

JUNE 9, 2016

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, June 9, 2016, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Ronald Francioli, Deputy Mayor Ferramosca, Members Coppola and Gallagher

ABSENT: Member Brueno

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

OATH OF OFFICE:

ADMINISTRATION OF OATH OF OFFICE TO NEW PATROLMAN ERIC WOODRUFF.

OPEN TO THE PUBLIC

Motion to open made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

Jeffrey Gordon, 4 Vincent Terrace, Whippany: There was some question about our landscaping, you may remember. I was just at the Whippanong Library and I printed out the estimate from TM Landscaping; is this a good time to submit it or should I mail it?

Mayor: No precisely. This is a good time. Do you want to speak on an issue of landscaping?

Mr. Gordon: I did get your email thank you very much; it said that the AJM Company would be debited somehow to do it; that never happened. So I got a new estimate and, in fact, Mr. Bednarik from Boonton gave another estimate, there will be two estimates, I did not see that one yet on my email, but I do have one from TM Landscaping from Randolph and I guess that is valid.

Mayor: This is in regard to the sidewalk improvement that went past your home?

Mr. Gordon: No, there is no sidewalk in front of 4 Vincent Terrace, it was the original model house actually in the section called The Oaks in 1954 and sold for a little over \$14,700 then. But when AJM paved the street they took up a lot of the sod in front of the house and put down some very poor top soil full of glass and rocks but most of all, the problem is the weeds, just yesterday I pulled a lot of weeds out that had grown in just one week or like 10 days almost 2 feet high, so a whole bucket of weeds and I need new top soil, new seeding or possibly as Mr. Bednarz said yesterday, use very good top quality expert at landscaping, sod might be the best because it's a little late in the season to do seeding although it's pretty cold seems like winter actually and this is kind of accidental that we are here tonight, my mother about 50 years ago she may have been sitting in your seat, she was going to run for Mayor actually.

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Mayor: She can have it tonight too.

Mr. Gordon: I am really appreciative of you as Mayor and everybody here as well.

Mayor: We know Ms. Gordon very well. The issue of the landscaping, are there many houses on the street that were affected by this issue?

Mr. Gordon: They were all more or less affected. We got it the worst for some reason, unexplainable. I think it may be that they did our house first and maybe put in the poor top soil first, but the fellow at 6 Vincent is always out working on his lawn, he knows what to do, he's more like a professional landscaper himself. Other people lucked out a bit but we have a terrible weed problem and when the AJM Company came by and seeded last year they put down some very minimal rye grass, which was not the right thing to do, it should have been Kentucky blue would have been the right thing and it didn't work out too well, it didn't come up and they didn't cover it with hay and the birds ate a lot of it. The top soil that they sprinkled down at that time wasn't very much either maybe a quarter of an inch half of an inch just a little bit to cover, but it's more or less a cosmetic cover it wasn't really a solution to the problem. The soil has to be done over again, it has to be done right. I have the estimate here, I can turn that in.

Mayor: I'm going to ask my Engineer for a second, Gerry can you comment on this?

Mr. Maceira: I do know that AJM did the restoration. It was not satisfactory to us the Engineering Department, and we did have them go back out and it wasn't just your property it was throughout every property along Vincent Terrace, but the second and possibly the third time they did come out it was satisfactory and all of the other properties have been able to grow their turf grass successfully. I perceive the problem to be that it's just, they are not responsible to water it, once they apply the top soil and the seed, it really is the property owner to water it and maintain it. If it's not watered then the seeds are just going to take over, and I suspect that maybe that's what happened here. It has been satisfactory on every other property on that street. I haven't had any other complaints since.

Mr. Gordon: Well, we might be the only one complaining. However, I think we got it worse than anybody else and we do have a serious weed problem. We did keep it watered. It wasn't covered with hay or anything and as I said there are a lot of birds around and I believe a lot of it got eaten. There is a lot of bare spots, the old soil should be taken up, new soil should be put down and as Mr. Bendnarz said yesterday at 2:30 it really needs sod that would be the right answer. I haven't gotten his estimate yet.

Mr. Gallagher: I have a question, did either of the two professionals that came to do an evaluation of your property offer to take a soil sample to have it evaluated to see if it was different from any of the other properties? I have been on jobs that were suspect of the quality of the soil, and if you are able to get it tested and some colleges do it for no cost. So are these professionals selling a service or are they helping you find out if there is a problem with just your soil, what the actual problem is.

Mr. Gordon: That probably could be addressed to them, I didn't see them take a soil sample, they could have.

Mr. Gallagher: As Gerry said and not to speak for Gerry cause he is right next to me and he is an expert in his field, if all of the other properties were satisfactory I would say that the soil came from the same place and same supplier.

Mr. Maceira: Yes, and I know that because we had those initial issues with the contractor when they came back the second and third time we did have an inspector there full time to make sure that all of the glass and the debris was removed and that additional top soil was added and it was seeded at the correct grade. So from a contractual standpoint, we were satisfied that AJM Company did meet their contractual obligations to the Township.

Mr. Gordon: Well, I actually did watch them last year do this, and they just shoveled some top soil right down, they did not remove any of the glass or the rocks or weeds they just shoveled top soil out of the truck and then hand threw some rye grass down in

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about 10 minutes or so, just sprinkled it around by hand, and that was it. It was not the right solution to this problem.

Mayor: Gerry when was the last time you were out on the property?

Mr. Maceira: I don't know off the top of my head.

Mayor: Mr. Gordon what we will do, Gerry do this for the Committee, will you please revisit or Dave revisit the property and examine the soil, examine the area, examine the local property owners and give us a formal recommendation on this particular piece of property.

Mr. Maceira: Yes, I will do that.

Mayor: Jeff, I will have the Engineer out to your property. He will call you if you want to set up a date for him to meet you out there. He will reexamine that area of your property that is a problem and he will evaluate it in conjunction to the other property owners there. He will then make a recommendation to us from that standpoint.

Mr. Gordon: The soil seems to be pretty pertinent, it grows weeds very well ~ it's not that it's too sandy or too dry, it was just infested with weeds that can't be stopped with the weed killer that I put down, I sprayed some and it didn't stop anything. I believe it should be redone the way these two professionals suggested.

Mayor: Between the two of you, why don't you meet out there and again leave your phone number with Mr. Maceira and he will call you and alert you to when he is coming out to the site, are you available most days?

Mr. Gordon: Yes.

Mayor: The two of you will meet on the site, he will, as our Engineer, inspect the soils and look over the other properties as well that these contractors did and he will make a formal recommendation to the Township Committee and if we can assist you in any way I assure you we will ~ up on the other hand if he finds that there are some other reasons why that frontage did not take or grow well he will make you aware of that too. That's the best we can do.

Mr. Gordon: I think this has already been done by Dave Leo, who was ready to approve it but then after talking to AJM he came to the conclusion I guess with Joe Giorgio that AJM did what they could but I believe that they did not do what they could. They are skirting the issue and just cosmetically covering it over. One of the reasons that the other properties have somewhat solved the problem is that they have professional landscapers doing their edging, for instance Joe Gitty is a landscaper, he knows what to do. And G&G which takes care of the house next to us, they know what to do, and number 6, is the world's best grass grower; his lawn is like a carpet.

Mayor: Is he a good neighbor?

Mr. Gordon: He's a perfect neighbor, his house looks great.

Mayor: You might want to meet with him and find out what he is doing.

Mr. Gordon: I do want to know his secret. It's probably something simple. We have in this case AJM, they are resisting because they need payment to be made for this through the Township or through the money that is being withheld.

Mayor: Let us try to resolve it in the manner I am suggesting, let the Engineer come out if you still have an issue with his recommendation we are available to talk to you, but we are not out on the site as the Township Committee, so we are taking your word that there might be a problem with the soil, but we are also hearing from our Engineering Department that this particular contractor may have been out there a couple of times. I'm also hearing that from you that he has been out there. So let us take another look, a final determination, it has been some time since we have been there last.

Mr. Maceira: A year ago, like last fall.

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Mayor: Let's give it a revisit this year right now, Gerry will set this up with you and you two gentleman can look it over and Gerry will give us a formal report and he will certainly copy you with the report that he gives us, so we will try and figure it out for you.

Mr. Gordon: Do you need this now? Do you want this estimate now?

Mayor: Give it to the Administrator he will accept it, but I don't think we can act on anything before we get a report from our Engineering Department.

Mr. Gordon: I think the Engineering Department has acted on this already that's why we are here because they are going to reassess what they already assessed and probably come to the same conclusion that no harm was done ~ however, the harm remains.

Mayor: Well, then we will ask them for reasons why vegetation is not growing properly and they will give us that answer. Best I can do for you Jeff at this point. But we will talk again.

Mr. Gordon: Excellent, very good. Thank you very much.

Mayor: Scouts out in the audience today! Great, are you taking this all in for governmental badges? Yes, what do you think so far? Me too, I know, I know!

Motion to close made by Member Coppola and seconded my Member Ferramosca.

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of May 26, 2016 and Bid Committee Minutes of June 1, 2016 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Ferramosca moved that the Minutes of the Regular Meeting of May 26, 2016 and Bid Committee Minutes of June 1, 2016 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.

PUBLIC HEARING CONCERNING NOTICE OF VIOLATIONS OF THE TOWNSHIP'S PROPERTY MAINTENANCE CODE RELATED TO PROPERTY LOCATED AT 146 CEDAR KNOLLS ROAD, BLOCK 3501, LOT 8.

Mr. Giorgio: We have received a letter from the property owner requesting a postponement in the proceedings this evening so that she might have an opportunity to confer with counsel concerning the Property Maintenance Code violations. In the meantime the Township Attorney is making a recommendation to the Township Committee that it delegate to a third party independent person, a Code Officer from another town with the authorization to hear the case concerning the notice of violations. We have a resolution that is being offered tonight in this respect.

RESOLUTION NO. 108-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, COUNTY OF MORRIS, STATE OF NEW JERSEY, DELEGATING THE AUTHORITY OF THE TOWNSHIP COMMITTEE TO CONDUCT A HEARING REGARDING PROPERTY MAINTENANCE VIOLATIONS AT 146 CEDAR KNOLLS ROAD, ALSO KNOWN AS BLOCK 3501, LOT 8, TO TOWNSHIP CODE OFFICER DAN HAGBERG

WHEREAS, the Township of Hanover ("Township") served upon Patricia Miller, owner of the property located at 146 Cedar Knolls Road, Cedar Knolls, New Jersey, 07927, also known as Block 3501, Lot 8, a Request for Municipal Intervention, for violations of Section 218 of the Property Maintenance Code of Hanover Township; and

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WHEREAS, Ms. Miller is entitled to a hearing before the Township Committee regarding whether the Township's Code Enforcement Officer may be appointed as the Receiver of the property to take necessary action for the purposes of abating the deficient conditions of the property; and

WHEREAS, the Township Committee may delegate this authority to a qualified individual and desires to do so for the purposes of expediting the hearing and ensuring independence for all parties involved; and

WHEREAS, Township Code Officer Dan Hagberg possesses the requisite qualifications and licenses to conduct such a hearing;

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 Township of Hanover hereby authorizes Code Official Dan Hagberg to conduct a hearing pursuant to Section 218-74 of the Property Maintenance Code of Hanover Township in the above-referenced matter.
2. The Township of Hanover hereby authorizes the award of a Professional Services Contract to Mr. Hagberg in the amount of \$50.00 per hour for services rendered as a hearing officer in the above-referenced matter.

Are there any questions concerning this Resolution.

Mr. Semrau: Mayor, if I could, just for clarification, in the event that Mr. Hagberg cannot serve because a matter needs immediate attention we would ask that the Administrator be authorized to find a suitable replacement and the other issue is that in the event that this officer finds that work needs to be immediately commenced on the premises the ordinance says that the Township Committee can authorize the Township to take such action as a lien on the property, I would ask that you can delegate the authorization of work to the Administrator based on that decision, so there will be no delay in time and he can proceed accordingly.

Mayor: Understood.

Mayor made the Motion to accept Resolution and seconded by Member Ferramosca.

INTRODUCTION OF ORDINANCE

ORDINANCE NO. 19-2016

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF ONE (1) EXMARK RIDE-ON MOWER FOR THE PUBLIC WORKS, BUILDINGS AND GROUNDS AND PARK MAINTENANCE DEPARTMENT AND FURTHER APPROPRIATING THE SUM OF \$12,500.00 FROM THE TOWNSHIP'S 2016 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE MOWER

WHEREAS, the Superintendent of the Township's Public Works, Buildings and Grounds and Park Maintenance Department (hereinafter referred to as the "DPW Department") has advised the Business Administrator/Township Clerk of the need to replace one (1) of four (4) ride-on mowers; and

WHEREAS, the ride-on mower that requires replacement is twenty (20) years old and has outlived its useful purpose; and

WHEREAS, the Park Maintenance Division of the DPW Department is charged with the responsibility of maintaining fifteen (15) athletic fields including the lawn areas surrounding the Municipal Building Campus, the Community Center, the Monroe Hall Community Building, the Public Works Complex and other ancillary facilities throughout the Township; and

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WHEREAS, it is the intention of the Township Committee to authorize the purchase of one (1) new replacement ride-on mower.

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

Section 1. The governing body hereby authorizes the Superintendent of the Public Works Buildings and Grounds and Park Maintenance Department to purchase one (1) new EXmark ride-on mower including any attachments (Model No. LZX940EKC606T0) in replacing a twenty (20) year old ride-on mower that has outlived its useful purpose. In conformance with the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq., the Superintendent of the DPW Department is further authorized and directed to obtain three (3) written quotations in the purchase of a new ride-on mower including any attachments.

Section 2. For the financing of the purchase of the new ride-on mower described in Section 1. Above, the governing body further authorizes the appropriation of \$12,500.00 from the Township's 2016 Capital Improvement Fund and all prior years.

Section 3. This Ordinance shall take effect in accordance law.

The Ordinance will be further considered for Public Hearing and Final Passage at the July 14th, 2016 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 Daily Record in accordance with the law.

Motion on introduction made by Mayor Francioli and seconded by Member Ferramosca and unanimously passed.

So Introduced.

ORDINANCE NO. 20-2016

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 REGULATIONS FOR INSTITUTIONAL USES

WHEREAS, Chapter 166 permits and regulates institutional uses; and

WHEREAS, the Township Committee has determined that it is in the public interest to update and amend the regulations for institutional uses, in order to recognize the needs of such uses while also protecting surrounding areas from undue impacts from institutional uses;

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. Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by revising the definition of "institutional uses" to read as follows:

INSTITUTIONAL USES - Establishments limited to houses of worship, schools teaching academic subjects and schools teaching disabled or special-needs children, state-licensed hospitals and libraries. Specifically excluded from this definition are child care centers and other uses operating as a principal use on the same site as one of the foregoing uses.

Section 2. Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by adding and inserting a definition for "house of worship," to read as follows:

HOUSE OF WORSHIP - A building or structure, or group of buildings or structures that is/are: 1) used primarily by groups of persons organized as a nonprofit organization recognized by the Federal Internal Revenue Service as a 501c(3) organization; and 2) used primarily for organized religious services and the accessory uses associated therewith. This definition shall include, but not be

limited to: chapels, churches, congregations, temples, mosques, shrines and similar structures.

Section 3. Subsections A. and B., and the opening paragraph in Subsection C., in Section 166-115., *Multiple principal buildings on the same lot; multiple principal uses within the same building*, in Article XIX, *General Provisions*, are hereby amended to read as follows:

- A. No building to be used as a dwelling shall be constructed, altered or moved to the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a dwelling situated on the same lot, except as regulated for single-family attached and multifamily housing developments, and for permitted residential uses accessory to institutional uses, where permitted by this chapter.
- B. In all R-40, R-25, R-15, R-10, B, B-1 and I-B Zones, no lot may contain more than one principal building, except as may be specifically provided otherwise by this chapter.
- C. More than one principal building is permitted on a lot in each of the zones as follows, except as may be specifically provided otherwise by this chapter:

Section 4. Section 166-138.4., *Municipal uses, institutional uses and nonresidential social assistance establishments*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

§ 166-138.4. Municipal uses, institutional uses and nonresidential social assistance establishments.

Notwithstanding any other provisions of this chapter, municipal buildings used for public purposes are permitted principal uses in any of the zone districts, except as may be otherwise prohibited by the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983. The Planning Board review of municipal buildings shall be guided, on an informal basis, by the standards in the PU Zone District for such uses and by the provisions for review of capital projects in N.J.S.A. 40:55D-26a.

Institutional uses and nonresidential social assistance establishments, as defined in §166-4A., are permitted in the zone districts indicated below and shall be subject to the following regulations, in addition to all other applicable regulations of this Chapter; in the case of conflict between the following regulations and other regulations of this Chapter, the following shall supersede such other regulations:

- A. Where permitted.
 - (1) Houses of worship, libraries and schools shall be permitted in the R-40, R-25, R-15, R-10 Zone Districts, the OB-RL, OB-DS, OB-RL3 Zone Districts, the I, I-2, I-4, I-5, I-P, I-P2, I-R zone districts and in the PU Zone District.
 - (2) State-licensed hospitals and nonresidential social assistance establishments shall be permitted in the OB-RL, OB-DS, OB-RL3 Zone Districts, the I, I-2, I-4, I-5, I-P, I-P2, I-R zone districts and in the PU Zone District.
- B. Number of principal uses and buildings. The provisions of § 166-115A. through D. shall not apply to institutional uses. Institutional uses shall be permitted to be developed with more than one principal building on a lot, to contain more than one institutional use in a principal building, and, when located in a residential zone, to contain a dwelling unit that is accessory to the institutional use on the same lot as other buildings. If more than one principal building is constructed on a lot, such buildings shall be separated by a distance not less than 1/2 of the height of the taller building or 20 feet, whichever is greater.
- C. Permitted accessory uses and buildings. Accessory uses and buildings, as defined in § 166-4A., shall be permitted in addition to principal uses and buildings, provided that for-profit uses or activities shall be presumed to be a prohibited accessory to a non-profit institutional use. Nonresidential accessory buildings shall be subject to the provisions of § 166-114C. A residence or residences for the staff of institutional uses, such as but not limited to parsonages, rectories, convents, manses and

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vicarages, used solely or primarily as housing, shall be permitted on the same lot or on lots separate from the institutional use, subject to the following:

- (1) When such a residence is located on a separate lot from the institutional use, it shall not be considered an institutional use, but shall be considered a residential use and subject to all of the provisions applicable to residences in the zone district within which it is located.
- (2) When such a residence is located on the same lot as the institutional use, and it is located within a separate building and its yard areas, its accessory uses and its accessory structures are generally distinct and separate from the institutional use, then it shall not be considered a institutional use, but shall be subject to all of the provisions applicable to residences in the zone district within which it is located, with that portion of the lot devoted to the residence considered its "lot" for purposes of complying with such requirements. Furthermore, the residential portion shall be excluded from the lot for the institutional use for purposes of complying with the requirements for the institutional use.
- (3) When such a residence is located within the same building as the institutional use, or is located in a separate building but its yard areas, its accessory uses and its accessory structures are not distinct and separate from the institutional use, such residence shall be considered part of the institutional use and shall be subject to all of the requirements applicable to the institutional use.

D. Number of parking spaces. The minimum number of off-street parking spaces for institutional uses shall be as follows:

- (1) Houses of worship:
 - (a) Sanctuary/worship areas and associated areas: one parking space for every four seats or 100 square feet of gross floor area, whichever is greater, at maximum capacity.
 - (b) Dining/meeting hall/rooms and associated areas: one parking space for every two seats or 65 feet of gross floor area, whichever is greater, at maximum capacity.
 - (c) Other areas: one parking space for every 250 square feet of floor area.
 - (d) The foregoing requirements for multiple areas shall only apply to areas which are in use at the same time.
- (2) Elementary and middle/junior high schools: one parking space for every three students or 1.2 spaces per employee, whichever is greater, at maximum capacity.
- (3) High schools: one parking space for every four students at maximum capacity.
- (4) Other schools: 1.1 parking spaces for each student or 1.5 parking spaces for each employee, whichever is greater, at maximum capacity.
- (5) State-licensed hospitals: five parking spaces per bed or one parking space for each employee on the maximum shift, whichever is greater.
- (6) Libraries: one parking space for every 400 square feet of gross floor area.

E. Development standards in nonresidential zones. Where permitted in the nonresidential zones, institutional uses and nonresidential social assistance establishments shall comply with the development standards for nonresidential uses in the zone within which they are located; provided, however that the minimum lot area for institutional uses shall not be less than required for other nonresidential uses in the zone, or less than three acres for libraries, five acres for houses of worship and schools, and ten acres for hospitals, whichever is more restrictive.

- F. Development standards in residential zones. Where permitted in the residential zones, institutional uses shall comply with the following requirements:
- (1) Minimum lot area: five acres of net developable area, which shall be defined as the gross lot area minus wetlands, wetland transition areas and any other areas within which development is prohibited, In the case of multiple lots used for the same institutional use, the net developable area of all such properties located within 200 feet of the lot or lots containing the principal building(s) shall be used for determining compliance with this requirement.
 - (2) Minimum front yard: 50 feet, or as required for residential development in the zone, whichever is greater.
 - (3) Minimum side and rear yard: 75 feet, unless the yard abuts property in a nonresidential zone, in which case a minimum yard depth of 40 feet shall be required.
 - (4) Maximum building height: 45 feet, excluding those features identified in the definition of "height of building or structure" in § 166-4A.
 - (5) Maximum building coverage: 25% of the lot area.
 - (6) Maximum improvement coverage: 60% of the lot area.
 - (7) Parking, loading and driveways.
 - (a) Parking and loading areas shall be located at least 50 feet from the front lot line(s).
 - (b) Parking and loading areas and driveways shall be located at least 25 feet from all side and rear lot lines; provided, however, that in those locations where the side or rear lot lines abut property in a nonresidential zone, then parking and loading areas and driveways shall be located at least 10 feet from the side and rear lot lines.
 - (c) As a limitation on the intensity of use, institutional uses shall be limited to uses and configurations that do not require more than 300 off-street parking spaces pursuant to the standards of this Chapter,
 - (8) Buffer requirements. Institutional uses located in residential zone districts shall provide a planted buffer along any side or rear property line, or portion thereof, that abuts property in a residential zone district. The minimum depth of planting in the buffer shall be 20 feet, measured perpendicular to the lot line. The other standards for such buffer shall be the same as apply to multifamily residential zone districts that abut single-family residential zone districts in § 166-125. The Board may also require the installation of a fence as part of the buffer, with such fence designed to mitigate views and the impacts from headlights and noise from the institutional use property, as determined as part of any required site plan review.

Section 5. Subsections F., I. and J. in Section 166-141., *Regulations applicable in all zones*, in Article XX, *Signs*, are hereby amended to read as follows:

- F. Temporary on-site signs used as an accessory to new construction or alteration on the premises, identifying the project and/or the contractor, are permitted in all zones. Such signs shall only be erected after all required approvals and permits for such development have been obtained, such sign has been approved by the Zoning Officer and all applicable fees for such sign have been paid. Such signs shall be registered with and the fee paid to the Construction Official. The following provisions shall apply:
- (1) In nonresidential zones, said temporary signs shall not be larger than 12 square feet and must be removed prior to the issuance of a certificate of occupancy for said construction, or within seven days of the completion of construction if no certificate of occupancy is required. One sign shall be permitted to identify the project and one sign shall be permitted to identify the

general and/or subcontractors for the project, but no more than two temporary construction signs shall be permitted for any site.

- (2) In residential zones, the area of said signs shall not exceed six square feet and the height of said signs shall not exceed four feet. Only one temporary construction sign shall be permitted for any site. Such signs may only be displayed during the period of construction and in no event for more than 30 days from the date the sign was first displayed. The period of construction shall be construed to begin with the issuance of all approvals for such construction and end with the issuance of a certificate of occupancy or other final approval of the as-built construction or, in the case of improvements that are not subject to as-built inspection or approval, with the completion of the improvements.
 - (3) Temporary construction signs shall not be located closer than 10 feet to the property line.
- I. Signs for institutional uses are permitted on the same lot as the institutional use to which the sign is accessory. Such signs shall be subject to the following requirements:
- (1) One freestanding sign and one sign affixed to each principal or accessory building shall be permitted.
 - (2) The maximum area of any sign shall be 30 square feet.
 - (3) Freestanding signs shall be located at least 20 feet from any property line in the residential zones, and as required for other principal signs in the nonresidential zones, and shall be located so as to not interfere with safe sight distance at intersections of roadways and driveways.
 - (4) Freestanding signs shall not exceed a height of 10 feet.
 - (5) In addition to permitted permanent signs, a temporary non-illuminated sign may be displayed not more than twice a year for periods not to exceed 30 days each, provided that such temporary signs are registered with the Building Inspector. Such signs shall not exceed an area of 12 square feet and shall be located at least 10 feet from any property line.
- J. Real estate signs as permitted in Subsection G. above shall be located in the rear half of the front yard or the rear half of the minimum required front yard setback, whichever results in a lesser setback.

Section 6. Subsection D. in Section 166-154., *Requirements for residential zones*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

- D. Nonresidential uses hereinafter permitted in the residential zones shall provide for one-hundred-percent off-street parking at all times and shall be not less than a ratio of one usable off-street parking space, exclusive of any access drives or aisles within the parking area, for every 250 square feet of floor area or any fraction thereof, unless specifically provided otherwise by this chapter. Notwithstanding the above, the floor area of nonresidential uses excluded from required parking calculations in § 166-155. shall also apply to nonresidential uses permitted in the residential zones.

Section 7. Section 166-180.4., *Purpose and intent*, in Article XXIXB, *RM-2 Residence District*, is hereby amended to read as follows:

§ 166-180.4. Purpose and intent.

The purpose and intent of the RM-2 Zone District is to encourage limited multifamily and single-family residential development, limited office and/or child care center use, and the preservation of open space through appropriate standards. The standards are designed to encourage multifamily residential development in a manner that concentrates such development within a limited area and results in the preservation of open space in the adjacent PU Zone District. In order to encourage the development of affordable housing, an option for mixed-use development with more flexible standards is

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also provided. Single-family residential development is permitted as an alternative to multifamily development when the standards for multifamily development cannot be complied with. Office and child care center use is also permitted on a limited scale, provided certain standards are complied with.

Section 8. 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 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the July 14th, 2016 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 Daily Record in accordance with the law.

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

So Introduced.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 109-2016

A RESOLUTION PROVIDING FOR THE ADVANCEMENT IN GRADE AND COMPENSATION FOR PATROLMEN ERIC PRACH AND EDWARD ZAKRZEWSKI IN THE POLICE DEPARTMENT HAVING RECEIVED SATISFACTORY JOB PERFORMANCE EVALUATIONS

WHEREAS, in accordance with the Police Department’s Job Performance Evaluation System, the employee named below has received satisfactory job performance evaluations from the Chief of Police, and subject to Township policy, is entitled to advance in grade and compensation based on their anniversary date as described below; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover in the County of Morris that the individuals named below, in accordance with the current Collective Negotiations Agreement with the Policeman’s Benevolent Association, PBA Local No. 128 and Salary Ordinance No. 21-14 shall be advanced in grade and compensation on his anniversary date as follows:

POLICE:

Patrolman Eric Prach Schedule A (PBA) – Step 3	\$75,308.00 per annum Effective Date: 07/01/16
Patrolman Edward Zakrzewski Schedule A (PBA) – Step 2	\$68,633.00 per annum Effective Date: 07/01/16

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

RESOLUTION NO. 110-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING AND EXTENDING THE PART-TIME EMPLOYMENT OF J.

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WILLIAM BYRNE TO SERVE AS A MANAGEMENT ANALYST ASSIGNED TO THE ENGINEERING DEPARTMENT AND ESTABLISHING HIS COMPENSATION AT \$15,000.00 FOR THE PERIOD BEGINNING MAY 15, 2016 THROUGH DECEMBER 31, 2016

WHEREAS, the Township's Engineering Department is an integral component of the Township's organization specifically related to infrastructure improvements such as the resurfacing and reconstruction of roadways, storm drainage, parks and recreational facilities and the maintenance of Township public buildings to mention a few responsibilities; and

WHEREAS, the Township Engineer and Assistant Township Engineer are responsible for the management and implementation of a significant number of projects that have been authorized and approved by the Township Committee; and

WHEREAS, the planning and initiation of projects requires an assessment of how the Engineering Department can best utilize its resources in coordinating scheduled target dates with minimal delays and utilizing its personnel in such a way to maximize productivity and operational efficiencies; and

WHEREAS, by resolution dated August 13, 2015, the Township Committee authorized the appointment of **J. William Byrne**, a retired corporate sector manager with extensive experience in management and human resources to serve as a part-time Management Analyst assigned to the Engineering Department for the purpose of assessing the needs of the Engineering Department, assisting the Department with the coordination of projects and making recommendations concerning the Department's current and future management needs; and

WHEREAS, under the guidance of **Mr. Byrne**, the Engineering Department has made significant strides in utilizing its resources by coordinating projects with minimal delays and maximizing the productivity of its personnel with the ultimate objective of improving operational efficiencies; and

WHEREAS, as the Engineering Department continues to improve in the delivery of services, it is the intention of the Township Committee to extend the employment of **J. William Byrne** as the Management Analyst assigned to the Engineering Department for the period commencing May 15, 2016 and ending December 31, 2016.

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 employment of **J. William Byrne**, residing at 7 Vincent Terrace in the Whippany Section of the Township as the part-time Management Analyst assigned to the Engineering Department is hereby extended for the period commencing May 15, 2016 and ending on December 31, 2016.
2. **Mr. Byrne** shall receive a salary of \$15,000.00 and be compensated on the 15th and 30th or 31st of each month with a total of eighteen (18) payments. He shall work an average of fifteen (15) to twenty (20) hours per week.
3. This appointment shall take effect immediately upon the approval of this resolution.
4. Pursuant to Township Policy, **Mr. Byrne** shall not be eligible to receive any paid vacations, holiday pay, sick leave and health and dental benefits.
5. That certified copies of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and **Mr. Byrne** for reference and information purposes.

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RESOLUTION NO. 111-2016

**A RESOLUTION AUTHORIZING RENEWAL OF PLENARY RETAIL CONSUMPTION,
PLENARY RETAIL DISTRIBUTION AND CLUB LICENSES
FOR THE PERIOD COMMENCING JULY 1, 2016 THROUGH JUNE 30, 2017**

WHEREAS, the New Jersey Division of Alcoholic Beverage Control has implemented a new paperless electronic liquor license renewal system known as POSSE ABC beginning with the 2015-2016 license term; and

WHEREAS, pursuant to the new guidelines established by the Division of Alcoholic Beverage Control, the following named licensees have submitted their renewal applications for the 2016-2017 license term through POSSE and paid the applicable fees to the Division of Alcoholic Beverage Control and the Township of Hanover; and

WHEREAS, the Tax Clearance Certificate for renewal purposes has been received from the New Jersey Division of Taxation for the licensees referenced below and are on file in the office of the Business Administrator/Township Clerk; and

WHEREAS, in accordance with the Township's renewal process, no municipal department or agency has filed an objection concerning the renewal of the licenses; and

WHEREAS, the Township Committee desires to approve the renewal of the licenses set forth below for the 2016-2017 license term.

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 the renewal of the following Plenary Retail Consumption Licenses, Plenary Retail Distribution Licenses and Club Licenses as follows. All of the licensees set forth below have paid the required renewal fees to the Division of Alcoholic Beverage Control and the Township of Hanover:

<u>NAME & ADDRESS</u>	<u>LICENSE TYPE & NO.</u>	<u>MUNICIPAL FEE</u>
F/O Robert C. Gulick Post 5351 VFW of U.S. 750 Route 10 West Whippany, N.J. 07981	CLUB 1412-31-024-001	\$ 153.00
K.L. Marcheale, LLC t/a The Melting Pot 831 Route 10 Store Nos. 3,4 & 5 Whippany, N.J. 07981	PLENARY RETAIL CONSUMPTION 1412-33-002-011	\$2,000.00
Scallopini of Whippany, LLC 831 Route 10 - Store Nos. 6-8 Whippany, N.J. 07981	PLENARY RETAIL CONSUMPTION 1412-33-005-009	\$2,000.00
ACNTP, LLC t/a Toscano Trattoria 554 Route 10 Whippany, N.J. 07981	PLENARY RETAIL CONSUMPTION 1412-33-015-008	\$2,000.00
Restonna, LLC c/o Jane Oster 429 Sylvan Ave. Englewood Cliffs, N.J. 07632	PLENARY RETAIL CONSUMPTION 1412-33-019-006 (Inactive)	\$2,000.00
Casa Blanca, Inc. t/a El Rey Del Mundo 301 Route 10 East Whippany, N.J. 07981	PLENARY RETAIL CONSUMPTION 1412-33-020-007	\$2,000.00

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<u>NAME & ADDRESS</u>	<u>LICENSE TYPE & NO.</u>	<u>MUNICIPAL FEE</u>
Hanover Acquisition Liquors, LLC c/o David & Marc Schlusel 153 Fort Lee Road Teaneck, New Jersey 07666	PLENARY RETAIL CONSUMPTION 1412-33-021-003 (Inactive)	\$2,000.00
Stitchy, Inc. t/a Zagursky's Bar & Grill 43 Mt. Pleasant Avenue Whippany, N.J. 07981	PLENARY RETAIL CONSUMPTION 1412-33-022-004	\$2,000.00
Village Super Market of NJ, LP t/a The Village Liquor Store 178 East Hanover Avenue Cedar Knolls, NJ 07927	PLENARY RETAIL DISTRIBUTION 1412-44-009-008	\$1,658.00
Dublin Pub of Whippany, Inc. t/a Molly Malone's 352 Route 10 & Troy Hills Rd. Whippany, N.J. 07981	PLENARY RETAIL CONSUMPTION 1412-33-003-002	\$2,000.00
170EHLL, LLC c/o William Blanchard 1120 Bloomfield Avenue P.O. Box 1289 Springfield, New Jersey 07081	PLENARY RETAIL CONSUMPTION 1412-33-025-008 (Inactive)	\$2,000.00

2. Certified copies of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control and the Hanover Township Police Department for reference and information purposes.

RESOLUTION NO. 112-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO THOMAS BADENOCH, A PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF NEW JERSEY AND THE FIRM OF THE RBA GROUP, INC. IN THE PERFORMANCE OF LAND SURVEYING SERVICES BASED ON THE FIRM'S HOURLY RATE SCHEDULE, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i) AND THE PAY TO PLAY PROVISIONS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, a need exists to retain the services of a professional land surveyor licensed by the State of New Jersey for the purpose of reviewing survey documents submitted to the Township as they relate to applications for development pending before the Planning Board and Zoning Board of Adjustment; and

WHEREAS, at the request of the Township's Planning Board Secretary, **Thomas Badenoch**, a Professional Land Surveyor and Senior Associate at **The RBA Group** submitted a proposal and quotation dated June 3, 2016 to the Township's Business Administrator/Township Clerk; and

WHEREAS, the Business Administrator/Township Clerk, acting within his authority as the Township's Qualified Purchasing Agent, has carefully examined the written proposal and quotation and determined that **Mr. Badenoch** and the Firm's staff have demonstrated knowledge, experience and expertise to perform land surveying services in accordance with the Township's requirements; and

WHEREAS, the Township Engineer and Planning Board Secretary concur with the recommendation of the Business Administrator/Township Clerk in retaining **Mr. Badenoch** and the Firm of **The RBA Group**; and

WHEREAS, in accordance with Article VII, Section 166-48.B. and C. under Chapter 166 of the Code of the Township entitled Land Use and Development

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Legislation, **Mr. Badenoch** and the Firm of **The RBA Group** shall receive payment for the performance of land surveying services from the respective individual escrow accounts established for applicants; and

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

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 Township Engineer and Planning Board Secretary, the governing body hereby awards a professional services contract to **Thomas Badenoch**, a land surveyor licensed by the State of New Jersey, and the Firm of **The RBA Group, Inc.** with offices located at 7 Campus Drive, Suite 300 in Parsippany, New Jersey for the review of land survey documents submitted to the Township by applicants to the Planning Board and Zoning Board of Adjustment.
2. **Mr. Badenoch** and members of the Firm shall be compensated based on **The RBA Group’s** Schedule of Hourly Rates as set forth in **Mr. Badenoch’s** proposal and quotation which is attached hereto and made a part of this resolution as if set forth in full.
3. The term of the contract shall commence on July 1, 2016 and expire on June 30, 2017.
4. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement by and between the Township and **Thomas Badenoch**.
5. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq.
6. Notice of this action shall be published in the June 15, 2016 issue of the Daily Record.
7. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township’s Chief Municipal Finance Officer and **Mr. Badenoch** for reference and information purposes.

RESOLUTION NO. 113-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE BUSINESS ADMINISTRATOR TO ISSUE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED \$25,100.00 TO THE FIRM OF ARTERIAL FOR THE PURPOSE OF PERFORMING CONSTRUCTION LIAISON AND MAP DESIGN SERVICES RELATED TO THE INSTALLATION OF SIGNAGE ALONG THE PHASE 1A OF THE TOWNSHIP’S TRAIL SYSTEM

WHEREAS, in accordance with the Township’s Pedestrian and Bicycle Connectivity Framework Plan, the Township Committee authorized the award of a contract during its May 26, 2016 regular meeting for the installation of a shared use bicycle and pedestrian path along portions of Cedar Knolls and South Jefferson Road as Phase 1A of the Township’s Trail System Project; and

WHEREAS, by resolution dated August 13, 2015, the governing body authorized the award of a contract for the furnishing and delivery of signs to be erected along the Phase 1A Trail Project; and

WHEREAS, since the inception of the Township’s plan to develop a unified trail system, the Township has retained the services of David Lustberg, L.L.A., a

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landscape architect licensed by the State of New Jersey and the Firm of **Arterial** for the purpose of preparing design plans and bid documents for the Phase 1A Trail System Project; and

WHEREAS, with the soon to commence installation of the shared use Bicycle and Pedestrian Path, the Township Engineer requested Mr. Lustberg to submit a proposal for construction liaison and map design services to assist the Township with the observation and inspection of construction and to develop a map for use along the Trail System; and

WHEREAS, Mr. Lustberg submitted a proposal and quotation to the Township Engineer on or about April 21, 2016, a copy of which is attached hereto and made a part of this resolution as if set forth in full; and

WHEREAS, during the May 26, 2016 Conference Work Session, the Township Engineer reviewed the proposal with the governing body and recommended that Mr. Lustberg and **Arterial, LLC** be retained to serve as the Township's representative in performing the scope of services outlined in the proposal and quotation in order to provide supplemental on-site inspection and map design services to the Engineering Department; and

WHEREAS, in accordance with the Township Engineer's recommendation, it is the intention of the Township Committee to authorized the Business Administrator/Township Clerk to issue a Purchase Order in the amount not to exceed \$25,100.00 for the purpose of retaining Mr. Lustberg and the Firm of **Arterial, LLC** for the purpose of performing construction liaison and map design services.

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 April 21, 2016 written proposal and quotation submitted by **David Lustberg, L.L.A.**, a Landscape Architect licensed by the State of New Jersey, the governing body hereby authorizes **Mr. Lustberg** and the Firm of **Arterial, LLC** located at 105 Grove Street, Suite 7, in Montclair, New Jersey 07042 to perform the construction liaison services and map design services.
2. The Business Administrator/Township Clerk is hereby authorized and directed to issue a Purchase Order to **Arterial, LLC** in an amount not to exceed \$25,100.00 for the following scope of services:

Task 1: Construction Liaison Services.....	\$10,250.00
Task 2: Map Design Services.....	<u>14,850.00</u>
TOTAL.....	\$25,100.00

The April 21, 2016 proposal and quotation is attached hereto and made a part of this resolution as if set forth in full.

3. **Arterial** shall file the required Pay-to-Play Contribution Disclosure Forms and Certifications as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5 and 19:44A-20.26 et seq.
4. This appointment is awarded without competitive bidding as a "Professional Service" under the provision 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 a landscape architect, 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 law within ten (10) days of its passage.

RESOLUTION NO. 114-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A

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LIMITED SITE IMPROVEMENT CONSTRUCTION AND GRADING AGREEMENT BY AND BETWEEN HANOVER RIDGEDALE, LLC AND THE TOWNSHIP CONCERNING THE INTERIM GRADING, UTILITY AND SOIL EROSION ACTIVITIES FOR PROPERTY LOCATED AT HANOVER AND RIDGEDALE AVENUES IN CEDAR KNOLLS AND DESIGNATED AS LOT 12.01 IN BLOCK 1702 AND LOT 8 IN BLOCK 1701, 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 March 8, 2016, granted preliminary and final site plan and preliminary and final major sub-division including variances and exception approvals to **Hanover Ridgedale, LLC** as Developer, for the construction of a QuickChek convenience store/gasoline station, AutoZone auto parts retail store, main retail building with three (3) retail areas and two (2) restaurant/commercial buildings (Pads 1 and 2), off-street parking areas and driveways, stormwater management facilities, associated utilities, landscaping, and other related site improvements on property located on at Hanover and Ridgedale Avenues in the Cedar Knolls Section of the Township and designated as Lots 12.1, in Block 1702 and Lot 8 in Block 17.01 as set forth on the Tax Map of the Township of Hanover in the I-B3 Zone District; and

WHEREAS, the Township and the Developer have agreed to execute a Limited Site Improvement Construction and Grading Agreement that will permit the Developer to perform certain site work as described in Schedule "A" of the Limited Site Improvement Construction and Grading Agreement; and

WHEREAS, pursuant to the terms of the Limited Site Improvement Construction and Grading Agreement, the Developer will perform excavation and grading of the property, install PVC and HDEP pipe, sanitary sewer inlets and manholes, and clear and grade the property; and

WHEREAS, prior to the commencement of the proposed construction of the retail buildings and related site improvements, the Developer shall execute a separate Developer's Agreement; 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 limited Site Improvement Construction and Grading Agreement by and between the Township of Hanover and **Hanover Ridgedale, LLC**, the Developer, regarding certain aspects of site work which include the excavation and grading of the property, installation of PVC and HDPE piping, sanitary sewer manholes and clearing and grading of the property located at Hanover and Ridgedale Avenues in the Cedar Knolls Section of the Township and also designated as Lot 12.01 in Block 1702 and Lot 8 in Block 1701 as set forth on the Tax Map of the Township of Hanover. However, the Mayor and Township Clerk shall not execute the Limited Site Improvement Construction and Grading 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."

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A. The Developer shall be responsible in submitting a total performance guarantee of \$1,457,052.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$146,705.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 3(a) of the Limited Site Improvement Construction and Grading Agreement. And, submission to the Township Clerk of a Performance Bond or an Irrevocable Standby Letter of Credit in the amount of \$1,311,347.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the limited Site Improvement Construction and Grading Agreement, and all in accordance with paragraph 3(a) of said Agreement.

B. In accordance with paragraph 3(b) of the Limited Site Improvement Construction and Grading Agreement, and the Township Engineer's Schedule "A", the Developer shall pay the sum of \$65,000.00 to cover the cost of Township Engineering review, inspection and supervision services of all improvements. However, in accordance with N.J.S.A. 40:55D-53.h, the Developer has the option to pay the \$65,000.00 in four (4) installments. The first installment would be \$16,250.00. When the balance on deposit drops to 10% of the required amount, the Developer shall make an additional installment deposit.

C. The Developer shall also deposit the sum of \$65,000.00 to cover the cost of the Hanover Sewerage Authority's inspection of the sanitary sewer facilities and improvements required for this project subject to the provisions of N.J.S.A. 40:14A-40. Fees for the Township's engineering inspection and supervision services and the Hanover Sewerage Authority's inspection services will be deposited in separate accounts.

D. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 10 of the Limited Site Improvement Construction and Grading Agreement.

E. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Limited Site Improvement Construction and Grading Agreement and Schedule "A".

F. The Limited Site Improvement Construction and Grading 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.

2. 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 **Hanover Ridgedale, LLC** for reference and action purposes.

RESOLUTION NO. 115-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REJECTING THE COMPETITIVE BIDS OF ALL STATE TECHNOLOGY, INC., RJR ENGINEERING COMPANY, INC. AND RAY PALMER ASSOCIATES, INC. REGARDING THE MISCELLANEOUS IMPROVEMENTS AND REPAIRS TO THE WADING POOL AND MAIN BEE MEADOW SWIMMING POOL IN THAT THE THREE (3) BIDS RECEIVED AND OPENED SIGNIFICANTLY EXCEEDED THE APPROPRIATION APPROVED BY THE GOVERNING BODY

WHEREAS, in accordance with N.J.S.A. 40A:11-4. of the Local Public Contracts Law, the Township of Hanover advertised for the receipt of sealed competitive bids concerning miscellaneous improvements and repairs to the wading pool and main Bee Meadow Swimming Pool located at Bee Meadow Park; and

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WHEREAS, notice of the Township's intention to receive sealed competitive bids appeared in the May 11, 2016 issues of the Daily Record and The Star-Ledger; and

WHEREAS, acting in conformity with the Local Public Contracts Law, the Township's Bid Reception Committee met on June 1, 2016 to receive and open three (3) sealed competitive bids; and

WHEREAS, the three (3) competitive bids received out of three (3) prospective bidders were as follows:

All State Technology, Inc. 10 Lark Lane Oak Ridge, New Jersey 07438.....	\$89,600.00
RJR Engineering Company, Inc. 105 Guinea Hollow Road Califon, New Jersey 07830.....	\$82,700.00
Ray Palmer Associates, Inc. 95 King Street Dover, New Jersey 07801.....	\$67,600.00; and

WHEREAS, the Township Engineer has reviewed the three (3) bid packages; and

WHEREAS, the Township Committee adopted Ordinance No. 12-16 on March 24, 2016 authorizing miscellaneous improvements and repairs to the wading pool and main swimming pool at Bee Meadow Park and further appropriating the sum of \$50,000.00 from the 2016 Capital Account of the Swimming Pool Enterprise Fund and all prior years for the financing of the project; and

WHEREAS, in a letter dated June 7, 2016 to the Mayor and Township Committee, the Township Engineer recommended that because of budgetary constraints, the miscellaneous improvements and repairs pool project should be reevaluated and the project re-bid; and

WHEREAS, because the three (3) bids received and opened by the Township's Bid Committee significantly exceed the appropriation adopted under Ordinance No. 12-16, the Township Committee finds and determines that it is in the best interest of the Township to reject the three (3) competitive bids.

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 N.J.S.A. 40A:11-24. of the Local Public Contracts Law, the competitive bids of All State Technology, Inc., RJR Engineering Company, Inc. and Ray Palmer Associates, Inc. are hereby rejected on the basis that all three (3) bids far exceed the appropriation authorized by Ordinance No. 12-16 as it pertains to the "Miscellaneous Improvements and Repairs to the Wading Pool and Main Swimming Pool Project".
2. Because of funding limitations, the Township Engineer is authorized and directed to re-advertise the Notice to Bidders to undertake miscellaneous improvements and repairs to only the Bee Meadow Wading Swimming Pool.
3. That certified copies of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and the three (3) contractors who submitted bids on June 1, 2016.

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RESOLUTION NO. 116-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO DSL CONTRACTING, INC. FOR THE RESURFACING OF THE ENTIRE LENGTH OF HENDRICKS DRIVE IN CEDAR KNOLLS AND DECREASING THE TOTAL DOLLAR AMOUNT OF THE CONTRACT FROM \$143,234.00 TO \$122,255.65 OR AN \$20,978.35 REDUCTION WHICH REPRESENTS AN 14.65% DECREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover entered into a contract with **DSL Contracting, Inc.** for the resurfacing of the entire length of Hendricks Drive in the Cedar Knolls Section of Hanover Township; and

WHEREAS, the amount of the competitively bid contract was a unit price bid totaling \$143,234.00; and

WHEREAS, the Township Engineer submitted Change Order No. 1 (Final), dated June 9, 2016, which Change Order provides a description of reduced quantity adjustments for hot mix asphalt, granite block curb and concrete vertical curb and sidewalk and other quantity adjustments; and

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

WHEREAS, the Township Engineer has now determined that the reduced quantities for items needed in the resurfacing of the entire length of Hendricks Drive shall decrease the total contract amount from \$143,234.00 to \$122,255.65 or an 14.65% decrease in the total dollar amount of the adjusted contract.

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 approves the recommendation of the Township Engineer that Change Order No. 1 (Final), in the amount of \$20,978.35 be accepted.
2. That the final total adjusted contract amount with **DSL Contracting, Inc.** be fixed at \$122,255.65.
3. The Business Administrator/Township Clerk is hereby authorized to execute the final Change Order, Change Order No. 1.
4. A certified copy of this resolution be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **DSL Contracting, Inc.**

RESOLUTION NO. 117-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO DSL CONTRACTING, INC. FOR THE RESURFACING OF THE ENTIRE LENGTH OF HAMILTON COURT IN WHIPPANY AND DECREASING THE TOTAL DOLLAR AMOUNT OF THE CONTRACT FROM \$158,536.00 TO \$136,239.12 OR AN \$22,296.88 REDUCTION WHICH REPRESENTS AN 14.06% DECREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover entered into a contract with **DSL Contracting, Inc.** for the resurfacing of the entire length of Hamilton Court in the Whippany Section of Hanover Township; and

WHEREAS, the amount of the competitively bid contract was a unit price bid totaling \$158,536.00; and

WHEREAS, the Township Engineer submitted Change Order No. 1 (Final), dated June 9, 2016, which Change Order provides a description of reduced quantity

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adjustments for hot mix asphalt surface course 2" thick, granite block curb and resetting existing sanitary manhole rims and covers and other quantity adjustments; and

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

WHEREAS, the Township Engineer has now determined that the reduced quantities for items needed in the resurfacing of the entire length of Hamilton Court shall decrease the total contract amount from \$158,536.00 to \$136,239.12 or an 14.06% decrease in the total dollar amount of the adjusted contract.

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 approves the recommendation of the Township Engineer that Change Order No. 1(Final), in the amount of \$22,296.88 be accepted.
2. That the final total adjusted contract amount with **DSL Contracting, Inc.** be fixed at \$136,239.12.
3. The Business Administrator/Township Clerk is hereby authorized to execute the final Change Order, Change Order No. 1.
4. A certified copy of this resolution be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **DSL Contracting, Inc.**

RESOLUTION NO. 118-2016

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

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

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

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 which item is now available as a revenue from:

State of New Jersey, Alcohol Education	
Alcohol Education - Rehabilitation and Enforcement	
Grant (P.L. 83, c. 53l)	\$2,900.71

Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$2,900.71 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	
Alcohol Education, Rehabilitation and Enforcement :OE	\$2,900.71

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

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RESOLUTION NO. 119-2016

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

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

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL. #</u>	<u>NAME</u>	<u>AMOUNT</u>
404	8		Gihan Elmissiri 3 Maple Street Morris Plains, NJ 07950	\$1,338.68
3704	29		Kelly Kaminski 7 Llewellyn Ct Whippany, NJ 07981	\$302.82
4301	2	C2001	Brian & Mary Healey c/o Law Office of Martin D Eagan, LLC 52 Maple Avenue Morristown, NJ 07960 RE: 2001 Vermont Terr	\$1397.41
4502	3		Michael & Catherine Passiatore 37 Ertman Drive Whippany, NJ 07981	\$1,584.95
8501	18		Roman & Halyna Brukh 13 Lionel Place Whippany, NJ 07981	\$1,479.54

RESOLUTION NO. 120-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO DELLA PELLO PAVING, INC., THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$508,681.50 FOR THE RESURFACING OF A PORTION OF RIDGEDALE AVENUE FROM MALAPARDIS ROAD TO CEDAR KNOLLS ROAD IN CEDAR KNOLLS, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY

WHEREAS, it is the intention of the Township of Hanover to resurface a portion of Ridgedale Avenue from Malapardis Road to Cedar Knolls Road in the Cedar Knolls Section of the Township; and

WHEREAS, due to its deteriorating condition, and in order to ensure the safety of motorists and pedestrians traveling the road, it is the desire of the Township Committee to resurface a portion of Ridgedale Avenue as described above; and

WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on May 2, 2016 for the above referenced resurfacing project; and

WHEREAS, the resurfacing project will include but not be limited to a hot mix asphalt milling 3" thick, hot mix asphalt surface course 3" thick, concrete vertical curb, concrete sidewalk 4" thick and additional improvements as set forth in the Township's Specification and Supplementary Specification; and

WHEREAS, on May 24, 2016, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of thirteen (13) sealed competitive bids out of fifteen (15) prospective bidders; and

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WHEREAS, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this resurfacing project and has disqualified the lowest bidder, **Konkus Corporation**, because it did not comply with the substantive and procedural requirements in bid advertisements and specifications by failing to “Name three (3) related projects each involving a sum of approximately: \$500,000.00 which your firm as completed, giving the names of the owners and engineers in charge, to whom we may refer”; and

WHEREAS, the Township Engineer has determined that the second-lowest competitive bid submitted by **Della Pello Paving, Inc.** for the resurfacing of a portion of Ridgedale Avenue is in total conformance with the Township’s Specification and Supplementary Specification and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

WHEREAS, sufficient funds have been appropriated and are available for the resurfacing project through Capital Improvement Ordinance No. 16-2016, Line Item #410-5639-499, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. A contract is hereby awarded to:

DELLA PELLO PAVING, INC.
40 Milltown Road
Union, New Jersey 07083

for the resurfacing of a portion of Ridgedale Avenue from Malapardis Road to Cedar Knolls Road in the Cedar Knolls Section of the Township, all in accordance with the Specification and Supplementary Specification which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$508,681.50.

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

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Capital Improvement Ordinance No. 16-2016, Line Item No. #410-5639-499 in the amount of \$508,681.50 for the resurfacing project set forth in this resolution.

4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Dello Pello Paving, Inc.** in an amount not to exceed \$508,681.50.

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

Motion to approve resolutions as a consent agenda made by Member Coppola and seconded by Member Gallagher and unanimously passed.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$5,185,801.33** 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.

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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.

RAFFLES:

- RL-2925 – Villa Walsh Academy Home Assoc. – off premise raffle**
- RL-2926 – Assumption School Home School Assoc. – on premise raffle**
- RL-2927 – Assumption School Home School Assoc. – on premise 50/50**
- RL-2928 – Assumption School Home School Assoc. – on premise raffle**
- RL-2929 – Assumption School Home School Assoc. – off premise raffle**

Motion made by Mayor Francioli and seconded by Member Gallagher and unanimously passed,

OPEN TO THE PUBLIC

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

Peter Gethins, 54 Woodland Avenue, Whippany: I’m back again with the noise problem with the Ukrainian Church and I’m just wondering where you guys are at with your position on what you promised me you were going to take care of this problem.

Mayor: We have taken care of the problem regarding noise violations or anything?

Mr. Gethins: The fact that I get woken up from the noise... you are well aware of what I’m talking about ~ So don’t play you don’t understand.

Mayor: We are aware that we’ve had our Police Department up there taking noise bites on several occasions.

Mr. Gethins: Well you know what would be really helpful so for instance on Saturday night I called at 11:17 after I went to bed at 10:00 and got woken up from the noise and I called and because it’s common for the Police Department to do absolutely nothing, I took a walk out to the property line and I observed a cop car come in, he did a “k” turn, he drove to the far end of the building, met with another cop car, sat there for about 11 - 12 minutes, doing what they were doing down the hall here, nothing, and they did nothing. I was woken out of a dead sleep, they did nothing. They didn’t even get out of the car, they didn’t turn the car off. They didn’t walk to the property line to hear any noise so they left. So I called five minutes later and I asked if they were called out on an emergency as to why they didn’t go in or why they didn’t do an investigation. I was told that he was not too sure if they were called out on an emergency, I told him “he was the dispatcher, you would know that,” he said “I’ll have to send them back.” So by the time he sent them back I guess the party had ended, and it was about 11:30 only to be woken up again at 12:47 with them unloading DJ equipment, and Mr. Giorgio correct me if I’m wrong, we had a closed door meeting in this building two years ago, and we made an agreement that they would not unload DJ equipment until Sunday morning after 9:00 am; did we not have that conversation.

Mr. Giorgio: We had a conversation Mr. Gethins and I want to get the Police report and I want to read it verbatim into the record so that you will hear exactly what Police Officer’s report is.

Mr. Gethins: I hope it substantiates the video I have of this cop car doing absolutely doing nothing but a “k” turn in less than 45 seconds.

Mayor: You did a video?

Mr. Gethins: Oh I have a video and I have a video of the unloading of the DJ equipment that we agreed upon that would not happen anymore. And, in the video there is also noise in there that somebody was on some kind of a bullhorn or some kind of loud speaker from a vehicle with profanities and everything and the problem is if I come down here to make a report, I get nothing but an attitude from down the hall and they don’t want to have anything to do with it; nobody here ever wants to have anything to do with it.

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Mayor: Calm down Mr. Gethins we will look into it.

Mr. Gethins: I'm out of my mind ~ this is like the 113 times.

Officer Manney: Sir, please.

Mayor: We are going to look into it, just be civil about it

Mr. Gethins: How many times are you going to look into it. How many times do I have to call 400?

Officer Manney: Sir, you need to calm down.

Mayor: Mr. Gethins please sit down, we take a look at the police report.

Mr. Gethins: I want to hear the report.

Mr. Giorgio: I will read this into the record, I'll tell you why Mayor because

Mayor: I'm not going to parry with you over this ~ We will look into this for you

Mr. Gethins: WHEN!!!

Mr. Giorgio: Mr. Gethins had already made a statement to a Member of this Township Committee that he is going to take legal action when he does or not is another thing

Mr. Gethins: Okay, I'll be back

Mr. Giorgio: Wait a minute, do you want to hear the report or not Mr. Gethins.

Mayor: Let him do what he feels.

Mr. Gethins: No I want to hear what the officer says so it backs up with the video that I have.

Mr. Giorgio: Let me put it into the record because if you do take legal action it will be in the record and I reviewed this with the Chief of Police, so here it is: It is dated June 4, 2016 this is the report of the Patrolman.

"On the above date and time, Patrolman Magley and I responded to the Ukrainian Center, 60 North Jefferson Road for a report of excessively loud music. Upon arrival there were only about a dozen cars in the parking lot and the music can only be heard while directly in front of the main doors and all that could be heard was a loud bass that could not be heard in the parking lot. I did not make contact with management at the center because there was no issue. Moments after clearing the same complainant Peter Gethins called again and stated that the music was still too loud and that he was unsatisfied with our prior actions. Patrolman Magley and I again responded back to the Community Center, I witnessed even less cars in the parking lot and there was no noise at all coming from the building I spoke with Marc Homilot of the Ukrainian Center and he advised me that the DJ wasn't even playing music he was breaking down the equipment which I observed from the parking lot. Both incidents were recorded on Card Number 76."

Mayor: Do you have a copy of this report?

Mr. Gethins: No, I do not.

Mayor: We will give you a copy of it.

Mr. Giorgio: It's public record.

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Mr. Gethins: Mr. Giorgio correct me if I'm wrong, we had a conversation about the placement of the speakers, correct?

Mr. Giorgio: That is correct.

Mr. Gethins: And, when I called back the dispatcher, I asked him if he can kindly ask an officer to go into the building and to let us know what the placement of the speakers was. That was not in that report. Nobody entered that building ~ because I watched.

Mayor: He said he did enter the building.

Mr. Gethins: He did not enter that building.

Mr. Giorgio: I can't testify one way or the other to that because I was not there, I can only tell you what the report said.

Mr. Gethins: He had a conversation with Marc, outside in the parking lot. He never got out of the patrol car. Everything was from the patrol car, now though Mr. Gallagher is not a sound expert, does bass travel further than 30-40 feet, would that be safe to say? Would it be safe to say that it travels through buildings and attaches to buildings? I'm not putting you on the spot you don't have to answer me.

Mr. Gallagher: Mr. Gethins with all due respect, if there is going to be legal action, I also have to be very careful but acoustics are very interesting thing and we did discuss it and Ron and I did go over there and examined the premises and talk about the bass and typically bass does travel further than higher frequencies and it also has a very distinct rumble and thud, like a rumble and a deeper sound that will actually use walls to reverb a little bit, but other than that I don't know the decibel level, I want to be very careful because, but you know what I would say that based on the police report and based on your description and based on your history, we all want to have this resolved satisfactory.

Mr. Gethins: Mr. Giorgio, did we talk about a funnel effect of the way that the church is designed pointed right at my house in that meeting that day?

Mr. Giorgio: I don't remember the words funnel but I remember you talked about how the sound travels.

Mr. Gethins: Positioning, the way that the sound travels.

Mr. Giorgio: I never remember you using the word funnel.

Mr. Gethins: You know, here we are again, I'm woken up two times in the night, and like I said I have recordings like this, so I don't know how you take a noise complaint, whether it was one car in the parking lot or 400 cars in the lot, that has no bearing on the noise, I don't even know why that is in that report. People can walk to that party; they didn't necessarily have to drive there. I just don't understand why I have to keep coming back to this, and I have to take my hard earned money to take care of a problem that really should have been taken care of already.

Mayor: The report Mr. Gethins which you are certainly entitled too from this Officer and you are certainly entitled to interview the officer in my opinion. The report states the officer could not hear any bass or noise from the parking lot.

Mr. Gethins: Yet there was a DJ playing in the building.

Mayor: Apparently, so because he w

Mr. Gethins: So that would lead one to believe that if I made a noise complaint there was probably some noise coming from that building and if maybe he had done an investigation, a true investigation maybe

Mayor: We have been up there; we have had sound bite equipment, calibrated,

Mr. Gethins: I don't hear of that in this report.

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Mayor: Not on this report, we have officers there on other complaints and we have taken sound bites from the property and we have those reports as well.

Mr. Gethins: I have those from Saturday night as well sir; I have that from my own device.

Mayor: I can tell you that the Township did in my opinion, what the report, respond properly and you are saying they did not, but they did.

Mr. Gethins: But how do you go in with a car that has an engine running, communication equipment running, maybe a radio on, maybe a fan on the air conditioner, and do an analysis for a noise complaint at 11:17 pm.

Mr. Semrau: If I may Mayor, you started by saying the Police never do anything, so right away

Mr. Gethins: I Never said those words sir.

Mr. Semrau: You did.

Mr. Gethins: I said that the Police never do anything?

Mr. Semrau: That's what I thought you said in the beginning...of your discussion.

Mr. Gethins: I said nothing has gone on here, because we are going into 7 years now. This isn't three weeks here.

Mr. Semrau: And, if there is a police report and they responded, I don't think it's really appropriate for us to second guess the police and the decisions they make. We are not in that situation.

Mr. Gethins: But I am in that situation.

Mr. Semrau: But wait a minute, you called, the Administrator even had the report available because you know what

Mr. Gethins: Because I talked to Mr. Gallagher the other day to give him the heads up that I was coming here so he didn't do it out of the kindness of his heart, okay.

Mr. Semrau: Look, I'm just telling you that, I don't think it's really fair for you to ask the Township Committee to second guess the police who responded and wrote a report on the matter. It doesn't seem like anything we say is going to satisfy you and I don't know, we are not qualified to say that the police acted any way but in the best interest of the Township and responded accordingly. I don't think it's right or appropriate to ask (interrupted)

Mr. Gethins: The report says there was no noise but there was a DJ on the property. Let me ask you this, if I take a video of them unloading DJ equipment that we agreed to would not happen until 9:00 am Saturday or Sunday mornings, will you take a complaint will the Police Department take a complaint based upon what we have agreed upon with Mr. Giorgio in that private meeting?

Mr. Semrau: This also can be considered a private matter between you and the neighbor too, so I just feel as though from a legal perspective, you made a call, the administrator read the police report and I don't believe (interrupted)

Mr. Gethins: Sir, are you aware of the amount of complaints here? Let me ask you that are you aware?

Mr. Semrau: I'm going to answer you and tell you that the police report is final. That is under their jurisdiction, that's who we rely upon, who we depend upon, and who we trust, so to sit here and ask the Township Committee to second guess it, it's not appropriate.

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Mr. Gethins: Sir, we are in excess of 100 noise complaints...ONE ZERO ZERO!

Mr. Semrau: What makes you more qualified than the Police Department to handle this? Do you have any expertise or credentials in noise or law enforcement? So don't come here (interrupted)

Mr. Gethins: Yes I do, I have a house and I have a family that keeps constantly getting woken up.

Mr. Semrau: Well, I think the Police responded accordingly and they wrote a report (interrupted)

Mr. Gethins: No, they responded and they made a report

Mr. Semrau: And, they made a report which explained why they left. I don't think there is anything further you can keep asking away, but there is nothing further you can ask the Township Committee.

Mr. Gethins: Like you said I'll get an Attorney, I got the message guys.

Mayor: Ladies and gentleman I apologize ~ the floor is still open. Our scout troops that's what we are here all about. There are issues in our community we try to resolve them here and we try to come up with answers for our community and unfortunately some people are upset with the responses that they get from us, and there is nothing we can possibly do sometimes. But that is the process. We will try and resolve this with further investigation, we do have documentation we have police reports, we have council who is with us, this is the proper way a municipality would respond, it goes through its own authorized agencies to look into these matters. We cannot take our citizens word as just a matter of professional testimony if you understand, so I hope that sheds some light on what you just experienced.

Mr. Coppola: I think it should be known that we have police officers that are qualified for specific equipment for noise management. They spent a number of times at that location in that parking lot and we do have it on record what took place as far as their evaluating the noises, the situations several times. I think we tried to do everything we could to help accommodate the individual, if you listen to what they said, that they go through the front door they don't hear it, they can't very well go out and say to stop something that they don't hear. Unfortunate.

Mayor: Just for the record too, and it's been said in this, but it bears to be said again, both Committeeman Gallagher and I have on occasion and certainly have visited the site on more than one occasion, have met with management we have been inside the facility we have looked at where these functions take place, a gymnasium type of construction, cinder block construction, etc., we are not experts, that is why we have an officer who is trained to use noise equipment to measure any type of noise coming off of that site or out of that building. I might add for the record we have not only used that noise equipment when called upon for a complaint, but we have gone up on the site to validate it when they weren't aware we were taking noise bites, so we have tried to do our job in every way possible.

Motion to close made by Member Coppola and seconded by Member Ferramosca and unanimously passed.

OTHER BUSINESS

Mr. Gallagher: This is a good example for our Scouts here and a very positive note with Hanover Township's Finest.

Mayor: I think they were well entertained.

Mr. Gallagher: This past week the Mayor of Parsippany had William Shavella from the Sheriff's Department and I on to discuss the Morris Area Coalition for Education and Positive Choices. This week also we are going to announce that we are working with Ralph Politti Jr.'s family, his wife and two daughters, to further bring a positive message, educating and discussing the dangers and alcohol and drugs and how it can hurt and

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change people's lives, but the one good thing about the tv show that we did with the Mayor is we went on and on about Hanover Township PD we talked about how they work with our kids, schools, they are at all of our events, they are at all of our Substance Awareness events, they are absolutely on the front line of everything good in Hanover Township they want to meet you on a good day, not just on a very bad day. So I want to say Hanover Township PD you are the best and I think the Mayor of Parsippany is going to get in a bit of trouble, he went on and on about our guys and you will see me smiling on it, because I knew he was getting himself in a little bit of trouble.

I also want to say that Friday night, July 8th we are having a Hanover youth night at the pool, we are officially calling out the Cedar Knolls and Whippany Fire Departments to come back out and have a tug of war! As many of you know, Whippany FD won two out three and I understand CKFD is ready to take care of business and come back and have another shot at it, and that is July 8th.

One day one school beautification incentive will be in Hanover Township this year, we got our request from the Superintendent and the BOE where they would like it and the date is Saturday, October 8th and rain date is October 15th.

(Audience Member): What school?

Mr. Gallagher: Would you like me to name the school? Actually, it's like the movie ground hog day, but Bob Mooney and the BOE asked us if we can do Salem Drive school, because of the set up of that school, it's beautiful and it's tucked into a very wooded area, but that brings on a lot of tree maintenance and tree work and tree removal; and the one thing that we learned from last year, what we never have done before and I've talked to the state about it, and it's new, is we are going to walk about 30 feet back into the woods, because last year we had a tree that fell 20 back into the woods and it fell 20 feet into a play area! So we are going further back into the wood line and do our evaluation further back not just cosmetic and 10 feet in so we have a lot of work and Brian Foran and Bob Brueno have asked if we can do some work at Malapardis Park and we are all about Schools and parks the audience is the same, our kids and our families, so I think for the first time we are going to take on a school and a park. So it's Salem Drive School and Malapardis Park.

Mayor: This One Day One School Program, that has come under the guidance of Member Gallagher and it's several years old now, and many schools and various towns they recently just did Morris Plains, the same thing is true in Florham Park, East Hanover and certainly schools here, where a group of tree surgeons and tree experts come in for one day, and look over all of the hazardous areas of over growth and tree branches and limbs and remove them and it's an involvement of private and public sector, both the tree and various agencies within the towns come together to see it gets done, and it saves our schools \$100,000 of dollars and it's one of the best programs that I have seen. I would like to see it go further and I would like it to get state recognition and one of our State Assemblyman and State Senator's pick up on that down in Trenton it would be a real good thing for somebody. We hope that will take place.

Mr. Ferramosca: It continues to be all about the roads, Hanover's Engineering Department have been very busy focused on the roads, they just completed Baldwin and Erna Place and they are going to be tackling very soon a very large one, Ridgedale Avenue, from Malapardis to Cedar Knolls Road, which is a significant stretch of road way. That will be the next major street to be updated.

Speaking of streets, along our street in town we have street lamps, they are there for safety reasons, and as you are out in the warmer months and it will warm up again, it will be summer, we are not going into fall, when summer returns and you are out walking around at night, it is good to see especially if you are scout, if you see a street light that is out, please note the address of the property where it is out, and sometimes there is a number on the pole, like a three digit number, if you take that address and if you are kind enough to call the PD dispatcher and just advise them that you are reporting a street light out and give him the information they will take that and coordinate with JCP&L and it will be fixed. So that promotes safety and that's a good thing, which we want to do.

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Additional news in town, there is good news and bad news, the good news is that we now have an alternative in terms of communication and part in our town that never had an opportunity to use fiber optic services, so fiber optic services have been installed over the past three weeks in much of the Poplar Forest area that's the good news. The bad news is there has been some damage to properties as a result to that installation, so in the event your sprinklers have been damaged, your mailbox has been damaged call up Verizon and report it, we will be putting on the Township's website a phone number that will make it more convenient for you to access them, but it's important that they hear from you and they will come out and it will be fixed.

Mr. Coppola: First of all, I would like to congratulate Mayor Francioli and Committeeman Gallagher on their primary election, I know it was a hard race, a lot of competition, but I do look forward to our path continuing,

Mayor: Hanover we appreciate that, the fact that we were not given competition this year and I think I can speak for both of us, Mr. Gallagher and myself that we appreciate the fact that the message is that we are doing something right here in Hanover Township to move it forward and we thank you.

Mr. Coppola: I look forward to continuing our positive working relationship. I would also like to congratulate Erik Woodruff who is our newest police officer as you saw this evening, now that brings our Police Department up to full complements. It's been a long road between people retiring, we also had with our appointment Chief Roddy, we have a lieutenants position open. That exam will take place on June 25th. Hopefully come our next meeting in July we will be appointing our new Lieutenant, we have Sgt. White, Sgt. Williams and Sgt. Look who will be taking the exam for that position. With the opening of a Sgt. slot we will also then appoint another Sgt. We currently have a list on this recent Sgt. exam with 6 patrolman took it and they came out in the order of 1 to 6 now we will move the person who is 2nd in line. We look forward to that.

One thing I would like to address is the Memorial Day Parade, I had a couple of people come to me about that, and I also spoke to the Veteran's Alliance, of which I am a member, some of the folks happen to mention why was it necessary to cancel the parade, you have to keep in mind, and I think we all know that the toughest decision you have to make is the one you have to make the evening before the event takes place, because of the severity of the weather conditions that is currently being forecast. It's not that simple, I understand when you walk out the building midmorning or latter part of the morning and the sun is shining, and you say why did we cancel this parade, well you see when we have this whole function that takes place the Veteran's Alliance prepares breakfast at 6:00 in the morning over at the Community Center and the concern being that all the preparation and if the parade couldn't take place a lot of food that is going to be wasted. There are a lot of factors involved and between the Veteran's Alliance, the Mayor and the Committee they made a decision and I think that the decision was a positive one because several communities also made similar decision because they were concerned with the weather. But the event itself, thanks to the Veteran's Alliance, American Legion, VFW, Marine Corp. League, Ladies Auxiliary, everything went extremely well at the Legion Post, so I think everyone did a great job, I just wanted to explain why it was done because sometimes when you're looking at it at 11:00 in the morning it's not the same as 10:00 last night or when that decision has to me made.

Lastly, the Educational Foundation is having their 5K run on Saturday, June 11th starting over on Whippany Road, if anyone is interested I think you see enough advertising around town, I expect it to be another successful event.

Mayor: If there is no other business I'll take a motion to adjourn.

Mr. Gallagher: One more thing; with our Morris County Coalition for Education and Positive Choices, now I can say it because the Primary is over; but our next Sheriff James Gannon is going to be working with us, not as a consultant, he is going to be working with us as is your Chief of Police, Chief Roddy, so if you guys ever want to sit in a really cool 1963 Sheriff's replica car and meet the Sheriff and the Chief of Police or any of our guys, get in touch with me or any Committeeman George Coppola is Public Safety, I think being in scouts is great, we all respect what you're doing, it's a lot of work and a lot of responsibility and this is exactly what we want to do is have our youngsters get involved in positive activities like you guys are, you have my respect and I'm sure

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you have all of our respect and you have access to all of our guys that we think are positive influences.

Mayor: That's some car, with the bubble gum machine on the top of it. It's his hallmark and everybody seems to love it; it's a classic car.

Motion to adjourn made by Member Ferramosca and Member Gallagher seconded all in favor.

ADJOURNMENT

Motion to adjourn made by Member Ferramosca 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
