

MAY 11, 2017

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, May 11, 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, Gallagher, Coppola, 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

ADMINISTRATION OF OATHS OF OFFICE

**ADMINISTRATION OF OATHS OF OFFICE TO NEW REPLACEMENT PATROLMEN
JASON JONES AND EMMANUEL MALASIG**

**REPORT OF TOWNSHIP ATTORNEY FRED SEMRAU CONCERNING THE STATUS
OF THE TOWNSHIP'S APPLICATION TO SUPERIOR COURT FOR DECLARATORY
JUDGMENT AND A TEMPORARY PERIOD OF IMMUNITY RELATED TO THE
AFFORDABLE HOUSING NEEDS OF THE TOWNSHIP.**

Mayor: As many may know or may not know, the Township of Hanover appeared in Superior Court in response to our COAH requirements and obligations and we received a report from our Township Attorney on that. The Township Committee had an opportunity to discuss it in conference session, in legal conference session, I apologize if legal session could not be open to all parties, but on that note, we asked our Attorney to give us a brief summary of what the results were from Superior Court. So Fred can you speak about that?

Mr. Semrau: As the Mayor indicated the Township is right now involved like many other communities throughout the State in affordable housing legal matter. What happened was back in 2014 the Supreme Court said we have been waiting since 1999 to come up with rules for affordable housing and the Court said we are not going to wait any longer, we are going to let every Town know that if you want to meet your affordable housing obligations and be protected from Builder's Remedies suits then you are going to have to go get that Certification from the Court. So what that means is that the Township of Hanover has through the first two rounds, there were two rounds of affordable housing obligations, during that time period, the Township met its obligations. Generally speaking, it was for every one market unit that's built you have to find 1 affordable unit, that was sort of the rule of thumb. The Township met that obligation and by meeting that obligation for the first two rounds, what that means is the Township, it's Governing Body, its residents can make zoning for the municipality. If you don't comply and meet your affordable housing obligation it means that someone could come forward and file a Builder's Remedy suit and say you know there is not enough affordable housing, you don't have a plan, it doesn't meet the requirements of the Counsel of Affordable Housing, so we want high density developments so we can afford to build

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affordable units, which can take a track of land, and build a high rise development and have hundreds of affordable and market units and just populate a community in a way that you never planned for, because you as a governing body and as residents would have no say, it would be by a court order. So what every municipality strives for is what is called Substantive Certification, and what that means is you're a compliant municipality, no one can come in and say this is the way you have to zone because you haven't met your affordable housing obligation. It means, in fact, that the municipality is immune from a Builder's Remedy suit that there is sufficient affordable housing that's met, so you don't have to be concerned about losing the control and the appropriate planning and zoning that towns worked so hard, some of them, worked so hard for. In the case of Hanover Township, what happened was, in the first and second round obligations, the Township meets its numbers, it met its numbers through planning, a controlled planned form of development, now we get to the third round and we have to go to court in order to get that Substantive Certification.

Every town has to go to court, and every town is deposed by Fair Share Housing which in some respects has been termed by some as the "Builders" so what has happened is this, we been in this case like most communities since 2015 and what the Township has done is first like most municipalities, they hired what is known as EConsult, that was the Township's expert for all the municipalities expert, EConsult came up with a number that said look based on your region, your land that is available for development, it's our opinion that you met with credits and bonuses for certain types of development of affordable units, you need 509 credits to meet your third round obligation, and with that in mind, that was the Econsult number, this Governing Body and the Planning Board and went back through public meetings and an analysis and said we looked at what we already built, we look at what is being built right now and we get certain bonuses for rental units, for units that help the disabled and things of that nature and when we added that all up, the Township of Hanover has done really well. We actually had 17 surplus units, which means if our expert is correct, we don't need any additional zoning, no changes in development, we don't need to take on anymore, any different planning, we are on the right track, we've done all of our homework. We actually have 17 surplus units and so that would mean that if a court accepted that that we have Substantive Certification and immunity protection for the next 10 years, that if anybody wants to build and think they can get a zone change and a residential development because let's face it Hanover is a desirable community, that is a development pressure that this Governing Body will not have to deal with and that's what they have been fighting for, to strive to make sure we can a court that we met our obligation, and we have done our homework.

There are some towns their obligations are a couple 100 units and they have no units. There are other towns that are just trying to make a new plan and rezone property to make up for lost time, and that's one part of the case and I think it's an important part. There was a decision that a lot of people might have read in the paper, where the fair share housing then went back and said well that's good you got your numbers, but what about the last 15 years that this has been in the state of flux? We think that there should be something attributed to that gap period, and the Supreme Court, cause it went all the way to Supreme Court, said yes, you should do something with respect to the gap period. And now what has happened and this is more recent, the courts have come back and signaled that town's should update their expert report and there will be additional obligation to make up for the past 15 years when there was development. You have to make sure that you can fill that gap period in. It looks like for Hanover Township that we have to come up with 101 credits, not necessarily developable units but 101 credits the Governing Body, this is just new, is looking at that, and we think that there is already some projects that are already out there that we didn't even include, and we believe that there is going to be a way that we can manage that as well, again, without rezoning without coming up with brand new plans to take large track of land and zone that for residential development, that is what you are trying to balance against, you want to continue on your own path of development and you don't want to change that course and so far that's what we are working hard for the Governing Body with the Township Planning, Township Engineer, the Administrator to make sure we can go back to the Governing Body and do that. That is one side of this litigation.

The other side is what do the builders think? The builders fair share are saying across the State the numbers should be much much higher and for Hanover Township that number should be 1300 units, which would make anybody concerned, so we don't

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even know, if they know, while they got that number, but what we do know is that there has been only a few cases that have gone to trial, one of the cases that went to trial was much more favorable to the builders and that Judge left the bench. He is now working for a developer, and there is a lawsuit pending about that decision. But, there is another decision that is going on in Mercer County right now, that has been going on for quite a while and it appears that it is much more favorable to the municipalities and the municipalities' expert, which bodes very well for Hanover Township, but those are the things we are looking at and monitoring because ultimately what will happen is we have four interveners right now, we have the River Park property which believes they could contribute to an affordable housing deficit the property known as the former corporate mailings site, they believe they can contribute to affordable housing deficit and a property out on Airport Road is also. Actually Whippany Village is not formally intervened but they shadowed the case. So they are all there and they say that they have a plan to help but what Hanover has been saying is candidly we do not need your help at this point, we think that the Township has done its homework, it's planned in a way that we believe is defensible and we believe that we are entitled to that Substantive Certification for the next 10 years.

In the interim while this case is going on so we are all clear the Governing Body has immunity, we asked for immunity and the Court said we will give you immunity as long as you do what you have to do and that is come up with a Fair Share Plan, show us ways that you are going to meet your obligations that you think are your obligation and continue on, we've had a Special Master when the Court has so many cases, they appoint planners who are not affiliated with any other parties to look at this matter and to advise the court, is their compliance? Is there not compliance? We received a preliminary report from a Special Master for the case that was very favorable in support of the efforts, it's just not that Hanover has complied with its prior round obligation but it's done so in a way that's complied with all of the rules, whether it be qualification for the housing, planning, documentation, all of that has been asked for and so far has been deemed to be in order. It's all very favorable considering what's out there.

No cases have gone to a full trial in Morris County, all towns in Morris County have either, there have been a few that have settled and the rest are in line to either come up with a settlement which so far the things that I heard and experienced are settlements that talk about rezoning properties to satisfy fair share, and some of the rezoning is realistic in my opinion, some isn't and things of that nature and those types of concessions. The majority of the municipalities they are trying to come up with some resolve and the rest are just trying to make sure that their report and their own obligations are in order and I think that is what Hanover has been doing. So we have an additional obligation that our expert should find and the Governing Body when it did its last report said we have a surplus so we are going to try and draw from the surplus not for more development, but for what is already out there. For an example, the Whippany Village site has potentially 9 affordable housing units; it's already zoned for that. It's already out there, if they met qualifications and make an application they would be entitled to that, but that is not new zoning, that's not turning around and saying well now we need 500 units there, there is nothing different. That's the strategies that have been employed. We can't really talk about any more of the legal strategy at this point, but we can say these are the numbers that are out there this is what the Governing Body is dealing with and right now we have our immunity and no one has been able thus far to convince a court that we should change our course and these experts are out there and they have raised their objections but we don't believe that they have the merit to change the Township's Fair Share Plan, but this is a really new area of the law because there is only two decisions out there and everybody is in the same boat. The question is what if were in this litigation, cause the Town opted into this litigation, because if you are not in this litigation then you don't have that Substantive Certification or immunity and any developer can take even a property that's developed and come in and say "I have a great idea for you to find many units since you don't comply with your affordable housing obligation" and it doesn't matter how loud we can yell or how many people would be against it if a court orders it we are stuck with it. But right now the court does not have that kind of say over the Township because we have opted in and we do have our certification and we believe that we have a very good track record of compliance, so that is where we are and we don't know when cases will be scheduled for trial; or if we will go to trial, if it were to settle it would be because it's a case where the Township's numbers are going to be accepted by all of the interveners and Fair Share Housing, if it goes to trial it's because Fair Share is going to insist on more and it's more than the Township could ever really see itself committing to, but I think that's

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where we are in this case and I believe over the next six months you will start to hear about some towns going out to trial. Hanover could be one of them. I think you will also see potentially our Fair Share Plan which was just updated a year and a half ago, our affordable housing obligation which was a really good plan and still is. But remember that showed a surplus of 17 units and it's going to be updated to show that we could still meet even this gap period number as we go forward. So that is where we are and when you have a community that's very desirable and a lot of people would like to move here or live here or develop homes here, you are going to have your work cut out for you to protect what you have done and all of the compliance you have so that's why this case is going to take a while because of the fact if no one was interested we wouldn't have interveners. There are a number of towns that don't have interveners. There is not that much pressure. But here everybody thinks that they have an idea to kind of put more residential units and they think that is going to be necessary. The Township's position, as I said, we have a very good track record. So that is where we are Mayor.

Mayor: Very detailed Fred, very complicated. Thank you. Along these lines and by the way Council mentioned our submission of the Housing Element of the Fair Share Plan, this is the abridged version. I think this is a public document. We did receive from the Court high marks for our work in this area; but in summary in what Counsel just said to us there is always a but in the plan, and although Your Honor said this is a well done plan for Hanover and probably gave us more compliments than any other municipality but ok, we think Hanover could do more in summary is what he is saying. Now, can we do more? We plan for and without modifying any zone, I mentioned Whippany Village, and some other projects, JCC projects, etc., we have not included in our summaries those projects so I'm being assured tonight that will be part of what we will return to the Court with and try for a settlement. If we can get a settlement and I'm hoping we can knock out these interveners these other challengers these builders that want to come in on top of that. So, that is where we are.

The other thing in the long run and I'm going to open up the meeting in a moment anyway, and I mentioned to the Committee and I really think it is important to do this, I am going to be recommending whether we do it through our Library or another department here we have a lecture series for the public in two specific areas, one COAH that can bring this down to all of our communities understanding of what we are up against, all 5 of us on this panel that have to fend this off and at the same time I would also like a lecture series, which I am going to recommend on Open Space what we are doing aggressively on that, the upsides and the downsides. So forthcoming. On that note, thank you again Fred.

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

OPEN TO THE PUBLIC

Mayor: Before I open the floor I would like to make a comment. Here in our community and we are a very close community, we know we have a very upsetting situation our prayers and heartfelt thoughts go out to the Olsen Family, at an incredibly difficult time. We share their sorrow with them, we share the pain that they are going through and I know that I speak for everyone here on the Township Committee, that we hope the Olsen's get through this difficult time with peace for themselves.

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

Justin Avanzato, 20 Orchard Place, Cedar Knolls: I was just following up about the speed bumps on Orchard Place, I believe it was discussed earlier and I'm here just to represent the neighbors on Orchard Place to see where we are with that.

Mr. Coppola: I think I spoke to you on the phone, correct?

Mr. Avanzato: Yes you did.

Mr. Coppola: Right now they have a portable speed monitor, they did do speed testing for about 3-4 days. It definitely did show, you were correct, there is speeding going on. So they are going to be putting a speed monitor on Prospect and get through that, once that is complete, then they will deal with the Engineering Department if there

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is a recommendation to put some sort of measure for speed control. You are absolutely right about the speed, there was definitely some, the average was about 38 miles per hour. But there were some other that did exceed that. What they were doing is they were checking the hours the timing coming from Ridgedale to Boulevard people were using that for a cut through and that was occurring in the hours of 3:00 – 5:00 and then afterwards the timing was Boulevard back up to Ridgedale and again that wasn't as bad but there was still speeding.

Mr. Avanzato: So the average was 38 in a 25.

Mr. Coppola: 38 and the average speed for west to east was 38 and east to west going towards the Boulevard was 37.

Mayor: On Boulevard?

Mr. Avanzato: No this was on Orchard Place. They are using Boulevard instead of hitting the lights on each side, they are cutting through.

Mayor: It's the cut through it parallels Ridgedale.

Mr. Coppola: And coming off Ridgedale, they have a little momentum. As I called you and told you awhile back, you had a legitimate concern so it's being address. As a matter of fact, I spoke with Lt. Look this morning, he gave he some further information that shows the actual data; so we will address it.

Mr. Avanzato: There is a speed monitor out there right now, it's not working. It just says your speed limit is and just blinking.

Mr. Coppola: I know, I spoke to them about it. I don't know if you saw it going onto Troy Road into East Hanover, this is what we want to make people aware of their speed. I went up it a couple of times; it just kept saying zero.

Mr. Avanzato: I really appreciate it.

Mr. Coppola: I will keep in touch with you, I will definitely let you know what it is going on.

Mr. Avanzato: Thank you guys.

Mayor: You got the right guy, George is our Director of Public Safety, so I'm sure he will be on top of it.

Mr. Avanzato: He has been on top of it; he's called me two or three times and I really appreciate it. Thank you very much; I will let the neighbors know as well.

Brian Cahill, 25 Polhemus Terrace, Whippany: I just want to circle back with the COAH issue real fast, two quick questions. The builders remedy immunity that we now enjoy, is that indefinite until the cases are settled? I had read in the past that there is a five month window, and then as a follow up to that, as far as timing is concerned, and I know you explained this a new area of law, any predictions on a timeline, will this be years in the making, months what are your thoughts on that?

Mr. Semrau: Right now we have immunity I would say indefinitely and I think the Township would really have to be noncompliant. So I think we are okay there, there is no deadline in the Order it's until such time that the court deems otherwise, so we are good. As far as trials are concerned or some type of determination, I would say that this particular judge is going to retire April 3rd of next year, so between now and then if it's not going to be Hanover but it is going to be say a handful of other towns, we will start to get a read as to where we are going and I think it will be some time in the next 12 to 18 months. That would be my guess, depending how fast the first couple trials go. The one right now in Mercer County, I think has taken 18 days of trial testimony. So you know if somebody goes in September and the court doesn't finish one or two towns until November or December then I don't know what will happen before this Judge is forced to retire and leave the bench, so my estimate would be within the next year we are going to hear if it's not Hanover other towns and we best be ready, that's what I would think as a time frame, which is kind of surprising because along this started back in

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1999 and you wonder is it really going to be another year, but I think the way we are starting to see the courts get to trial that we should be ready within 12 months.

Mr. Cahill: That helps, thank you.

Mayor: I think it's important to comment, I don't mind to toot Hanover's horn a little bit, when we look at other communities around us and as my role as Chairman and Mayor, I meet with a lot of other Mayor's and I have to tell you that I'm really proud of the work that our Planners and our Planning Board and our Council have done on the plan, because the impact of COAH on our surrounding towns is monumental compared to us. We can deal with it, I'm pretty comfortable, that's a pretty gutsy statement, but I think we can observe what we can deal with it, but our colleagues in several other towns like Morris Township, Morris Plains, etc., you are going to see a blast of housing because they are all coming down under builders' remedy and other types of ways of trying to deal with it. But again, I think all of us on the Township Committee feel pretty comfortable where we are and what we have to deal with.

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

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of April 27, 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 April 27, 2017 has been accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.

COMMUNICATIONS:

Mr. Giorgio: I would like to read this letter into the record this is from a gentleman named Michael W. Schoen and it reads:

"My name is Michael Schoen" and I'm the Grandson of Albert W. Brown. My grandfather began to build his home in Cedar Knolls in the late 1930's. My parents also built our house in the early 1950's on the same track of land off of North Belair Avenue. Where I spent the first 25 years of my life along with my sister who has her own house on that same piece of property. My Grandfather used to walk down Summit Avenue to town on almost a daily basis, stopping in at the barber shop the Town Pharmacy, Foodtown and the Sweet Shoppe to chat. He would frequently have lunch with the Pastors of Notre Dame and Hildale Park Churches as well. Although he was never a politician or a Fireman he was well known around town for his wit and friendly and caring demeanor. On many occasions he would continue to walk into Morristown and then back to Cedar Knolls and up the hill toward home. There was no public transportation passing through Cedar Knolls in those days. After his death in 1972 the Town Council told our family that they would like to honor him by dedicating the newly purchased first senior citizen shuttle bus in his memory. The double irony here is that Granddad would have loved to have been able to ride that bus back in his day. The other is that he never owned a car or had a driver's license. A week ago, while visiting in Cedar Knolls I had the occasion to go to the Recreation Center, there in the parking lot was a gleaming senior citizen shuttle bus with the inscription "Dedicated to Albert W. Brown" 45 years and I'm sure several new shuttle buses later; the reality that the senior shuttle bus is still dedicated to my Grandfather continues to make our family very proud. The fact that the Town still keeps his memory alive even though there can't be more than a handful of residents today who even knew him is a testament to your commitment as a community. In part and because of your kindness to my Grandfather's memory, his great grandchildren and now his great great grandchildren have admiration for a man they never got to meet. On behalf of my family, I thank you so much for helping to keep the memory of a great man still relevant. Michael W. Schoen"

Mr. Ferramosca: Great things happen in Hanover.

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DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Treasurer's Report	S. Esposito	Reports up to day
Public Works	B. Foran	Reports of April
Property Maintenance	E. DeSimone	Reports of May 10th
Township Engineer	G. Maceira	Report of Capital Projects

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

PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE:

ORDINANCE NO. 13-2017

AUTHORIZING THE PURCHASE, DELIVERY AND INSTALLATION OF THE FOLLOWING ACQUISITIONS FOR THE BEE MEADOW SWIMMING POOL FACILITY: (1) THREE (3) PERMANENT PARAGON NUMBER 20002 PARAFLYTE SUPERFLYTE LIFEGUARD STANDS WITH REAR LADDERS OR APPROVED EQUAL; (2) ONE (1) REPLACEMENT SLIDE WITH TWO (2) FLUMES; AND (3) ONE (1) ROCK CLIMBING WALL, AND FURTHER APPROPRIATING THE SUM OF \$55,000.00 FROM THE SWIMMING POOL ENTERPRISE FUND – CAPITAL ACCOUNT FOR 2017 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT.

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 13-17 appeared in full in April 19th, 2017 issue of the Daily Record in accordance with the law.

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

Is there anyone present wishing to be heard concerning Ordinance No. 13-2017?

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

Now on Adoption, Be it resolved, that an Ordinance entitled "**AUTHORIZING THE PURCHASE, DELIVERY AND INSTALLATION OF THE FOLLOWING ACQUISITIONS FOR THE BEE MEADOW SWIMMING POOL FACILITY: (1) THREE (3) PERMANENT PARAGON NUMBER 20002 PARAFLYTE SUPERFLYTE LIFEGUARD STANDS WITH REAR LADDERS OR APPROVED EQUAL; (2) ONE (1) REPLACEMENT SLIDE WITH TWO (2) FLUMES; AND (3) ONE (1) ROCK CLIMBING WALL, AND FURTHER APPROPRIATING THE SUM OF \$55,000.00 FROM THE SWIMMING POOL ENTERPRISE FUND – CAPITAL ACCOUNT FOR 2017 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the May 17th issue of the Daily Record.

Motion made by Member Francioli and seconded by Member Ferramosca and unanimously passed.

So Adopted.

INTRODUCTION OF ORDINANCE:

ORDINANCE NO. 16-2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 3. OF ORDINANCE NO. 11-2017 ENTITLED "AN ORDINANCE AUTHORIZING THE FURNISHING AND INSTALLATION OF A PREFABRICATED CONCRETE CONCESSION AREA AND REST ROOM BUILDING, KITCHEN APPLIANCES AND OTHER RELATED IMPROVEMENTS FOR THE BRICKYARD ATHLETIC FIELD AT BEE MEADOW PARK" AND FURTHER SUPPLEMENTING ORDINANCE NUMBER 11-2017 BY APPROPRIATING THE SUM OF \$60,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2017 AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT

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WHEREAS, the Brickyard Athletic Field at Bee Meadow Park on Reynolds Avenue is one of the Township's premiere and centerpiece athletic facility for various sports activities, and the hosting of the Township's summer live vocal concerts; and

WHEREAS, because the Athletic Field has extensive use during most of the year, there is a need for a concession area and men and women's bathrooms; and

WHEREAS, during its April 13, 2017 regular meeting, the Township Committee adopted Ordinance No. 11-2017 which authorized the furnishing and installation of a prefabricated concrete concession area and rest room building, including other related improvements, and appropriating the sum of \$470,000.00 from the 2017 Capital Improvement Fund and all prior years for the financing of the improvement project; and

WHEREAS, on April 18, 2017, the Township's Bid Reception Committee met and unsealed five (5) competitive bids for the project described herein; and

WHEREAS, the lowest responsible and responsive bidder submitted a base bid of \$510,254.00 plus an alternate bid option at \$17,670.00 which amounts in the aggregate total \$527,924.00 and exceed the total dollar amount of the appropriation; and

WHEREAS, because the Brickyard Athletic Field sees much use during the year with various sports and other activities, the Township believes that a need exists to provide bathrooms and a concession area; and

WHEREAS, it is the intention of the Township Committee to supplement Ordinance No. 11-2017 with an additional appropriation of \$60,000.00 in order to provide sufficient funds for the award of a contract to the lowest responsible and responsive bidder.

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

Section 1. Section 3. of Ordinance No. 11-2017 is hereby amended and supplemented with the appropriation of an additional \$60,000.00 from the year 2017 Capital Improvement Fund and all prior years for the furnishing and installation of a prefabricated concrete concession area and rest room building, kitchen appliances and other related improvements for the Brickyard Athletic Field at Bee Meadow Park, all in accordance with the Township's Specifications and Contract Documents dated March, 2017.

Section 2. This Ordinance shall take effect in accordance with law.

The Ordinance will be further considered for Public Hearing on May 25th at 8:30 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

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

So Introduced

1. RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 108-2017

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF HANOVER PERTAINING TO
DISCIPLINARY ACTION FOR PROBATIONARY POLICE
OFFICER JOSHUA WILLIAMS**

WHEREAS, Patrolman **Joshua Williams** ("**Officer Williams**") is employed by the Township of Hanover as a Probationary Police Officer; and

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WHEREAS, the one (1) year probationary period for Officer Williams, as set forth in Section 53-9.D. entitled "Qualifications for Appointment". under Chapter 53 of the Code of the Township entitled Police Department, has not yet expired; and

WHEREAS, pursuant to Section 53-9.D.(1) of Chapter 53 of the Code, a Probationary Police Officer retains no type of permanent status with the Police Department and may be dismissed or otherwise disciplined at any time during the probationary period at the discretion of the Township Committee; and

WHEREAS, by way of written notice dated April 13, 2017, **Officer Williams** was notified that that the Hanover Township Police Department had recommended to the Hanover Township Committee that Officer Williams receive a suspension without pay for ten (10) working days from his position as a Probationary Police Officer; and

WHEREAS, pursuant to Section 53-9.D.(1) under Chapter 53 of the Code of the Township, **Officer Williams** was given the opportunity to address the Township Committee on April 27, 2017 and be heard concerning the proposed suspension; and

WHEREAS, after having heard from **Officer Williams**, and having heard the recommendation of Chief of Police Mark D. Roddy, the Township Committee has determined that it is in the best interest of the Township of Hanover, and in the interest of the public, to impose upon **Officer Williams** a suspension without pay of five (5) working days for neglect of duty, and that the aforesaid suspension without pay of five (5) working days is an appropriate, fair and final determination of this matter.

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

1. The Township Committee hereby imposes upon **Officer Joshua Williams**, a Probationary Police Officer of the Hanover Township Police Department, a suspension without pay of five (5) working days for neglect of duty, to be served at such times and on such dates as the Chief of Police shall determine.
2. Certified copies of this resolution shall be transmitted to the Chief of Police, the Township Attorney, the Township's Personnel and Labor Attorney, and the Chief Municipal Finance Officer for reference and informational purposes.

RESOLUTION NO. 109-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING SALARY ADJUSTMENTS FOR FULL-TIME DEPUTY MUNICIPAL COURT ADMINISTRATOR AMANDA ELSAYED AS IT RELATES TO HER CONTINUED EMPLOYMENT WITH THE TOWNSHIP AND THE SUCCESSFUL COMPLETION OF THE PRINCIPLES OF MUNICIPAL COURT ADMINISTRATION CERTIFICATION

WHEREAS, **Amanda Elsayed** was hired by the Township to serve as a full-time Deputy Court Administrator commencing January 3, 2017; and

WHEREAS, **Ms. Elsayed's** hourly rate was established at \$24.73 per hour or, if annualized, a salary of \$45,000.00 under Job Group VI of Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 9-2016; and

WHEREAS, by letter dated March 31, 2017, **Ms. Elsayed** advised the Township Committee that she was resigning from her position as Deputy Municipal Court Administrator in order to accept another career opportunity; and

WHEREAS, since the commencement of her employment with the Township, the Municipal Court Administrator advised the Business Administrator that **Ms. Elsayed** exhibited her skills and abilities to perform her daily job duties and responsibilities in an efficient and effective manner and with little direction; and

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WHEREAS, during the past several years, the Township has experienced difficulty in finding and retaining employees with demonstrated knowledge and ability to perform the responsible tasks assigned to Deputy Municipal Court Administrators; and

WHEREAS, in order to retain **Ms. Elsayed** who has excelled in her position as a full-time Deputy Court Administrator, the Township Committee, on the recommendations of the Township's Municipal Court Judge and Municipal Court Administrator, has taken the extraordinary step of adjusting **Ms. Elsayed's** salary as described in full below.

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

1. The governing body hereby authorizes the following salary adjustments:
 - A. Effective Monday, May 1, 2017, **Amanda Elsayed** shall receive a one-time increase of \$5,000.00 added to her current salary compensation.
 - B. Upon the satisfactory completion of the Level 2 Principles of Municipal Court Administration course of study in the fall of 2017, **Ms. Elsayed** shall receive an additional \$1,000.00 adjustment in compensation added to her salary.
 - C. Upon the satisfactory completion of the Level 3 Principles of Municipal Court Administration course of study in the spring of 2018, **Ms. Elsayed** shall receive a second \$1,000.00 adjustment in compensation added to her salary.
 - D. Upon the satisfactory completion of the Level 4 Principles of Municipal Court Administration course of study in the fall of 2018, **Ms. Elsayed** shall receive a third \$1,000.00 adjustment in compensation added to her salary.
 - E. Upon certification of the Principles of Municipal Court Administration course of study in the fall of 2018 or spring of 2019, **Ms. Elsayed** shall receive a final \$1,000.00 adjustment in compensation added to her salary.
 - F. At the conclusion of each level of study and upon certification, **Ms. Elsayed** shall be responsible in submitting to the Municipal Court Administrator and the Township's Business Administrator copies of all her certificates as proof that she has successfully completed the Principles of Municipal Court Administration Certification Program.

2. The Township's Chief Municipal Finance Officer is authorized and directed to make the salary adjustments set forth in sub-paragraphs A, B, C, D and E at the timeframes noted above.

RESOLUTION NO. 110-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A ONE TIME \$1,000.00 INCREASE IN SALARY FOR FULL-TIME DEPUTY MUNICIPAL COURT ADMINISTRATOR AIMEE JONES UPON THE SUCCESSFUL COMPLETION OF THE PRINCIPLES OF MUNICIPAL COURT ADMINISTRATION CERTIFICATION

WHEREAS, **Aimee Jones** was hired by the Township as a part-time Violations Clerk commencing April 13, 2015; and

WHEREAS, **Ms. Jones** was promoted to the position of a full-time Deputy Municipal Court Administrator effective April 18, 2016; and

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WHEREAS, as a condition of appointment to the Deputy Municipal Court Administrator position, the Township required that **Ms. Jones** successfully complete the Principles of Municipal Court Administration Certification related to her position; and

WHEREAS, the April 14, 2016 resolution of appointment stipulated that upon the successful completion of the course of study for Certification, **Ms. Jones** would be entitled to receive an additional, one-time, \$1,000.00 increase in salary; and

WHEREAS, by memorandum dated May 4, 2017, **Ms. Jones** advised the Business Administrator that she had completed all four (4) Principles of Municipal Court Administration courses and provided copies of each Certificate; and

WHEREAS, in accordance with the April 14, 2016 resolution of appointment, the Business Administrator/Township Clerk recommends that **Ms. Jones'** salary be increased by \$1,000.00 in consideration of her accreditation.

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 successful completion of the four (4) Principles of Municipal Court Administration courses related to her duties and responsibilities as a full-time Deputy Municipal Court Administrator, **Ms. Aimee Jones** is hereby granted a one-time \$1,000.00 increase in salary effective May 1, 2017.
2. That certified copies of this resolution shall be transmitted to **Ms. Jones**, the Township's Chief Municipal Finance Officer and HR Specialist for information and action purposes.

That certified copies of this resolution shall be transmitted to **Ms. Elsayed**, the Municipal Court Administrator and Chief Financial Officer for reference and information purposes.

RESOLUTION NO. 111-2017

A RESOLUTION APPROVING THE APPOINTMENT OF KYLE CERRATO TO SERVE AS A FULL-TIME, TEMPORARY, SEASONAL INTERN ASSIGNED TO THE BUILDING DEPARTMENT AND ESTABLISHING HIS COMPENSATION AT \$14.00 PER HOUR UNDER JOB GROUP I OF SCHEDULE "B" AND SALARY RANGE GUIDE "C" OF SALARY ORDINANCE NO. 8-2017

WHEREAS, the Township of Hanover posted on its web site the availability of an intern position to be assigned to the Building Department; and

WHEREAS, in accordance with the posting, the Township received three (3) applications; and

WHEREAS, of the three (3) applicants, the Construction Official is recommending that **Kyle Cerrato** be appointed by the Township Committee to serve as a full-time summer intern assigned to the Building Department.

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

1. That **Kyle Cerrato** residing at 22 Adams Drive in the Whippany Section of Hanover Township is hereby appointed to serve as a full-time, temporary, seasonal intern assigned to the Building Department commencing May 15, 2017 and ending August 31, 2017.

2. **Mr. Cerrato** shall be compensated at the rate of \$14.00 per hour as set forth under Job Group I as listed under Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 8-17.

3. Irrespective of the Building Department assignment, the Business Administrator/ Township Clerk reserves the right to assign **Mr. Cerrato** to any other

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Department based on the work load needs of other departments.

4. Except for disciplinary removal, all appointment as a seasonal employee shall terminate on or before August 31, 2017.

5. That a certified copy of this resolution be transmitted to the Construction Official and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 112-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING GRETCHEN SCHOENHAAR TO SERVE AS THE ALTERNATE 2 MEMBER OF THE HANOVER TOWNSHIP ECONOMIC DEVELOPMENT ADVISORY COMMITTEE FOR A TWO (2) YEAR TERM OF OFFICE EXPIRING ON DECEMBER 31, 2018, ALL IN ACCORDANCE WITH SECTIONS 21-2.D. AND 21-2.E. OF CHAPTER 21 OF THE CODE OF THE TOWNSHIP ENTITLED ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

WHEREAS, on September 24, 2009, the Township Committee adopted Ordinance No. 12-09 which established an Economic Development Advisory Committee (hereinafter referred to as "EDAC") and set forth the duties and responsibility of EDAC; and

WHEREAS, to enhance the diversification of backgrounds and expertise in membership, the governing body adopted Ordinance No. 5-2010 during its February 25, 2010 regular meeting increasing the membership from seven (7) to nine (9) regular members and from four (4) to six (6) alternate members; and

WHEREAS, Section 21-2.E. of Chapter 21 of the Code of the Township entitled Economic Development Advisory Committee provides that Alternate members shall serve two (2) year terms of office commencing January 1 and ending on December 31 of the second year; and

WHEREAS, John R. Tort, Jr. stepped down as the Alternate 2 EDAC member at the end of his term on December 31, 2016 and therefore, a vacancy in position exists; and

WHEREAS, **Gretchen Schoenhaar**, a resident of 15 Parsippany Road in the Whippany Section of the Township has expressed an interest to serve on a Township Board; and

WHEREAS, because of her strong background in corporate finance and management, EDAC believes that **Ms. Schoenhaar** is an ideal candidate that can bring to EDAC a wealth of experience that will be beneficial in helping to formulate an economic development plan for the Township in retaining and attracting commercial development; and

WHEREAS, in a letter dated May 4, 2017 to the Mayor and Township Committee, the Chairman of EDAC recommends that **Ms. Schoenhaar** be appointed to fill a vacant Alternate position; and

WHEREAS, pursuant to the provisions set forth in Sections 21-2.D. and 21-2.E., related to alternate membership and terms of office, under Chapter 21 of the Code of the Township entitled Economic Development Advisory Committee, it is the intention of the Township Committee to appoint **Gretchen Schoenhaar**, to serve as the Alternate 2 member of EDAC upon the adoption of this resolution and expiring on December 31, 2018.

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

1. In accordance with Chapter 21 of the Code of the Township entitled Economic Development Advisory Committee, as set forth under Sections 21-2.D. and 21-2.E., **Gretchen Schoenhaar** residing at 15 Parsippany Road in the Whippany Section of the Township is hereby appointed to serve as the Alternate 2 member of the Economic Development Advisory Committee in filling John R. Tort's vacant seat.
2. Pursuant to Section 21-2.E. of Chapter 21, **Ms. Schoenhaar's** term of office shall take effect immediately with the approval of this resolution and shall expire on December 31, 2018, or until such time as her successor shall be duly appointed and qualified.
3. That a certified copy of this resolution shall be transmitted to the Chairman of EDAC.

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INTRODUCED AND SPONSORED BY COMMITTEEMAN JOHN L. FERRAMOSCA AS LIAISON TO EDAC.

RESOLUTION NO. 113-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RENEWAL OF AN AGREEMENT BETWEEN THE COUNTY OF MORRIS AND CERTAIN MUNICIPALITIES LOCATED THEREIN ESTABLISHING A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT AND HOME ACTIVITIES PROGRAMS FOR FISCAL YEARS 2018, 2019 AND 2020 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT

WHEREAS, the County is eligible to receive Federal funds available through the Department of Housing and Urban Development; and

WHEREAS, in order to receive certain Federal funds which are potentially available to the County of Morris under the Community Development Block Grant Program, HOME Investment Partnerships Program authorized by Title II of the Cranston-Gonzalez National Affordable Housing Act, Federal Register, Vol. 56, No. 143, dated July 2, 1991; and

WHEREAS, an agreement has been proposed under which the Township of Hanover and the County of Morris which will form a consortium by establishing a cooperation agreement for Federal Fiscal Years 2018, 2019 and 2020; and direct its activities to the elimination of housing problems within New Jersey in accordance with the housing goals and strategies outlined in the Morris County Consolidated Plan.

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 agreement entitled, "AGREEMENT BETWEEN THE COUNTY OF MORRIS AND CERTAIN MUNICIPALITIES LOCATED THEREIN ESTABLISHING A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT AND HOME ACTIVITIES" PROGRAM" pursuant to the National Affordable Housing Act of 1990, a copy of which is on file in the County of Morris, Department of Human Services, Division of Community & Behavioral Health Services, Office of Community Development, shall be executed by the Township of Hanover as well as the Freeholder Director of the County of Morris and Clerk of the Board of Chosen Freeholders in accordance with the provisions of the law.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the Agreement which is described above and attached hereto and made a part of this resolution as if set forth in full.
3. This resolution shall take effect in accordance with the law.
4. That a certified copy of this resolution along with the signed Agreement shall be transmitted to the Director of the Community Development Programs in the Morris County Office of Community Development and the Township Engineer.

RESOLUTION NO. 114-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER GRANTING PERMISSION TO OCEAN WINE & SPIRITS, INC., TRADING AS WEGMANS WINE, LIQUOR AND BEER, TO OPEN ITS STORE LOCATED AT 34-A SYLVAN WAY (PARSIPPANY) IN THE TOWNSHIP OF HANOVER AT 9:00 A.M. ON SUNDAY, JULY 23, 2017

WHEREAS, Ocean Wine & Spirits, Inc. has been granted a Plenary Retail Distribution License, License No. 1412-44-027-066 to operate a liquor store in the Township of Hanover located at 34-A Sylvan Way, Parsippany (mailing address); and

WHEREAS, Ocean Wine & Spirits, Inc. will trade as Wegmans Wine, Liquor & Beer at the location set forth above; and

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WHEREAS, in conjunction with the grand opening of the Wegmans Supermarket on July 23, 2017, **Ocean Wine & Spirits, Inc.** addressed a letter to the Mayor and Township Committee requesting permission to open its liquor store at 9:00 a.m. on the grand opening day; and

WHEREAS, Section 82-3.B. entitled "Hours" under Chapter 82 of the Code of the Township entitled Alcoholic Beverages prohibits the holders of a Plenary Retail Distribution License from selling any alcoholic beverages on licensed premises, including but not limited to wine, beer, packaged goods in original containers and spirituous liquors, between the hours of 10:00 p.m. on Saturdays to 1:00 p.m. on Sundays; and

WHEREAS, the letter from **Ocean Wine & Spirits, Inc.** received by the Township on March 31, 2017 was reviewed and discussed by the governing body with the Township Attorney during its April 13, 2017 legal conference work session; and

WHEREAS, as a result of that review, the Township Committee decided to permit **Ocean Wine & Spirits, Inc.** to open its new store to customers starting at 9:00 a.m. on Sunday, July 23, 2017 until closing time at 10:00 p.m. in order to sell alcoholic beverages on the license premises.

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. **Ocean Wine & Spirits, Inc.**, trading as Wegmans Wine, Liquor & Beer, the holder of Plenary Retail Distribution License No. 1412-44-027-006, will open a new liquor store on Sunday, July 23, 2017 located at 34-A Sylvan Way in the Township of Hanover. In accordance with **Ocean Wine & Spirits, Inc.'s** request, the Township Committee hereby grants a one-time waiver of the Sunday prohibited hours of sale provision described in Section 82-3. Entitled "Hours" under Chapter 82 of the Code of the Township entitled Alcoholic Beverages. **Ocean Wine & Spirits, Inc.** is hereby granted permission to only open its new liquor store on Sunday, July 23, 2017 starting at 9:00 a.m. until closing time at 10:00 p.m.

That certified copies of this resolution shall be transmitted to Store Manager Natasha Gunkel and the Chief of Police for reference and information purposes.

RESOLUTION NO. 115-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER RELEASING THE TOTAL CASH PERFORMANCE GUARANTEE IN THE AMOUNT OF \$348,996.00 PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985,c.315 TO 67 WHIPPANY INVESTORS, LLC AS A RESULT OF COMPLETING LIMITED SITE IMPROVEMENT CONSTRUCTION WORK IN CONNECTION WITH THE CONSTRUCTION OF AN OFFICE BUILDING CONSISTING OF APPROXIMATELY 185,000 SQUARE FEET PLUS 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 Preliminary and Final Site Plan, Minor Subdivision, Variance and Exception approvals to **67 Whippany Investors, LLC** related to the construction of an office building consisting of approximately 185,000 square feet, surface parking areas, a parking deck, storm water management facilities, utilities, signage, landscaping, and other related improvements on property located at 67 Whippany Road in the Whippany Section of the Township 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; and

WHEREAS, prior to the construction of the office building, the Developer requested permission to construct certain limited site improvements; and

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WHEREAS, a Limited Site Improvement Construction Agreement was signed by the Township and the Developer on April 24, 2015; and

WHEREAS, in accordance with the April 24, 2015 Agreement, the Township Engineer, in a letter dated May 4, 2017 to the Mayor and Township Committee, advised the governing body that the improvements required by the Limited Site Improvement Construction Agreement and the Planning Board approvals have been satisfactorily completed; and

WHEREAS, the Township Engineer in his May 4, 2017 letter, recommended that the total cash performance guarantee in the amount of \$348,996.00 plus a portion of the interest, and the remaining balance of \$10,506.45 representing Township Engineering inspection fees, be released to **67 Whippany Investors, LLC**.

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

1. Pursuant to the recommendation of the Township Engineer, the total cash performance guarantee in the amount of \$348,996.00 deposited in a TD Bank Account, Account No. 7760845138 plus a portion of the interest in accordance with P.L. 1985,c.315 be released to **67 Whippany Investors, LLC**.
2. The remaining balance in the amount of \$10,506.45 representing Township Engineering inspection fees deposited in Escrow Account No. 252-7048-499/ENG 67 Whippany BTS LLC also be released to the Developer.
3. That certified copies of this resolution shall be transmitted to **67 Whippany Investors, LLC**, the Township's Chief Municipal Finance Officer and Township Engineer for reference and action purposes.

RESOLUTION NO. 116-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING BOND REDUCTION NO. 1 BY REDUCING THE TOTAL CASH PERFORMANCE BOND SUBMITTED BY 67 WHIPPANY INVESTORS, LLC FROM \$1,558,701.00 TO \$588,180.00 PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985,c.315 AS A RESULT OF COMPLETING SEVENTY (70%) OF THE BONDED SITE IMPROVEMENTS RELATED TO THE CONSTRUCTION OF AN OFFICE BUILDING CONSISTING OF APPROXIMATELY 185,000 SQUARE FEET PLUS 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 Preliminary and Final Site Plan, Minor Subdivision, Variance and Exception approvals to **67 Whippany Investors, LLC** related to the construction of an office building consisting of approximately 185,000 square feet, surface parking areas, a parking deck, storm water management facilities, utilities, signage, landscaping, and other related improvements on property located at 67 Whippany Road in the Whippany Section of the Township 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; and

WHEREAS, the Developer was required to install certain improvements for the office building project in accordance with the Planning Board approvals and the subsequent Developer's Agreement dated June 5, 2015; and

WHEREAS, in accordance with the February 17, 2015 Final Site Plan approval and the June 5, 2015 Developer's Agreement, **67 Whippany Investors, LLC** has now completed seventy (70%) percent of the bonded site improvements based on the inspection conducted by the Engineering Department for the purpose of ascertaining the percent of completion of the bonded public improvements; and

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WHEREAS, the Township Engineer in a letter dated May 4, 2017 has recommended Bond Reduction No. 1 reducing the total cash performance guarantee from \$1,558,701.00 to \$588,180.00; and

WHEREAS, the Township Engineer has attached a Schedule "A" Bond Reduction No. 1 Report to his May 4, 2017 letter which describes the percentages of reduction for the bonded on-site improvements and a total dollar amount of the cash performance guarantee to be retained in favor of the Township.

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

1. Pursuant to the recommendation of the Township Engineer, the total cash performance guarantee in the amount of \$1,558,701.00 deposited in a TD Bank Account, Account No. 7760845141 is hereby reduced to \$588,180.00. The Developer shall be returned a portion of the cash bond in the amount of \$970,521.00 plus a portion of the interest in accordance with P.L. 1985, c.315.
2. That certified copies of this resolution shall be transmitted to **67 Whippany Investors, LLC**, the Township's Chief Municipal Finance Officer and Township Engineer for reference and action purposes.

RESOLUTION NO. 117-2017

A RESOLUTION AUTHORIZING THE RELEASE OF THE REMAINING CASH BOND BALANCE OF \$16,696.53 PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985,c.315 AND THE REMAINING CASH BALANCE OF \$1,807.21 REPRESENTING SANITARY SEWER INSPECTION FEES TO FOREST HILL DEVELOPERS, L.L.C., THE DEVELOPER, REGARDING THE COMPLETION OF THE PHASE III CONSTRUCTION OF TWENTY (20) SINGLE FAMILY HOMES ON PROPERTY LOCATED ON THE NORTH WESTERLY SIDE OF TROY HILLS ROAD NEAR GROVE PLACE (ON THE FORMER ROWE INTERNATIONAL, INC. PROPERTY), IN WHIPPANY, AND ALSO KNOWN AS LOT 1 IN BLOCK 7801 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, on January 20, 2004, the Planning Board of the Township of Hanover took the following actions with respect to the applications of **Forest Hill Developers, L.L.C.** (hereinafter referred to as **Forest Hill**): (1) granted preliminary and final major subdivision approval for the creation of eighteen (18) lots for single family homes plus a parcel consisting of 5.2304 acres to be dedicated to the Township for open space purposes; and (2) preliminary major subdivision approval for the creation of a fifty (50) lot residential subdivision plus a remaining parcel to be dedicated to the Township of Hanover on property located on the north westerly side of Troy Hills Road near Grove Place (on the former Rowe International, Inc. property); and

WHEREAS, by resolution dated June 24, 2004, the Township Committee authorized the execution of a Developer's Agreement by and between the Township and **Forest Hills Developers, L.L.C.** for the Phase I construction of eighteen (18) single family homes on the above referenced property; and

WHEREAS, on July 9, 2004, **Forest Hills Developers, L.L.C.** entered into a Developer's Agreement with the Township governing Phase I of the project; and

WHEREAS, on August 21, 2007, the Planning Board granted amended preliminary and final major subdivision approval for Phase II to amend and bifurcate the previously approved construction of Phase II (32 lots) into an amended Phase II (12 lots) and an amended preliminary major subdivision approval for a new Phase III to consist of twenty (20) lots; and

WHEREAS, by resolution adopted on May 24, 2011, the Planning Board granted final major subdivision approval for Phase III which provides for the construction of twenty (20) single family homes on 9.96 acres of land; and

WHEREAS, this resolution governs and authorizes the execution of a Developer's Agreement by the Mayor and Township Clerk for the Phase III construction only of the twenty (20) new residential units; and

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WHEREAS, by resolution dated August 23, 2012, the Township Committee approved a reduction of the performance surety bond in the amount of \$542,584.00 to \$281,899.00 and the reduction of the 10% cash bond from \$60,287.00 to \$31,321.00; and

WHEREAS, in a letter dated August 8, 2016 to the Mayor and Township Committee, the Township Engineer now recommends that the performance surety bond and the bond rider in the amount of \$281,899.00 be released to the Developer including the remaining balance of \$24,973.05 held in a trust account which funds represented Engineering Inspection fees; and

WHEREAS, in accordance with the Township Engineer's August 8, 2016 letter, the governing body released the above referenced performance surety bond and bond rider and the remaining Engineering inspection fees by resolution dated August 11, 2016; and

WHEREAS, the Township Engineer also recommended that the remaining cash bond in the amount of \$31,321.00 be retained in order to satisfy required sanitary sewer work. The Developer has authorized the Township to pay for the sanitary sewer work from the cash bond. And, remaining funds will be returned to the Developer; and

WHEREAS, the Township Engineer has now submitted a letter dated May 10, 2017 to the Mayor and Township Committee recommending that the remaining cash bond previously retained in order to satisfy required sanitary sewer work in the amount of \$16,696.53 be released to the Developer including \$1,807.21 which represents the remaining balance of sanitary sewer inspection fees.

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

1. In accordance with the Township Engineer's letter recommendation dated May 10, 2017 to the Mayor and Township Committee, the governing body hereby authorizes the Township's Chief Municipal Finance Officer to release the following:
 - A. The remaining cash bond in the amount of \$16,696.53 plus a portion of the interest pursuant to P.L. 1985,c.315 which funds are held in a TD North Escrow Account, Account No. 000760845119; and
 - B. The remaining balance of sanitary sewer inspection fees in the amount of \$1,807.21 which funds are held in a Trust Escrow Account, Account No. 252-3530-499.

2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer, and **Forest Hill Developers L.L.C.** for reference and action purposes.

RESOLUTION NO. 118-2017

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

WHEREAS, at the Township of Hanover Municipal Tax Sale held on December 3, 2012, a lien was sold on Block 5401, Lot 19, also known as 215 Whippany Road, Whippany, New Jersey 07927, for 2011 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate 2012-14, was sold to Glen Carter for a 5% redemption fee; and

WHEREAS, **George Perez**, owner has affected redemption of Certificate 2012-14 in the amount of \$7,839.81

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$7,839.81, payable to Glen Carter, 34 Briarcliff Road, Mountain Lakes, New Jersey 07046 for the redemption of Tax Sale Certificate 2012-14.

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RESOLUTION NO. 119-2017

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 5403, Lot 2, also known as 24 Adams Drive, Whippany, New Jersey 07981, for 2014 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate 2015-06, was sold to M & P Retirement Plan for a 0% redemption fee and a \$3,100.00 premium paid; and

WHEREAS, **Joseph & Jean Frazier**, owner has affected redemption of Certificate 2015-06 in the amount of \$2,764.26.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$2,764.26, payable to M & P Retirement Plan, P.O. Box 2051, Morristown, New Jersey 07962-2051 for the redemption of Tax Sale Certificate 2015-06.

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$3,100.00 (Premium) to the aforementioned lien holder.

RESOLUTION NO. 120-2017

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:

BLOCK	LOT	QUAL. #	NAME	AMOUNT
1408	18		Gabriela Jileva & Gregory Capar 25 McNab Avenue Cedar Knolls, NJ 07927	\$982.47

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$7,599,966.07** 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 Ferramosca and unanimously passed.

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

RAFFLES:

- RL-3026 – Dance Competition Parents Assoc. – 50/50 on premise**
- RL-3027 – Elizabeth Ann Seton Council – Tricky Tray**

Motion made by Member Ferramosca and seconded by Member Gallagher and passed. Mr. Coppola abstains on RL-3027.

OPEN TO THE PUBLIC

Motion made by Member Ferramosca and seconded by Member Gallagher to open to the public.

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

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OTHER BUSINESS

Member Gallagher: First of all I would like to say with Joe Senior that maybe George will touch on this but Joe Sr. is the Grand Marshall this year for our big parade. You are the talk of the town.

Just a couple of things tonight and I want to give credit where credit is due, a few years ago a very good friend of all of ours Chief Steve Bolcar said to me you know what you guys should do, which they did years ago in Hanover Township, that they would just open up the gym and the kids would just play volleyball, all the families would be there and it was a really good time. So like Chuck Berry said a long time ago, that nobody every really invents anything they just borrow things from each other and it's nice to give credit where credit is due. So this is our 4th Annual Hanover Township's Big Night Out, it's this Friday night at Whippany Park High School, it's a lot of people, a lot of companies and a lot of groups involved in making this a bigger and better night than we ever had. We are going to have volleyball and a lot of law enforcement and a lot of fire fighters. We are having food that was donated by Wegman's, and it will be prepared by Knights of Columbus and I am prejudice but I don't think anybody cooks dogs George as good as the Knights of Columbus. So it's going to be a great event, it is capped off by the big tug of war, our secret weapon is always Joe Giorgio, I warned the Fire Department that he is doing a little extra on the treadmill, couple of extra jumping jacks and he is ready to go tomorrow night and we are all going to be there and it's going to be a lot of fun ~ 7-9 Whippany Park High School.

On a more serious note, the Morris Area Coalition for Education and Positive Choices with the East Hanover Police Department is having a special night called a Night of Excellence in Hanover Park High School this coming Tuesday, the big speaker is Eric LaGrande and he is a brave young man who had a tragic accident on the football field years ago for Rutgers. We also have Steve Weatherford and other special guests and including a teacher that battled cancer and is a cancer survivor and did not miss one day of school her entire fight with cancer; and the whole point of the night is seeing how these strong people picked themselves up and their leaders and their diversity and everything that they had to overcome and how positive they are and what we did was specifically invited our middle school kids cause that's when they think everything is on their shoulders and it's a lot of struggles that they go through emotionally so we are inviting everyone, we officially invited the Township Committee, but it's really going to be East Hanover, Florham Park, Parsippany and Hanover Township, although we invited other people, it's a great night, if anyone can be there, it's going to be touching and inspiring, and again it's one of our outreaches to help children and reach them and let them know whatever they are feeling whatever they are thinking they are not alone, there is a lot of people and we are there for them. Once again Hanover Township PD is a big part of everything we do with our kids in our drug coalition. So that's it.

Mr. Ferramosca: This message goes out under the umbrella of great things happen in Hanover. Hanover Township was recognized for its 10 year tree city USA designation, this is a significant recognition for our Township, it acknowledges the many benefits trees provide to the community, the Arbor Day Foundation in cooperation with the State of New Jersey's Forest Service has recognized Hanover Township on its Sterling Anniversary, this award is given to communities which had gained the recognition of Tree City USA for 10 consecutive years. The distinction of being a tree city promotes a positive image of the community to visitors and our residents. We thank all who supported this program in making this happen, Rich Wolowicz our Township Arborist, Brian Foran our Superintendent of Public Works and Hanover Green Team Chairman Phil Glawe, who really lead in this effort.

Second piece of information that I want to communicate is a large thank you on behalf to the Green Team and Employment Horizons who worked together to host free paper shred day. Free paper shred day was very successful this year, proud to say we had over 80 residents come out and they brought with them over three quarters of a ton of paper which was disposed of in an environmentally sensitive, responsible manner. So thank you to those who performed the activity, the service and thank you for those residents who came out and participated and promoted the environment.

Mr. Coppola: First of all, the reason why they are putting up that rock wall at Recreation is because Joe and I insisted cause we are definitely going to be running up

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and down that wall. I saw him scooting around Sunday on that scooter up at the Bee Meadow Pond, you were doing very well.

The Veteran's Alliance Memorial Day they will be serving at the Community Center 7-8:15 breakfast 8:30-9:00 is service and 9:00 busing up to the High School, and it really is an honor as Mr. Gallagher stated that our Grand Marshall is here this evening. It is unusual not to see Joe on the platform naming names as everybody walks by but it's truly an honor and very well deserved Joe, we love you Buddy.

Landmark has been gotten themselves in the newspaper, repairing a major crypt over at the burying yard, it was named after the Tuttle family, they have really done a lot and I just want to say on behalf of the whole Landmark Commission they really thank the Township Committee, if it wasn't for their support, that burying yard would really deteriorate and be an awful shame being that the oldest historic site in Morris County.

Cultural Arts they had a concert at Memorial Junior School. It was very well attended. The Jewish Community Center is also having one of their own with the Jersey Symphony Orchestra on Wednesday, June 28th 2:00 at the Jewish Federation Conference Center. I will have the flyer copied and put them outside for anyone who would be interested in going. It's actually 2:00 in the afternoon, there is a person who they can call if they want to reserve seating, but I'll leave all that information outside for anyone who is interested.

Mr. Brueno: Recreation front, August 16th the bus trip to Citi Field to see the Mets and Yankees, there are still some tickets left but they are going pretty quickly, good rivalry and a great day. The Stoney Brook Garden grand opening was supposed to be Saturday is delayed and that might be appropriate because it's supposed to be a monsoon on Saturday. But we've had a lot of bad weather recently that's prevented the construction to take place as rapidly as it should have, so the Stoney Brook Farm will be opening shortly, stay tuned for an exact date. If you would like to buy a plot at the garden please contact the Recreation Center.

Summer Camp is open and filling up quickly if you know of anyone who wants to get their child or grandchild into summer camp contact the recreation center. All aboard the train for fitness which also was supposed to be Saturday has been postponed and will take place in the Fall just because of some logistic issues that popped up and as it turned out the weather is not going to be great Saturday, so maybe we will get a better day in the fall.

The Bee Meadow rock climbing wall as George mentions that he and Mr. Mihalko might be the first two on there, but there aren't too many municipal pools that have this type of entertainment which is to say, the rock climbing wall will hang over the pool so as you climb up the wall it gets a little more difficult and you fall into the pool, I know George can't wait to get on there, but for those who haven't joined Bee Meadow pool yet it's another fun activity for the kids and one of the goals is to get some things other than swimming to keep out middle school interested in coming to the pool, so the Bee Meadow Pool one of the best deals in Town and I also just like to put in a quick plug for my associate Mr. Gallagher for putting together the Big Night Out tomorrow night at Whippany Park, I think it's going to be a tremendous event rain or shine, lots going on so if you have a chance you don't have to be there for the entire night, but please stop by I think there will be some food as well, right hot dogs?

Mr. Gallagher: 400 hot dogs from Wegman's.

Mr. Brueno: So come for dinner and stay and play volleyball and tug of war and tons of good stuff.

Mayor: Director of OEM, Tom Quirk, this past we met at Memorial Junior School with about 300 students, will be having a Fire/EMT/Police special camp at the end of June beginning of July check our website for the dates for the youngsters, I understand they are almost filled up already. But this is a great opportunity for youngsters in the middle school to experience and see what a career would be like in one of these services and I think it's just tremendous, Tommy great job, for getting that done.

Bob mentioned the Stoney Brook Community Farm it is delayed the weather has not been favorable, we are just finishing up on the irrigation system but we will have 144 gardens there, we have almost a few dozen people have already signed up to be part of

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it, our schools are part of it there will be a certain amount that the garden is giving up to the Middle School working with Superintendent Wasko and their involvement. We are also working with several young men from Eagle Scouts who are doing ADA complaint gardens which are raised beds that they will be putting in there. In conjunction our Library will be taking a garden and using that as part of a lecture series. It's off to a good start if we can finally cut the ribbon.

Any of us techy guys and ladies out there who need a little bit more information, Saturday, May 20th at the Library will be a computer tech help course, so bring your laptop, Ipads, your droids, iphones and anything else that blinks and winks they will tell you how to use it and I think that will be great that will be fine.

Finally, and I know that the gentleman want to get back into conference session, I want to make a comment here so please forgive me, but these gentleman go the extra distance the extra yard at our meetings in compliance with Open Public Meetings Act, every one of our meetings that we can allow open to the public that is not personnel or that is not legal is open, all of our meetings are published in the newspapers, all of our meetings agenda are put in front of this building, all of our meetings are on the website and on special cases they are put on E-Blast and if you don't like what you saw there I think you can turn us on Channel 21 and you can watch this meeting as well. We are doing everything we possibly can including 4 newsletters per quarter that go out to families to tell you what is going on in here at Town Hall. I can't pull you out of your homes to come here, but Joe comes here, and to be part of those meetings that take place, to comment, we open these meetings as you see on two sessions, most of our public meetings be them Planning and other open meetings to the public on both session, if you have comment this is the place to make them. It's sort of cowardly when we have to read about our agenda on Facebook and they are not correct when we do read them, and the last one I might like to comment specially on where yours truly had something for senior citizens innocently enough it was under legal because it was talking about taking the grace period that we give senior citizens for paying their taxes, sewer bills and other bills for the Township and taking it from 10 days and hoping to increase it to 15 days to give them a little bit more ample time to get to Town Hall and to pay their taxes. That was criticized kind of unfairly as us doing something assertive to our senior citizens, get here get informed then you are entitled to your comment. I thank you and on that motion to adjourn.

ADJOURNMENT

Motion made to close at 9:36 p.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
