

JANUARY 26, 2017

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, January 26, 2017, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Members Ferramosca,
Gallagher, Coppola, and Brueno

ABSENT: Mayor Francioli

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) John L. Ferramosca, Deputy Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATION:

Deputy Mayor Ferramosca: At this time we have a special presentation honoring one of the members of our community who gave so much of her life to the Landmark Commission - Barbara Thompson-Howell in appreciation of 18 years of distinguished service. The liaison to the Landmark Commission Mr. George Coppola has something that he would like to read into the record in memory of Barbara.

Mr. Coppola: First of all, Barbara's family was asked to participate this evening but, unfortunately, they could not make it due to all of the arrangements that were being made, so our Chairman Mike Czuchnicki will accept it on their behalf. Myself, I didn't know Barbara as much as other members did; I have only known her for the past eight years that I have been serving with the Landmark Commission. Barbara has been on this Commission now for 18 years. During her time there, she was primarily responsible for the Archive Room that I'm aware of in the eight years that I have been involved with her. I found Barbara to be a very classy lady; she was a good, hard worker. We talked on the Commission the other night about sending some type of fruit basket. Today I met with the Pastor over at the First Presbyterian Church in Whippany, they are having a Memorial Service on Saturday, but she had a great idea. What they do have sort of a way of honoring people to a memorial fund used for flowers and it would be flowers that would be purchased for Barbara on her birthday, because Barbara was very active in that Parish and she also worked on the Christmas Program for years so we are also going to pay for flowers for that day also. And, they will be on behalf of the Landmark Commission. On my way down tonight, I stopped over by these two young ladies over here, they served with Barbara for quite some time, so at this point if there are any folks that would like to say a few words on Barbara's behalf, we have a number of members here but Mike is also going to say something and we asked our recorder Bob here if the family can have a copy of the CD so that we can present it to the family on Saturday at the mass. And, we also have something that we are going to present to Mike, a beautiful plaque noting distinguished service award presented by the Township Committee of the Township of Hanover to Barbara Thompson Howell and it is something that I really pushed for but it is really beautiful. They couldn't make it this evening, if any one would like to say something and it's because we want to present it to the family on Saturday. Mike we will present this to you so we can take some pictures.

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Michael Czuchnicki: People sometimes say about someone that this is a great person, and I would say that this is true about Barbara. Now, the question is why do you say that someone is a great person? I knew her in the last few years of her life, when her body was ravaged by disease and falling apart. The promotion honoring her as a Landmark Commissioner Emeritus recognized that she no longer physically could continue to come to our meetings but she desired to so much. When she could, her son would bring her in a wheelchair just so she could help. In the face of disease people become angry and bitter, when you looked at Barbara, when you spoke to her, the thing that you noticed was her great dignity, how calm she was, how dignified she was. She was an extraordinary woman. She was a great woman and the word actually applies. Don Kidoo here knew her for 55 years. Don, would you like to say a few words.

Don Kidoo: I knew Barbara for 55 years and, for all of that time, I admired her greatly. She was a superior person and had she been anywhere in the big time in New York and Philadelphia and Boston anywhere she would have risen to the top of her peers and yet Barbara for almost all of her life lived on Parsippany Road within about a block of where she was born. She didn't go far and wide but she excelled in what she did here. When Barbara joined the Landmark Commission, I recruited her and it was not a difficult process because Barbara really wanted to be on the Landmark Commission, and, she actually approached me to help get her nominated for the Commission. That's a long time ago. But, there was no pushing, it was because she had this long love of this community and I dare say that her family is as almost as long rooted as well just, well very long rooted doesn't matter who might be rooted longer. But her great grandparents, were all here, all lived in that vicinity. We think that her father probably was a slave on the Plantation the "Beverwyck Plantation" up at the intersection of Route 46 and Beverwyck Road. There is no proof of that, but there is circumstantial evidence that that's probably where her father's family came from in the early 1800's and they continued to live here all this while. Now, her husband Joe, of course, still does and her only son Joe Jr. still does. We will miss Barbara because she contributed a great deal. We shared membership in the same Church and she was a very devoted Church member just as she was a very devoted member of the Landmark Commission. So, we will all miss her and I don't know anybody who can come close to filling Barbara's character in personality. Thank you.

Mr. Ferramosca: Thank you Don for sharing those kind words about Barbara.

I was blessed to know Barbara briefly while working at her Church and I worked with her on the Landmark Commission and, I thank you Don for recruiting her. She was a great service to the Landmark Commission, but more than anything, she was a dear friend, and she was a very gracious loving person, and I was blessed to have her as a friend, I shall miss her dearly.

Mr. Ferramosca: Thank you. Is there any other individual wanting to express their thoughts about Barbara? George at this time will you present.

Mr. Coppola: All members of the Landmark Commission please come forward so we can present this plaque in memory of Barbara.

OPEN TO THE PUBLIC

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

Mr. Semrau: Deputy Mayor if I may, the representatives from Verizon have corresponded with me and they are under the impression that we may discuss this matter tonight and there was an executive session over the legal issues, it really wasn't scheduled for this evening. So, what they have asked to do, and, I conferred with the Administrator a few moments ago is just to come here after I spoke to them outside that we are not really ready for a discussion. They just wanted to give a follow up of some information to share, not asking you for a decision tonight because they had some experts with them and they had some data that they indicate that we requested

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regarding safety and they have some of that here that they wanted to share that information and then come back at another time.

Mr. Ferramosca: Since they are coming back at another time I would respectfully ask them to keep this brief so we are not doing this twice. So, if 5 minutes is the appropriate amount of time to address this Board, at this point, I think the Board will agree to that, but having double presentations on the same subject matter I don't think anyone is interested in doing that.

Mr. Semrau: Understand.

Mr. Gallagher: So Fred, it's going to be a presentation not a back and forth like last time, limited to 5 minutes?

Mr. Semrau: Right, because they wanted to share some information and I told them that you were not ready this evening to make a decision that is not what was listed on the agenda, but there are some communications from my office that said that we are going to discuss this but it was really for legal tonight, so with that being said I think if we can afford them 5 minutes I think that would seem to be a fair limitation.

Mr. Ferramosca: I would also ask the representative from Verizon to contact our Business Administrator at regular business hours to schedule a time to address the Township Committee.

Mr. Gallagher: A 5 minute presentation, no back and forth?

Mr. Semrau: Yes.

Mr. Ferramosca: Well the representatives of Verizon ~ your welcome to come up.

VERIZON ~ Thank you very much my name is Steve Weiss, I'm the attorney (inaudible) coming before you in December the question came up about the emissions from the two proposed installations. We have submitted to Mr. Giorgio the reports showing that the emissions are more than 90% below the acceptable amount of emissions that are distributed by federal agencies, but we have submitted the report to Mr. Giorgio. If you don't have your own copies we have some extra copies here, and we will distribute them. And, we have an Engineer that can explain the report and we would like to have that opportunity to do so.

Mr. Ferramosca: If you have additional copies and want to, pass them out to the Township Committee. We have received this report previously but this Committee did receive this so you might just want to highlight the points that you want to make about it.

Verizon: We have Dominick _____ from the Engineering Firm of Ecomp. The two reports they were one for each location and calculations were done based upon the methodology that was set forth by the FCC summarizing the reports. one of the locations that was on Fairchild Place shows that the maximum expected energy levels are going to be at 7.67th so just under 8% of the FCC standard which is about 10 or 11 times below the maximum of the FCC standard and the other location at Whippany Road is at 6.05% which is 13 times below the standard. Now, what is important to recognize here is that the FCC actually has two standards. The FCC has what is known as the occupational standard which is a level that is sent for people that are trained to work around these types of devices and then there is the general public standards. The general public standards is a standard that is taken into account here and as you can see from these reports, we are significantly below the maximum levels that the FCC prescribes as safe, and, an addition to that the State of New Jersey actually has the New Jersey Radiation Protection Act. The New Jersey Radiation Production Act is actually the same as the FCC Occupational Standards, it's about 5 times less stringent so not only are we well below the more stringent of the two standards the general public standard by the FCC actually five times lower than the standard that has been established by the State of New Jersey as well. The bottom line on this they are low powered units, they don't travel to far, there is not a lot of power and since there is not a lot of power being generated there is no worries about emissions which is why the levels are as low as they are.

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Mr. Laskey: We had only one more item to cover tonight which was when we were here in December it was suggested that perhaps there could be an opportunity to meet with representatives of the High School in order to explain this same information. Given the proposed location, that is under the jurisdiction of Hanover, we are happy to meet with that administration. We would like to confirm tonight that if you can arrange such an opportunity we would be happy to meet with them.

Mr. Ferramosca: We made the High School aware of what your plan was and would suggest that since they are an independent authority that you can contact us. We can give you the contact information for the High School and for you to schedule an appointment but the High School Board of Education does not come under the jurisdiction of the Township Committee.

Mr. Brueno: There is a right-of-way and we probably can exert some authority over them they are an independent entity and we are not inclined to serve their authority so what we are suggesting is that the Hanover Park Regional Board of Education is probably the best place to start.

Verizon: We came here last time and as far as I'm concerned my position on that still is the same. In that, if the council would like to facilitate that meeting it is very difficult and we have lots of experience to point to where it is very challenging for an outside entity like ourselves to engage with. If it's facilitated by the town council, we can show them the same position that we took last time, we would be happy to have the council facilitate and set up such a meeting and we can speak... (Interrupted)

Mr. Ferramosca: I think Mr. Gallagher has a suggestion for you and how to proceed with the Board of Education.

Mr. Gallagher: With all due respect, I was on the K-8 Board of Education for 5 years. All you have to do is call the Board of Education Office and ask for 10-15 minutes for a presentation. I am the liaison to the High School and I had private conversations with the High School regarding this issue and I'm sure they will talk to you I can't speak for them, and, I won't speak for them, but you can. Absolutely, call the Board Office. I don't believe that we can facilitate a meeting like Bob said with a separate entity, they are independent. I would recommend contacting the Hanover Park Regional Board of Education Office tomorrow, the Superintendent is well aware of this and she did write a letter. I'm sure you guys saw it. So, this isn't new to her either. But as a liaison to the High School, I would only advise like my two fellow colleagues up here already did, contact the High School and I'm sure they will give you the time.

Verizon: We are happy to do that again with understanding that these locations are under the municipal area in terms of final decision making authority and jurisdiction it is within your council decision.

Mr. Semrau: It is Mr. Laskey. But, I think what you are hearing is the governing body is interested to know how the Board of Education feels about this because of its impact; it's proximity to the schools and the children that are being educated there. So they are very much as you can see Mr. Gallagher as the liaison already reached out to them but I think they already have preliminary determination that has been made by the Board of Education that's going to make this process a lot harder. Unless you guys go and meet with the Board, and we get some type of lack of a better word, letter of support from the Board that is going to be critical in this stage, I don't want to speak for the Committee that doesn't mean yes or no but I think they really want to know that you have had that meeting and you shared that information and what the Board of Education thinks.

Mr. Ferramosca: We thank you for bringing your expert in tonight to communicate your plan and we welcome you coming back to another meeting for more dialogue with the Township Committee. I think experienced members with the school board who are here and have given you direct advice that they are not a group that is not going to be objectionable to both, to you contacting them, so we look forward to the next meeting which you have and that would be coordinated through Mr. Giorgio's office.

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Verizon: Thank you.

COMMUNICATIONS

Letter of Retirement Submitted by Public Works Department Employee William Sautter.
Effective Date of Retirement will be May 1, 2017.

Motion to accept letter of Retirement made by Member Coppola and seconded by
Member Brueno.

DEPARTMENTAL REPORTS

The following reports were presented and ordered filed as received:

Construction Official	S. Donlon
Property Maintenance	E. DeSimoni

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

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of January 12, 2016 have been presented to
the members of the Committee prior to this meeting by the Township Clerk.

Member Coppola moved that the Minutes of the Regular Meeting of January 12,
2017 be accepted and approved as presented by the Township Clerk. The motion was
seconded by Member Gallagher and was unanimously passed.

Mr. Semrau: There are a lot of Towns that have trouble with transparency and
these minutes are ready at the very next meeting for your review and consideration and
sometimes you don't see it, it's so customary practice, but so many towns struggle with
a lot of litigations. So thank you.

Mr. Ferramosca: Good point.

ORDINANCES FOR INTRODUCTION:

ORDINANCE NO. 1-2017

**AMENDING AND SUPPLEMENTING SECTION 125-4. ENTITLED
"RECREATION DEPARTMENT FEES" UNDER CHAPTER 125 OF THE
TOWNSHIP ENTITLED FEES WITH THE INCLUSION OF NEW RESIDENT AND
NON-RESIDENT POOL MEMBERSHIP FEES FOR THE YEAR
2017 BEE MEADOW SWIMMING POOL SEASON.**

The Ordinance will be further considered for Public Hearing on the February 9th
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 February 1st issue of the Daily Record in accordance with the
law.

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

So Introduced.

ORDINANCE NO. 2-2017

**AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE
TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY
AMENDING CERTAIN PROVISIONS CONCERNING THE FLOOR AREA IN
PARKING DECKS AND THE CALCULATION OF FLOOR AREA RATIO**

The Ordinance will be further considered for Public Hearing on the February 23rd
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

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be published in full in the February 1st issue of the Daily Record in accordance with the law.

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

So Introduced

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 30-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A DEVELOPER’S AGREEMENT BY AND BETWEEN THE TOWNSHIP AND RED BULL ARENA, INC. REGARDING THE PHASE 2 EXPANSION OF THE EXISTING SOCCER TRAINING FACILITY FOR THE RED BULL’S PROFESSIONAL SOCCER TEAM ON PROPERTY LOCATED AT 24 MELANIE LANE AND DESIGNATED AS LOT 12 IN BLOCK 6601, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE AGREEMENT

WHEREAS, the Planning Board of the Township of Hanover by resolution adopted on July 8, 2014, granted amended preliminary and final site plan approval to **Red Bull Arena, Inc.**, as Applicant, for permission to expand the existing soccer training facility for the New York Red Bull’s Professional Soccer Team on property located at 24 Melanie Lane in the Whippany Section of the Township and designated as Lot 12 in Block 6601 as set forth on the Tax Map of the Township of Hanover in the Industrial-Recreational (I-R) Zone District; and

WHEREAS, the Developer entered into a Developer’s Agreement on January 5, 2015 which governed the commencement of Phase 1 of the project; and

WHEREAS, **Red Bull Arena, Inc.** is the lessee of the property located at 24 Melanie Lane consisting of approximately 45.645 acres of which approximately 22 acres are proposed to be developed; and

WHEREAS, Hartz Mountain Hanover Square is the property owner of the land set forth above; and

WHEREAS, the improvements associated with the amended approval were to be constructed in two (2) phases. Phase 1 to consist of construction of the northerly portion of Building E, consisting of approximately 4,000 square feet, parking area, storm water management, lighting, fencing, landscaping and other related improvements. And, Phase 2 to consist of construction of the southerly portion of Building E consisting of approximately 3,000 square feet, a new natural turf field, bleachers, press box, ticket booths, scoreboards, field lighting, fencing and other related improvements; and

WHEREAS, Phase 2 of the Project will only consist of the southerly portion of Building E consisting of approximately 3,500 square feet, a new grass soccer field (Field D), field lighting, fencing and related storm water management. The Developer has indicated that they have elected not to move forward with the installation of bleachers, a press box, ticket booths and scoreboards which were approved; and

WHEREAS, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval is contingent upon the Developer having completed all such improvements within and without the Property, in accordance with the terms of the aforesaid approvals or furnishing performance guarantees in lieu thereof to be approved by the Township and conditioned upon satisfactory completion by the Developer of all such improvements as provided in N.J.S.A. 40:55D-53.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement by and between the Township of Hanover and **Red Bull Arena, Inc.**, the Developer, concerning the expansion of the existing soccer training facility as Phase 2 for the **New York Red Bull's** professional soccer team on property located at 24 Melanie Lane in the Whippany Section of the Township and also designated as Lot 12 in Block 6601 as set forth on the Tax Map of the Township of Hanover. The Mayor and Township Clerk shall not execute the Developer's Agreement until the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given:"

- A. In accordance with the first Developer's Agreement dated January 5, 2015, all of the guarantees deposited with the Township, including the remaining balances of Engineering and Hanover Sewerage Authority inspection and supervision fees, shall remain in full force and effect under the Phase 2 Developer's Agreement.
- B. Submission of a Certificates of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 14 of the Developer's Agreement.
- C. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement.
- D. In accordance with N.J.S.A. 40:55D-8.1 – 8.7, the Developer shall pay a mandatory development fee for affordable housing at 2.5% of the equalized assessed value of any non-residential property as determined by the Township's Tax Assessor, as applicable. The fee shall be based on 2.5% of the increased equalized assessed value for the improvements set forth in the July 8, 2014 approvals and shall be limited to the increased equalized assessed value over and above the value of the improvements that were previously constructed pursuant to the July 10, 2012 preliminary and final site plan approval. This fee shall be paid to the Township by the Developer prior to the issuance of a Certificate of Occupancy.
- E. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and, if applicable, the conveyance of any deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any preliminary soil movement and grading activities.

2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer and **Red Bull Arena, Inc.** for reference and action purposes.

RESOLUTION NO. 31-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING A ONE-TIME EXTENSION OF THE CONTRACT TO SA FOOD ASSOCIATES, LLC, IN OPERATING THE TOWNSHIP'S BEE MEADOW POOL CONCESSION STAND DURING THE YEAR 2017 POOL SEASON BASED ON ITS BID TO PAY THE

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TOWNSHIP \$6,120.00 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH SERGIO F. FRANCISCO, THE OWNER OF SA FOOD ASSOCIATES, LLC

WHEREAS, the Bee Meadow Pool facility located on Pond Road includes a Concession Stand owned by the Township of Hanover; and

WHEREAS, the Board of Recreation Commissioners believe that in order to provide concession stand services to the Pool's members, the Concession Stand should be deriving some revenues in order to help offset the total costs to operate the Bee Meadow Pool facility; and

WHEREAS, on January 22, 2016, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for the receipt of competitive quotations for the operation of the Township's Bee Meadow Pool Concession Stand during the period commencing Memorial Day weekend, May 27, 2016 through Labor Day, September 5, 2016; and

WHEREAS, the Township's Request For Proposal and the Specification stipulate that the Township Committee will award a contract to the person, firm, corporation or partnership which submits the highest bid for the operation of the Concession Stand; and

WHEREAS, in accordance with the January 22, 2016 Notice to Bidders and Specification, **SA Food Associates, LLC** submitted the highest bid at \$6,000.00 on the Township's "Proposal Form" as the amount to be paid the Township for the operation of the Concession Stand pursuant to the Township's written Specification; and

WHEREAS, the Township's Specification dated January 22, 2016 provides that the Township, in accordance with N.J.S.A. 40A:11-15, reserves the right to extend the contract of the highest responsible and responsive bidder for one additional pool season, that is the 2017 Bee Meadow Pool Season. The Specification stipulates that the terms and conditions of the 2016 Concession Stand Contract shall remain the same except that the Township will require that the amount to be paid to the Township for operating the Concession Stand during the 2017 pool season shall be increased by 2%; and

WHEREAS, in a memorandum dated January 25, 2017, the Superintendent of the Recreation and Park Administration Department advised the Business Administrator that the Board of Recreation Commissioners, during its January 17, 2017 meeting, unanimously voted to recommend the award of a contract to **SA Food Associates, LLC** to operate the Bee Meadow Pool Concession Stand during the 2017 pool season.

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 stipulation set forth in the Township's January 22, 2016 Bee Meadow Pool Concession Stand Specification, and the recommendation of the Board of Recreation Commissioners, the governing body hereby extends the 2016 contract awarded to **SA Food Associates, LLC** to operate the Township's Bee Meadow Pool Concession Stand during the period commencing Memorial Day weekend beginning on May 26, 2017 through Labor Day, September 4, 2017. **SA Food Associates, LLC** shall pay the Township \$6,120.00 which represents a 2% increase over the 2016 Concession Stand Contract.
2. One half (1/2) the sum of \$6,120.00 or \$3,060.00 shall be paid to the Township either in cash or certified check at the time the signed contract is submitted to the Business Administrator/Township Clerk.
3. On or before Monday, May 8, 2017, **SA Food Associates, LLC** shall deliver to the Business Administrator/Township Clerk in cash or certified check, the second one half (1/2) payment in the amount of \$3,060.00.

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4. The Township's Chief Municipal Finance Officer, upon receipt of the payments from the Business Administrator/Township Clerk, shall deposit the payments in the Township's Swimming Pool Enterprise Fund - Miscellaneous Account by the Township's Chief Municipal Finance Officer.

5. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Sergio F. Francisco, the Owner of SA Food Associates, LLC**, with a business address of 1231 Beech Avenue located in Mountainside, New Jersey 07092.

6. A certified copy of this resolution shall be forwarded to the Superintendent of the Recreation and Park Administration, the Township's Chief Municipal Finance Officer and, **SA Food Associates, LLC** for reference and action purposes.

RESOLUTION NO. 32-2017

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RENEWAL OF A LIMITED EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT WITH THE LAND CONSERVANCY OF NEW JERSEY FOR THE PERFORMANCE OF VARIOUS OPEN SPACE PRESERVATION TECHNICAL SERVICES AT THE RATE OF \$125.00 PER HOUR AND A TOTAL COST NOT TO EXCEED \$5,000.00 DURING THE PERIOD BEGINNING MARCH 1, 2017 AND ENDING FEBRUARY 28, 2018, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(ii), N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the Pay-to-Play provisions of the Non-Fair and Open Process at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township Committee and the Township's Open Space Park Land and Facilities Preservation Trust Fund Advisory Committee (hereinafter referred to as "OSAC") are in need of retaining the services of an open space preservation consultant whose staff members have technical expertise and experience in the field of open space conservation; and

WHEREAS, during the past fifteen (15) years, the Morris Land Conservancy, and now known as **The Land Conservancy of New Jersey** (hereinafter referred to as the "**Conservancy**") has served as the technical advisor to the Township Committee and the OSAC in assisting the Township with a variety of tasks and activities related to the preservation and conservation of open space within the Township; and

WHEREAS, based on its past performance and service to the Township, the Township Committee believes that the staff of the **Conservancy** has the technical expertise, demonstrated knowledge and experience to continue assisting the Township Committee, the Open Space Advisory Committee and the Township's professional staff, with essential open space services; and

WHEREAS, as with the 2016-2017 EUS Agreement, the Township desires to execute a limited "project specific" extraordinary, unspecifiable services agreement with **The Land Conservancy of New Jersey** which scope of services shall be limited to: (a) assisting the Township in the preparation of materials to keep the Township's Green Acres Planning Incentive Grant up to date; (b) to assist the Township in developing up to two (2) Grant applications to be submitted to the Morris County Open Space Preservation Trust Fund during 2017; (c) to provide on-going communication and coordination with State and County agencies responsible for land preservation and (d) to attend up to three (3) Township or County meetings to discuss issues with the Township's Open Space Advisory Committee or to assist in the presentation of the Township's grant applications before the Morris County Open Space Committee; and

WHEREAS, in the event the Township requires the preparation of maps or the performance of other services related to specific special projects not included under this EUS Agreement, the **Conservancy** shall submit a separate proposal(s) and quotation(s) only when such proposals are requested by the Township Committee; and

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WHEREAS, the services of the **Conservancy** fall under the category of an Extraordinary, Unspecifiable Services, N.J.S.A. 40A:11-5 (1)(a)(ii), which services are specialized and qualitative in nature and requiring expertise, extensive training and a proven reputation of successful activities in the area of open space conservation; and

WHEREAS, it is the intention of the Township Committee to renew a limited Extraordinary, Unspecifiable Services Agreement with the **Conservancy** for the performance of various technical open space services to be performed at the rate of \$125.00 per hour and a total cost not to exceed \$5,000.00 during the period commencing March 1, 2017 and ending February 28, 2018; and

WHEREAS, the Township's Business Administrator, acting in his capacity as the Qualified Purchasing Agent, has determined and certified in writing that the value of the open space preservation consultant services for the period beginning March 1, 2017 and ending on February 28, 2018 will not exceed \$17,500.00 and therefore, the filing of a Business Entity Disclosure Certification, the Chapter 271 Political Contribution Form and the Stockholder Disclosure Certification by the **Conservancy** with the Township pursuant to N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. will not be necessary; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in the Township's Open Space Trust Fund Account, Line Item No. 254-3509-499 to fund this award, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. In accordance with the Extraordinary, Unspecifiable Services provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii), **The Land Conservancy of New Jersey**, with offices located at 19 Boonton Avenue in Boonton, New Jersey 07005, is hereby retained to provide the Township Committee, the Open Space Park Land and Facilities Preservation Trust Fund Advisory Committee, and the Township's professional staff with a limited, project specific scope of services agreement which services are enumerated in the Extraordinary, Unspecifiable Services Contract.

2. **The Land Conservancy of New Jersey** shall be paid at the rate of \$125.00 per hour for the performance of the scope of services outlined in the Extraordinary, Unspecifiable Services Agreement during the period commencing March 1, 2017 and ending February 28, 2018. The total contract amount shall not exceed \$5,000.00 during the twelve (12) month period.

3. In the event the Township requires mapping and/or other special project services to be performed by the **Conservancy**, the Township's Business Administrator shall request the submission of a written proposal and quotation from the **Conservancy**. If the governing body authorizes the performance of additional services, said services will be billed separately and apart from the EUS Agreement.

4. The Mayor and Township Clerk are hereby authorized to execute a limited EUS Agreement on behalf of the Township Committee.

5. This contract is awarded without competitive bidding as an "Extraordinary, Unspecifiable Service", in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law because it is essential that the governing body obtain the guidance and assistance of individuals possessing the technical expertise, demonstrated knowledge and proven ability to assist the Township with those issues and subjects directly related to open space conservation and preservation.

6. That a certified copy of this resolution shall be transmitted to the, the OSAC, the Chief Municipal Finance Officer and **The Land Conservancy of New Jersey** for reference and information purposes.

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7. That a brief notice of this award shall be published in the February 1, 2017 issue of the Daily Record as required by law.

RESOLUTION NO. 33-2017

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, 2011, a lien was sold on Block 5901, Lot 5, Qualifier T01, also known as 441 Route 10, Whippany, New Jersey 07981, for 2010 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate 2011-07, was sold to Elliot Loeb for Keogh Plan Trust for a 0% redemption fee and an \$200.00 premium paid; and

WHEREAS, Jie Wen Chov, owner has affected redemption of Certificate 2011-07 in the amount of \$6,092.85.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Municipal Finance Officer be authorized to issue a check in the amount of \$6,092.85, payable to Elliot Loeb for Keogh Plan, 1 Lakeview Road, Saratoga Springs, New York 12866 for the redemption of Tax Sale Certificate 2011-07.

BE IT FURTHER RESOLVED, that the Chief Municipal Finance Officer be authorized to issue a check in the amount of \$200.00 (Premium) to the aforementioned lien holder.

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

RAFFLES:

- RL-2090 – Randolph Township PTO Council – off premise raffle**
- RL-2091 - Randolph Township PTO Council – Tricky Tray**
- RL-2092 – Randolph Township PTO Council – 50/50 on premise**
- RL-2093 – Seton Hall Prep Mother’s Auxiliary – off premise raffle**

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

OPEN TO THE PUBLIC

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

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

OTHER BUSINESS

Member Gallagher: Our Friday nights at Mennen Arena are going very well, we are having week four tomorrow night, we are having 10 consecutive Friday nights. Last week, we had American Martial Arts and Retro Fitness putting on big demonstrations a lot of hands on interaction with our kids a lot of fun a good safe event and once again it the Hanover Township Substance Awareness Council with the Morris Area Coalition for Education and Positive Choices.

Also, on Tuesday, February 7th at 7:00pm at the Memorial Junior School Technology Center the School and Park Traffic Safety Advisory Sub-Committee is having a public forum. It’s a group that the Township Committee put together three years ago and our sole responsibility is vehicular and pedestrian traffic in and around our schools and parks. In the last three years, we made 27 and I use the word “real improvements”. We have been working very hard with every group in town to make sure these areas are as safe as they can possibly be and would like to thank our

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Hanover Township Police Department because this is really out of the Hanover Township Police Department conference room this is a great initiative and Chief, thank you very much I appreciate everything you do.

Lastly, February 16th the Morris Area Coalition for Education and Positive Choices is having a master class in Parsippany and now we are 9 or 10 Municipalities strong, our goal is to be 39 Towns in 2 years, it's a very aggressive drug and alcohol coalition to help our children, to help our youngsters, and to help our parents understand and combat this terrible problem that we have in our society today. And, we always had it but they say it is getting worse and worse and, the more we learn about it the more scared I am of it and the more I want to do and thank god I have a lot of great people working with me. Once again, we have Hanover Township PD, Chief Roddy is one of my partners in this coalition so that's it for me.

Mr. Ferramosca: Thank you Mr. Gallagher for your passion and movement in support of that initiative it is very important that we address it not only in our community but lend the spirit, lend the guidance to other communities in Morris County.

Mr. Brueno: Things under the recreation front; basketball and wrestling are underway. Lacrosse registration is beginning for spring lacrosse program, our ski trips will be taking place tomorrow night for those who aren't ice skating. And, we will be having three more trips and, most importantly, our first annual, first ever Chili Cook Off next Friday, 6:00 p.m. at the Recreation Center we will have an expert judge from Wegman's along with 10 residents from town who will be cooking chili. The chili will be available to be sampled and you will be able to vote and there will be an overall prize winner for best chili in town. So, hopefully we will see Mr. Lent there to document.

Jim Lent: When is it?

Mr. Brueno: Next Friday, February 3rd 6:00 p.m. Recreation Center.

Mr. Ferramosca: Is it true that there is going to be a famous chef?

Mr. Brueno: A famous chef, we are not allow to disclose who that person is but please show up Friday. There will be some recipes available as well. Also, it is hard to believe but Little League Opening Day is not that far down the road April 23rd. So mark your calendars and hopefully we won't have anything but good weather between now and then that might be a little overly optimistic.

Mr. Gallagher: I think we are starting to refer to Bee Meadow Pool for membership and signing up I'm looking forward to hearing about all the activities that will be going on this summer.

Mr. Brueno: Big plans some pool repairs are underway and we have a special announcement. I'll probably be ready to announce about a new activity that will be in place, but we just want to finalize everything and should be ready to go by our next meeting so stay tuned.

Mr. Ferramosca: We look forward to the announcement.

Mr. Coppola: Yes, Landmark Commission has been extremely active. I think it was very nice about the things that were said tonight about Barbara and I thank you all. What they just completed now is what is called a "Journey through Old Whippany" we are going to be providing this booklet, and it is amazing to note that there are over 40 plus historic sites in our town. I guess you don't really realize it until it is start documenting. Thanks for the work from Mike Czuchnicki, Don Kidoo, Lenny Fariello and it actually add this booklet which will be going shortly will be prepared for people who would like to get a copy of it, so take a look at it, its really quiet interesting.

Last thing I want to say, I want to offer a thanks to our new President coming in Donald Trump, who actually one of his first orders of business was to recognize First Responders to include the Police, Fire, EMS, OEM I just can't say enough for the fact that in this short period of time, in a manner of days, one of his first order of business was to say thank you for those folks that are first in line, first responders. Anytime we need them, anytime we need their help, emergency management police, they are there. Sometimes, we take it for granted, but when the time comes and you call, they are

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available. So with that, I am really quite happy and very pleased that they are taking a front row seat to what is going on in that Administration. I thank my Chief and his Department, as I always tell them when I go down there, I tell them to be safe and I tell that to Chad and to Chief Cortright ~ Be Safe.

Mr. Ferramosca: Amen. At this time, I would like to give a shout out to the Planning Board for its work and it's accomplishment on what I call the reinvention of Hanover Avenue. If you go back 8 years ago, which was a long time and if you go back about 8 years ago which was a short time, you'd go down Hanover Avenue and see sage brush and closed buildings. Hanover Avenue in Hanover Township was officially closed, we were getting very little ratables for many, many years. We are now in the part of a whole reinvention movement there. And, we have gone from total blithe to a retail corridor that the people of Hanover can be proud of. There will be over 400,000 square feet of prime retail on Hanover Avenue soon. And, we will be employing over 600 jobs incremental to Hanover Township and Morris County and, that was through the whole dedication and strategic initiatives of the Planning Board which gets due credit.

Lastly, I would like to announce the Hanover Township Green Team which is very active. This is a Silver Certified Green Town within the State of New Jersey only one of 10% in the second one in Morris County is holding an Energy Fair and the Energy Fair is going to be on February 18th in our Recreation Center. You can come out and learn all about LED lighting, solar energy, insulations, smart thermostats, foam energy audits, upgrades, heating, cooling, rebate opportunity, it will start at 9:00 and will conclude at 1:00. So please mark your calendars and come out for this event it should be a very good one.

ADJOURNMENT

Motion made to close at 9:15 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