

JANUARY 14, 2016

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, January 14, 2015, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Ferramosca,
Gallagher, Coppola, and Brueno

ABSENT: None

STATEMENT BY PRESIDING OFFICER:

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

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

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

OPEN TO THE PUBLIC

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

Lisa Klink 36A Legion Place, Whippany: I am here just to follow up about what is happening with the feral cats, our contract I have read the recent article in the newspaper citing that we have a \$14,000 difference moving from a contract with Parsippany with St. Hubert's. I just want to see how we are progressing with that and how we feel about that \$14,000.00 because I personally, myself as a taxpayer again I don't want my tax dollars going to Parsippany with the euthanizer rate that they had, and as I said before their euthanizer rate from 2014 on my chart says about 40% of the cats they took in were killed. So, St. Hubert's was down to 1% and I image it's only very sick or behavioral cats that had to be put down. So, I was just wondering how we are progressing just offering my help if I can and if I can help do anything.

Mayor: Happy to bring you up to date with where we are, and we have been contacted by St. Hubert Giralda which is an animal welfare league, their response to us in the form of their proposal which is somewhat of a contract of services which they

would provide, I might remind the public that Township has always had St. Hubert's as our animal welfare group for quite a few years, and unfortunately, that contract was affected by some steadily increased pricing that we've had with them over the years, but with that being said that's not the decisive factor for this Committee, not the dollars, it's the welfare and doing the proper thing for all of our community. The health of the animals, the health of our community, and the welfare of the animals, we are not out to see them, god's creatures, hurt in any way if we can possibly avoid it. Now, where are we? To answer your question, we have their contract proposal and we have compared them to that of Parsippany. Some services are similar and some are not. We do have issues with St. Hubert's in the service comparison, those issues are not unsolvable, unreasonable, they are issues we can negotiate and talk about and the difference between the pricing of both agencies is about \$14,000.00 of taxpayer dollars between using St. Hubert's and using Parsippany. So, having said all of that, we still took a proactive approach to it in that we are trying to reach out to St. Hubert's. The Administrator has been instructed to get a meeting together with them at the earliest that we can. I can tell you that I learned through my Health Officer that outreaches she has made to contact St. Hubert's has not been responded to. I must tell you that I am a little mist over that, and with that being said the Administrator will intervene and try to get them to the table so we can talk.

Mr. Giorgio: We tried several times to reach out to St. Hubert's and they are not responding.

Ms. Klink: They haven't responded, really?

Mr. Giorgio: Yes, now I will call.

Mayor: I do want to make another comment so that we are very clear in what we are doing here. There has been some comment that the Township will abate any actions on the part of the Parsippany contract right not until this is resolved, that is not true, that was never discussed at the meeting that we did have but what we do understand is that we are getting cooperation from Parsippany that trapped feral cats are being returned to I think some members of the association that were here. So that is what's going on there, so to my knowledge they've not followed their normal procedure for animal control and they are trying to get these animals back into the hands of the organization, that's where we are now. So, as soon as we get together with St. Hubert's trust me the better for all of us, we would feel good in those ourselves.

Ms. Klink: Just so I understand, Parsippany has been trapping them and then been handing them over to Capa Cats? Is that what's been happening?

Mr. Giorgio: No, they have been doing it sporadically and that was at the request of the two property owners, not at the request of Hanover Township, but they have only done it sporadically but it cooperated with from what I understand Kathy Detrick and handed the cats over to Kathy. The one concern we have is if they are relinquished

back to Kathy if they stay in Hanover Township they must be licensed because the whole idea is to make sure they don't have rabies.

Ms. Klink: Which I understand for the health of everyone. So, it sounds to me that cost is not the issue here for everyone, you want to go about this the humane way. So, I am really happy to hear that it's progressing positively. I just really want to drive home the point about Parsippany just in my honest opinion I don't trust them. That rate is super high. It was the highest in Morris County. I mean I know right now they seem to be cooperating and has been great for the past two years, but in reality just in talking to volunteers it's not a good situation, I fully trust St. Hubert's and I'm sorry they aren't responding back I don't know what is going on, but if we can work with them, they are taking things very humanly they have great feral cat colonies, overall they can also educate us about TNR, which I think is great. So, just learning that and being part of the program its fantastic.

Mayor: Well if you can encourage them to get back in touch with us, that would be fine.

Ms. Klink: I was going to ask that ~ any help I can offer I will because I was in touch with a women she is no longer at St. Hubert's right now, she is moving, so I will reach out to them just because I am a volunteer with the (inaudible) organizations, so I hope we can just at least sit down to the table and talk, it would be much better to have a humane solution especially over \$14,000.00 is a difference between life and death here.

Mayor: I'm sure we can resolve some of the differences in the contract, that's why we want to sit down with them.

Ms. Klink: Thank you.

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

APPROVAL OF TOWNSHIP COMMITTEE MINUTES

The Minutes of the Regular Meeting of December 21, 2015 and the Reorganization Meeting Minutes of January 1, 2016 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Brueno moved that the Minutes of the Regular Meeting Minutes of December 21, 2015 and the Reorganization Meeting Minutes of January 1, 2016 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.

COMMUNICATION

Submission of Letter of Retirement from Executive Assistant Peter Bozza effective April 1, 2016.

Member Coppola moved to accept letter of retirement from Peter Bozza and seconded by Member Brueno and was unanimously passed.

Mayor: We wish Peter all the best in his retirement, he has been a wonderful employee, made a great deal of contributions to us and he will be missed.

DEPARTMENTAL REPORTS

The following reports were presented and ordered filed as received:

Human Resources	J. Johnston	Report of December
Tax Collector	S. Esposito	Collector's Statement
Police Department	S. Gallagher	Report of December
Property Maintenance	E. Desimoni	Report of December

All reports are on file in the Business Administrator's Office.

ORDINANCE INTRODUCTION:

ORDINANCE NO. 1-2016

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ESTABLISHING THE STONEY BROOK COMMUNITY FARM AND GARDEN ADVISORY COMMITTEE AND SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE ADVISORY COMMITTEE

WHEREAS, the Township Committee, the governing body of the Township of Hanover, believes that a need exists to create a community farm and garden that will permit residents to grow fresh, local produce for themselves and provide fresh vegetables and fruit to the Morris County Interfaith Food Pantry and other not-for-profit community organizations; and

WHEREAS, in order to bring this concept to fruition, it is the purpose and intent of the governing body to create a Community Farm and Garden Advisory Committee that will be responsible in establishing rules, regulations, and procedures for the operation and maintenance of the community farm and garden; and

WHEREAS, it is also the intention of the Township of Hanover to authorize the development of a community farm and garden to be designated as the "Stoney Brook Community Farm and Garden" on a portion of Township property located on Fanok Road and designated as Block 3002, Lot 9 as set forth on the Township's Tax Map.

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. Section 63-1. Title. The governing body hereby establishes a new Chapter 63 under Part I of the Code of the Township of Hanover entitled Stoney Brook Community Farm and Garden Advisory Committee.

Section 2. Section 63-1.A. Purpose and Intent. The purpose and intent of this Chapter is twofold. First, to develop, operate and maintain a community farm and garden to permit residents to grow local produce for themselves and to provide an additional source of fresh vegetables to the Interfaith Food Pantry and other food pantries. And, secondly, to create a steering committee that will be responsible for the overall administration of operating the community farm and garden,

Section 3. Section 63-1.B. Appointment of members; terms of office; vacancies. The Township Committee shall appoint up to nine (9) regular members to the Stoney Brook Community Farm and Garden Advisory Committee (hereinafter referred to as the "Advisory Committee") one of whom shall be a member of the governing body and serving as Mayor. These individuals shall represent a cross-section of the Township comprised of residents and members of the corporate sector and non-profit service organizations such as the Interfaith Food Pantry. Each regular member shall have one (1) vote in the decision making process.

To assist the Advisory Committee with the development, implementation and maintenance of the community farm and garden, the governing body shall designate members of the Township's professional staff to serve as advisors in performing any services required by the Advisory Committee. These staff members shall serve as ex-officio non-voting members.

In addition, with the approval of the Business Administrator, the Advisory Committee may request the assistance of the New Jersey Land Conservancy in providing technical services.

Section 63-1.C. Terms of Office. The members of the Advisory Committee shall serve two (2) year terms of office commencing on January 1st and ending on December 31st of the second year.

Section 63-1.D. Vacancies. In the event a regular member seat becomes available, other than by expiration of a member's term, it shall be filled by the Township Committee for the balance of the two (2) year term.

Section 63-1.E. The regular members shall serve without remuneration.

Section 4. Section 63-2.A. Election of Officers and Organization. Upon its formation, following the adoption of this Ordinance, the Advisory Committee shall meet to organize. The regular members shall elect a Chairperson and Vice

Chairperson. A Secretary shall be designated by the Chairperson who may be a regular or ex-officio member. These three (3) officers shall serve one (1) year terms. It shall be the responsibility of the Chairperson to set the meeting schedule after conferring with the members, establish an agenda for each meeting and conduct the meetings in an orderly and timely fashion. The Advisory Committee shall prepare and adopt by-laws and such other rules and regulations to govern its procedural operations.

The Secretary shall be responsible for maintaining correspondence, memoranda and preparing written minutes of all Advisory Committee meetings. However, in accordance with Township policy, before any correspondence or memoranda is sent under the auspices of the Advisory Committee, any draft letter or memoranda shall be submitted to the Business Administrator for his review and approval.

Subsequent to its initial formation, the Advisory Committee shall meet in January of each year to reorganize to determine when it shall meet and how often. In accordance with the Open Public Meetings Act at N.J.S.A. 10:4-6 et seq., the Advisory Committee shall publish a notice in two (2) local newspapers, posted on the Township's official bulletin board and web site and filed with the Municipal Clerk. The annual notice shall contain the dates, times and locations of each meeting to be held during the forthcoming year.

Section 63-2.B. Duties and Responsibilities.

- A. To prepare rules, regulations and procedures governing the development, implementation, use and maintenance of the Stoney Brook Community Farm and Garden by members of the public including but not limited to the establishment of fees, the size of plots, access, environmental management practices and any other requirements deemed necessary and appropriate for the operation of the Farm and Garden.
- B. The Advisory Committee shall meet at least once a month but may meet more often as issues warrant. A majority of the voting members shall constitute a quorum in order to conduct business.
- C. The Advisory Committee shall have no authority to enter into contracts on behalf of the municipality, or in any way obligate the municipality legally or financially. In this regard, the Committee may make recommendations to the Township's Business Administrator who, under his authority as the Township's Qualified Purchasing Agent may act on such recommendations or, in the alternative, submit the recommendations to the governing body when a policy decision must be rendered.

D. Before assuming office, each member of the Advisory Committee shall take an Oath of Office that he/she will faithfully and impartially discharge the duties of his/her office.

Section 5. Section 63-3. Annual Budget Appropriation. The Township Committee may appropriate such sum of money as may be determined in each year's Current Fund Operating Budget in order for the Advisory Committee to discharge its duties and responsibilities. The Chairperson of the Advisory Committee, following consultation with its members, shall submit a request for funding to the Business Administrator no later than January 10th of each year or sooner. Any approved out-of-pocket expenses shall be charged against the Advisory Committee's approved calendar year budget if such budgetary appropriation is granted by the Township Committee.

Section 6. 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 7. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 8. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the January 28th, 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 Brueno and seconded by Member Gallagher and unanimously passed.

So Introduced.

ORDINANCE NO. 2-2016

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE ACQUISITION OF 127 REYNOLDS AVENUE LOCATED IN THE WHIPPANY SECTION OF THE TOWNSHIP AND DESIGNATED AS LOT 4 IN BLOCK 8401 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER AND FURTHER APPROPRIATING THE SUM OF \$382,500.00 FROM VARIOUS SOURCES FOR THE PURCHASE OF THE PROPERTY

WHEREAS, the Township of Hanover seeks to expand Bee Meadow Park, an existing passive parkland and recreation facility, as part of the Township's Bee Meadow Greenway; and

WHEREAS, in this regard, the Township has the unique opportunity to purchase an adjoining property, known as the "Wolfe Property" located at 127 Reynolds Avenue and designated as Lot 4 in Block 8401 in adding to the Bee Meadow Park facility; and

WHEREAS, nestled between the former Sammarco property (Bee Meadow Greenway Phase I) and the Michalski property (Bee Meadow Greenway Phase II), the Wolfe property is 1.97 acres of flat, forested land that would be designated as the Bee Meadow Greenway Phase III; and

WHEREAS, this fee simple acquisition will be used for both active and resource-based passive recreation activities and may be used in connection with the Township's 2013 Pedestrian and Bicycle Connectivity Framework Plan; and

WHEREAS, the Township has conducted good faith negotiations with the owner of the property who is willing to enter into a Contract for Sale; and

WHEREAS, the Township Committee believes that the acquisition of the property will achieve the goals and objectives of the Township's Open Space and Recreation Plan by supplementing the Township's Open Space Inventory with the inclusion of another parcel that will provide passive and active recreational opportunities for its residents and the public in general.

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:

Section 1. The governing body hereby authorizes the fee simple acquisition, either by gift or purchase, of Lot 4 in Block 8401 as set forth on the Tax Map of the Township of Hanover which tract consists of approximately 1.97 acres of land located at 127 Reynolds Avenue which property is owned by JoAnn Tutela.

Section 2. The Township Attorney is authorized and directed to prepare the required Contract for Sale of Real Estate, the Deed and all related documents for the acquisition in fee simple of Lot 4 in Block 8401. In addition, the Mayor and Township Clerk are also authorized and directed to execute the Contract for Sale of Real Estate, the Deed and any other related documents necessary for the fee simple acquisition of the property described herein.

Section 3. For the acquisition described in Section 1. above, there is hereby appropriated the sum of \$382,500.00 from the following sources:

A. 2015 Morris County Open Space Trust Fund Grant.....\$ 165,000.00

B. NJDEP Green Acres Program Planning Incentive Grant.....	135,000.00
C. Hanover Township's Open Space Trust Fund Account.....	<u>82,500.00</u>
TOTAL:	\$ 382,500.00

Section 4. This Ordinance shall take effect in accordance with law.

The Ordinance will be further considered for Public Hearing and Final Passage at the January 28th, 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 Coppola and seconded by Member Brueno and unanimously passed.

So Introduced.

Mayor: The public should know that the funds that are gathered together for the acquisition of this property partly from a grant from the County Open Space Farm Preservation partly from our State Green Acres Funding and the balance from our Open Space Funds, so these funds are not coming directly out of your taxpayer's dollars only to the degree that the Open Space Fund of Hanover Township has that balance in it.

ORDINANCE NO. 3-2016

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 MINIMUM NUMBER OF PARKING SPACES FOR CERTAIN USES AND BY AMENDING THE MAXIMUM PERMITTED FLOOR AREA RATIO FOR CERTAIN USES IN THE I-B3 ZONE DISTRICT

WHEREAS, Chapter 166 of the Code of the Township entitled Land Use and Development Legislation currently requires a minimum number of off-street parking spaces for different permitted uses; and

WHEREAS, the Planning Board recently undertook a study of the current parking needs of industrial, warehouse and related uses, and determined that the Code was unnecessarily restrictive in its parking requirements for these uses; and

WHEREAS, the Code currently designates an I-B3 zone district along Hanover Avenue, Horsehill Road and Ridgedale Avenue in the Township; and

WHEREAS, the I-B3 zone currently permits a range of industrial, laboratory, office, retail sales and service, and other uses; and

WHEREAS, the Planning Board recently undertook a study of the trip generation and parking needs of industrial, warehouse and related uses, and determined that a limited increase in the permitted floor area ratio for such uses would allow for development that is no more intensive than development for office or retail use permitted by the current regulations; and

WHEREAS, the Planning Board has recommended revised parking and floor area ratio that would be more reasonable for these uses, while also accommodating future changes of use within existing buildings.

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. Section 166-155., *Requirements for other than residential zones*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

§ 166-155. Requirements for other than residential zones.

In all nonresidential zones, one-hundred-percent off-street parking shall be provided for all new buildings or additions to buildings; provided, however, that no parking spaces shall be required for accessory buildings, if the developer demonstrates that such accessory buildings do not generate any parking demand, and further provided that the floor areas excluded from floor area requirements by §166-113.2 shall also be excluded from required parking calculations. The minimum requirements are as follows:

<u>Use</u> <u>(where permitted)</u>	<u>Minimum Parking</u> <u>(number of spaces)</u>
Office buildings:	
Less than 50,000 square feet of gross floor area	1 per 200 square feet of gross floor area
50,000 to 99,999 square feet of gross floor area	1 per 250 square feet of gross floor area
100,000 to 199,999 square feet of gross floor area	1 per 275 square feet of gross floor area
200,000 or more square feet of gross floor area	1 per 300 square feet of gross floor area
Data processing centers:	

Low intensity – data processing performed primarily by equipment, not by employees or staff, and having an employee/staffing ratio of not more than one employee/ staff person, on the maximum shift, per 2,500 square feet of gross floor area

1 per 2,500 square feet of gross floor area, provided that the applicant demonstrates, as part of its site plan application, that the proposed number of parking spaces are sufficient for normal operations and that any potential increase in parking demand will only be temporary, sporadic and/or occurring in an emergency. The applicant shall also obtain board approval of a plan for addressing such increased parking demand, which plan may include but is not limited to car- or van-pooling, temporary overflow parking on areas having no pavement or substandard pavement, use of available off-site and/or on-street parking spaces and valet parking

Other than low intensity

Same as required for office buildings

Utility facilities, such as but not limited to power plants, power houses, power generator buildings, sewer or water treatment plants

1 per employee on the peak shift

Industrial, manufacturing, assembly and research or testing laboratory buildings

1 per 800 square feet of gross floor area

Warehouse or distribution facility

1 per 800 square feet of gross floor area

Self-service storage facilities

As required in the I-B2 Zone at § 166-203.4N(4)

Hotels and Motels:

Guest rooms only without restaurant or bar facilities or meeting space facilities, such as ballrooms, meeting rooms and conference suites

1.1 per guest room

Guest rooms and restaurant or bar facilities as an ancillary use

1 per guest room, plus 1 per two seats in said restaurant or bar

Guest rooms and restaurant or bar facilities and meeting space facilities, such as ballrooms, meeting rooms and conference suites, as an ancillary use	1 per guest room, plus 1 per two seats in said restaurant or bar, plus 1 per 100 square feet of floor area of said meeting space facilities
Restaurant as a principal use	1 per 65 square feet of gross floor area or 0.75 per seat, whichever is greater
Indoor physical fitness facility	1 per 200 square feet of gross floor area
Retail sales and services	1 per 200 square feet of gross floor area
Independent/assisted living facilities and other residences restricted to occupants at least 62 years of age	0.4 for each living unit or 0.4 for each bed when individual living units are not provided
Other residences	As required by the N.J. Residential Site Improvement Standards
Other nonresidential uses	1 per 250 square feet of gross floor area
Designed shopping centers	1 per 200 square feet of the gross leasable area of all nonresidential uses in the center

Section 2. Subsection C. in Section 166-203.9., *Lot, bulk and intensity of use standards*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended to read as follows:

C. Maximum floor area ratio:

- (1) Industrial, manufacturing, assembly and research or testing laboratory uses: 35% of the lot area
- (2) All other uses: 25% of the lot area.
- (3) Mixture of above uses: In the event that a mixture of uses from Paragraphs (1) and (2) are proposed with different maximum floor area ratios, the maximum combined floor area ratio shall be calculated on a proportional basis, as follows:
 - (a) Divide the gross floor area of the uses in Paragraph (1) above by the total gross floor area of the building(s).
 - (b) Multiply the result of the calculation in Paragraph (a) times 0.35 (35%).

- (c) Divide the gross floor area of the uses in Paragraph (2) above by the total gross floor area of the building(s).
- (d) Multiply the result of the calculation in Paragraph (c) times 0.25 (25%).
- (e) Add the results from the calculations in Paragraphs (b) and (d). The total is the maximum permitted floor area ratio, which if multiplied by the lot area, will indicate the maximum permitted floor area.

As an example, the maximum floor area ratio of a 100,000 square foot building, of which 80,000 square feet is used for industry and 20,000 square feet is used for offices would be 33% of the lot area, calculated as follows:

$$80,000 \text{ sq. ft. industry floor area} \div 100,000 \text{ sq. ft. total floor area} = 0.80 = 80\%$$

$$80\% \times 0.35 = 28\%$$

$$20,000 \text{ sq. ft. office floor area} \div 100,000 \text{ sq. ft. total floor area} = 0.20 = 20\%$$

$$20\% \times 0.25 = 5\%$$

$$28\% + 5\% = 33\% \text{ maximum floor area ratio}$$

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the February 11th, 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. This Land Use Ordinance will also be referred to the Planning Board for their recommendation in accordance with the Municipal Land Use Law.

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

So Introduced.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 20-2016

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE
SUBMISSION OF A STRATEGIC PLAN AND GRANT TO THE GOVERNOR'S
COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR THE FISCAL GRANT YEAR**

BEGINNING JULY 1, 2016 THROUGH JUNE 30, 2017 PURSUANT TO THE FISCAL GRANT CYCLE FROM JULY, 2014 THROUGH JUNE, 2019

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Township Committee of the Township of Hanover in the County of Morris and State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Morris.

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

1. The governing body hereby authorizes the submission of a Strategic Plan and grant for the Hanover Township Substance Awareness Council Municipal Alliance for the fiscal year beginning July 1, 2016, in the amount of:

Drug Enforcement & Demand Reduction (DEDR)	\$ 11,949.00
Cash Match	\$ 2,987.25
In-Kind	\$ 8,961.75
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.
3. The Mayor, Chairperson of the Township's Substance Awareness Council and the Township's Chief Municipal Finance Officer are hereby authorized to execute the Strategic Plan for funding the Township's Municipal Alliance.
4. That certified copies of this resolution shall be submitted to the Morris County Municipal Alliance Coordinator, the Chairperson of the Township's Substance Awareness Council and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 21-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PARTICIPATION OF THE TOWNSHIP IN THE MORRIS COUNTY ADAPTIVE RECREATIONAL PROGRAM (McARP) DURING CALENDAR YEAR 2016 AND FURTHER DIRECTING THE SUPERINTENDENT OF RECREATION AND PARK ADMINISTRATION DEPARTMENT TO SUBMIT THE TOWNSHIP'S FAIR SHARE ASSESSMENT CONTRIBUTION OF \$2,460.00

WHEREAS, there has been created a **Morris County Adaptive Recreational Program (McARP)**; and

WHEREAS, the Program intends to provide recreational services for disabled persons of all ages, and further to give these persons an opportunity to explore new leisure time skills in conjunction with their age and specific disabilities; and

WHEREAS, the total project cost is estimated to exceed \$300,000.00; and

WHEREAS, the cost to the Township of Hanover with respect thereto will be approximately \$2,460.00 according the Fair Share Ratio's schedule; and

WHEREAS, the Township Committee fully endorses and supports the exceptional programs and activities sponsored by **McARP** and views **McARP** as an important countywide organization serving the diverse recreational needs of all age groups.

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

1. The governing body hereby authorizes the participation of the Township in the **Morris County Adaptive Recreational Program (McARP)** during calendar year 2016.

2. The Superintendent of the Recreation and Park Administration Department is hereby authorized to submit payment of the Township's 2016 Fair Share Assessment in the total amount of \$2,460.00 when funds become available either through the year 2015 Temporary Current Fund Budget or the adopted year 2015 Current Fund Budget.

3. A certified copy of this resolution shall be forwarded to the Superintendent of the Recreation and Park Administration Department, the Township's Chief Municipal Finance Officer and **McARP** for reference and information purposes.

RESOLUTION NO. 22-2016

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES
CONTRACT WITHOUT COMPETITIVE BIDDING TO JASON MICHAEL ROSS, ESQ.,
LLC TO PROVIDE EXPERT SERVICES IN CONNECTION WITH PENDING
LITIGATION**

WHEREAS, there exists a need for expert services for the litigation entitled Village Supermarket of New Jersey, L.P. vs. Township of Hanover, License No. 1412-33-006-004 and License No. 1412-44-009-007, OAL Docket Nos. ABC 12777-15 and ABC 12779-15 (consolidated); and

WHEREAS, the Township wishes to retain the services of Jason Michael Ross, Esq., LLC to provide expert services and testimony, as identified in his proposal dated December 10, 2015; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that the resolution authorizing the award of a contract for professional services without competitive bidding, and the contract itself, be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED that 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 awards and authorizes the Mayor and Township Clerk to execute an agreement with Jason Michael Ross, Esq., LLC to provide expert services and testimony for the litigation entitled Village Supermarket of New Jersey, L.P. vs. Township of Hanover, License No. 1412-33-006-004 and License No. 1412-44-009-007, OAL Docket Nos. ABC 12777-15 and ABC 12779-15 (consolidated), for a fee not to exceed \$6,000 as per his proposal dated December 10, 2015.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person licensed under law to practice a recognized profession.
3. The total fee authorized for this contract shall not exceed \$6,000 without the prior written approval of the Township Committee.
4. That a brief notice of this award shall be published in the Daily Record, the official newspaper of the Township, as required by law within ten (10) days of its passage.

5. Certified copies of this resolution shall be transmitted to the Township Attorney, the Township's Chief Municipal Finance Officer and Jason Michael Ross, Esq., LLC, located at 685 Neptune Boulevard in Neptune, New Jersey 07753 for reference and information purposes.

RESOLUTION NO. 23-2016

PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF FRED SEMRAU, ESQ AND THE FIRM OF DORSEY & SEMRAU AS "TOWNSHIP ATTORNEY" DURING CALENDAR YEAR 2016 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. SEMRAU IN AN AMOUNT NOT TO EXCEED \$250,000.00 WHICH AMOUNT INCLUDES A RETAINER AT \$75,000.00 COVERING GENERAL LEGAL SERVICES, AND LITIGATION AND TAX APPEAL SERVICES AT \$175,000.00 (NOT INCLUDING AN AMOUNT NOT TO EXCEED \$3,000.00 FOR OUT-OF-POCKET DISBURSEMENTS, IN REM TAX FORECLOSURE ACTIONS AT THE RATE OF \$1,000.00 PER TAX SALE CERTIFICATE OR EXTRAORDINARY LITIGATION), ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

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

WHEREAS, in keeping with the requirements of the Non-Fair and Open process of the Pay-to-Play legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44:-20.26 et seq., the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated value for the performance of the legal services to be performed during calendar year 2016 has an anticipated value in excess of \$17,500.00; and

WHEREAS, Fred Semrau, Esq. and the firm of Dorsey & Semrau have served the Township of Hanover as Township Attorney during the last thirty-eight (38) years; and

WHEREAS, the Township Committee reappointed Mr. Semrau at its January 1, 2016 Reorganization Meeting and is desirous of memorializing his reappointment and that of the Firm of Dorsey & Semrau in rendering legal services to the Township during calendar year 2016; and

WHEREAS, the Township finds itself in what is described as difficult financial times, particularly for the 2016 budget year, and, as a result wishes to restrict to the extent that it can, legal fees within the current budget year; and

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

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

WHEREAS, Fred Semrau, Esq. and the Firm of **Dorsey & Semrau** hereinafter referred to as the "Township Attorney" shall be paid a retainer of \$75,000.00 during calendar year 2016 which retainer shall cover all general legal services required by the Township; and

WHEREAS, in order to cover those issues involving litigation, tax appeals, condemnations and representation involving land use and corporate development, the Township Attorney shall be compensated based on the Firm's hourly rates, except, however, that the maximum amount for the litigation services shall not exceed \$175,000.00; and

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

WHEREAS, the maximum amount of the Agreement shall not exceed \$250,000.00 during calendar year 2016 plus \$3,000.00 for out-of-pocket disbursements. Except, however, the amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours and is, therefore, considered to be extraordinary litigation; and

WHEREAS, In Rem Tax Foreclosure actions, while classified as litigation, will be billed separately at the rate of \$1,000.00 per tax sale certificate and will not be covered under the \$250,000.00 nor will any item or items of litigation considered extraordinary in nature; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2016 Temporary Current Fund Budget - Legal - Other Expenses, Line Item No. 126-0009-083 to meet the need of this award during the first quarter of 2016 and, it is anticipated that sufficient funds will be appropriated and available in the 2016 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. That **Fred Semrau, Esq.** and the law firm of **Dorsey & Semrau**, located at 714 Main Street, P.O. Box 228 in Boonton, New Jersey 07005 are hereby retained as the "Township Attorney" during calendar year 2016 in providing the Township with professional legal services, including the preparation of legal opinions and the representation of the Township in litigation, and in any negotiations or representations involving developers and/or corporate property owners, all of which are more particularly described in the attached Agreement.
2. For general legal services, the Township Attorney shall be paid a retainer of \$75,000.00 during calendar year 2016. The Township Attorney shall also be compensated, based on the Firm's hourly fee schedule, in rendering professional legal services regarding litigation, tax appeals, condemnations and in representing the Township regarding any proposed land use and corporate developments at the following hourly rates:

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

The amount for this portion of the Agreement shall not exceed \$175,000.00, except that this amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours, and is considered to be extraordinary litigation. The total contract amount, however, for all legal services, shall not exceed the maximum amount of \$250,000.00 plus an amount not to exceed \$3,000.00 for out-of-pocket disbursements. However, In Rem Tax Foreclosures, while classified as litigation, shall be billed separately at the rate of \$1,000.00 per tax sale certificate and shall not be covered under the \$250,000.00 cap.

3. In accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure Form, and the Stockholder Disclosure Certification submitted by **Dorsey and Semrau** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his capacity as a Qualified Purchasing Agent, is attached hereto and made a part of this resolution as if set forth in full.
4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2016 Temporary Current Fund Budget - Legal -

Other Expenses, Line Item No. 126-0009-083 to meet the need of this award during the first quarter of 2016 and it is anticipated that sufficient funds will be appropriated and available in the 2016 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

5. The Mayor and Township Clerk are hereby authorized to execute an Agreement with **Fred Semrau, Esq.** on behalf of the Township in an amount not to exceed \$250,000.00 (except In Rem Tax Foreclosure cases which shall be billed separately at the rate of \$1,000.00 per Tax Sale Certificate and cases classified as extraordinary litigation which are not covered under the \$250,000.00 cap) plus out-of-pocket disbursements in an amount not to exceed \$3,000.00.
6. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) because the services performed are by a person authorized by law to practice a recognized profession as a licensed attorney of the State of New Jersey and such services are not subject to competitive bidding.
7. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

RESOLUTION NO. 24-2016

A PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF STEPHEN E. TRIMBOLI AND THE FIRM OF TRIMBOLI AND PRUSINOWSKI LLC AS "SPECIAL LABOR COUNSEL" TO THE TOWNSHIP DURING CALENDAR YEAR 2016 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. TRIMBOLI IN AN AMOUNT NOT TO EXCEED \$60,000.00 BASED ON AN HOURLY RATE OF \$130.00 PER HOUR PLUS AN AMOUNT NOT TO EXCEED \$750.00 FOR OUT-OF-POCKET DISBURSEMENTS, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

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

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

Certification”, (a copy of which is attached hereto and made a part of this resolution), that the estimated value for the performance of the legal services to be performed in calendar year 2016 has an anticipated value in excess of \$17,500.00; and

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

WHEREAS, it is the intention of the Township Committee to retain the services of **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC** (hereinafter referred to as the Special Labor Counsel) to serve as the Township's Special Labor Counsel during calendar year 2016; and

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

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

WHEREAS, the maximum amount of the agreement shall not exceed \$60,000.00 for all legal services plus an amount not to exceed \$750.00 for out-of-pocket disbursements during calendar year 2016; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2016 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 126-0009-095 to meet the need of this award during the first quarter of 2016 and that it is anticipated that sufficient funds will be appropriated and available in the 2016 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. That **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC**, located at 268 South Street in Morristown, New Jersey 07960, are hereby retained to provide the Township with professional legal services, as Special Labor Counsel, for calendar year 2016. Services shall include, but not be limited to, preparation for and attendance at negotiations meetings with various labor organization

representatives, the preparation of written legal opinions and the representation of the Township in litigation arising out of matters for which the attorney is retained.

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

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

4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2016 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 126-0009-095 to meet the need of this award during the first quarter of 2016 and that it is anticipated that sufficient funds will be appropriated and available in the 2016 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

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

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

RESOLUTION NO. 25-2016

A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN HANSCH CONSTRUCTION, INC. AND THE TOWNSHIP CONCERNING THE CREATION OF A FIVE (5) LOT SUBDIVISION FOR THE CONSTRUCTION OF FIVE (5) SINGLE FAMILY HOMES ON PROPERTY LOCATED ON BOULEVARD ROAD IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND DESIGNATED AS LOTS 2.01, 3 AND 4 IN BLOCK 2401, 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 DEVELOPER'S AGREEMENT

WHEREAS, by resolution dated June 27, 2006, the Planning Board granted preliminary major subdivision approval and final approval by resolution adopted on August 15, 2006 to **Hansch Construction, Inc.**, the applicant and developer to subdivide an existing 3.26 acre vacant tract of land to create a total of five (5) lots for single family homes on property located on Boulevard Road and designated as Lots 2.01, 3 and 4 in Block 2401 as set forth on the Tax Map of the Township; and

WHEREAS, the subdivision project shall be referenced in the Developer's Agreement authorized by this resolution as the West Side Project; and

WHEREAS, under State law, Township Ordinances, and Board of Adjustment rules, regulations and requirements, the granting of final approval to said site plan is contingent upon the Developer having completed all such improvements within and without Block 2401, Lots 2.01, 3 and 4, in accordance with the requirements of said preliminary and final 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 and the execution of this Agreement; and

WHEREAS, the Developer desires to improve said Site in accordance with all applicable requirements, including those set forth in this agreement.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement by and between the Township of Hanover and **Hansch Construction, Inc.**, the Developer, concerning the construction of five (5) single family homes on property located on Boulevard Road in the Cedar Knolls Section of the Township including other site improvements as set forth in the Developer's Agreement on the property described above and designated as Lots 2.01, 3 and 4 in Block 2401, as set forth on the Tax Map of the Township of Hanover. However, the Mayor and Township Clerk shall not execute the Developer's Agreement until the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given."

- A. The Developer shall be responsible in submitting a total performance guarantee of \$154,329.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$15,433.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 6(a) of the Developer's Agreement. And, submission to the Township Clerk of a Performance Surety Bond or Irrevocable Standby Letter of Credit in the amount of \$138,896.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 6(a) of said Agreement.
- B. In accordance with paragraph 6(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$7,716.00 to compensate the Township for all Township engineering review, inspection and supervision services of all the improvements as required to be installed by the Developer.
- C. The Developer shall also be required to pay to the Township the sum of \$5,000.00 to cover the cost of the Hanover Sewerage Authority's engineering review, inspection and supervision of the sanitary sewer facilities and improvements required for this project subject to the provisions of N.J.S.A. 40:14A-40.
- 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 19 of the Developer's Agreement.
- E. Pursuant to paragraph 24 of the Developer's Agreement, the developer shall be responsible to pay a Mandatory Development Fee for Affordable Housing in accordance with Section 166.48.1 of Chapter 166 of the Code of the Township entitled Land Use and Development Legislation by paying a development fee of 1% of the equalized assessed value of any residential property as determined by the Municipal Tax Assessor.
- F. In accordance with paragraph 26 of the Developer's Agreement, the Developer is subject to the terms of the Township's tree regulations as described in full in the Township's Code. Based upon the calculations set forth in the Ordinance, the Developer shall plant the required number of trees or pay applicable tree fees which will be calculated during development of the newly created lots. In addition, the Developer shall plant the required number of street trees associated with the construction along the frontage of Boulevard Road, approved by the Township's Arborist, whether or not the trees are required as a result of the Tree Ordinance calculations.

- B. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".
- C. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and the conveyance of any applicable deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any construction activities.

2. That certified copies of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer, the HSA Executive Director and **Hansch Construction, Inc.** for reference and action purposes.

RESOLUTON NO. 26-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE RELEASING PERFORMANCE SURETY BOND, BOND NO. 106074641 IN THE AMOUNT OF \$20,000.00 TO HANOVER 3201 REALTY, LLC AS A RESULT OF SATISFACTORILY COMPLETING GRADING ACTIVITIES IN ASSOCIATION WITH GRADING PERMIT, PERMIT NO. G-15-1 DATED NOVEMBER 7, 2014 ISSUED BY THE TOWNSHIP'S ENGINEERING DEPARTMENT FOR GRADING ACTIVITIES ON THE PROPOSED WEGMAN'S SUPERMARKET SITE LOCATED ON LOTS 1 AND 2 IN BLOCK 3201 AS SET FORTH ON THE TOWNSHIP'S TAX MAP

WHEREAS, the Township's Engineering Department issued a grading permit, Permit No. G-15-1 on November 7, 2014 to **Hanover 3201 Realty, LLC** (a/k/a Mack-Cali Realty), as applicant and property owner, for the performance of grading activities at the proposed Wegman's Supermarket site located on Lots 1 and 2 in Block 3201 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, in addition to paying a \$1,200.00 permit application fee, the applicant was also required to post with the Township a \$20,000.00 Performance Surety Bond; and

WHEREAS, **Hanover 3201 Realty, LLC** submitted the required Performance Surety Bond, Bond No. 106074641 dated December 29, 2014; and

WHEREAS, in a memorandum dated January 4, 2016 to the Township's Business Administrator, the Township Engineer advised the Business Administrator that **Hanover 3201 Realty, LLC** had satisfactorily completed the grading activities related to the proposed Wegman's Supermarket and requested that the necessary resolution be prepared for consideration by the Township Committee in the release of the \$20,000.00 Performance Surety Bond; and

WHEREAS, the Township Engineer's Memorandum, the original Performance Surety Bond and a copy of Grading Permit No. G-15-1 are attached hereto and made a part of this resolution as if set forth in full.

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

1. In accordance with the Township Engineer's January 4, 2016 Memorandum addressed to the Township's Business Administrator, the governing body hereby releases the Performance Surety Bond, Bond No. 106074641 issued by Travelers Casualty and Surety Company of America and dated December 29, 2014 to **Hanover 3201 Realty, LLC** as a result of the satisfactory completion of grading activities on Lots 1 and 2 in Block 3201 in association with a grading permit, Permit No. G-15-1 dated November 7, 2014 as issued by the Township's Engineering Department.
2. That the released original Performance Surety Bond shall be transmitted to Mr. Thomas Golden at **Hanover 3201 Realty, LLC**.
3. That certified copies of this resolution shall be transmitted to the Township Engineer and Mr. Golden for reference and information purposes.

RESOLUTION NO. 27-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE RELEASING UNUSED SANITARY SEWER INSPECTION FEES IN THE AMOUNT OF \$5,000.00 TO HANSCH CONSTRUCTION, INC. AS A RESULT OF THE COMPLETION OF A FOUR (4) LOT MAJOR SUBDIVISION ON PROSPECT PLACE, BOULEVARD ROAD AND ORCHARD PLACE IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND DESIGNATED AS LOTS 2.01, 2.02, 3.01 AND 3.02 IN BLOCK 2502 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, **Hansch Construction, Inc.** (hereinafter referred to as the "Developer") has completed a four (4) lot major subdivision on Prospect Place, Boulevard Road and Orchard Place in the Cedar Knolls Section of the Township and designated as Lots 2.01, 2.02, 3.01 and 3.02 in Block 2502 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, as part of the Developer's Agreement dated May 10, 2007 as executed by and between **Hansch Construction, Inc.** and the Township, the Developer was required to deposit sanitary sewer inspection fees in the amount of \$5,000.00; and

WHEREAS, in a memorandum dated January 4, 2016 to the Township's Business Administrator, the Township Engineer advised the Business Administrator that the Executive Director of the Hanover Sewerage Authority has approved the release of the unused sanitary sewer inspection fees; and

WHEREAS, the January 4, 2016 memorandum from the Township Engineer along with a letter from the President of **Hansch Construction, Inc.** requesting the release of the unused \$5,000.00 sanitary sewer inspection are attached hereto and made a part of this resolution as if set forth in full.

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

1. Pursuant to the January 4, 2016 memorandum from the Township Engineer, the governing body hereby releases the \$5,000.00 unused sanitary sewer inspection fees to **Hansch Construction, Inc.** which fees were deposited and are available in the Trust Fund Account, Account No. 252-6038-499.
2. That certified copies of this resolution shall be transmitted to the Chief Municipal Finance Officer, Township Engineer, the Executive Director of the Hanover Sewerage Authority and **August Hansch**, President of **Hansch Construction, Inc.**

RESOLUTION NO. 28-2016

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE VIDEO TAPING OF TOWNSHIP COMMITTEE MEETINGS FOR A TWELVE (12) MONTH PERIOD COMMENCING JANUARY 1, 2016 THROUGH DECEMBER 31, 2016 BY ROBERT KOPACZ AT THE RATE OF \$385.00 PER TAPING AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN EXTRAORDINARY, UNSPECIFIABLE, SERVICES AGREEMENT WITH MR. KOPACZ

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

WHEREAS, technological advances in the communications industry

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

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

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

WHEREAS, an informed community is the cornerstone to good government, and in this regard, the Township Committee wishes to retain the services of **Robert Kopacz**, as videographer, in recording and converting into suitable formats for television and the Internet, the regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2016 through 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. In accordance with the Township Committee's philosophy of open government and transparency, and the need to inform its constituents of actions and decisions that affect the welfare of the community, the governing body hereby authorizes the video taping of all regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2016 through December 31, 2016.
2. The governing body hereby retains the services of **Mr. Kopacz** for the purpose of videotaping all regular public meetings of the Township Committee during calendar year 2016 which meetings are held at 8:30 p.m. in the Main Meeting Room of the Municipal Building on the second and fourth Thursdays of each month except in June, July, August, November and December when only one (1) meeting may be convened.
3. **Mr. Kopacz** shall be paid a flat fee of \$385.00 to tape each Township Committee meeting which fee includes the taping of meetings, the conversion of the tape into suitable formats for broadcasting on Cablevision's Access Channel 21 and for streaming on demand over the Internet via YouTube and the Township's web site. This fee also includes providing the Township with three (3) standard definition DVDs for the Township and the Whippanong Library.

4. In the event of an extraordinary situation where a Township Committee meeting exceeds two (2) hours in length, **Mr. Kopacz** shall be compensated an additional \$75.00 per hour for any portion of that meeting which exceeds two (2) hours.
5. That a certified copy of this resolution shall be transmitted to **Mr. Kopacz** and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 29-2016

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:

<i>BLOCK</i>	<i>LOT</i>	<i>QUAL. #</i>	<i>NAME</i>	<i>AMOUNT</i>
1001	18		Albert & Karyn Montano 10 Old Farm Road Cedar Knolls, NJ 07927	\$2,242.13
1311	6		Nicola Marucci 54 Oak Blvd Cedar Knolls, NJ 07927	\$26.69
1404	15		Julie Guerriero 13 South Belair Ave Cedar Knolls, NJ 07927	\$186.29
1408	13		Mark & Theresa Mitrenga 19 Parker Avenue Cedar Knolls, NJ 07927	\$55.85
2201	8		Sonia Townsend & Mark Valentine 165 Cedar Knolls Road Whippany, NJ 07981	\$2,034.22
4605	5		Timothy & Shannon Bock 9 Woodfield Drive Whippany, NJ 07981	\$438.13
8001	6.08		Matthew & Jennifer Denning	

		6 Schindler Court Whippany, NJ 07981	\$1,275.02
8201	8.02	Handzel Contracting LLC 6 Handzel Road Whippany, NJ 07981 RE: 24 Handzel Road	\$1,829.90
8802	5	Cheryl Palmer 85 Parsippany Road Whippany, NJ 07981	\$1,510.30

Motion made by Member Coppola and seconded by Member Brueno to accept and approve Resolutions as a Consent Agenda and unanimously passed.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$ 4,686,008.33 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 Mayor Francioli and seconded by Member Ferramosca and unanimously passed.

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

RAFFLE APPLICATIONS:

- RL- 2897 – Sgt. Ryan E. Doltz Memorial Foundation, Inc. Tricky Tray**
- RL- 2898 - New Jersey Jazz Society – 50/50 on premise**
- RL- 2899 – Randolph Township PTO Council – off premise raffle**
- RL- 2900 – Randolph Township PTO Council – Trick Tray**
- RL- 2901 – Randolph Township PTO Council – 50/50 on premise**
- RL- 2902 – St. John the Baptist Ukrainian Church – Tricky Tray**
- RL- 2903 – St. John the Baptist Ukrainian Church – 50/50 on premise**

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

OPEN TO THE PUBLIC OTHER BUSINESS

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

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

OTHER BUSINESS:

Mr. Brueno: Recreation has the winter programs underway, they have basketball, wrestling and having said that registrations have begun for Little League and lacrosse our spring sports are right around the corner and knock on wood given the weather hopefully we will be out on the field as soon as March.

Mr. Coppola: I'm sure people are aware that our Police Chief is retiring, we also have a Sgt. That is retiring as of February 1st we are in the process of hiring new police officer and also in the process of testing for Sgt.

Mr. Ferramosca: Quick update on connectivity on Phase 1A of the trail, and what is Phase 1A? That begins on Whippany Road at Bayer Boulevard, it goes down to Eden Lane and then from west on Eden Lane on the South side of Eden Lane to Jefferson Road, down Jefferson Road where it meets up with Cedar Knolls Road and at that point it joins up with Patriot's Path, and it ultimately will bring us to the County Library. So that's what we define as Phase 1A, the engineering work is underway and we look to complete that sometime by the conclusion of Q3 of this year. Phase 2 is the expansion of the connectivity trails system, Hanover led the county wide initiative for trails this was a referendum that was supported by nearly 2/3 of the electorate in Morris County, it was very popular, Hanover brought that forward, Hanover continues to urge the County to move so we can get the grant application out. We recently learned those grant applications will be available early spring. Our intention is to be as early as we can in the que for the filing of those grants because from here on out our intention will be to develop our trail system with use of open space funds coming from the County.

In addition to that I just want to point to two issues regarding communications. Number one Hanover has just kicked off this week what we call the E-Blast, the E-Blast is a great opportunity to learn what is going on in your Township. Great things are happening in our Township. You can get there by going to the Township's website and either signing up there or using what they call a QR Code, if you have a smart phone. You can get this information brought to you by your smart phone, or on your PC.

Lastly, I highly recommend the Committee does sign up for the Nixle system. The Nixle system is a great means for our public safety officials, police department to communicate with you in the event where there is need to provide you with information that promotes safety. They used that extensively at the end of last year they helped with the various road constructions.

Mayor: And, all of Deputy Mayor Ferramosca recommendations can be found on www.HanoverTownship.com; that's our website go there to get information on how you can sign up for Nixle, E-Blast, and probably be enlightened by a great deal of other information and events about the town.

Mr. Ferramosca: One last PR Statement about the Administration, very humane and very caring about animals within the Hanover Township, Mr. Giorgio when is the deadline for the submission for the licenses for pets?

Mr. Giorgio: January 31st

Mr. Ferramosca: So please file your licensing, make sure their rabies shots are in place for your pets, so you can qualify for round one which is a period there is zero in terms of penalties, after January 31st there are penalties, so please file your licensing early by January 31st. Thank you.

Mr. Gallagher: I would like to thank Joe Giorgio specifically and thank a lot of Hanover Township family at the re-org, Joe I want you to know how much I appreciate you and your work, your staff and I don't think anyone has any idea how many times we call you every day. I appreciate it. If I didn't go so long on the re-org I would have hammered that one before I closed.

I just want to announce the partnership with the Hanover Township Substance Awareness Council and the Police Department is developing nicely. In March, we are planning on getting together with our sports groups. Our boards, our coaches and some of our parents and that strategy is because everyone of our sports groups has a great email list that we can share information which ties into our Facebook page which is officially being introduced with our fact every two weeks the Hanover Township PD we are going to be releasing a title either a phrase, narcotic or a drink a short explanation on it and then the link you can click to learn. Our theme is to educate us adults on what is going out there because we know at a certain age the information no longer comes home with our children to share with us at the dinner table. So we are going to take that on to work on educating our resident on what is going on out there and we are doing very well. Also, I want to say Mr. Kelly from the High School thanked us for working so hard to keep the conversation up and we gave him our word that we will be working to keep the conversation going.

Lastly I would like to say thank you to Mennen Arena for partnering with Substance Council 8 Friday nights in a row they are giving Hanover Township's children the opportunity to come in \$11.50 admission which includes skate rental is now \$6.00 and we officially reached out to East Hanover and Florham Park so we have 7 more nights, and the last part that's nice in the intermission on February 28 Sharon's School of Dance and Music are bringing in their break dancers to do a show in the intermission, next to the ice and also AMA is doing a demonstration, so we are working hard.

Mayor: You guys put together a beautiful program, congratulation on that.

Mr. Gallagher: I appreciate working with you guys on it and we are all on the same page and I appreciate all the support.

ADJOURNMENT

Motion to adjourn made by Member Brueno and seconded by Member Ferramosca and unanimously passed.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER

COUNTY OF MORRIS
STATE OF NEW JERSEY

Joseph A. Giorgio, Township Clerk