

**September 25, 2014**

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, September 25, 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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**OATH OF OFFICE**

NEW PATROLMAN RICHARD JOSEPH CAMASTA  
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**PRESENTATIONS**

**RESOLUTION NO. 179-2014**

***A RESOLUTION OF THE TOWNSHIP COMMITTEE CONGRATULATING ALL MEMBERS OF THE HANOVER TOWNSHIP LITTLE LEAGUE 9/10 YEAR OLD ALL-STARS TEAM ON WINNING THE DISTRICT 1 AND SECTION 1 SOFTBALL CHAMPIONSHIPS AND BECOMING THE RUNNER-UP CHAMPS IN THE STATE LITTLE LEAGUE TOURNAMENT***

***WHEREAS***, the ***Hanover Township Little League 9/10 Year Old All-Stars*** Team has won the District 1 and Section 1 Softball Championships and are the runner-up champs in the State Little League Tournament; and

***WHEREAS***, the Team has accomplished an impressive record over the course of the season which record deserves the praise and admiration of the citizens of Hanover Township; and

***WHEREAS***, the Township Committee recognizes the good sportsmanship, camaraderie and team spirit of the ***All-Stars*** and their coaches in working together as a unit in this highly competitive sport; and

**WHEREAS**, the governing body is extremely pleased to honor these team members on this memorable occasion.

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

1. That the governing body offers the sincere congratulations and best wishes of all the residents of Hanover Township to the following members of the

**HANOVER TOWNSHIP LITTLE LEAGUE 9/10 YEAR OLD ALL-STARS  
SOFTBALL TEAM**

Melina Ayash, Katie Brunner, Evelyn Dente, Megan Gilbert, Rose Hockman, Maya Laterza, Giovanna Mess, Jennie Paskert, Alyssa Pavone, Bianca Silvestro, Victoria Sheridan, Julia Swan, and to their manager John Hockman and to their coaches Maria Mess and Don Swan and to those who actively supported and encouraged this team to victory.

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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.

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

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**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of September 11, 2014 and the Bid Reception Meeting of September 9, 2014 had been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Gallagher moved that the Minutes of the Regular Meeting of September 11, 2014 and Bid Reception Meeting of September 9, 2014 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Ferramosca and was unanimously passed.

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**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 October 23<sup>rd</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 2, 2014 issue of the Daily Record and pursuant to the Municipal Land Use Law the Ordinance will be forwarded to the Planning Board for review and recommendation to the Township Committee.

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

So Introduced.

Mayor: This Ordinance for the folks, on the minor conforming development for planning, this streamlines the process a little bit more, it puts it before a spec committee it's a benefit to the applicant, it's a benefit to the Township, the applicant in this case does not require both the fees and legal representation that would come with a full application on a minor like this, it can be handled by a spec committee much more expeditiously and we are doing this to stream line it for all parties, both the Planning Board and the applicant. Thank you.

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**RESOLUTIONS AS A CONSENT AGENDA:**

**RESOLUTION NO. 180-2014**

**A PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER DECLARING HANOVER TOWNSHIP AS A "STIGMA FREE TOWN" IN COMBATING STEROTYPING AND DISCRIMINATION WHICH ARE BARRIERS TO THOSE INDIVIDUALS EXPERIENCING MENTAL HEALTH ISSUES**

**WHEREAS**, the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey recognizes that one in five American's have experienced some sort of mental illness according to the Substance Abuse and Mental Health Services Administration (SAMHSA); and

**WHEREAS**, despite major accomplishments and the progress achieved, New Jersey must still overcome significant challenges before it can reach the goal of making quality mental health care available to all those who need it; and

**WHEREAS**, mental health problems are more common than cancer and heart disease combined (SAMSHA), and more than half of all Iraq and Afghanistan veterans hospitalized at VA hospitals are treated for mental illness according to the Veteran's Administration, and the stigma associated with mental illness is the biggest roadblock to recovery; and

**WHEREAS**, the Codey Fund for Mental Health has initiated a statewide campaign requesting municipalities throughout the State of New Jersey to designate their municipality as a "**Stigma Free Town**"; and

**WHEREAS**, by declaring the Township of Hanover, as a "**Stigma Free Town**", the Township Committee supports the elimination of stigma associated with mental health illness and will promote public awareness of mental health issues and work to overcome stigma, stereotyping, discrimination and removing any barriers to recovery.

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

1. The governing body hereby declares the Township of Hanover a "**Stigma Free Town**" in supporting the elimination of stigma associated with mental health illness. The goal is to enable and encourage those with mental illness to Stand Up, Speak Out, and Get Help.
2. The Business Administrator/Township Clerk is directed to place this resolution on the Township's web site and to advise the local media of the Township's commitment to eradicate stereotyping and discrimination which are barriers to the recovery of individuals combating mental health issues.

Mayor: You did fantastic, you did wonderful ladies.

Member Brueno: Again girls congratulations, I had the privilege in coaching four of you during the regular season, and in spite of my coaching you went on to have a very successful all-star team this summer which is fantastic, you forgot all the bad habits I had taught you I'm sure. But the 12 young ladies it's just a fantastic accomplishment. In addition I think we need to congratulate the parents and I hope you will do that in just a second because they had a two month odyssey of just driving not only to practices at Vet's field, which I'm sure you are very appreciative of, but all those trips up to Ringwood up 287 all those trips to Middletown and they did it out of love. And, I know they enjoyed every minute of it, but I'm sure there were just some nights where it got to be a little bit old especially when the weather was threatening and you weren't sure if you were going to play that night, you had to drive up there anyway. It was all for a great cause. Girl's, maybe what we can do just stand up and give your parents a round of applause, for all the appreciation and all that they did for you. (APPLAUSE)

The rest of the night is about you I promise. We did want to make a brief mention of some others that were involved in your success. Without delay I'm now

going to call up Mr. John Hockman who is the manager of the team. He put together a video and I think we have someone to assist him.

The girls and coaches received a special certificate, trophy and a t-shirt congratulating them on their success.

#### **RESOLUTION NO. 181-2014**

### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN ACCEPTING A SIDEWALK EASEMENT CONVEYED BY DOUGLAS PROPERTIES LOCATED AT 628 ROUTE 10 FOR PROPERTY KNOWN AS LOT 16 IN BLOCK 7502 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER AS IT RELATES TO THE CONSTRUCTION OF NEW SIDEWALK ON REYNOLDS AVENUE**

**WHEREAS**, the Township of Hanover needs to construct a sidewalk over, across and through property located at 2-12 Reynolds Avenue in the Whippany Section of the Township and designated as Lot 16 in Block 7502 on the Tax Map of the Township of Hanover; and

**WHEREAS**, pursuant to negotiations between the parties, the property owner executed a sidewalk easement to allow for the construction of new sidewalk on Reynolds Avenue; and

**WHEREAS**, the Township of Hanover shall be responsible for the maintenance and repair of the sidewalk.

**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 Sidewalk Easement executed on September 10, 2014 by Douglas Properties located at 628 Route 10 in Whippany is hereby accepted by the Township.
2. That a copy of the Sidewalk Easement shall remain on file in the Business Administrator/Township Clerk's office and be available for public inspection.
3. That certified copies of this resolution shall be transmitted to the Township Engineer, the Township's Tax Assessor and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department.

#### **RESOLUTION NO. 182-2014**

### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING THE JUNE 1, 1995 MUNICIPAL SERVICES AGREEMENT BY AND BETWEEN THE TOWNSHIP AND THE HANOVER HILLS ASSOCIATION, INC. TO PROVIDE FOR THE REIMBURSEMENT FOR SALTING, SANDING AND SNOW PLOWING THE ENTIRE LENGTH OF VISTA DRIVE, THE CUL-DE-SAC AND THE ENTIRE LENGTHS OF DRIVE "B", DRIVE "C" AND DRIVE "D" AND**

**ASSUMING DIRECT PAYMENT FOR THE COST OF ELECTRICITY FOR NINE (9)  
ADDITIONAL STREET LIGHT FIXTURES**

**WHEREAS**, in calendar year 1995, in accordance with the Municipal Services Act at N.J.S.A. 40:67-23.1 et seq., the Township Committee conducted good faith negotiations with the **Hanover Hills Association, Inc.** (hereinafter referred to as the "**Association**") for the purpose of determining the performance of certain municipal services and/or reimbursement to the homeowners of the multi-family condominium development; and

**WHEREAS**, by resolution dated May 25, 1995, the Township Committee approved a resolution authorizing the execution of a Municipal Services Agreement by and between the Township and the **Association** which Agreement was executed on June 1, 1995; and

**WHEREAS**, in 2013, the attorney representing the **Association** contacted the Township requesting that the existing Agreement be renegotiated to include reimbursement for the salting, sanding and snow plowing of all the roads within the Hanover Hills Development and the assumption of responsibility by the Township to pay the energy costs related to nine (9) additional street light fixtures; and

**WHEREAS**, under the current 1995 Agreement, the Township reimburses the **Association** for the salting, sanding and plowing of Vista Drive and the cul-de-sac and paying the monthly energy costs for twelve (12) street light fixtures; and

**WHEREAS**, the attorney for the **Association** has requested that the Township reimburse the **Association**, based on the Township's reimbursement formula, for the salting, sanding and snow plowing of the entire lengths of Drive "B", Drive "C", and Drive "D" as performed by the **Association** contractor and to assume responsibility for the payment of the monthly energy costs for nine (9) additional street light fixtures; and

**WHEREAS**, the Township Attorney reviewed case law to determine whether or not the Township is responsible to assume the additional cost of reimbursing the **Association** and/or actually performing the salting, sanding and snow plowing of Drive "B", Drive "C" and Drive "D" including the payment of energy costs related to the nine (9) additional street light fixtures; and

**WHEREAS**, based on the Vernon Township decision rendered in Superior Court in Morristown, the Township Attorney believes that the decision is applicable to the **Association**; and

**WHEREAS**, the Township Committee has carefully considered the request by the **Association** that the Township assume responsibility to reimburse the **Association** for the salting, sanding and snow plowing of the entire length of Vista Drive and the cul-de-sac and the entire lengths of Drive "B", Drive "C" and Drive "D" and to pay the monthly energy costs related to nine (9) additional street light fixtures.

**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 "Addendum to the June 1, 1995 Agreement" prepared by the Township Attorney and attached hereto and made a

part of this resolution as if set forth in full, the governing body hereby agrees that beginning with calendar year 2014 shall be reimbursed for the salting, sanding and snow plowing of the entire length of Vista Drive and the cul-de-sac and the entire lengths of Drive "B", Drive "C" and Drive "D" as more specifically identified on the Hanover Hills Site Plan. The Township agrees to reimburse the **Association** as soon as practicable or possible after adoption of the Current Fund Municipal Budget the following calendar year.

2. The Mayor and Township Clerk are further authorized and directed to execute the Addendum to the June 1, 1995 Agreement.
3. Before the Township assumes the additional responsibility to pay for monthly energy costs for the additional nine (9) street light fixtures, the **Association**, within sixty (60) days of executing the Agreement, shall pay JCP&L the sum of \$774.36 as a capital contribution for the nine (9) additional street light fixtures. The **Association** shall submit the check made payable to JCP&L to the Township's Business Administrator/ Township Clerk for submission to the utility.
4. Following receipt of the \$774.36 capital contribution for the nine (9) additional street light fixtures, the Business Administrator/Township Clerk will direct JCP&L to transfer the nine (9) fixtures to the Township of Hanover's account for direct payment for direct payment to JCP&L.
5. That certified copies of this resolution shall be transmitted to the Township Attorney, the attorney representing the **Hanover Hills Association, Inc.**, the Wilkin Management Group, Inc., the Township's Chief Municipal Finance Officer and Township Engineer for reference and information purposes.

#### **RESOLUTION NO. 183-2014**

#### **A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING A MUNICIPAL SERVICES ACT AGREEMENT BETWEEN THE TOWNSHIP AND WATERVIEW AT HANOVER, LLC AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT**

**WHEREAS**, in accordance with the Municipal Services Act, N.J.S.A. 40:67-23.1 et seq., the Township Committee has conducted good faith negotiations with the **Waterview at Hanover, LLC** (hereinafter referred to as the ("**Association**") for the purpose of determining reimbursements to the **Association**, and in providing certain municipal services to the homeowners and residents of the multi-family residential development known as the **Waterview at Hanover, LLC**.; and

**WHEREAS**, the Municipal Services Act requires that condominium associations in New Jersey enter into written agreements with the municipality in which they are located in order to obtain reimbursement and/or certain services; and

**WHEREAS**, the Township Committee and representatives of the **Association** have reduced their findings and determinations in writing in the form of a Municipal Services Act Agreement which is annexed hereto and made a part of this



resolution.

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

1. The governing body hereby approves a Municipal Services Agreement by and between the Township and **Waterview at Hanover, LLC** in performing certain municipal services and/or reimbursement to the homeowners of the multi-family condominium development.
2. The Mayor and Township Clerk are further authorized and directed to execute the Agreement, a copy of which is attached hereto and made a part of this resolution as if set forth in full.
3. The Municipal Services Act Agreement shall take effect immediately upon signature of all the parties, and shall continue in perpetuity unless notice is given by either party to modify the terms and conditions of the Agreement. No revision to the Agreement shall be valid and binding unless it is amended by resolution of the Township Committee and an Amendatory Agreement is executed by the authorized officers of both the Township and the **Association**.
4. A certified copy of this resolution shall be forwarded to **Waterview at Hanover, LLC**, INTEGRA Management Corporation, the Township Engineer, the Township's Chief Municipal Finance Officer and the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department.

#### **RESOLUTION NO. 184-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY APPROVING A COST SHARING AGREEMENT BY AND BETWEEN THE TOWNSHIP AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONCERNING THE INSTALLATION OF A NEW GENERATOR ADAPTED CONTROLLER CABINET AT THE INTERSECTION OF NEW JERSEY STATE HIGHWAY ROUTE 10 WESTBOUND AND THE RIDGEDALE AVENUE EXTENSION AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE COST SHARING AGREEMENT**

**WHEREAS**, a traffic condition exists at the intersection of New Jersey State Highway Route 10 westbound and the Ridgedale Avenue Extension in the Township of Hanover which requires the installation of a new Generator Adapted Controller Cabinet; and

**WHEREAS**, it is necessary to expedite the safe movement of vehicular traffic; and

**WHEREAS**, the State of New Jersey, through the New Jersey Department of Transportation has indicated its willingness to install a Generator Adapted Controller Cabinet at the location mentioned above; and

**WHEREAS**, the State of New Jersey has proposed a Cost Sharing Agreement pertaining to the installation and maintenance of the new Generator Adapted Controller Cabinet located at New Jersey State Highway Route 10 westbound and the Ridgedale Avenue Extension.

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

1. The governing body hereby approves a Cost Sharing Agreement by and between the Township and the State of New Jersey for the installation of a new Generator Adapted Controller Cabinet at the intersection of New Jersey Highway Route 10 westbound and the Ridgedale Avenue Extension.
2. The Mayor and Township Clerk are hereby directed to enter into the Cost Sharing Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.
3. That certified copies of this resolution along with the signed Agreement shall be transmitted to the NJDOT's Bureau of Traffic Engineering, the Township Engineer and Chief of Police for reference and information purposes.

**RESOLUTION NO. 185-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY APPROVING A COST SHARING AGREEMENT BY AND BETWEEN THE TOWNSHIP AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONCERNING THE INSTALLATION OF A NEW GENERATOR ADAPTED CONTROLLER CABINET AT THE INTERSECTION OF NEW JERSEY STATE HIGHWAY ROUTE 10 AND NORTH JEFFERSON ROAD AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE COST SHARING AGREEMENT**

**WHEREAS**, a traffic condition exists at the intersection of New Jersey State Highway Route 10 and North Jefferson Road in the Township of Hanover which requires the installation of a new Generator Adapted Controller Cabinet; and

**WHEREAS**, it is necessary to expedite the safe movement of vehicular traffic; and

**WHEREAS**, the State of New Jersey, through the New Jersey Department of Transportation has indicated its willingness to install a Generator Adapted Controller Cabinet at the location mentioned above; and

**WHEREAS**, the State of New Jersey has proposed a Cost Sharing Agreement pertaining to the installation and maintenance of the new Generator Adapted Controller Cabinet located at New Jersey State Highway Route 10 and North Jefferson Road.

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

1. The governing body hereby approves a Cost Sharing Agreement by and between the Township and the State of New Jersey for the installation of a new Generator Adapted Controller Cabinet at the intersection of New Jersey Highway Route 10 and North Jefferson Road.
2. The Mayor and Township Clerk are hereby directed to enter into the Cost Sharing Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.
3. That certified copies of this resolution along with the signed Agreement shall be transmitted to the NJDOT's Bureau of Traffic Engineering, the Township Engineer and Chief of Police for reference and information purposes.

**RESOLUTION NO. 186-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY APPROVING A COST SHARING AGREEMENT BY AND BETWEEN THE TOWNSHIP AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONCERNING THE INSTALLATION OF A NEW GENERATOR ADAPTED CONTROLLER CABINET AT THE INTERSECTION OF NEW JERSEY STATE HIGHWAY ROUTE 10 AND WHIPPANY ROAD AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE COST SHARING AGREEMENT**

**WHEREAS**, a traffic condition exists at the intersection of New Jersey State Highway Route 10 and Whippany Road in the Township of Hanover which requires the installation of a new Generator Adapted Controller Cabinet; and

**WHEREAS**, it is necessary to expedite the safe movement of vehicular traffic; and

**WHEREAS**, the State of New Jersey, through the New Jersey Department of Transportation has indicated its willingness to install a Generator Adapted Controller Cabinet at the location mentioned above; and

**WHEREAS**, the State of New Jersey has proposed a Cost Sharing Agreement pertaining to the installation and maintenance of the new Generator Adapted Controller Cabinet located at New Jersey State Highway Route 10 and Whippany Road.

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

1. The governing body hereby approves a Cost Sharing Agreement by and between the Township and the State of New Jersey for the

installation of a new Generator Adapted Controller Cabinet at the intersection of New Jersey Highway Route 10 and Whippany Road.

2. The Mayor and Township Clerk are hereby directed to enter into the Cost Sharing Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.
3. That certified copies of this resolution along with the signed Agreement shall be transmitted to the NJDOT's Bureau of Traffic Engineering, the Township Engineer and Chief of Police for reference and information purposes.

#### **RESOLUTION NO. 187-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY APPROVING A COST SHARING AGREEMENT BY AND BETWEEN THE TOWNSHIP AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONCERNING THE INSTALLATION OF A NEW GENERATOR ADAPTED CONTROLLER CABINET AT THE INTERSECTION OF NEW JERSEY STATE HIGHWAY ROUTE 10 AND TROY HILLS ROAD AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE COST SHARING AGREEMENT**

**WHEREAS**, a traffic condition exists at the intersection of New Jersey State Highway Route 10 and Troy Hills Road in the Township of Hanover which requires the installation of a new Generator Adapted Controller Cabinet; and

**WHEREAS**, it is necessary to expedite the safe movement of vehicular traffic; and

**WHEREAS**, the State of New Jersey, through the New Jersey Department of Transportation has indicated its willingness to install a Generator Adapted Controller Cabinet at the location mentioned above; and

**WHEREAS**, the State of New Jersey has proposed a Cost Sharing Agreement pertaining to the installation and maintenance of the new Generator Adapted Controller Cabinet located at New Jersey State Highway Route 10 and Troy Hills Road.

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

1. The governing body hereby approves a Cost Sharing Agreement by and between the Township and the State of New Jersey for the installation of a new Generator Adapted Controller Cabinet at the intersection of New Jersey Highway Route 10 and Troy Hills Road.
2. The Mayor and Township Clerk are hereby directed to enter into the Cost Sharing Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.

3. That certified copies of this resolution along with the signed Agreement shall be transmitted to the NJDOT's Bureau of Traffic Engineering, the Township Engineer and Chief of Police for reference and information purposes.

#### **RESOLUTION NO. 188-2014**

### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY APPROVING A COST SHARING AGREEMENT BY AND BETWEEN THE TOWNSHIP AND THE NEW JERSEY DEPARTMENT OF TRANSPORTATION CONCERNING THE INSTALLATION OF A NEW GENERATOR ADAPTED CONTROLLER CABINET AT THE INTERSECTION OF NEW JERSEY STATE HIGHWAY ROUTE 10 AND ALGONQUIN PARKWAY AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE COST SHARING AGREEMENT**

**WHEREAS**, a traffic condition exists at the intersection of New Jersey State Highway Route 10 and Algonquin Parkway in the Township of Hanover which requires the installation of a new Generator Adapted Controller Cabinet; and

**WHEREAS**, it is necessary to expedite the safe movement of vehicular traffic; and

**WHEREAS**, the State of New Jersey, through the New Jersey Department of Transportation has indicated its willingness to install a Generator Adapted Controller Cabinet at the location mentioned above; and

**WHEREAS**, the State of New Jersey has proposed a Cost Sharing Agreement pertaining to the installation and maintenance of the new Generator Adapted Controller Cabinet located at New Jersey State Highway Route 10 and Algonquin Parkway.

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

1. The governing body hereby approves a Cost Sharing Agreement by and between the Township and the State of New Jersey for the installation of a new Generator Adapted Controller Cabinet at the intersection of New Jersey Highway Route 10 and Algonquin Parkway.
2. The Mayor and Township Clerk are hereby directed to enter into the Cost Sharing Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof.
3. That certified copies of this resolution along with the signed Agreement shall be transmitted to the NJDOT's Bureau of Traffic Engineering, the Township Engineer and Chief of Police for reference and information purposes.

#### **RESOLUTION NO. 189-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A DEVELOPER'S AGREEMENT BY AND BETWEEN THE TOWNSHIP AND RED BULL ARENA, INC. REGARDING THE EXPANSION OF THE EXISTING SOCCER TRAINING FACILITY FOR THE RED BULL'S PROFESSIONAL SOCCER TEAM ON PROPERTY LOCATED AT 24 MELANIE LANE AND DESIGNATED AS LOT 12 IN BLOCK 6601, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE AGREEMENT**

**WHEREAS**, the Planning Board of the Township of Hanover by resolution adopted on July 8, 2014, granted preliminary and final site plan approval to **Red Bull Arena, Inc.**, as Applicant, for permission to expand the existing soccer training facility for the New York Red Bull's Professional Soccer Team on property located at 24 Melanie Lane in the Whippany Section of the Township and designated as Lot 12 in Block 6601 as set forth on the Tax Map of the Township of Hanover in the Industrial-Recreational (I-R) Zone District; and

**WHEREAS**, pursuant to the approvals granted by the Planning Board, the improvements will be constructed in two (2) phases. Phase I will include the construction of the northerly portion of Building "E" at approximately 4,000 square feet, a parking area, storm water management, lighting, fencing, landscaping and other related improvements. The southerly portion of Building "E" will be constructed under Phase II consisting of approximately 3,000 square feet, a new natural turf field, bleachers, a press box, ticket booths, scoreboards, field lighting, fencing and other related improvements; and

**WHEREAS**, **Red Bull Arena, Inc.** is the lessee of the property located at 24 Melanie Lane consisting of approximately 45.645 acres of which approximately 22 acres are proposed to be developed; and

**WHEREAS**, Hartz Mountain Hanover Square is the property owner of the land set forth above; and

**WHEREAS**, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval is contingent upon the Developer having completed all such improvements within and without the Property, in accordance with the terms of the aforesaid approvals or furnishing performance guarantees in lieu thereof to be approved by the Township and conditioned upon satisfactory completion by the Developer of all such improvements as provided in N.J.S.A. 40:55D-53.

**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 Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement by and between the Township of Hanover and **Red Bull Arena, Inc.**, the Developer, concerning the expansion of the existing soccer training facility for the New York Red Bull's professional soccer team on property located at 24 Melanie Lane in the Whippany Section of the Township and also designated as Lot 12 in Block 6601 as set forth on the Tax Map of the Township of

Hanover. The Mayor and Township Clerk shall not execute the Developer's Agreement until the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given."

- A. The Developer shall be responsible in submitting a total performance guarantee of \$520,085.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$52,009.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 5(a) of the Developer's Agreement. And, submission to the Township Clerk of a Performance Bond or an Irrevocable Standby Letter of Credit in the amount of \$468,077.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 5(a) of said Agreement.
- B. In accordance with paragraph 5(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$26,004.00 to cover the cost for all Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer. In the alternative, pursuant to N.J.S.A. 40:55D-53.h., the Developer may pay the inspection fees in four (4) equal installments. In addition, to cover the cost of Hanover Sewerage Authority fees concerning the inspection of the sanitary sewer facilities and improvements, the Developer shall deposit with the Township the sum of \$18,500.00. In this case, the installment option does not apply.
- C. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 14 of the Developer's Agreement.
- D. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".
- E. In accordance with N.J.S.A. 40:55D-8.1 – 8.7, the Developer shall pay a mandatory development fee for affordable housing at 2.5% of the equalized assessed value of any non-residential property as determined by the Township's Tax Assessor, as applicable. This fee shall be paid to the Township by the Developer prior to the issuance of a Certificate of Occupancy.
- F. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all

of the cash and surety performance bonds, any other fees as required at the time of signing, and, if applicable, the conveyance of any deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any preliminary soil movement and grading activities.

That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer and **Red Bull Arena, Inc.** for reference and action purposes.

**RESOLUTION NO. 190-2014**

**A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER**

**WHEREAS**, at the Township of Hanover Municipal Tax Sale held on December 1, 2011, a lien was sold on Block 4402, Lot 14, Qualifier C2906, also known as 2906 Appleton Way, Whippany, New Jersey 07981, for 2009 delinquent taxes; and,

**WHEREAS**, this lien, known as Tax Sale Certificate 2011-15, was sold to Virgo Municipal Finance Fund, LP for a 0% redemption fee and a \$400.00 premium paid; and,

**WHEREAS**, Ani Maserjian, owner has affected redemption of Certificate 2011-15 in the amount of \$1,912.44.

**NOW, THEREFORE, BE IT RESOLVED**, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$1,912.44, payable to Virgo Municipal Finance Fund, LP c/o Blue Virgo, 1441 Broadway, Suite 5010, New York, New York 10018 for the redemption of Tax Sale Certificate 2011-15

**BE IT FURTHER RESOLVED**, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$400.00 (Premium) to the aforementioned lien holder.

Member Coppola moved the consent agenda and was seconded by Member Brueno and was unanimously passed.

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**RAFFLE APPLICATIONS:**

- RL- 2783 – Fighting Children’s Cancer Foundation – Tricky Tray**
- RL- 2784 – Morris County Sheriff’s Crime Stoppers – 50/50 on premise**
- RL- 2785 – PBA #298 Morris County Correction Officers – 50/50 on premise**
- RL- 2786– PBA #298 MC Correction Officers, Silent Auction**
- RL- 2787 – PBA #298 MC Correction Officers, Tricky Tray**
- RL- 2788 – St. John the Baptist Ukrainian Catholic Church – Tricky Tray**
- RL- 2789 – St. John the Baptist Ukrainian Catholic Church – 50/50 on premise**
- RL- 2790 – The Rose House – 50/50 off premise**

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

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**OTHER BUSINESS:**

Mr. Gallagher: I would like to say one thing, I would like to thank Hanover Township's own American Martial Arts and Planet Swirl. We had Hanover Youth Night last Friday night, it was a big success, a lot of children and we will be doing it again. Thank you for the support of AMA and Planet Swirl.

Mr. Coppola: Just on this One Day One School which we will be doing shortly, I am really happy to say that we will be doing a joint effort by doing all the cooking by the Knights of Columbus of East Hanover and Whippany, so it will be good to see both groups together.

Mr. Francioli: Just a reminder this Monday, if you haven't had your flu shot, this will be the first of three opportunities you have here at the Township. This Monday from 10-1 be there before 12:00. Those of us who are seniors the flu is absolutely free and those who are not I think there is a very nominal fee for the shot. I highly suggest it; if you haven't had it you take advantage of it. There are two other dates that will be posted.

On behalf of the Township Committee to all of our Jewish friends, Hebrew friends to wish them a very very happy New Year on this Rosh Hashanah a special time and we wish the best to you and your family on this occasion.

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**OPEN TO THE PUBLIC**

No further comments by the public.

Seeing none, hearing none, motion to adjourn made by Member Coppola 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