney, the Attorney for the Estate of Virginia Hardy, the Chief Municipal Finance Officer, Certified Tax Assessor and Township Engineer for reference and information purposes.

RESOLUTION NO. 196-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE SPONSORSHIP OF THE 2015 SKI AND SNOWBOARD SEASON PROGRAM BY THE DEPARTMENT OF RECREATION AND PARK ADMINISTRATION FOR THE TOWNSHIP'S MIDDLE SCHOOL STUDENTS AT SHAWNEE MOUNTAIN SKI AREA

IN SHAWNEE ON DELAWARE, PENNSYLVANIA BASED ON THE UNIT PRICE RATES AND SKI AREA CONDITIONS

WHEREAS, there exists a need to provide the Township's middle and high school students with a ski and snowboard program that will offer the most advantageous ski and snowboard conditions for the more advanced student and sufficient slope conditions and expert training and supervision by the resort; and

WHEREAS, although the Township's attorney has rendered a legal opinion that while the ski and snowboard program packages may in fact fall within the category of an Extraordinary, Unspecifiable Service, it was also the Township Attorney's opinion that since the funds expended for the payment of the ski and snowboard program trips do not arise from tax dollars or revenues collected by the Township but are funds provided by the youth which pay for the ski/snowboard packages, that the sponsorship and implementation of the program are not controlled under the Local Public Contracts Law; and

WHEREAS, although this legal opinion has been rendered, this resolution serves to memorialize the actions of the Township in making every attempt to comply with the requirements of the Local Public Contracts Law in the award of this service contract; and

WHEREAS, because of the closure of the Craigmear Ski Lodge, the Board of Recreation Commissioners has carefully reviewed the rates of, and conditions at one (1) ski area and recommends that based on price and ski and snowboard area conditions, the Township continue to conduct its ski and snowboard program for middle school students at the Shawnee Mountain Ski area located at Shawnee on Delaware, Pennsylvania 18356.

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

1. That the Department of Recreation and Park Administration is hereby authorized to utilize the Shawnee Mountain Ski area located at Shawnee on Delaware, Pennsylvania 18356 in the sponsorship of its 2015 ski and snowboard season program for the middle school students based on a per unit price quotation for the following:

Bus.....	\$ 200.00
Ski/Snowboard (Lift Only)	130.00
Ski/Snowboard Lift & Rental.....	180.00
Ski/Snowboard, Lift, Rental, Instruction (5 Lessons)	220.00
Ski/Snowboard & Instruction...(5 Lessons).....	175.00
Ski/Snowboard Lift..... (3 Lessons).....	157.00
Ski/Snowboard Lift, Rental ...(3 Lessons).....	207.00
Giro Ski/Snowboard Helmet	65.00
Discount Meal Plan – 5 Meal Vouchers.....	40.00

Choice of Cheeseburger, Chicken Sandwich
Or Tossed Salad Plus Fries and Medium Fountain Drink

2. The Friday Night Twilight Program at Shawnee Ski Resort will take place on January 9, 16, 23 and 30 and February 6, 2015 weather permitting.

3. That certified copies of this resolution shall be transmitted to the Superintendent of Recreation and Park Administration and the Township's CMFO for their reference and information.

RESOLUTION NO. 197-2014

A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 2, 2013, a lien was sold on Block 1204, Lot 7.02, also known as 32 Pine Boulevard, Cedar Knolls, New Jersey 07927, for 2012 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate 2013-07, was sold to US Bank Cust for Pro Capital III LLC for a 0% redemption fee and a \$63,000.00 premium paid; and,

WHEREAS, Home Help NJ, owner has affected redemption of Certificate 2013-07 in the amount of \$31,730.04.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$31,730.04, payable to US Bank Cust for Pro Capital III LLC, 50 South 16th Street, Suite 1950, Philadelphia, Pa. 19102 for the redemption of Tax Sale Certificate 2013-07

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$63,000.00 (Premium) to the aforementioned lien holder.

RESOLUTION NO. 198-2014

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT PURSUANT TO THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-6, AND THE PAY-TO-PLAY LAWS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A.19:44A-20.26 ET SEQ. TO B. BRUECHE, JR. & SONS, LLC IN AN AMOUNT NOT TO EXCEED \$93,240.00 BASED ON ITS QUOTATION OF \$7.77 PER CUBIC YARD FOR THE REMOVAL AND RECYCLING OF THE TOWNSHIP'S FRESH, UNCOMPOSTED LEAVES FOR THE PERIOD BEGINNING OCTOBER 10, 2014 AND ENDING JANUARY 1, 2015

WHEREAS, pursuant to the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-6 entitled "Emergency Purchases and Contracts", and the Non-Fair and Open Process of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Department of Public Works is in need of recycling its fresh, un-

composted leaves at an approved mulching/compost facility which leaves are presently located at the Public Works Complex located on Stoney Brook Road in Whippany; and

WHEREAS, pursuant to a "Consent Order of Dismissal" executed by the attorneys representing the Township of Hanover, S. Rotondi & Sons, Inc. and B. Brueche, Jr. & Sons, LLC, and filed with the Superior Court of New Jersey, the Township requested written proposals and quotations from S. Rotondi & Sons, Inc. and B. Brueche Jr. & Sons, LLC by e-mail and regular mail on Tuesday, October 7, 2014 for the purpose of removing the Township's fresh, un-composted leaves to an approved mulching/composting facility; and

WHEREAS, the Consent Order of Dismissal further stipulated that S. Rotondi & Sons, Inc. and B. Brueche, Jr. & Sons, LLC submit their written proposals and quotations to the Township no later than 3:00 p.m. on Thursday, October 9, 2014; and

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

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

WHEREAS, in accordance with the Consent Order of Dismissal, the Business Administrator/Township Clerk in his capacity as the Township's Qualified Purchasing Agent received and opened two (2) sealed written quotations and proposals at 3:00 p.m. on Thursday, October 9, 2014, as follows:

1. **B. Brueche, Jr. & Sons, LLC.....\$ 7.77 per cubic yard for loading, transporting and recycling of leaves. In addition, if requested by the Township's DPW, Brueche will provide 30 cubic yard containers for the temporary storage of leaves at a cost of \$210.00 per container.**
2. S. Rotondi & Sons, Inc.....\$8.17 per cubic yard for loading, transporting and recycling of leaves. In addition, if requested by the Township's DPW, Rotondi will provide 30 cubic yard containers for the temporary storage of leaves at a cost of

\$225.00 per container.

WHEREAS, after carefully reviewing the two (2) written competitive quotations, the Business Administrator recommends that the Township Committee award a contract to **B. Brueche, Jr. & Sons, LLC** located at 16 Anna Terrace in Whippany, New Jersey 07981 for the loading, removal and recycling of approximately 12,000 cubic yards of uncomposted leaves based on **Brueche's** quotation of \$7.77 per cubic yard; and

WHEREAS, the Township's Business Administrator believes that the \$7.77 per cubic yard quotation is in the best interest of saving taxpayer dollars, and that the written commitment of the vendor to remove the leaves on a daily basis should an odor condition arise, be accepted as a good faith commitment by the vendor to comply with the Township's needs; and

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

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

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

1. Pursuant to the Local Public Contracts Law at N.J.S.A. 40A:11-6. entitled "Emergency Purchases and Contracts", a contract is awarded to:

B. Brueche, Jr. & Sons, LLC
16 Anna Terrace
Whippany, New Jersey 07981

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

The vendor, **B. Brueche, Jr. & Sons, LLC** will be required to remove all of the Township's un-composted leaves between October 10, 2014 and January 1, 2015, or until all leaves collected and temporarily stored at the Township's Recycling Center during the 2014 leaf collection season have been removed and recycled.

2. The Mayor and Township Clerk are hereby authorized to execute a contract with **B. Brueche, Jr. & Sons, LLC** in an amount not to exceed \$93,240.00 based on **Brueche's** quotation of \$7.77 per cubic yard, all in accordance with the vendor's written proposal and quotation received on October 9, 2014.

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

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

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

Resolution H: At 3:00pm today Business Administrator and an Associate from Mr. Semrau's office along with the Assistant Business Administrator also the Superintendent of Public Works reviewed the submission that we received today on the removal of the Township's fresh un-composed leaves. We had two submissions; the first submission was B. Brueche Jr. and Sons submitted a quotation of \$7.77 per cubic yard not to exceed \$93,240.00. The second quotation was received from Rotondi and Sons at \$8.17 per cubic yard for a total not to exceed \$98,040.00. Therefore, the award was made to B. Brueche Jr. & Sons LLC in the amount of \$7.77 per cubic yard and not to exceed \$93,240.00.

Are there any questions concerning any of the resolutions?

Motion to approve made by Member Brueno and second by Mr. Coppola and unanimously passed.

RAFFLE APPLICATIONS:

- RL-2791 – Delbarton Mothers' Guild – off premise raffle
- RL-2792 - Delbarton Mothers' Guild – tricky tray
- RL-2793 – Delbarton Mothers' Guild – off premise raffle
- RL-2794 – Delbarton Mothers' Guild – on premise raffle
- RL-2795 - Assumption College for Sisters – off premise 50/50
- RL-2796 - Rotary Club Morristown – on premise 50/50
- RL-2782A – Amending License No. 2782 with new date and venue
- RL-2797 – Foundation for Morristown Medical Center – on premise 50/50

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

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$\$4,434,901.43** 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 Coppola 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:

Mayor: Gentlemen is there any other business from the Township Committee at this time?

Mr. Brueno: Two items if I may, very brief. First of all, the Dial-A-Ride van which was ordered back in May and anticipated taking delivery in September, we were told by the manufacturer we probably wouldn’t be taking delivery until December early January. So I guess the Dial-A-Ride van that we have so anxiously anticipated is going to become a Christmas present. Unfortunately, there is no alternative to back out of the contract or go with another vendor so we just have to grin and bear it with the delays. But, I want to reassure everyone who was expecting it to be online in time for fall shopping season it is on its way but won’t be getting to go until early January.

Also a reminder that leaf pick-up in front of residential homes does not begin until Monday, October 13th especially with rain in the forecast over the next few days. And, I know leaves are starting to accumulate on the properties, but we ask that homeowners or landscapers do not put leaves out to curbside prior to Monday, because they won’t get to every house on Monday. So please put them in the woods or bags someplace but keep them off the streets until Monday. Thank you.

Mr. Coppola: One thing I would like to note on the Landmark Commission with the Burial Yard; they actually had a tour scheduled for Saturday and the heavy rain that fell on the graves distracted exactly none of the 24 visitors that the Morris County Tourist Bureau signed up. They huddled under umbrellas and they toured the 97 year old burial yard to listen to Vivian Cohen, Agnes Loughlin, Mark Sieka and most of all Don Kiddoo; Hanover Township is starring who spoke all about the burial yard itself and the Landmark Commission actually participated, they actually wore costumes which really added to the day. There was also a segment with the presence of Mr. & Mrs. Dick Kitchell, he is the 15th generation of his family all who lived in Hanover. I have a

number of pictures here and will have a display. The Landmark Commission has now put them at the burial yard as you walk in it shows the history, it's a beautiful display, I know you can't see it, it shows the history of the burial yard, the map of the trail as it tells you on the bottom reflects who is buried in that yard. The Landmark Commission has done a fantastic job redoing that burial yard to make it very attractive and part of the Tourist Bureau in Morris County. I want to thank the Commission for the great job that they have done and I want to thank the Committees' support I could not have happened. They provided us with the revenue that the landmark needed to purchase, if anyone wants to walk up here to see it, it's really beautiful. If you ever get a chance stop down, as soon as you walk in there is a huge display that's weather proof and shows where everything is and shows how you can follow the trail and shows each grave site is located. So thank the landmark very much for their support.

Mayor: They did a fantastic job on that.

Mr. Coppola: Now it's a nice time to go because the leaves the colors are perfect. It's a perfect time to go if you get a chance.

Mayor: Beverly was working for quite a long time; I don't know what progress was made to try to get this as a historic site, not only in Jersey but on the Federal Level.

Mr. Coppola: Bob Augelli really started the ball rolling.

Mayor: Fantastic.

Mr. Ferramosca: On Engineering, road repair infrastructure needs the top priority in Hanover Township and during the month of October 5 roads are being worked on in terms of resurfacing; Eden Lane from Whippany Road through its easterly terminus; Smithfield Drive; Dogwood Lane; Appletree Lane is underway; as well as Fenwick and North Pond Road.

Mayor: Very Good.

Mr. Gallagher: The School Park Traffic Safety Advisory Committee put together a Halloween Safety Message with the Hanover Township PD and schools. It's on the school web site; I believe it's on the Municipal Website; I found out yesterday that they are handing out flyers who attends the Malapardis Masquerade with our safety tips on it for Halloween. Halloween is on a Friday, so our message goes out to the parents and the children.

We also shared it with East Hanover schools. They immediately shared it with the Chief of the Police Department and asked if they can borrow it. And, we said sure your kids are our kids. Our next meeting which is prior to Halloween I would like to bring it and read it into the minutes. Thank you, the Committee has been great working together lock step in this issue and we believe that Hanover Township is getting much safer and we are beging to lead by example with our kids.

The shred day is going to be Saturday, October 11, 2014 at 10 Ridgedale at Employment Horizons 8-11. First 30lbs are free and then a nominal fee.

Mr. Coppola: I just want to thank Engineering and Brian Foran they had a lot to do with helping us get the Burial Yard going. Thank you.

Mayor: It goes without saying that our Financial Officer, Silvio Esposito took ill this past weekend and was hospitalized; he is home now and we are happy to say reports that we have that he is doing well. They found out what the issues were and I'm glad to say that he is recovering well and hope to see him back at his desk maybe Tuesday next week. Silvio we wish you well and we know you are happy to be back home. We certainly, as a Township Committee, would like to wish everybody a very happy Columbus Day. Enjoy it. Hope the weather is good. Good parade in East Hanover, they do a fabulous job bring in carabinieri from Italy, very colorful very pomp and circumstance if you have an opportunity on their Ridgedale Avenue, it's a very wonderful event.

On that note, once again I would like to open the meeting up to the floor.

OPEN TO THE PUBLIC

Motion to open the meeting made by Member Coppola and seconded by Member Ferramosca

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

Joseph A. Giorgio, Township Clerk