

DECEMBER 14, 2017

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, December 14, 2017, 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, Coppola
Gallagher and Brueno

ABSENT:

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

OPENING PRAYER

Almighty God, we ask that you bless this governing body with an abundance of wisdom and understanding so that every deliberation will result in actions which will promote the common good and the general welfare for all of the people of Hanover Township...AMEN

RECOGNITION OF KEVIN BAUMAN, ANDY MOTTRAM AND FRANK DE MAIO IN SAVING THE LIVES OF BILLY AND MADELINE FORNARO DURING THE MONDAY, NOVEMBER 27, 2017 FIRE AT BILLY AND MADELINE'S RED ROOM TAVERN

Mayor: What you see up on that screen tonight who have not seen this before and I doubt that there are very many that have not seen this before this is Billy's Red Room, the historic piece of Hanover Township that has been there and served our community, it's been friends to our community and served our community for countless years. November 22nd a tragic fire we lost Billy's Red Room and thankfully, thankfully we had no loss of life. It was a tragic fire, and at the time of the fire we had so many responses to our aide including some citizens that we are going to certainly recognize this evening. Before we begin I had asked Krista our Administrator's Secretary to get us some information and Chief Cortright was good enough to give me some background information. A fire like this is not fought by just one fire company alone, municipal aid certainly comes into this, the Chief was good enough to give me the following information and I would like everyone to hear it and hear all of those who contributed to working this fire and controlling this fire and putting this fire out. Here is the Chief's report:

"Dispatched at 12:49 pm

We had 13 mutual aid fire departments on scene:

Cedar Knolls FD and EMS, Morris Township, Morris Plains, Madison, East Hanover, Florham Park, Parsippany Fire Districts 1,3,4,5, and 6.

Chester and Rockaway Township Fire Departments responded and replenished our air cylinders.

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There were approximately 12 other departments that were dispatched to cover towns that were on scene fighting the fire.

Par Troy EMS along with multiple other EMS units.

Atlantic Ambulance ALS

Morris County Fire Coordinator along with Deputy Fire Coordinator.

Hanover Township PD

Hanover Township OEM

County OEM

Upon arrival of Chief Cortright civilians were in the process of rescuing Madeline Fornaro from the second story along with her dog. Billy Fornaro was assisted from the kitchen/delivery entrance. This was completed at 12:53, 4 minutes after dispatch all occupants were out of the building. There was heavy smoke coming from all floors of the building upon arrival of fire departments. Crews established a primary and secondary water supply. An interior attack was made into the first floor of the building. At 1:30 pm crews were instructed to get out of the building. All members were accounted for. At this time we set up for an exterior attack with elevated master streams. Whippany and Cedar Knolls Departments remained on scene until 7:44pm.

The building suffered severe fire, smoke, and water damage on all floors.

There was no damage to the building next door which is approximately 20 feet away from the fire building.”

Mayor: No injuries were reported to any firefighters and everyone on the scene went home safe and to that Chief and to the men and woman in the Departments our congratulations. But this evening, we have special honors and we would like to honor some heroes of the day from our home town. I would like Kevin Bauman, Andy Mottram and Frank DeMaio to come forward and what we have here, these gentleman before I have the honor of awarding them these plaques, these gentleman having seen the early initiation of smoke from the house came right to the house most of us would go the other way. They went into the fire, they went to the smoke they went to the source and when they got there and saw what was going on they actually formed a human chain to get to the second floor and Madeline you were taken down from that point of rescue. That rescue was absolutely miraculous and we thank you everyone in Hanover we all thank you for your bravery in that. We have for you a token of our appreciation, I know its quiet not enough but it certainly we hope you gentleman will take a look at it and remind you of a very distinguished deed that you did this day. I would like to present to Kevin and Andy and Frank the Key to Hanover Township.

Chief Cortright: I just want to say on behalf of the Board of Fire Commissioners and Members of the Whippany Fire Company we thank you for what you did, as everybody saw it was a devastating fire and you guys did one of the aspects of our job for us and we thank you very much. (inaudible) So on behalf of everybody from the Whippany Fire Department, Hanover Fire District Number 2, we thank you and we have a little token of our appreciation. (Applause)

Bob Brueno: I just wanted to add that I know Kevin for about 15 years, we play basketball together, and ironically the shorter guy is the basketball player. I believe all three are from town but I happen to know Kevin, his grandmother is a Kasiski, longtime resident probably in Town since the 40's or 50's, lives on right on Reynold Avenue as the Mayor said this situation I think that Andy was taking the video and you can see cars driving by and people are looking and you see this smoke pouring out and it was only these three Frank, Andy and Kevin who said I think maybe I should run toward the danger and see whether someone might need help and in fact they really did. I think in this case, you wouldn't have been under stating the fact to say that they saved some lives and I just don't think you know how you are going to react in that situation but I think it is a perfect example of the right place at the right time. These guys were heroic they weren't probably with not a couple minutes to spare. I think two or three minutes one way or the other and this could have had a tragic ending so for some Whippany residents thankfully again the right place at the right time very heroic and really appreciate those efforts guys so thank you again. (Applause)

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Mayor: I was at a County meeting not too long ago and they too know of your heroic efforts and I'm sure very shortly you will hear from our county Board of Freeholders. So I'm certain that they will want to recognize your efforts as well and we all thank you very much...that's Hanover at its best!

FOLLOW-UP REPORT PRESENTED BY LAURA CUMMINGS, P.E., EXECUTIVE DIRECTOR/CHIEF ENGINEER OF THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY CONCERNING THE NOVEMBER 23, 2017 THANKSGIVING DAY WATER ALERT

Mayor: Thanksgiving Day Hanover Township had an incident not only regarding loss of power in our community that evening but the result of loss of power affected our water system and that some pumping stations in particular area being Trailwoods, Countrywood and that local area were affected by the fact that the water pump generators failed for a period of time and the water system then had to go be tested. That sounds like an academic thing test the water, etc., the testing was an involved process taking up to 24 hours to see whether or not the stoppage of that water had developed any issues with bacteria or any other types of contaminations. Thankfully, the water system after the alert was proven fine. The unfortunate portion of this all for our community as Deputy Mayor Ferramosca and I know it made our Thanksgiving Day, and several it's probably safe to say 1,200 were affected. John and I met with Laura Cummings the Director of our Water Company immediately thereafter the following morning. We had a session with them and learned a lot about what the matter was but we asked Laura to come here tonight and to give us a presentation on what took place that created such a dilemma of all days Thanksgiving Day for our residents.

Following the Mayor's Opening Remarks, Laura Cummings, the Executive Director and Chief Engineer of the Southeast Morris County Municipal Utilities Authority addressed the Governing Body and public about the causes of the Thanksgiving Day water emergency and the steps being taken by the Water Authority to introduce measures that would prevent the same type of incident from occurring again in the future. The full discussion of the presentation was recorded and is on file in the Business Administrator/Township Clerk's Office or can be viewed at the following link: <https://youtu.be/aNoM7ITqBWc>

OPEN TO THE PUBLIC:

Motion made by Member Ferramosca to Open to the Public and seconded by Member Brueno and unanimously passed.

Motion made by Member Ferramosca to Close to the Public and was seconded by Member Gallagher and unanimously passed.

COMMUNICATIONS:

LETTER OF RETIREMENT SUBMITTED BY DETECTIVE CHRISTOPHER THOMPSON EFFECTIVE APRIL 1, 2018.

Motion to accept letter of retirement made by Member Coppola and seconded by Member Gallagher and unanimously passed.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Construction Official	S. Donlon	Reports of November/December
Property Maintenance	E. DeSimone	Reports through December 13

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Finance Officer	S. Esposito	Reports (2) Budget Revenue
Public Works	B. Foran	Reports of November
Township Engineer	G. Maceira	Reports as of Capital Projects

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

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of November 20, 2017 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 November 20, 2017 minutes have been accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.

PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE:

ORDINANCE NO. 24-2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY AMENDING THE REGULATIONS FOR THE WC- WHIPPANY CENTER ZONE DISTRICT.

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 24-17 appeared in full in the November 15th, 2017 issue of the Daily Record in accordance with the law. Ordinance has also been filed with the Morris County Office of Planning and Preservation and we have their acknowledgement and all contiguous municipalities to Hanover Township were notified in writing by certified mail and regular mail and in accordance with the referral requirements under the Municipal Land Use Law Ordinance 24-17 was referred to the Planning Board for review and recommendation and we have on file a letter from the Planning Board recommending the adoption of Ordinance 24-17.

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

Mr. Brancheau: The Whippany Center Zone was a zone that the Township Committee created in 2009 it was the result of examination by the Planning Board in trying to redevelop the area near the intersection of Route 10 and Troy Hills Road which had been occupied by an air condition and heating contractor former restaurant, dwelling, the Whippany Fire House and Commissioner's Office and a bunch of different uses that were really no longer serving a purpose and it got run down. The zone was intended to encourage the redevelopment of the area with a mixed use development including retail and housing and like I said that was adopted in 2009. Later in 2009 there were some minor amendments to the ordinance for that zone and in 2013 the Planning Board adopted a Master Plan amendment that reflected the zoning that existed in place it called for also a mixed use planned development on 8 acres of land as a minimum it called for 46 residential units and the ordinance also called for 46 residential units as a maximum with some affordable units are part of that.

In September 2016 the Township Committee adopted some technical revisions to that ordinance and in June of this year the Township Committee did some amendments to the ordinance which would allow small scale industry with a retail if it was related to food and beverage so for example a baker could sell baked goods but may manufacture them at the site. An ice cream maker could do the same thing, a brewery can do the same thing.

Tonight the public hearing on yet another amendment of that ordinance and this amendment would reduce the minimum acreage for a planned development from 9

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acres to 8 acres which is consistent with what the Master Plan recommends as 8 acres and would make another of revisions to the zone standards designed to encourage redevelopment of the property. There is no change proposed in the residential component in the zoning which has been on the books now for 8 and a half years. When the Planning Board considered recommending this ordinance to the Governing Body it was driven by a number of factors; one was that it's been now 8.5 years since the zone was created and yet the property has not been redeveloped as planned and yes we did get a CVS and a Chase Bank but the rest of the development has not moved forward and hasn't been able to move forward because the ordinance requires, as of this time, it has required 9 acres of land and that is only possible if all the property owners in the zone work together towards a unified development. Despite some effort at that happening that hasn't happened it doesn't look like it is going to happen so the Planning Board was faced with a question of do we let it sit like this or do we reduce the acreage to what we know can work together and at least get the property redeveloped. So that was one of the factors that the Planning Board was looking at in recommending this amendment to the zoning. Planning Board was also cognizant that the Whippany Fire Company property was about to sell and it is my understanding is that it is pending and this would provide an opportunity for a new look at possibly working together with the developer but they did not want to hold up redevelopment for that to happen so again that recommendation to reduce the area to not have to include the fire company property for that type of development to occur. Thirdly, the Township is currently before the Superior Court on another affordable housing plan. I won't go into details about affordable housing policy in New Jersey and how it has been a mess over the last 10-15 years but this site is included in our plan as an affordable housing site and because it has not moved forward. It has been questioned if whether it's actually a buyable site. The Township believes and the Planning Board believes that eliminating this minimum 9 acre requirement reducing it to 8 will allow the development to move forward and therefore to eliminate the obstacle to make this site viable for helping the town meet its affordable housing obligations. So that is basically the history and the summary of what has happened with the WZ Zone and what we are trying to achieve by this office.

Mr. Ferramosca: Thank you Mr. Brancheau for providing us the history and rationale on the recommended zone change.

Mayor: To be clear and you always give an extensive detail and that is good but fundamentally this separate out the fire company property from the zone and the zone from the fire company.

Mr. Brancheau: They are still in the same zone.

Mayor: So the standards in the zone apply to all property owners in that zone.

Mr. Brancheau: There are two sets of standards 1 is for small lots and then there is 1 standard for what we call the planned development which would be one coordinated project and the standard is designed to encourage that coordinated project still allowing individual lot development but if the property owners could work together they would actually get a better product and the Township would get a better project but that is the intent. So this will allow the fire company still to work with and become a planned development but it wouldn't require it.

Mayor: They can share it in a condominium type of way, snow plowing, landscaping other types of details if they chose to.

Mr. Brancheau: Shared parking all types of things.

Mayor: Now it's their option not mandatory.

Mr. Brancheau: Not mandatory under this ordinance.

Mr. Giorgio: Is there anyone present wishing to be heard concerning ordinance number 24-2017 please give your name and address for the record.

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Jim Neidhardt, 34-14 Appleton Way, Whippany: It's more of a question than a comment, you keep referring to the standards are not going to change within the zone; is any of the standards centered around the visual continuity because from a resident's standpoint and the community development standpoint the idea of a Town Center is highly dependent upon visual continuity.

Mayor: Are you talking about architectural continuity in look?

Mr. Neidhardt: Is that part of the standards?

Mr. Brancheau: There are standards in the zone that require in the plan development that there be an architectural compatibility amongst all of the buildings.

Mr. Neidhardt; so if the fire house property is bifurcated from the other 8 acres does that still, does that requirement of visual continuity still apply among all 9 acres or does that change?

Mr. Brancheau: There is language in the ordinance and I believe I just want to make sure, (interrupted)

Mayor: Cobblestone, gas lamps, etc., things of character like that to try and integrate all the properties as this one look.

Mr. Neidhardt: So all 9 acres will still have that requirement.

Mayor: I think that is the intent but I may be wrong.

Mr. Neidhardt: I know that is the intent.

Mayor: Let's let the Planner tell us. This is correct Gene? The Chairman of the Planning Board just said that I am correct that the integrity of this zone is protected by the types of gas lamps, kinds of lighting fixtures, the kind of landscape etc.

Mr. Neidhardt: So this bifurcation of the 8 acres and 1 acre will not affect that all nine acres will still be bound by that?

Mayor: Correct. That was an important point.

Mr. Giorgio: Before I ask for a motion to close the public hearing I want to point out that an ordinance is legislation, similar to legislation that is passed by the Senate and General Assembly on the State Level and similar to a measure before the Congress of the United States. Normally the protocol for anyone to make comments is that you have to be physically present here in these chambers to address the Township Committee and make your points of view known to the Governing Body, in this case we have this evening a special request from a resident, normally we would not admit such comments into the records because the person is not physically present to hear any rebuttal that might be presented by any member of the Governing Body. In this case, we have this evening a special request from a resident normally we would not admit such comments into the record because the person is not physically present to hear any rebuttal that might be presented by any member of the Governing Body or by the Planner however we are making an exception in the interest of transparency so that no one can say that we are not accepting any comments into the record, so that being said I'm going to read into the record the following letter that was hand delivered to my office yesterday and it is as follows:

"Dear Mayor and Township Committee: This is a comment regarding the Whippany Center Ordinance 24-17. I am unable to attend the hearing so I am presenting my comment in writing to be read into the record. I sat on the Hanover Township Committee in 2008 when the first two Whippany Center zone ordinances were defeated and I was Mayor in 2009 when the current Whippany Center zone ordinances were passed. I am partial author of the WC Zone along with Hanover Planner Blais

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Brancheau. I am intimately familiar with the current ordinance and I want to share some history.

The current WC Zone contains certain conditions which if met gives the land owner extra amenities and benefits. A minimum tract of 9 acres was added to the zone to ensure that the land owner Vision Equities would work in partnership with the Whippany Fire Company to create Whippany Village. The minimum tract area includes the Vision Equity lot and the Whippany Fire Company's land combined. It was put in place for specific benefits to both entities. Whippany Fire Company would get a new fire house and Vision Equities would reap an extra 3rd story within a 2 story height limit and 46 residential apartments over the retail stores. When the zone was passed Vision Equities had promised the fire company a land swap from its current location in the flood plane to a piece of land up on the hill. In the beginning it was everybody understands that Vision Equities promised to build a new firehouse. Then it was to supply the labor to build the new fire house and eventually it was just a swap of land. Ultimately the parties could not come to terms so the fire company has since built it's firehouse elsewhere. The current ordinance was carefully crafted to contain common green space and green setbacks, a buffer of tree screening the adjoining residential neighborhood and fencing from the active railroad line. As incentive for Vision Equities to include the Whippany Fire House in the development of Whippany Village the extra amenities were added to ensure that Vision Equities and Whippany Fire Company partnership.

A similar attempt to amend the Whippany Center Zone to reduce the minimum acreage, reduced the setbacks and buffers and eliminated common areas was introduced and defeated a couple of years ago. When issues arise regarding the WC Zone Mayor Francioli rightfully steps down off of the podium and recuses himself since he is an Honorary Member of the Whippany Fire Company and the Whippany Fire House is in the WC Zone. Nevertheless amending the WC Zone does not benefit the fire company as a matter of opinion it is a slap in the face because it gives Vision Equities all the extra benefit put in place to help the fire company without having to do so.

Furthermore, the old fire house does not meet the minimum tract area criteria so changing the minimum area has no effect on its property. Also, it is already under contract to sell. I might also add that the 46 residential apartment units have no yards, the back yard is a parking lot on Morris & Erie Railroad property and residential and retail parking is shared parking. I sat on the Planning Board when CVS was approved, a six foot stockade fence and a buffer of evergreen trees is part of the approved site plan but it has never been installed. I believe that the Township can do a lot better if it wants to amend the WC Zone and I would recommend that defeated this amendment and going back to the drawing board when the new committee is seated next year. I do not think it is in the best interest of the public to allow three stories in residential housing above retail stores with shared parking and no yards for children to play. All this mixed use, cramming housing units in with and on top of commercial buildings is not looked upon favorably by our residents. The current WC Ordinance currently allows conventional development of commercial and retail use the property can be developed right now only without residential apartments. To reduce the minimum acreage to 8 acres to allow the added use of 46 residential units of housing in a retail zone and an extra third story of building height would be a travesty and it defeats the reason for extra use, height and densities were added in the first place. In the interest of the Town and the adjoining neighborhood I urge the committee to defeat Ordinance 24-17.

Thank you for the opportunity to comment,

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Very Truly Yours,
Leonardo A. Fariello”

Mayor: Mr. Fariello is not present as the Administrator said to respond to questions or comments from the Township Committee but since in fact in his letter he does mention the Office of The Mayor let me clarify a few points for the record; number one as an Honorary Fireman which I much appreciate with the Whippany Fire Company I check my standing with the Township Attorney as to whether or not I can vote on such matters and it is at the opinion of the Attorney that as an Honorary standing is not preclude me from voting I have never never recused myself from any vote on this property. Secondly, the writer mentions that Vision Equities in his opinion was to build this firehouse multimillion dollar fire house at Vision Equities expense as part of this deal; I sat on this relocation committee from the very beginning and I am proud to say that I tried to orchestrate a swap of land in the very beginning of this thing, never was the idea of this builder obligating himself to building a fire house at 100% of his cost ever spoken about, that is completely fictitious. There are issues about the land swap that were unfortunate and in the process of that Whippany Fire Company did what it necessarily had to do and find more equitable way to build a fire house and they did. But I feel that I had to respond at least to certain area of certain amount of these comments which are not credible and certainly is the opinion of that writer which he is entitled to and as you can see he is not present in this audience tonight to even respond to it.

Mr. Giorgio: Is there any additional comments from the public.

Mr. Ferramosca: The Planning Board has worked on this for nearly a decade and memories fade, perceptions change over time except there is some continuity with all of this and the continuity is with the Professional Planner who we have had for over 10 years. So what I would like to do to invite the Planner to comment so that we maintain accurate accounting of facts because there is a lot of misconceptions that exists that people have here and people in the public have but I think it is important and I think it is very important that the record show the facts and I would ask the Planner if he has any comments regarding what was just read into the record from a member of the community.

Mr. Brancheau: I have a few, I have addressed some of them already in my early statements but just a few points I would like to make. The letter almost reads like the sole reason for making this change was to help the fire company and that was never the case. Yes, we were aware of the attempt to re-locate the fire house at the time but the primary reason for including all of the property in the zone in a planned development was that it wouldn't be split by the fire company would get a better product as a result of it. If that ended up helping the fire company all well and good but that was never the primary motivation to doing this; the primary motivation was as I said before was to redevelop the property and to get a better product by having incentivizing if you will planned development that would have shared access and shared parking, shared utilities similar light fixtures, similar signage all of that being a unified design. That didn't work out so the question was is it better to have 90% than none I think the Planning Board's recommendation was yes and it was never solely based on helping the fire company. So I would dispute that part.

As to the complaint about the housing and not having any yards and the residential in general I personally feel and I think that the Planning Board feels that this type of mixed use development is something that is appropriate, that is something that adds vibrancy to development and in fact Mr. Fariello himself when he was on the Board and the Governing Body voted in favor of the ordinance that allowed 46 housing units on top of retail, so he's now criticizing something that he himself voted in favor of on more than one occasion. So, I don't understand why he has now flipped and has a different opinion but at the time he didn't think it was a bad idea. I don't think it's a bad idea. Now, as to not having yards, most apartments do not have yards. When you live in an apartment you understand that is what comes with it. Especially the new trend towards mixed used development does not have yards, I will note that this ordinance as a requirement for 4,000 square foot open space conveniently located. So there will be

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some area for people can recreate and will not be surrounded by a parking lot there will be open space provision as well. So I will not say anything more but I think we already stated the reasons for the amendment, the reasons for the zone and the fact that the fire company has moved on and already working on its new firehouse offsite the property so that is no longer an issue in my opinion.

Mr. Gallagher: This I found out the other day that the first approval on this was 2005 and somebody called me just today and asked me why all of a sudden are you guys taking this on? We have been talking about this in earnest for at least 3 years. We looked at the firehouse as an option and what we can best do to protect the fire department and what would be our best with our move to serve them in the best way we possibly can. So I believe everything is timing and I think the timing is very good cause a few things are lining up right now, so I just wanted to address the issue why rush this and why all of a sudden are you bringing this to the floor? We have talked about this for years and there was no rush on this but the only thing we all wanted to do was take the time and do it right and make sure that our step was a positive one and again with this decision and this project I believe that beneficiaries will be the Hanover Township residents and I just wanted to weigh in on that.

Mr. Coppola: I'm not going to echo with all of what these gentleman have stated but I will say this that 2008 was the first time that I ran for office and I can tell you that I came to every meeting this room was packed and they discussed and this our writer was in here as a member of the committee they discussed everything, setbacks, yards, the whole bit and even affordable housing. In 2009 when the writer of this request became Mayor it was approved and he helped approve it, so I didn't understand when all of this took place. But regardless, the most important thing is I took the opportunity to get the minutes for every single meeting that was done in 2008 and I can tell you and I can assure you that not once was there ever anything said by a developer that he would build a fire house and if you want to see them I have them because I took page for page because damn if he said it he should be doing so, well he never once. There were people who spoke that they presumed he was going to do it but I can tell you right now he never did and if anybody wants to see that I have it at home.

Mr. Semrau: May I just say from a legal prospective there was a lot of things about this ordinance that are well grounded and supported. So I just wanted to highlight them briefly, first this actual ordinance originated with a number of meetings before the Planning Board. Planning Board took it's time looked at the Master Plan and looked at the fact that there was great desire to do something to redevelop this area and make it more viable and attractive. That was something that they did at least as far as I can follow at least twice. They looked at it and felt that this was very sound and consistent planning and you plan in a way that is best for the Township that is consistent. So when someone says well if you do this it's a slap in the face well it's not personal that way, you have to do what is right for the Township, which makes the Township viable. If you make something personal then over time you are going to have something that nobody is going to want or it is going to stay dormant. So, there is a very big plus here as far as Blais Brancheau said to make it a viable site for the residents, for the properties which are in that zone which includes the fire house and as said during this time period if some developer comes forward for the fire house there is the shared usage for infrastructure and development. As far as the backyards and things of that nature candidly you have all types of uses in the town, residential uses, but to some people it is desirable they don't want a backyard and they like the ability to walk to retail and have that town center feel. So it may not attract a variety of residents but they are certain residents who are at that stage in their life where they want that type of amenity and you are there to offer it and that type of amenity and the number of units it generates the use of retail and makes the whole center vibrant. I also want to say that we have quite a bit of litigation, and many towns do, regarding affordable housing and we have developers coming forward saying that we want in and this is going to be our way to get higher density development, with respect to this site I have say that it is not often that we can say, we don't want to say too many things one way or another with respect to a developer, but in this case it has stayed the same. There has been a number of developers who have jumped in as intervenors this developer has said this is what we think works we are not going to test the litigation waters, we are not going to get

involved in the affordable housing litigation to try and get additional density, this is what we need to make it work, they have been consistent with the Planning Board in their discussions and consistent with the Township Committee and the ordinance has been discussed over the past few years and then again over the past 4 or 5 months due consideration was given

Read into the record the following:

HISTORY OF THE WC – WHIPPANY CENTER ZONE

February 26, 2009 – Adoption of Ord. 5-09, creating the WC zone. Adopted 4-0 by Township Committee. The ordinance followed extensive discussion, review and recommendation by the Planning Board.

- Standards for conventional development and planned development.
- Min. 9 acres for planned development.
- Mix of nonresidential and residential uses permitted.
- Max. 46 residential units.

April 9, 2009 – Adoption of Ord. 8-09, amending the WC zone standards. Adopted 4-0 by Township Committee.

- Technical revisions re: building height, roof pitch, drive-in uses, etc.

November 12, 2013 – Adoption of amended land use plan by Planning Board. The amendment added the WC zone to the land use plan, and recommended:

- Min. 8 acres for planned development.
- Mix of nonresidential and residential uses permitted.
- Max. 46 residential units.

September 22, 2016 – Adoption of Ord. 25-16 by Township Committee.

- Technical revisions re: outdoor dining, tract area, lot ownership, affordable housing obligation.

June 8, 2017 – Adoption of Ord. 15-17 by Township Committee.

- Added small-scale food and beverage manufacturing with retail sales to permitted uses in the zone.

December 14, 2017 – Ord. 24-17 hearing. The ordinance was recommended by the Planning Board in response to three main events/non-events: 1) lack of redevelopment of the zone as planned over the 8½ years since the zone was created, 2) news that the Whippany Fire Co. and Fire Commissioners properties were expected to sell in the near future, and 3) doubts raised by the Court Master in the affordable housing proceedings concerning the viability of the site as an affordable housing site. The proposed ordinance would amend the WC zone to:

- Minor changes to permitted uses.
- Amend the standards for conventional development, consistent with master plan.
- Amend the standards for planned development, consistent with master plan. Reduction of min. tract area to 8 acres, consistent with master plan; would make inclusion of Fire Company or Fire Commissioners properties an option for planned development, but not mandatory.
- No change to maximum number of residential units (46) or min. affordable units (9).
- Would allow Township to obtain credit for 9 affordable units in its housing plan, currently before the Court.

Is there anyone present wishing to be heard concerning Ordinance No. 24-2017?

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Motion to close public hearing made by Member Brueno and seconded by Member Ferramosca and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY AMENDING THE REGULATIONS FOR THE WC-WHIPpany CENTER ZONE DISTRICT,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 20th, 2017 issue of the Daily Record.

Motion to adopt ordinance made by Member Ferramosca and seconded by Members Gallagher unanimously adopted the Ordinance.

So Adopted.

ORDINANCE NO. 25-2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UNINTERRUPTIBLE POWER SUPPLY SYSTEM (UPS) BATTERIES AND OTHER RELATED IMPROVEMENTS FOR THE POLICE DEPARTMENT'S 9-1-1 SYSTEM AND FURTHER APPROPRIATING THE SUM OF \$40,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP'S 2017 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE IMPROVEMENTS DESCRIBED HEREIN

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 25-17 appeared in full in the November 15th, 2017 issue of the Daily Record in accordance with the law.

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

Is there anyone present wishing to be heard concerning Ordinance No. 25-2017?

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

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UNINTERRUPTIBLE POWER SUPPLY SYSTEM (UPS) BATTERIES AND OTHER RELATED IMPROVEMENTS FOR THE POLICE DEPARTMENT'S 9-1-1 SYSTEM AND FURTHER APPROPRIATING THE SUM OF \$40,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP'S 2017 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE IMPROVEMENTS DESCRIBED HEREIN,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 20th, 2017 issue of the Daily Record.

Motion to adopt ordinance made by Member Gallagher and seconded by Members Ferramosca and Coppola unanimously adopted the Ordinance.

So Adopted.

ORDINANCE NO. 26-2017

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*

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LEGISLATION, BY ADDING A NEW B-10 ZONE DISTRICT AND REGULATIONS; ADDING A NEW B-10 ZONE OVERLAY IN THE I – INDUSTRIAL DISTRICT; ELIMINATING THE B-1, B-P AND I-B ZONE DISTRICTS; CHANGING THE ZONE CLASSIFICATION OF VARIOUS PROPERTIES IN THE B, B-1, B-P, D-S, I, I-B, I-P, R-25, AND RM-2 ZONES TO THE NEW B-10 ZONE DISTRICT; REVISING THE ZONE BOUNDARIES OF THE D-S, I, I-P, OB-DS, RM-2 ZONE DISTRICTS; AMENDING THE REGULATIONS PERTAINING TO HOTELS AND MOTELS; AMENDING THE REGULATIONS FOR GASOLINE STATIONS; AMENDING THE REGULATIONS FOR THE B, I, I-B2, I-P, RM-2 AND TC ZONE DISTRICTS; AMENDING THE SIGN REGULATIONS; ADDING VARIOUS USE DEFINITIONS; AND AMENDING VARIOUS OTHER PROVISIONS OF CHAPTER 166 IN ORDER TO ACCOMMODATE THE FOREGOING REVISIONS

Proof of Publication that the Ordinance with the Zone Map and the Notice of Introduction for Ordinance 26-17 appeared in full in the November 13th, 2017 issue of the Daily Record in accordance with the law. We have also on referral to the Planning Board according to the Municipal Land Use Law a letter from the Planning Board recommending the adoption of Ordinance 26-2017.

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

Is there anyone present wishing to be heard concerning Ordinance No. 26-2017?

Motion to close public hearing made by Member Coppola and seconded by Member Francioli and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, “**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED *LAND USE AND DEVELOPMENT LEGISLATION*, BY ADDING A NEW B-10 ZONE DISTRICT AND REGULATIONS; ADDING A NEW B-10 ZONE OVERLAY IN THE I – INDUSTRIAL DISTRICT; ELIMINATING THE B-1, B-P AND I-B ZONE DISTRICTS; CHANGING THE ZONE CLASSIFICATION OF VARIOUS PROPERTIES IN THE B, B-1, B-P, D-S, I, I-B, I-P, R-25, AND RM-2 ZONES TO THE NEW B-10 ZONE DISTRICT; REVISING THE ZONE BOUNDARIES OF THE D-S, I, I-P, OB-DS, RM-2 ZONE DISTRICTS; AMENDING THE REGULATIONS PERTAINING TO HOTELS AND MOTELS; AMENDING THE REGULATIONS FOR GASOLINE STATIONS; AMENDING THE REGULATIONS FOR THE B, I, I-B2, I-P, RM-2 AND TC ZONE DISTRICTS; AMENDING THE SIGN REGULATIONS; ADDING VARIOUS USE DEFINITIONS; AND AMENDING VARIOUS OTHER PROVISIONS OF CHAPTER 166 IN ORDER TO ACCOMMODATE THE FOREGOING REVISIONS,**” be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 20th, 2017 issue of the Daily Record.

Motion to adopt ordinance made by Member Ferramosca and seconded by Member Francioli and Member Gallagher unanimously adopted the Ordinance.

So Adopted.

ORDINANCE NO. 27-2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AUTHORIZING THE FURNISHING AND INSTALLATION OF TWO PEDESTRIAN GATES AND OTHER RELATED IMPROVEMENTS BY THE MORRISTOWN AND ERIE RAILWAY FOR THE PEDESTRIAN AT-GRADE RAIL CROSSING AT THE INTERSECTION OF THE WESTERLY SIDE OF SOUTH JEFFERSON ROAD AND THE MORRISTOWN & ERIE RAILWAY MAIN LINE AND FURTHER APPROPRIATING THE SUM OF \$30,000.00 FROM THE UNALLOCATED PORTION

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OF THE TOWNSHIP'S 2017 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE IMPROVEMENTS DESCRIBED HEREIN

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 27-17 appeared in full in the November 28th, 2017 issue of the Daily Record in accordance with the law.

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

Is there anyone present wishing to be heard concerning Ordinance No. 27-2017?

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

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AUTHORIZING THE FURNISHING AND INSTALLATION OF TWO PEDESTRIAN GATES AND OTHER RELATED IMPROVEMENTS BY THE MORRISTOWN AND ERIE RAILWAY FOR THE PEDESTRIAN AT-GRADE RAIL CROSSING AT THE INTERSECTION OF THE WESTERLY SIDE OF SOUTH JEFFERSON ROAD AND THE MORRISTOWN & ERIE RAILWAY MAIN LINE AND FURTHER APPROPRIATING THE SUM OF \$30,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP'S 2017 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE IMPROVEMENTS DESCRIBED HEREIN,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 20th, 2017 issue of the Daily Record.

Motion to adopt ordinance made by Member Coppola and seconded by Member Francioli unanimously adopted the Ordinance.

So Adopted.

ORDINANCE NO. 28-2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 255-7. ENTITLED "RATE SCHEDULE" UNDER CHAPTER 255 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED TOWING AND ROAD SERVICE AS IT RELATES TO TOWING AND ROAD SERVICE CHARGES FOR CALENDAR YEARS 2018 AND 2019

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 28-17 appeared in full in the November 28th, 2017 issue of the Daily Record in accordance with the law.

Motion to open public hearing made by Member Brueno and seconded by Member Gallagher and unanimously passed.

Is there anyone present wishing to be heard concerning Ordinance No. 28-2017?

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

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 255-7. ENTITLED "RATE SCHEDULE" UNDER CHAPTER 255 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED TOWING AND ROAD SERVICE AS IT RELATES TO TOWING AND ROAD SERVICE CHARGES FOR CALENDAR YEARS 2018 AND 2019,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 20th, 2017 issue of the Daily Record.

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Motion to adopt ordinance made by Member Brueno and seconded by Member Gallagher unanimously adopted the Ordinance.

So Adopted.

ORDINANCE NO. 29-2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ESTABLISHING A NEW ARTICLE IV ENTITLED “COLLEGE INTERN PROGRAM” UNDER CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 29-17 appeared in full in the November 28th, 2017 issue of the Daily Record in accordance with the law.

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

Is there anyone present wishing to be heard concerning Ordinance No. 29-2017?

Motion to close public hearing made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, “**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ESTABLISHING A NEW ARTICLE IV ENTITLED “COLLEGE INTERN PROGRAM” UNDER CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES,**” be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 20th, 2017 issue of the Daily Record.

Motion to adopt ordinance made by Member Ferramosca and seconded by Member Gallagher unanimously adopted the Ordinance.

So Adopted.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 212-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2017 YEAR END HOLIDAY CRACKDOWN

WHEREAS, impaired drivers on our nation’s roads killed 10,497 people in 2016; and

WHEREAS, 20% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the **Drive Sober or Get Pulled Over Year End Holiday Crackdown**; and

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WHEREAS, the project will involve increased impaired driving enforcement from December 8, 2017 through January 1, 2018; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

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

1. The governing body hereby declares it's support for the **Drive Sober or Get Pulled Over 2017 Year End Holiday Crackdown** from December 8, 2017 through January 1, 2018 and pledges to increase awareness of the dangers of drinking and driving.
2. A certified copy shall be transmitted to the Chief of Police for reference and information purposes.

RESOLUTION NO. 213-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RETAINING THE SERVICES OF FRANK J. BASTONE AND THE CANNING GROUP, LLC IN PERFORMING A SALARY BENCHMARK COMPARISON STUDY AT A COST NOT TO EXCEED \$16,500.00 WHICH STUDY SHALL BE UTILIZED BY THE TOWNSHIP COMMITTEE AS PART OF AN INFORMAL REVIEW OF THE TOWNSHIP'S COMPENSATION PROGRAM

WHEREAS, the Township Committee seeks to evaluate the current salaries of certain selected job position titles in comparison with similar titles in various municipalities in the Morris County area; and

WHEREAS, in order to conduct a salary benchmark study, the governing body has chosen **The Canning Group, LLC**, whose members are former municipal management professionals, who have demonstrated knowledge, experience and expertise in the field of municipal government; and

WHEREAS, at the request of the Business Administrator/Township Clerk, **The Canning Group, LLC** submitted a written proposal and quotation entitled "Salary Benchmark Comparison Proposal – Selected Titles – Township of Hanover"; and

WHEREAS, the governing body intends to utilize the data collected by **The Canning Group, LLC** as an informal review in assessing the Township's current compensation program; and

WHEREAS, **Frank J. Bastone**, a retired municipal business administrator with over thirty-three (33) years of executive management experience, and a principal in the firm of **The Canning Group, LLC** shall serve as the Project Leader; and

WHEREAS, the total cost to perform the Salary Benchmark Study shall not exceed \$16,500.00.

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

1. **The Canning Group, LLC**, located at 45 South Park Place in Morristown, New Jersey 0 7960, is hereby retained to perform a Salary Benchmark Study of selected Hanover Township job position titles in comparison with similar titles in various municipalities in the Morris County area. **Mr. Frank J. Bastone**, a principal in the firm of **The Canning Group, LLC** shall serve as the Project Leader.

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2. The total cost to perform the study shall not exceed \$16,500.00. The Business Administrator/Township Clerk, in his capacity as the Township's Qualified Purchasing Agent, shall issue the required Purchase Order.
3. The results of the Salary Benchmark Comparison Study shall be utilized by the Township Committee as an informal review in assessing the Township's current compensation program.
4. That certified copies of this resolution shall be transmitted to **Mr. Bastone**, the Township's Human Resource Specialist and the Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 214-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ACCEPTING A 2017 MORRIS COUNTY OPEN SPACE TRUST FUND GRANT FOR THE ACQUISITION OF LOT 2 IN BLOCK 4202 ENTITLED THE WHIPPANY RIVER BLUEWAY PROJECT AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE GRANT AGREEMENT

WHEREAS, the Morris County Board of Chosen Freeholders created the Morris County Open Space, Recreation, and Farmland and Historic Preservation Trust Fund, hereinafter referred to as the "Morris County Preservation Trust Fund" or "Trust Fund," in accordance with P.L. 1997, c.24 (N.J.S.A. 40:12-15.1 et seq.), and any subsequent amendments thereto; and

WHEREAS, the Morris County Board of Chosen Freeholders also established the Morris County Open Space and Farmland Preservation Trust Fund Committee, herein referred to as the "Open Space Trust Fund Committee" to review, prioritize and make recommendations on the funding of projects; and

WHEREAS, the Township of Hanover filed an application ("Application") with the County on June 14, 2017 for financial assistance in fiscal year 2017 under the Trust Fund for the acquisition of an approximately 1.04 acre tract of land designated as Lot 2 in Block 4202, and such Application is annexed hereto as Schedule "C"; and

WHEREAS, the Township of Hanover has submitted the Application in accordance with the current Rules and Regulations of the Trust Fund; and

WHEREAS, the Open Space Trust Fund Committee has reviewed said Application and found it to be in conformance with the scope and the mission of the Trust Fund, and recommended to the Morris County Board of Chosen Freeholders that the project entitled "Whippany River Blueway" for the acquisition of Lot 2 in Block 4202 be awarded grant funds; and

WHEREAS, the Morris County Board of Chosen Freeholders confirmed the findings of the Open Space Trust Fund Committee and approved the project entitled "Whippany River Blueway," hereinafter referred to as the "Approved Project," for funding; and

WHEREAS, the Township of Hanover has agreed to hold and use the premises of the Approved Project in compliance with the Rules and Regulations of the Trust Fund.

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 acceptance of a fiscal year 2017 Morris County Preservation Trust Fund Grant for the acquisition of the "Whippany River Blueway" land, an approximately 1.04 acre tract of

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designated as Lot 2 in Block 4202 as set forth on the Tax Map of the Township of Hanover.

2. In consideration of the grant award, and in accordance with the Application heretofore filed, and hereby incorporated into this Agreement as Schedule "C", the County and the Township of Hanover agree to abide with the terms and conditions set forth in the Grant Agreement, hereinafter referred to as "Agreement."
3. That the Mayor and Township Clerk are hereby authorized and directed to execute the 2017 Morris County Preservation Trust Fund Grant Agreement on behalf of the Township.
4. A certified copy of this resolution shall be transmitted along with the signed Agreement to the Morris County Department of Planning and Development, the Township's Chief Municipal Finance Officer, Township Engineer and Chairperson of the Township's Open Space Advisory Committee.

RESOLUTION NO. 215-2017

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH VINCENT M. MONTANINO, R.M.A. OF FERRAIOLI, WIELKOTZ, CERULLO & CUVA, P.A. TO CONDUCT AN INDEPENDENT AUDIT OF THE TOWNSHIP'S FINANCIAL RECORDS FOR THE YEAR 2017 IN AN AMOUNT NOT TO EXCEED \$26,500.00 FOR THE GENERAL AUDIT, \$350.00 FOR THE ADDITIONAL TESTING REQUIREMENTS PURSUANT TO THE UNIFORM CONSTRUCTION CODE AND \$3,500.00 FOR THE SWIMMING POOL ENTERPRISE FUND AUDIT, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i) AND THE PAY-TO-PLAY PROVISIONS FOR NON-FAIR AND OPEN CONTRACTS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

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

WHEREAS, it is necessary that examinations be made of the Year 2017 accounts and records of all Township departments to verify the Treasurer's, Comptroller's and Collector's accounts and records; and

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

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

WHEREAS, in keeping with the requirements of the Non-Fair and Open Contracts process of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination Certification" (a copy of which is attached hereto and made a part of this resolution) certifying that the estimated contract for the review of the Township's financial transactions and accounts including the preparation of the 2017 audit report has an anticipated value in excess value of \$17,500.00.

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

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1. Pursuant to N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. of the Non Fair and Open Contracts provisions of the Pay-to-Play laws, **Vincent M. Montanino**, a Registered Municipal Accountant of the Firm **Ferraioli, Wielkatz, Cerullo & Cuva, P.A.**, a Professional Corporation located at 401 Wanaque Avenue in Pompton Lakes, New Jersey 07442, and whose members are licensed by the State of New Jersey, are hereby retained to conduct an independent audit of the Township's Year 2017 accounts and records.

2. The compensation for the services to be rendered shall not exceed Thirty Thousand Three Hundred Fifty (\$30,350.00) Dollars which fee encompasses \$26,500.00 for the General Audit, \$350.00 for the additional testing examination and calculations pursuant to the Uniform Construction rule and \$3,500.00 for the Swimming Pool Enterprise Fund Audit.

3. The Business Disclosure Entity Certification Form, the Chapter 271 Political Contribution Disclosure Form and the Stockholder Disclosure Certification submitted by **Vincent M. Montanino** and **Ferraioli, Wielkatz, Cerullo & Cuva, P.A.** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his capacity as a Qualified Purchasing Agent, is also attached hereto and made a part of this resolution as if set forth in full.

4. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated in the Year 2017 Current Fund Budget - Finance Department -OE, Construction Code Official-OE and the Swimming Pool Budget - OE, to meet the expenditures necessary for the Annual Independent Audits.

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

6. The Mayor and Township Clerk are hereby authorized to execute a Professional Services Agreement, not to exceed Thirty Thousand Three Hundred Fifty (\$30,350.00) Dollars with Vincent M. Montanino, an R.M.A. of the Firm **Ferraioli, Wielkatz, Cerullo & Cuva, P.A.** whose members are Registered Municipal Accountants licensed by the State of New Jersey.

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

RESOLUTION NO. 216-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE RESCINDING THE JUNE 8, 2017 APPROVAL OF INACTIVE POCKET PLENARY RETAIL CONSUMPTION LICENSE NO.1412-33-008-012 ISSUED TO WHIPPANY VILLAGE II LLC FOR THE 2017-2018 LICENSE TERM

WHEREAS, Whippany Village II LLC is the holder of an inactive Pocket Plenary Retail Consumption License, License No. 1412-33-008-012; and

WHEREAS, although **Whippany Village II LLC** submitted its renewal fees to the Township and the Division of ABC for the 2017-2018 license term, the holder of the license failed to apply for a Special Ruling to permit the renewal of the inactive license pursuant to N.J.S.A. 33:1-12.39; and

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WHEREAS, inadvertently, the Township Committee approved the renewal of the inactive Pocket License prior to the approval of a Special Ruling that would permit the consideration of the renewal application for the 2017-2018 license term; and

WHEREAS, on November 28, 2017, **Whippany Village II LLC** filed a Verified Petition with the Director of the Division of ABC requesting authorization for the Township Committee of the Township of Hanover, as the local issuing authority, to consider a renewal application for inactive Plenary Retail Consumption License No. 1412-33-008-012 for the 2017-2018 license term pursuant to the provisions of NJSA 33:1-12.39; and

WHEREAS, by letter dated December 7, 2017, **Whippany Village II LLC** received a Special Ruling, in accordance with N.J.S.A. 33:1-12.39 permitting the Township, as the issuing authority, to grant the renewal application for the 2017-2018 license term; and

WHEREAS, this resolution rescinds the June 8, 2017 approval of Plenary Retail Distribution License No. 1412-33-008-012 for the 2017-2018 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. Plenary Retail Distribution License No. 1412-33-008-012 held by **Whippany Village II LLC** as an inactive Pocket License, and approved on June 8, 2017 for the 2017-2018 license term is hereby rescinded subject to the receipt of a Special Ruling by the Director of the Division of ABC.
2. That a certified copy of this resolution shall be transmitted to the Licensing Bureau of the Division of ABC.

RESOLUTION NO. 217-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-008-012 AS AN INACTIVE POCKET LICENSE FOR WHIPPANY VILLAGE II LLC FOR THE LICENSE TERM COMMENCING JULY 1, 2017 THROUGH JUNE 30, 2018 ALL IN ACCORDANCE WITH A SPECIAL RULING TO PERMIT THE RENEWAL OF AN INACTIVE LICENSE PURSUANT TO N.J.S.A. 33:1-12.39

WHEREAS, on November 28, 2017, **Whippany Village II LLC** filed a Verified Petition with the Director of the Division of ABC requesting authorization for the Township Committee of the Township of Hanover, as the local issuing authority, to consider a renewal application for inactive Plenary Retail Consumption License No. 1412-33-008-012 for the 2017-2018 license term pursuant to the provisions of NJSA 33:1-12.39; and

WHEREAS, by letter dated December 7, 2017, **Whippany Village II LLC** received a Special Ruling, in accordance with N.J.S.A. 33:1-12.39 permitting the Township, as the issuing authority, to grant the renewal application for the 2017-2018 license term; and

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

WHEREAS, the Township Committee desires to approve the renewal application as an Inactive Pocket License during the 2017-2018 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:

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1. The governing body hereby approves the renewal of Plenary Retail Consumption License No. 1412-33-008-012 as an Inactive Pocket License held by **Whippany Village II LLC** (whose managing member is Fred Arena) located at 9111 Tillinghast Drive, Tampa, Florida 33626 for the 2017-2018 license term beginning July 1, 2017 through June 30, 2018. The licensee has paid the Township and Division of ABC license renewal fees for the 2017-2018 license term.
2. That 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. 218-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE RESCINDING THE JUNE 8, 2017 APPROVAL OF INACTIVE POCKET PLENARY RETAIL CONSUMPTION LICENSE NO.1412-33-021-003 ISSUED TO HANOVER ACQUISITION LIQUORS, LLC FOR THE 2017-2018 LICENSE TERM

WHEREAS, **Hanover Acquisition Liquors, LLC** is the holder of an inactive Pocket Plenary Retail Consumption License, License No. 1412-33-021-003; and

WHEREAS, although **Hanover Acquisition Liquors, LLC** submitted its renewal fees to the Township and the Division of ABC for the 2017-2018 license term, the holder of the license failed to apply for a Special Ruling to permit the renewal of the inactive license pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, inadvertently, the Township Committee approved the renewal of the inactive Pocket License prior to the approval of a Special Ruling that would permit the consideration of the renewal application for the 2017-2018 license term; and

WHEREAS, on November 30, 2017, **Hanover Acquisition Liquors, LLC** filed a Verified Petition with the Director of the Division of ABC requesting authorization for the Township Committee of the Township of Hanover, as the local issuing authority, to consider a renewal application for inactive Plenary Retail Consumption License No. 1412-33-021-003 for the 2017-2018 license term pursuant to the provisions of NJSA 33:1-12.39; and

WHEREAS, by letter dated December 8, 2017, **Hanover Acquisition Liquors, LLC** received a Special Ruling, in accordance with N.J.S.A. 33:1-12.39 permitting the Township, as the issuing authority, to grant the renewal application for the 2017-2018 license term; and

WHEREAS, this resolution rescinds the June 8, 2017 approval of Plenary Retail Distribution License No. 1412-33-021-003 for the 2017-2018 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. Plenary Retail Distribution License No. 1412-33-021-003 held by **Hanover Acquisition Liquors, LLC** as an inactive Pocket License, and approved on June 8, 2017 for the 2017-2018 license term is hereby rescinded subject to the receipt of a Special Ruling by the Director of the Division of ABC.
2. That a certified copy of this resolution shall be transmitted to the Licensing Bureau of the Division of ABC.

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RESOLUTION NO. 219-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-021-003 AS AN INACTIVE POCKET LICENSE FOR HANOVER ACQUISITION LIQUORS, LLC FOR THE LICENSE TERM COMMENCING JULY 1, 2017 THROUGH JUNE 30, 2018 ALL IN ACCORDANCE WITH A SPECIAL RULING TO PERMIT THE RENEWAL OF AN INACTIVE LICENSE PURSUANT TO N.J.S.A. 33:1-12.39

WHEREAS, on November 30, 2017, **Hanover Acquisition Liquors, LLC** filed a Verified Petition with the Director of the Division of ABC requesting authorization for the Township Committee of the Township of Hanover, as the local issuing authority, to consider a renewal application for inactive Plenary Retail Consumption License No. 1412-33-021-003 for the 2017-2018 license term pursuant to the provisions of NJSA 33:1-12.39; and

WHEREAS, by letter dated December 8, 2017, **Hanover Acquisition Liquors, LLC** received a Special Ruling, in accordance with N.J.S.A. 33:1-12.39 permitting the Township, as the issuing authority, to grant the renewal application for the 2017-2018 license term; and

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

WHEREAS, the Township Committee desires to approve the renewal application as an Inactive Pocket License during the 2017-2018 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 Plenary Retail Consumption License No. 1412-33-021-003 as an Inactive Pocket License held by **Hanover Acquisition Liquors, LLC** (whose manager is Marc Schlusel) located at 153 Fort Lee Road, Teaneck, New Jersey 07666 for the 2017-2018 license term beginning July 1, 2017 through June 30, 2018. The licensee has paid the Township and Division of ABC license renewal fees for the 2017-2018 license term.
2. That 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. 220-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RELEASE OF A \$17,579.00 TWO (2) YEAR CASH PUBLIC IMPROVEMENTS MAINTENANCE BOND, PLUS INTEREST, \$1,000.00 IN ENGINEERING INSPECTION FEES AND \$420.42 IN SANITARY SEWER INSPECTION FEES (FINAL BOND RELEASE) TO ALEXANDER FIDALGO AND PASQUALE LONGO AS A RESULT OF COMPLETING A MAJOR SUBDIVISION DEVELOPMENT LOCATED AT 77 REYNOLDS AVENUE IN WHIPPANY AND ALSO DESIGNATED AS LOT 7 IN BLOCK 8601 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, on January 22, 2008, the Planning Board granted final major subdivision approval to **Alexander Fidalgo** and **Pasquale Longo**, (hereinafter referred to as **Fidalgo** and **Longo**), as Developers, for the creation of two (2) lots and the extension of the Kearney Avenue cul-de-sac approximately 100 feet, including the construction of a storm drainage, landscaping and extension of utilities and water supply systems on property located at 77 Reynolds Avenue in the Whippany Section of the

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Township and also designated as Lot 7 in Block 8601 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, the October 8, 2009 Developer's Agreement by and between **Fidalgo** and **Longo** required the Developers to submit a Site Improvement Performance Bond and deposit a cash bond and Engineering and Sanitary Sewer Inspection fees with the Township as guarantees for the satisfactory completion of all Site Improvements; and

WHEREAS, by resolution dated February 23, 2017, the Township Committee released the \$112,673.00 Site Improvement Performance Bond and the cash bond in the amount of \$12,519.00 plus interest pursuant to P.L. 1985, c.315; and

WHEREAS, as a condition of the release of the Performance and cash Bonds, **Fidalgo** and **Longo** were obligated to furnish the Township with a two (2) year cash, Public Improvements Maintenance Bond in the amount of \$18,779.00; and

WHEREAS, in a letter dated December 7, 2017, the Township Engineer recommended that the two (2) year cash Public Improvements Maintenance Bond, less \$1,200.00, plus interest, be released to **Fidalgo** and **Longo** including the remaining Engineering and Sanitary Sewer Inspection fees held by the Township in two (2) Trust Escrow Accounts.

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 cash, two (2) year Public Improvements Maintenance Bond in the amount of \$18,779.00, less \$1,200.00, plus a portion of the interest in accordance with P.L. 1985, c.315 deposited in a TD Bank Escrow Account, Account No. 7760845103 is hereby released to **Fidalgo** and **Longo**. The \$1,200.00 shall be retained by the Township for required sanitary sewer work to be completed by the Hanover Sewerage Authority. The Developers have agreed with this arrangement. Therefore, the cash balance to be returned is \$17,579.00 plus a portion of the interest.
2. The remaining balance of \$1,000.00 for Engineering Inspection fees held in Trust Escrow Account, Line Item No. 252-7010-499 is released.
3. The remaining balance of \$420.42 for Sanitary Sewer Inspection fees held in Trust Escrow Account, Line Item No. 252-6104-499 is also released.
4. That certified copies of this resolution shall be transmitted to **Fidalgo** and **Longo**, the Township's Chief Municipal Finance Officer, the Township Engineer and the Executive Director of the Hanover Sewer Authority.

RESOLUTION NO. 221 -2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RELEASE OF THE \$4,792,794.00 PERFORMANCE SURETY BOND, THE CASH BOND IN THE AMOUNT OF \$532,533.00, PLUS A PORTION OF INTEREST, AND \$58,990.81 IN TOWNSHIP ENGINEERING INSPECTION FEES TO HANOVER 3201 REALTY, LLC AS A RESULT OF COMPLETING ALL THE SITE WORK FOR PHASE I IN THE CONSTRUCTION OF A NEW SUPERMARKET BUILDING LOCATED ON SYLVAN WAY IN WHIPPANY AND ALSO DESIGNATED AS LOTS 1 AND 2 IN BLOCK 3201 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

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WHEREAS, on June 18, 2013, the Planning Board granted **Hanover 3201 Realty, LLC**, as applicant and property owner, Preliminary and Final Site Plan and Variance approval for the Phase I construction of a new Wegmans Supermarket building, storm water management facilities, parking, landscaping and related site improvements; and

WHEREAS, Preliminary Site Plan approval was also granted on June 18, 2013 for a Phase II to consist of three (3) restaurant buildings, a drive-in bank building, storm water management facilities, parking, landscaping and related site improvements as well as a Tree Removal Permit; and

WHEREAS, the approvals described above relate to property located at the intersection of Sylvan Way and Ridgedale Avenue in the Whippany Section of the Township and also designated as Lots 1 and 2 in Block 3201 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, in accordance with the June 5, 2015 Developer's Agreement by and between the Township and **Hanover 3201 Realty, LLC**, the Developer was required to post a Surety Performance Bond, a cash Bond and Engineering and Sanitary Sewer Inspection fees in order to guarantee the satisfactory completion of all site improvements; and

WHEREAS, in a letter dated December 7, 2017, the Township Engineer and Executive Director of the Hanover Sewerage Authority advised the Mayor and Township Committee that all site work related to the Phase I Project was satisfactorily completed, and therefore, the Performance Surety Bond, Cash Bond and most of the Engineering Inspection fees can be released; and

WHEREAS, as a condition of the bond release, the Developer shall furnish the Township with a two (2) year Site Improvement Maintenance Bond in the amount of \$718,918.00 which represents 15% of the total Performance Guarantee.

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. Surety Performance Bond, Bond No. 106236531 issued by Travelers Casualty & Surety Company in the amount of \$4,792,794.00 is released.
2. The Cash Bond in the amount of \$532,533.00 held in TD Bank Escrow Account No. 7760845140, plus a portion of the interest, in accordance with P.L. 1985, c.315 is hereby released.
3. As a condition of the Bond Release, the Developer shall submit to the Township a two (2) year Site Improvement Maintenance Bond in the amount of \$718,919.00 which represents 15% of the total Performance Guarantee of \$4,792,794.00.
4. A balance of \$60,490.81 in Township Engineering Inspection fees are held in Trust Fund Account No. 252-7050-499. Of this amount, \$58,990.81 shall be released. The amount of \$1,500.00 shall be retained for future inspections with any remaining balance to be released at the end of the two (2) year Maintenance Bond.
5. The present balance of \$292.76 deposited in Trust Fund Account No. 252-6205-499 for Hanover Sewerage Authority inspection fees shall be retained at this time.
6. That certified copies of this resolution shall be transmitted to the Vice President of Development at Mack-Cali Realty Corporation in Jersey City, the Township's Chief Municipal Finance Officer, the Township Engineer and Executive Director of the Hanover Sewerage Authority for reference and information purposes.

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RESOLUTION NO. 222-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RELEASE OF THE \$354,375.00 CASH PERFORMANCE BOND, PLUS A PORTION OF INTEREST, AND \$15,203.95 IN TOWNSHIP ENGINEERING INSPECTION FEES TO 67 WHIPPANY INVESTORS, LLC AS A RESULT OF COMPLETING THE CONSTRUCTION OF AN OFFICE BUILDING AND OTHER RELATED IMPROVEMENTS ON PROPERTY LOCATED AT 67 WHIPPANY ROAD IN WHIPPANY AND ALSO DESIGNATED AS LOTS 1.02 AND 1.03 IN BLOCK 5801 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, on February 17, 2015, the Planning Board granted **67 Whippany Investors, LLC**, as Developer, Preliminary and Final Site Plan, Minor SubDivision, Variance and Exception approval for the construction of a new office building consisting of approximately 185 square feet, surface parking areas, parking deck, storm water management facilities, utilities, signage, landscaping and other related improvements on property located at 67 Whippany Road in Whippany and designated as Lots 1.02 and 1.03 in Block 5801 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, in accordance with the June 5, 2015 Developer's Agreement by and between the Township and **67 Whippany Investors, LLC**, the Developer was required to post a \$1,558,701.00 total performance guarantee and Engineering fees in order to guarantee the satisfactory completion of all site improvements; and

WHEREAS, by resolution dated May 11, 2017, the Township Committee approved the reduction of the total performance guarantee from \$1,558,701.00 to \$588,180.00; and

WHEREAS, in a letter dated December 11, 2017, the Township Engineer and Executive Director of the Hanover Sewerage Authority advised the Mayor and Township Committee that all site work related to the construction of the office building was satisfactorily completed, and therefore, the balance of the total performance guarantee (with the exception of \$233,805.00) and most of the Engineering Inspection fees can be released; and

WHEREAS, the Developer has agreed to post with the Township \$233,805.00 to serve as a two (2) year Site Improvement Maintenance Bond which represents 15% of the total performance guarantee of \$1,558,701.00.

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

1. With the exception of \$233,805.00 which shall serve as the two (2) year Site Improvement Maintenance Bond, the Township's Chief Municipal Finance Officer is hereby authorized and directed to release the balance of the total cash performance bond in the amount of \$354,375.00 plus a portion of the interest in accordance with P.L. 1985, c.315. The balance of the cash performance bond is deposited in a TD Bank Account, Account No. 7760845141.
2. The amount of \$233,805.00 which represents the two (2) year Site Improvement Maintenance Bond shall remain deposited with the Township until such time that a final inspection of all the improvements and any corrections have been made. After any corrections have been made, the Chief Municipal Finance Officer is authorized to release the \$233,805.00 Site Improvement Maintenance Bond plus a portion of the interest.
3. A balance of \$16,203.95 in Township Engineering Inspection fees are held in Trust Fund Account No. 252-7051-499. Of this amount,

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\$15,203.95 shall be released. The amount of \$1,000.00 shall be retained for future inspections with any remaining balance to be released at the end of the two (2) year Maintenance Bond period.

4. That certified copies of this resolution shall be transmitted to **67 Whippany Investors, LLC**, the Township's Chief Municipal Finance Officer, the Township Engineer and Executive Director of the Hanover Sewerage Authority for reference and information purposes.

RESOLUTION NO. 223-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO AMERICAN ASPHALT & MILLING SERVICES LLC FOR THE RESURFACING OF THE ENTIRE LENGTHS OF ADDIE LANE, HILLCREST ROAD AND LOUIS STREET IN WHIPPANY AND DECREASING THE TOTAL DOLLAR AMOUNT OF THE CONTRACT FROM \$266,796.20 TO \$248,828.01 OR AN \$17,967.19 REDUCTION WHICH REPRESENTS AN 6.73% DECREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover entered into a contract with **American Asphalt & Milling Services LLC** for the resurfacing of the entire lengths of Addie Lane, Hillcrest Road and Louis Street in the Whippany Section of Hanover Township; and

WHEREAS, the amount of the competitively bid contract was a unit price bid totaling \$266,796.20; and

WHEREAS, the Township Engineer submitted Change Order No. 1 (Final), dated December 14, 2017, which Change Order provides a detailed description of extra and supplemental items and reduced quantities and unit prices; 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 lengths of Addie Lane, Hillcrest Road and Louis Street, in combination with the extra and supplemental items, shall decrease the total contract amount from \$266,796.20 to \$248,829.01 or a 6.73% 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 \$17,967.19 be accepted.
2. That the final total adjusted contract amount with **American Asphalt & Milling Services LLC** be fixed at \$248,829.01.
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 **American Asphalt & Milling Services LLC**.

RESOLUTION NO. 224-2017

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO AMERICAN ASPHALT & MILLING SERVICES LLC CONCERNING THE RESURFACING OF

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MALAPARDIS PARK PATH AND BY INCREASING THE TOTAL DOLLAR AMOUNT OF THE CONTRACT FROM \$47,406.29 TO \$48,903.14 OR AN \$1,496.85 INCREASE WHICH REPRESENTS A 3.16% INCREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover awarded a contract through the competitive bid process to **American Asphalt & Milling Services LLC**, by resolution dated July 13, 2017 for the resurfacing of the entire length of the Malapardis Park Path in the Cedar Knolls Section of the Township; and

WHEREAS, the amount of the competitively bid contract was \$47,406.29; and

WHEREAS, the Township Engineer has submitted Change Order No. 1 (Final) which describes the need for extra work; and

WHEREAS, Change Order No. 1 (Final) describes reductions, including extra work in the total amount of \$2,672.75 with the adjustment in quantities for rip rap, dense graded aggregate variable thickness and split rail fence with vinyl coated wire, thereby resulting in an increase over the original contract amount; and

WHEREAS, the Change Order also provides for a reduction of \$1,175.90 in other costs whereby the difference between the extra work and reductions only results in an increase to the total dollar amount of the contract of \$1,496.85; and

WHEREAS, Change Order No. 1 (Final) describing the extra work and reductions has been signed by the Township Engineer and Assistant Township Engineer which Change Order is attached hereto and made a part of this resolution as if set forth in full; and

WHEREAS, Change Order No. 1 (Final) represents a \$1,496.85 increase or a 3.16% increase in the total dollar amount of the contract; and

WHEREAS, the Township Engineer has now determined that the extra work and the reductions set forth in Change Order No. 1 (Final) shall increase the total contract amount from \$47,406.29 to \$48,903.14.

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

1. The governing body approves the recommendation of the Township Engineer that Change Order No. 1 (Final), in the amount of \$1,496.85 be accepted, and that the final total adjusted contract amount of the contract with **American Asphalt & Milling Services LLC** be fixed at \$48,903.14 or an increase of 3.16%.

2. The Township Clerk is hereby authorized to execute Change Order No. 1 (Final).

3. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **American Asphalt & Milling Services LLC** for reference and information purposes.

RESOLUTION NO. 225-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING 2017 BUDGETARY APPROPRIATION TRANSFERS IN ACCORDANCE WITH N.J.S.A. 40A:4-58

WHEREAS, N.J.S.A. 40A:4-58 sets forth the manner in which appropriation transfers may be made; and

WHEREAS, there appears to be insufficient funds in the following

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accounts (excepting the appropriation for contingent expenses or deferred charges) to meet the demands thereon for the balance of the 2017 current year.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover, County of Morris, that this resolution be adopted (by not less than two-thirds of all the members thereof affirmatively concurring) in accordance with the provision of N.J.S.A. 40A:4-58, part of the surplus in the accounts mentioned below be and the same are hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands of the 2017 operating budget.

BE IT FURTHER RESOLVED, that the Treasurer is hereby authorized and directed to make the following transfers:

FROM:			TO:		
ACCOUNT			ACCOUNT		
<u>NO</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>	<u>NO</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>
127-0004	Pur Tax Title Lien	\$10,000.00	127-0009	Legal OE	\$20,000.00
127-0018	Grp Hlth Ins OE	10,000.00	127-0019	Police OE	25,000.00
127-0013	Plng Bd OE	25,000.00	127-0019	Police OE	12,000.00
127-0032	Mosq Exterm. OE	2,000.00			
127-0050	Demo Bldgs OE	10,000.00			

RESOLUTION NO. 226-2017

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 2017, which item is now available as a revenue from:

State of New Jersey:	\$5,500.00
Drive Sober or Get Pulled Over	
2017 Statewide Crackdown	

Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$5,500.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":	
State and Federal Programs Offset by Revenues:	\$5,500.00
Drive Sober or Get Pulled Over 2017 Statewide Crackdown	

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

RESOLUTION NO. 227-2017

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL

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**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 2017, which item is now available as a revenue from:

First Energy	\$1,000.00
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Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$1,000.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS": First Energy Community Garden	\$1,000.00
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BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION NO. 228-2017

**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 2017, which item is now available as a revenue from:

State of New Jersey, Department of Energy And Environmental Protection, Office of Recycling Recycling Act of 1981 (P.L. 81, c. 278)	\$33,184.67
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Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$33,184.67 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":

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State and Federal Programs Offset by Revenues: \$33,184.67
Recycling Act of 1981 (P.L. 81, c. 278)
Recycling Program: Other Expenses

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

RESOLUTION NO. 229-2017

A RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONEYS TO AN OUTSIDE LIENHOLDER

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 1, 2015, a lien was sold on Block 8203, Lot 2, also known as 238 Parsippany Road, Whippany, New Jersey 07981, for 2014 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate 2015-09, was sold to US Bank Cust for BV001 Trst & Crots for a 0% redemption fee and a \$2,700.00 premium paid; and

WHEREAS, Magno Management, owner has affected redemption of Certificate 2015-09 in the amount of \$2,939.78.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$2,939.78, payable to US Bank Cust for BV001 Trst & Crots, 50 South 16th Street, Suite 2050, Philadelphia, Pa. 19102 for the redemption of Tax Sale Certificate 2015-09.

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$2,700.00 (Premium) to the aforementioned lien holder.

RESOLUTION NO. 230-2017

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>
501	20		Theresa Battista 54 Poplar Drive Morris Plains, NJ 07950	\$1,822.06
602	1.02	C0207	Kathleen McGinley 207 Birch Court Cedar Knolls, NJ 07927	\$1,544.94
2401	3.01		Tara Lotito 81 Boulevard Road Cedar Knolls, NJ	\$2,861.17
5402	8		Susan Fields 16 Hamilton Court Whippany, NJ 07981	\$1,841.89
6902	3		McCarter & English LLP The Algonquin Realty Co Four Gateway Center 100 Mulberry Street PO Box 652 Newark, NJ 07102	

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Attn: Frank Ferruggia
Location: 24 Troy Road
Reserve for Tax Appeal \$30,719.00

Mr. Gallagher: George can you explain to the public a little about Drive Sober or Get Pulled Over?

Mr. Coppola: That's a grant program and because of the Police Department's statistics not everybody can get that grant, you have to show that you are aggressive and that you are looking out for the residents or anyone who is driving while impaired. This begins at this point of time and goes through portions of January. This allows them to have additional people and money to pay the additional people overtime, whatever it takes to enforce this resolution on the agenda tonight. This is what I was going to speak about later on but it is very important because we all know that if you read a police report that we receive periodically there are times they are caught not because something else happens and the police officer finds out from smell or something that something is kind of funny. We have Patrolman Quinn over there, I'm sure he can tell you that. I think it is so important when you read about how these people get killed because someone went out and drank and did not have the good sense to call an UBER car or something and just decided to drive home, you might get away with it once or twice and eventually sometimes things can happen and you can regret it the rest of your life. So I just ask that everyone be aware of it and just remember there are extra patrol that is going on and enjoy the Holidays but be safe.

Motion made by Member Francioli and seconded by Member Ferramosca accepting and approving of all Resolutions as a Consent Agenda and was unanimously passed.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$8,995,786.74** 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 Brueno and seconded by Member Gallagher 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.

RAFFLES:

- RL- 3078 – PTA Salem Drive School – off premise raffle**
- RL- 3079 – Assumption College for Sisters – 50/50 off premise**

Motion to be approved made by Member Coppola and by Member Brueno and unanimously passed. Member Coppola abstained from the vote.

OPEN TO THE PUBLIC

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

Motion to close the Public portion made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

OTHER BUSINESS

Mr. Gallagher: I would like to say as far as our DPW is concerned last Saturday they began the day by picking up leaves they went back to the garage and took off some of that equipment and put on the last part of their mechanism for salting and went

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out did the salting and at the end of the day they put the blades on and they were scrapping where it was necessary. They went out last night, Brian Foran were talking at 2:00am they did a phenomenal job salting and pushing where they had to push. So when you see the guys out there trust me they are taking care of business when most of us are sleeping they are out there working so we can get out and have nice black top in Hanover Township.

Mayor: There was absolutely record job this year from leave collection on the snow work, they did a good job.

Mr. Gallagher: The other thing that I would like to comment on is that they went above and beyond with their Christmas decorations, I can't tell you how many people tell me how wonderful Town Hall looks I would like to say that I did it; but we support our men and woman and our employees and they do a beautiful job and it's just another example on what happens when you get together as a team and you have a lot of pride and love for your community these guys are fantastic. As far as Substance Awareness Council and Morris Area Coalition for Education and Positive Choices once again we are coming up on our winter schedule we have ten consecutive Friday nights at Mennen Arena we have special events for every one of those nights. Also the third and fourth Saturday in January we are going to have at Retro Fitness with the PD the third and fourth Saturday in February at Cheer Pride we are having training with the FD and the second Saturday of January, February and March we are having teen night at Cheer Pride our kids are going to be busy and the most important thing we have coming up this winter and we are first ones to do it and that's right from the Prosecutor's Office is with Hanover Township PD with the Prosecutor's Office, Substance Awareness Council and Sheriff's Department we are having a master class on vaping. Everybody is interested and curious about vaping, it's the biggest fad, you can use that transport devise to take almost any drug now a days. A lot of parents are asking about it and Ron and I went to a crime stoppers event and the calls are off the wall with people asking about it and we are having our first big class right here and we are going to talk about vaping, marijuana, alcohol, and the Prosecutor's Office is going into opioids and heroin so that's going to be Tuesday, February 12 at MJS, I would like as many people to attend as possible because all of us with school age children and grandchildren we want to get in front of anything we can to protect our kids and form that front line.

Mr. Ferramosca: Under the title of Great Things Happen In Hanover, the Planning Board great things happened here tonight in terms of the re-exam of the master plan and as well as the initiation of the Route 10 Corridor which will facilitate the redevelopment activity on Route 10. EDAC held its Making Connections Event, it was held off premises we were invited to hold it at a retailer Wegman's invited us there and we had it on December 1st it was a great success, great opportunity for networking for businesses of all sizes within Hanover Township.

I would like to thank the Township Committee and Mr. Giorgio for their support in initiating the young adult's internship program. This is a big initiative for our college age students offering them municipal internship and this is something that I think will provide them with a great opportunity to get experience in either finance or administration or engineering or recreation, so thanks again for your help with that. And lastly we heard from the water company tonight and it is kind of like something we have to do, if you haven't signed up for EverBridge the emergency notification system please sign up for it, it's easy it's on the Township Website.

Mr. Giorgio: Just to make comment I think we have about 3,000 people that are signed up for EverBridge.

Mr. Ferramosca: That's significant. That is great, thank you to the 3,000 who have taken the first step and if you haven't please join the group.

Mr. Coppola: You got the information on the Public Safety on DWI. Landmark Commission is really been working hard to get the hedge line completed at the burying yard, once that is done it's going to be beautiful. Hopefully that will act like a fence that will help to preserve the gravestones and keep the noise factor down. Cultural Arts just

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winding down for the year so between them and the seniors they are getting ready for the New Year. Veteran's Alliance they did have the Pearl Harbor Day on December 7th.

Mr. Brueno: A couple of thing, the 5/6 Grade Football Team that we had in a couple of weeks ago did advance to the National Championships and they will be playing tomorrow morning at 8:00 out in Ohio against a team in Pittsburgh I think it will be streaming on Facebook, Burt Deehan is going to be out there streaming it. But we want to wish them the best of luck. Go Tigers and their quest for a National Title. We hope they can bring that home to Hanover Township.

We had the Santa Claus is coming to town event on December 2nd and it was a tremendous turn out, over 200 families more kids than ever, there must be a lot of young families moving into town which is great to see everybody got to visit Santa Claus which was the highlight we were assisted by the fire department and we thank them for transporting Santa safely and soundly and in one piece. The winter sports are underway, basketball, wrestling, ski trips so check out the recreation center if you have any questions or want to get registered and the last reminder the Chili Cook-off February 2nd which I believe is the Friday of Superbowl weekend, so if you have one who has a great chili recipe or if you yourself have a great chili recipe please call the recreation center and get registered the first one took place last year and it was a great event and I think this one will be great as well.

One other thing, I do want to thank our Administrator, Mr. Giorgio I counted about 20 meetings so far this year and we passed 23 ordinances, tonight in one meeting we passed 6 Ordinances that can only be done with his skill and expertise and due diligence and all the public notifications and roll calls so Joe you went above and beyond and I really want to thank you for getting that all in before year end.

Mr. Gallagher: Bob you know what is interesting if I may, when Joe was doing with that real long one, I said there is no way this guy can ever retire. Great work Joe.

Mayor: We talked him away from it now. For the time being so we got him for a while yet. I want to congratulate our fellow committeeman Mr. Coppola because next week cause he will be sworn in as the next President of the Hanover Township Senior Citizen's Club, I think that is going to be great and I know you are going to do a hell of a job. At the Township Committee we want to wish everyone Season's Greetings, a very happy Hanukah all the best of the seasons to everyone. Be safe enjoy yourself.

ADJOURNMENT

Motion made to close at 11:00p.m. was by Member Ferramosca and seconded by Member Brueno and unanimously passed.

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

Joseph A. Giorgio, Township Clerk
