

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, January 12, 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: None

STATEMENT BY PRESIDING OFFICER:

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

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

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

OPEN TO THE PUBLIC

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

William Ames, 6 Cove Lane Road, Whippany: Good Evening. I have communicated by mail with a couple of you and just want to ask again formally tonight if I might for a resolution from the Township of Hanover to the County of Morris with regard to their anti-competitive bidding, a resolution that they are actively considering. This has been going on for about two years it's come through about five phases and probably going to be modified in the next five to six days but the essence of it has remained steadfast despite denials by Doug Cabana our Freeholder Director that the citizens do not know what they are talking about, hundreds and hundreds of OPRA documents and background files testimony and attending every meeting that they have had the citizens do know what they are talking about. A good article in the Daily Record today that you might want to look at. I have sent some background material, I can send anything that you might want or answer any questions that you have, the essence of the issue is this, the county for no reason we can determine has decided that it wants to restrain bidding and limit it basically to large contractors and union operatives that have apprenticeship programs, that's a burden on small businesses and we have asked many times privately and publically and on the record what is the need for this, there has been no justifiable need, there has been no stated need there has been no evidence from the county as to why this might be necessary there has been no problems there is no problems in default with a contractor, no allegations of illegal workers, there's just no need for this on the public record. But it is in the shadow of almost \$315,000.00 of campaign contributions from unions, union packs and large contractors and engineering companies the four categories that would have appretiship programs up and running all the time.

There have been more than 100 letters by the county from citizens throughout the county resoltions from 13 municipalities, more than 20 people spoke last night, there had been position statements made by The American's for Prosperity Organization, the Congress and Industry Association in New Jersey, The Associated Building Contractors

of New Jersey and another trade group that I can't remember the name UTCA, United Trades or something. There had been no letters of support no testimony of support, no resolutions of support, no arguments made on the public record of support, so why? The problem with this is that it restricts bidding which means it costs the tax payers will rise, secondly if it is passed the unions will come next to the municipalities with similar pressures which will make your costs rise, so given the overwhelming abundance and please feel free to check with anybody at the County level, the County Administrator would be a good start, there is no justification for this the only thing out there is that massive financial contribution in the last two election cycles. So the rent has to be paid in the words of one of the folks that testified last night so I would ask the Township of Hanover to seriously consider before the County meets on the 25th of January to adopt this to write a resolution opposing it for your tax payers, for your small business who will be precluded from bidding and to protect you against what will come next. If I can answer any questions now or after or provide any additional support or information I will be happy to do so.

Mayor: If I might, this is a very controversial issue and you are absolutely correct, it has been before the Freeholders for quiet some time, prior to election time, and now after election time, I have personally have spoken to each of them myself, my own personal opinion about this proposed apprenticeship program etc., you mentioned that it restricts bidding, but now, the laws are clear and by the way this is not a comment pro or for, this is a query on my part, they must go with the prevailing wage.

Mr. Ames: It's not a wage issue, prevailing wage applies in all cases.

Mayor: So what aspects, and I might have taken up this argument with them already, but what aspects of bid restriction are you looking at or what you think this effects?

Mr. Ames: The trades and the businesses, small contractors, plumbers, electricians, carpenters, people that would do subcontracting primarily cause 92% of the bids are already done by large union contractors, 92%, but they use subcontractors. For example, if you were to come in and redo the Township Municipal Building you might have a subcontractor just do the ceiling work, the suspended ceiling work, another example was given was they had a water tower that needed to be painted on the inside, that's a highly specialized type of work done by a small company with about 13 people as a subcontract to a major thing, but they are not unionized all of the employees are highly skilled but given the extra paper work needed because of these restrictions that would be applied number one and number two because of the demand that all subcontractors be party to an apprenticeship program there are not apprenticeship programs for many of these specialties, so some companies will no longer bid when there is a particular apprenticeship in their specialty very commonly in a small business as opposed to a union shop, union shop will draw from the union work force as needed, so they are not steady employees of the contractor but in the smaller business I'm thinking in particular of an asbestos abatement company that has spoken on the record they have a steady work force of 30 people that they've always had that they train internally and they are specialists in what they do all time, there is no asbestos training apprenticeship program. So they said what would it take to get an apprenticeship program and basically they were told by the county votech school you have to a sponsoring employer, which would be a union, go talk to the unions, but this is a merit shop non-union company and they don't want to become a union company. So it's those types of glitches that get thrown into the system as well as the paperwork certifications that become required the small business 30 people they just can't do, so they just dropped out so the work is either done by somebody that is not skilled in that area but is going to wing it or it doesn't get done or you have to pay more to bring someone in from out of state that does apply and have an apprenticeship program.

Mayor: There is no question, we are very clear, you are very clear, etc., there is no question and I have had numerous conversations with business agents of area unions on this matter and the affects on economic development, the effects on Townships costs of bidding on these matters. There are two sides to this and again I'm not lining up against one or another, I made my personal opinions clear to the

Freeholders about what I thought my failings were in this. But I must admit on one side, I do listen to another side of an argument, there were many tragedies in this Township in this County.

Mr. Ames: No not many, numerically they listed 6.

Mayor: Well the collapse of an airport hanger not too long ago which almost killed an individual, we had another issue locally which did kill two individuals.

Mr. Ames: One union and one non-union.

Mayor: There is an argument for training, there is an argument for skills, there is an argument for proper compliance to OSHA regulations and laws and I understand that, how does that get done?

Mr. Ames: It gets done right now, because everyone of these bidders right now has to be certified by the State Department of Labor, which examines their work record, whether their employees are legal, whether they have any complaints, whether their work has been substandard, whether there had been OSHA accidents, etc., Department of Labor's responsibility on behalf of the State because the state opted for the DOL to do it and to do those certifications, so in order to qualify to bid right now any subcontractor has to meet those kinds of standards and be on the certification list which is updated weekly. So understood, nobody wants unsafe workers the irony to this is when you ask for apprentice workers you're asking for unskilled labor, you are not an apprentice if you are skilled, you are unskilled you are being trained, so to the degree you increase the number of apprentices on the job, your increasing the number of unskilled people working on the job, so it's an interesting case.

Mayor: It is.

Mr. Ames: But based on all the testimony that has happened at the County, there has been absolutely no support that it is a safety issue that the people that are doing contracting now are not trained or that there has been a problem with their training, there really hasn't been and if there were I would be quiet concerned about this process. Obviously, accidents do occur, New York City was an example that was given last night at the Freeholder meeting where they have these cranes, and it seems almost once a week, but all those jobs are the companies that would meet the new bidding restrictions, they are union businesses. So we know, accidents do happen, and I'm not defending that, and also I want to make the point that those that are opposed to this are not anti-union in fact many of those that did testified last night come from union families or run union business or have been involved in this. But the question is not union or nonunion its competitive bidding the ability for anybody to bid number one and second of all where there are unions that doesn't necessarily mean that the business has not matured to a point where it's not in a constant apprenticeship mode. Apprenticeship programs there are right now 46 programs in the county 30 of those are in plumbing, 10 are in electric so that leave 6 that are in other fields. So many of these subcontractors and small businesses are in a functional area that there are no apprenticeship training program that's why they have steady employees that have learned the job over the years in the business, they have done on the job training all the things that an apprenticeship program would offer within the company so if their employees are mature skilled workers they don't need an apprentice a new trainee, and when they do they cannot participate in an existing apprenticeship program because in many of these specialties there isn't one. And there was some discussion about that both with regard to the vo-tech school and the County College of Morris. The other aspect of this is an encouragement of local labor hire where you can, but that is illegal to make as a prerequisite, you can encourage and ask for but you can't demand cause it's anticompetitive and you are probably more familiar with it than I am.

So, this has been asked many times where is the origin from this, where is it coming from? Well the unions went to the state last year and not the first time asking for similar bidding preference kinds of language, it was turned down last year, the governor wrote a veto message it was very eloquent and very straight forward, it had nothing to

do with the project later agreements which are not relevant to this, it had everything to do with anticompetitive and discouraging small business, and the Governor said on that basis I cannot support it. There is legislation that is working it's way through again, it is much less restrictive at the State level, it is tied to one of New Jersey's transaction, you give me this and I'll give you that, it's a deal, but it is not passed yet. There are a few counties that I don't recall the exact number that have this type of language, there are more counties that have language that includes what is called an opt out clause that says if a company certifies that their folks are trained and they don't need, or can not find an apprenticeship program then it doesn't apply to them. But the problem is that it still makes another three inches of paperwork in the application.

Mayor: There have been requests, I'll use that word on the municipalities by unions to provide such language in our developer's agreements etc., to assure that union labor gets the jobs, etc., personally I for one are for keeping jobs that can employ local people in work, so that's where or not if you're in a brotherhood or in a brotherhood, my concerns, but having said that, municipalities cannot put such language in developer's agreement and make the contractor commit to that, it's unlawful. So there fore the county is probably approaching it in it's fashion and I will not make comment about that, I have made my opinions clear to certain people in the county. My thought on this to my colleagues here is that each one of them probably has their own opinion on this, maybe it's a shared opinion that we have, but I certainly invite them on this issue to contact a Freeholder Director and make it abundantly clear how they feel on an individual basis political or not.

Mr. Ames: That's fair and I appreciate that very much and I would encourage any of you with any questions I can provide a brief synopsis or the full blown background packet whatever you would like.

Mr. Coppola: On all of these accidents could they have been avoided with an apprentice program?

Mr. Ames: How would you answer that?

Mr. Coppola: And is there a certain number of employees you have to have an apprentice program?

Mr. Ames

COMMUNICATIONS:

- A. Letter of Retirement Submitted by Captain Shawn Waldron. Effective Date of Retirement is March 1, 2017.**
- B. Submission of Treasurer/Tax Collector's Statement of Taxes and Tax Title Liens for the Year Ended December 31, 2016.**
- C. Submission of Annual Debt Statement for the Year Ending December 31, 2016.**

DEPARTMENTAL REPORTS

The following reports were presented and ordered filed as received:

Chief Financial Officer	S. Esposito
Property Maintenance	E. DeSimoni
Public Works	B. Foran
Engineering Reports	G. Maceira

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

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of December 19, 2016 and January 5, 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 December 19, 2016 and January 5, 2017 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed

RESOLUTIONS AS A CONSENT AGENDA:

- A. APPOINTING J. WILLIAM BYRNE TO SERVE AS THE TOWNSHIP'S PART-TIME HUMAN RESOURCE SPECIALIST AND ESTABLISHING HIS COMPENSATION AT \$26.00 PER HOUR UNDER JOB GROUP CLASSIFICATION VII AS SET FORTH IN SCHEDULE "B" AND SALARY RANGE GUIDE "C" IN ORDINANCE NO. 9-2016.**

- B. AUTHORIZING APPOINTMENT OF VIVIEN THORSEN AS A PART-TIME VIOLATIONS CLERK FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING FEBRUARY 1, 2017 AND ESTABLISHING HER COMPENSATION AT \$22.50 PER HOUR UNDER JOB GROUP II OF SCHEDULE "B" AND SALARY RANGE GUIDE "C" UNDER SALARY ORDINANCE NO. 9-2016. CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL RECORDS CHECK.**

- C. AUTHORIZING THE APPOINTMENT OF DAVID C. MANNHERZ AS A PART-TIME BUILDING INSPECTOR/ASSISTANT ZONING OFFICER/ ASSISTANT PROPERTY MAINTENANCE OFFICER ON A TEMPORARY, AS NEEDED BASIS, AT THE RATE OF \$31.83 PER HOUR UNDER JOB GROUP IX, SCHEDULE "B" AND SALARY RANGE GUIDE "C" AND SALVATORE SIMONETTI, AS A PART-TIME PLUMBING INSPECTOR, ON A TEMPORARY, AS NEEDED BASIS, AT THE RATE OF \$32.47 PER HOUR PURSUANT TO ITEM 4. OF SECTION 11 UNDER SALARY ORDINANCE NO. 9-2016.**

- D. RETAINING THE SERVICES OF FRED SEMRAU, ESQ. AND THE FIRM OF DORSEY & SEMRAU AS "TOWNSHIP ATTORNEY" DURING CALENDAR YEAR 2017 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. SEMRAU IN AN AMOUNT NOT TO EXCEED \$250,000.00 WHICH AMOUNT INCLUDES A RETAINER AT \$75,000.00 COVERING GENERAL LEGAL SERVICES AND LITIGATION AND TAX APPEAL SERVICES AT \$175,000.00 (NOT INCLUDING AN AMOUNT NOT TO EXCEED \$3,000.00 FOR OUT-OF-POCKET DISBURSEMENTS, IN REM TAX FORECLOSURE ACTIONS AT THE RATE OF \$1,000.00 TAX SALE CERTIFICATE OR EXTRAORDINARY LITIGATION), ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.**

- E. RETAINING THE SERVICES OF STEPHEN E. TRIMBOLI AND THE FIRM OF TRIMBOLI AND PRUSINOWSKI, LLC AS "SPECIAL LABOR COUNSEL" TO THE TOWNSHIP DURING CALENDAR YEAR 2017 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. TRIMBOLI IN AN AMOUNT NOT TO EXCEED \$60,000.00 BASED ON AN HOURLY RATE OF \$130.00 PER HOUR PLUS AN AMOUNT NOT TO EXCEED \$750.00 FOR OUT-OF-POCKET DISBURSEMENTS, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.**

- F. AUTHORIZING THE VIDEO TAPING OF TOWNSHIP COMMITTEE MEETINGS FOR A TWELVE (12) MONTH PERIOD COMMENCING JANUARY 1, 2017 THROUGH DECEMBER 31, 2017 BY ROBERT KOPACZ AT THE RATE OF \$385.00 PER TAPING AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN EXTRAORDINARY, UNSPECIFIABLE SERVICE AGREEMENT WITH MR. KOPACZ.
- G. AUTHORIZING THE SUBMISSION OF A STRATEGIC PLAN AND GRANT TO THE GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR THE FISCAL GRANT YEAR BEGINNING JULY 1, 2017 THROUGH JUNE 30, 2018 PURSUANT TO THE FISCAL GRANT CYCLE FROM JULY, 2014 THROUGH JUNE, 2019.
- H. ESTABLISHING AN INTERNET SAFETY ZONE IN A LOCATION IN FRONT OF THE MUNICIPAL BUILDING.
- I. GRANTING AN 790 SQUARE FOOT TRAFFIC SIGNAL EASEMENT TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON TOWNSHIP PROPERTY DESIGNATED AS LOT 1 IN BLOCK 3001 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER.
- J. APPROVING THE REFUND OF VARIOUS TAX OVERPAYMENTS.

POSSIBLE CONSIDERATION OF ADDITIONAL RESOLUTIONS.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$4,503,176.39** 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-2085 – Sgt. Ryan E. Doltz Memorial Foundation, Inc. – Tricky Tray
- RL-2086 – St. John Baptist Ukrainian Catholic Church – 50/50 on premise
- RL-2087 – St. John Baptist Ukrainian Catholic Church – Tricky Tray
- RL-2088 - Morristown Alumnae Fortitude Foundation – Tricky Tray
- RL-2989 - Our Lady of Mercy – Calendar Raffle

OPEN TO THE PUBLIC

Motion to open to the public made by Member Ferramosca and seconded by Member Brueno

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

OTHER BUSINESS

ADJOURNMENT

Motion made to close at 8:48 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
