

**MARCH 11, 2021**

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held via Zoom meeting, on Thursday, March 11, 2021, at 7:00 o'clock in the evening, prevailing time.

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**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, Mayor

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ZOOM ROLL CALL: Mayor Ferramosca and Members Cahill, Francioli Gallagher, and Mihalko

ABSENT:

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**PLEDGE OF ALLEGIANCE TO THE FLAG & OPENING PRAYER**

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**PRESENTATION BY CHIEF MARK D. RODDY ON THE IMPACT OF THE NEW CANNABIS LEGISLATION UPON MINORS**

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**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of February 11, 2021 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Gallagher moved that the Minutes be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Mihalko and was unanimously passed.

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**COMMUNICATIONS:**

**Letter of Resignation from DPW employee Michael Campanile Effective March 12, 2021.**

Member Francioli moved to accept the letter of resignation and approved and was seconded by Member Gallagher and unanimously passed.

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**PUBLIC HEARING AND ADOPTION OF ORDINANCES**

**ORDINANCE NO. 6-2021**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A TWO AND ONE HALF (2 1/2%) PERCENT INCREASE IN THE APPROPRIATION LIMIT OF THE TOWNSHIP'S CALENDAR YEAR 2021 CURRENT FUND BUDGET AND FURTHER ESTABLISHING A CAP BANK, ALL IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 6-2021 appeared in full in the February 17, 2021 issue of the Daily Record in accordance with the law.

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

Motion to close public hearing made by Member Cahill and seconded by Member Mihalko and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, **“AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A TWO AND ONE HALF (2 1/2%) PERCENT INCREASE IN THE APPROPRIATION LIMIT OF THE TOWNSHIP’S CALENDAR YEAR 2021 CURRENT FUND BUDGET AND FURTHER ESTABLISHING A CAP BANK, ALL IN ACCORDANCE WITH N.J.S.A. 40A:4-45.14”** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

Member Ferramosca has made the motion for adoption and seconded by Member Gallagher voted unanimously to pass.

**So Adopted.**

**ORDINANCE NO. 7-2021**

**AN ORDINANCE OF TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REDUCING THE TWO CENT (\$.02) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DEDICATED OPEN SPACE TRUST FUND TAX RATE TO ONE CENT (\$.01) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DURING CALENDAR YEAR 2021 ONLY AND FURTHER AUTHORIZING THE TOWNSHIP’S CHIEF MUNICIPAL FINANCE OFFICER TO COLLECT THE ONE CENT (\$.01) DEDICATED TAX**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 7-2021 appeared in full in the February 17, 2021 issue of the Daily Record in accordance with the law.

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

Motion to close public hearing made by Member Cahill and seconded by Member Mihalko and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, **“AN ORDINANCE OF TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REDUCING THE TWO CENT (\$.02) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DEDICATED OPEN SPACE TRUST FUND TAX RATE TO ONE CENT (\$.01) PER HUNDRED (\$100.00) DOLLARS OF ASSESSED VALUATION DURING CALENDAR YEAR 2021 ONLY AND FURTHER AUTHORIZING THE TOWNSHIP’S CHIEF MUNICIPAL FINANCE OFFICER TO COLLECT THE ONE CENT (\$.01) DEDICATED TAX”** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

Member Ferramosca has made the motion for adoption and seconded by Member Gallagher voted unanimously to pass.

**So Adopted.**

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**PUBLIC HEARING AND ADOPTION OF 2021 CURRENT FUND BUDGET:**  
**\$27,850,236.17**

**Approval of two (2) resolutions related to computing the Swimming Pool Enterprise Fund revenues affected by COVID-19.**

Motion to convene the public hearing on the adoption of the 2021 Current Fund Budget made by Member Ferramosca and seconded by Member Cahill and unanimously passed.

Motion to close the public hearing on the adoption 2021 Current Fund Budget made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

**RESOLUTION NO. 42-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER UTILIZING THE THREE YEAR AVERAGE METHOD IN COMPUTING THE SWIMMING POOL ENTERPRISE FUND (SPEF) SWIMMING POOL FEES REVENUE AFFECTED BY COVID-19 AND FURTHER DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES**

Motion made to approve the resolution made by Member Mihalko and seconded by Member Gallagher.

**RESOLUTION NO. 43-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING AMENDMENTS TO THE ANTICIPATED REVENUES AND DEDICATED REVENUES FROM THE SWIMMING POOL ENTERPRISE FUND UTILITY OF THE TOWNSHIP'S 2021 CURRENT FUND BUDGET**

Member Mihalko has made the motion to approve the resolution and seconded by Member Francioli voted unanimously to pass.

Now on Adoption of the 2021 Current Fund Budget, Member Ferramosca has made the motion for adoption and seconded by Member Gallagher voted unanimously to pass.

Mayor: I would like to also thank those who led this budget process, this was a challenging budget, Mr. Esposito, our CFO, Mr. Giorgio, the Department Heads, the Township Committee all worked really hard to develop a budget that continue services and infrastructure of our municipality.

**So Adopted.**

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**INTRODUCTION OF ORDINANCES**

**ORDINANCE NO. 8-2021**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE PAYMENT OF \$472,090.00 FROM THE TOWNSHIP'S MANDATORY DEVELOPMENT/AFFORDABLE HOUSING TRUST FUND ACCOUNT TO THE ARC/MORRIS COUNTY CHAPTER, NEW JERSEY AS THE TOWNSHIP'S CONTRIBUTION TOWARD THE CONSTRUCTION OF FOUR (4) UNITS OF AFFORDABLE HOUSING WITHIN A COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED TO BE LOCATED AT 70 WHIPPANY ROAD AND ALSO DESIGNATED AS BLOCK 4301, LOT 2.03 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER**

**WHEREAS**, the Township's 2021 Amended Housing Element and Fair Share Plan was adopted by the Planning Board on February 9, 2021; and

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**WHEREAS**, subsequently, the Township Committee, by resolution dated February 11, 2021, endorsed the Amended Housing Element and Fair Share Plan; and

**WHEREAS**, the Amended Housing Element and Fair Share Plan provides that the Township will address a portion of its Unmet Need by financing a portion of the cost to construct a four (4) bedroom group home for individuals with special needs and operated by a non-profit developer; and

**WHEREAS**, the Township identified a portion of property owned by Our Lady of Mercy Roman Catholic Church (hereinafter referred to as "OLM") on Whippany Road as an ideal and suitable location for the construction of a group home; and

**WHEREAS**, pursuant to Ordinance No. 36-18 adopted by the Township Committee on December 13, 2018, the governing body authorized the acquisition of 70 Whippany Road, and also designated as Lot 2.01 in Block 4301 as set forth on the Tax Map of the Township of Hanover, from OLM at a cost of \$325,000.00 to be paid from the Township's Mandatory Development Fee/Affordable Housing Trust Fund Account; and

**WHEREAS**, on May 15, 2019, the Township executed a Contract For Sale of Real Estate with OLM in purchasing 70 Whippany Road which occupied a portion of Lot 2.01 in Block 4301; and

**WHEREAS**, as 70 Whippany Road was part of a larger 2.6 acre tract of land also occupied by OLM's existing church, it was necessary to subdivide the parcel into two lots; namely, Lot 2.02 consisting of 2.1 acres for the church, and Lot 2.03 with 0.50 acres for the proposed group home at 70 Whippany Road; and

**WHEREAS**, the Morris County Planning Board approved the Minor subdivision by letter dated July 29, 2020; and

**WHEREAS**, acquisition of 70 Whippany Road was completed on September 2, 2020 with the payment of \$325,000.00 to OLM; and

**WHEREAS**, on November 12, 2020, the Township Committee adopted Ordinance No. 29-2020 authorizing a Lease Agreement between the Township and the ARC/Morris County Chapter, New Jersey for the proposed construction of four (4) units of affordable housing as a group home for the developmentally disabled; and

**WHEREAS**, as part of its agreement with the ARC/Morris County Chapter, New Jersey, the Township Committee agreed to finance a portion of the cost to construct the group home with a contribution of \$472,090.00 from the Township's Mandatory Development Fee/Affordable Housing Trust Fund Account.

**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.** There is hereby authorized the payment of \$472,090.00 from the Township's Mandatory Development Fee/Affordable Housing Trust Fund Account to the ARC/Morris County Chapter, New Jersey (ARC) for the purpose of assisting ARC in financing a portion of the cost to construct four (4) units of affordable housing as a group home for the developmentally disabled on property owned by the Township at 70 Whippany Road and leased to the ARC.

**Section 2.** The December 12, 2020 Lease Agreement and the financial assistance to the ARC are authorized in accordance with the Township's plan to address a portion of its Third Round Affordable Housing Unmet Need.

**Section 3.** This Ordinance shall take effect in accordance with law.

The Ordinance and Notice of Introduction will be published in full in the Daily Record on March 17, 2021 in accordance with the law. Public Hearing is scheduled for April 8, 2021 at 7:00pm via zoom webinar meeting.

Motion on introduction made by Member Gallagher and seconded by Member Mihalko and unanimously approved.

So Introduced

**ORDINANCE NO. 9-2021**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RESURFACING OF SOUTH JEFFERSON ROAD FROM UKRAINE ROAD TO EDEN LANE IN THE WHIPPANY SECTION OF THE TOWNSHIP AND TRANSFERRING \$280,000.00 FROM THE 2021 CURRENT FUND BUDGET TO THE 2021 CAPITAL IMPROVEMENT FUND FOR THE FINANCING OF THE PROJECT**

**WHEREAS**, the Township Committee allocated \$280,000.00 in the Road Construction and Reconstruction Account of the 2021 Current Fund Budget and \$200,000.00 from the New Jersey Department of Transportation’s Fiscal Year 2021 Municipal Aid Program for the resurfacing of South Jefferson Road from Ukraine Road to Eden Lane in the Whippany Section of the Township; and

**WHEREAS**, due to its significant deteriorated condition, the governing body desires to authorize this improvement project to ensure the safety of motorists and pedestrians; and

**WHEREAS**, the resurfacing of South Jefferson Road will include milling, a new asphalt riding surface, drainage modifications and other related improvements to be specified in the Township’s Specification and Supplementary Specification.

**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.** The governing body hereby authorizes the resurfacing of South Jefferson Road from Ukraine Road to Eden Lane in the Whippany Section of the Township. The resurfacing project shall including milling, a new asphalt riding surface, drainage modifications and other related improvements.

**Section 2.** The Township Engineer and Assistant Township Engineer are further authorized and directed to prepare the Specification and Supplementary Specification to be utilized in connection with the resurfacing of South Jefferson Road as described in Section 1. above, and to publicly advertise and receive sealed competitive bids in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-1. et seq.

**Section 3.** There is hereby appropriated the sum of \$480,000.00 to undertake the resurfacing of South Jefferson Road as set forth in Section 1. of this Ordinance with the transfer of funds from the Road Construction and Reconstruction Account of the 2021 Current Fund Budget, Line Item No. 131-0048-948 to the 2021 Capital Improvement Fund, Line Item No. 410-5642-499 as follows:

1. Year 2021 Capital Improvement Fund	
Account No. 410-5642-499.....	\$280,000.00
2. The New Jersey Department of	
Transportation’s Fiscal Year 2021	
Municipal Aid Program.....	\$200,000.00
<b>TOTAL.....</b>	<b>\$480,000.00</b>

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

The Ordinance and Notice of Introduction will be published in full in the Daily Record on March 17, 2021 in accordance with the law. Public Hearing is scheduled for April 8, 2021 at 7:00pm via zoom webinar meeting.

Motion on introduction made by Member Gallagher and seconded by Member Mihalko and unanimously approved.

So Introduced

**ORDINANCE NO. 10-2021**

**AMENDING SECTION 6. OF ORDINANCE NO. 9-2019 WHICH AUTHORIZED THE ACQUISITION OF APPROXIMATELY 65 ACRES OF OPEN SPACE LAND OWNED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND DESIGNATED AS ROUTES 24-178, SECTION 9. EXCESS SURPLUS PROPERTY NO LONGER NEEDED FOR FREEWAY CONSTRUCTION BY SUPPLEMENTING THE APPROPRIATION OF \$500,000.00 WITH AN ADDITIONAL \$100,000.00 TO BE TAKEN FROM THE TOWNSHIP'S OPEN SPACE TRUST FUND ACCOUNT WHICH FUNDS SHALL BE REIMBURSED FROM THE TOWNSHIP'S GREEN ACRES PROGRAM PLANNING INCENTIVE GRANT**

**WHEREAS**, Ordinance No. 9-2019 authorized the Township to acquire approximately sixty-five (65) acres of open space excess land from the New Jersey Department of Transportation originally designated for the extension of Routes 24-178; and

**WHEREAS**, the land survey conducted by the Township has now determined that the open space area to be acquired is estimated at seventy-four (74) acres; and

**WHEREAS**, the original cost established by the New Jersey Department of Transportation for the acquisition of the sixty-five (65) acres was \$479,364.00; and

**WHEREAS**, Ordinance No. 9-2019 provided that the acquisition and all related costs would be reimbursed to the Township from the Township's Green Acres Program Planning Incentive Grant, Project No. 1412-99-009; and

**WHEREAS**, the New Jersey Department of Transportation has advised the Township that it will recalculate the cost for the acquisition of the seventy-four (74) acres which cost will be higher than the original \$479,364.00; and

**WHEREAS**, in order to provide adequate funding for the purchase of the additional acreage, it is necessary to supplement the \$500,000.00 appropriation authorized under Ordinance No. 9-2019 with an additional sum of \$100,000.00 with the total appropriation of \$600,000.00 being paid from the Township's Open Space Trust Fund Account, which funds expended from the Open Space Trust Account for the payment of the seventy-four (74) acres will be reimbursed from the Township's Green Acres Program Planning Incentive Grant.

**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 6. under Ordinance No. 9-2019 is hereby amended and supplemented with the appropriation of \$600,000.00 from the Township's Open Space Trust Fund Account for the purpose of providing adequate funding for the acquisition of seventy-four (74) acres of excess open space parcels from the New Jersey Department of Transportation which land was originally designated for the extension of Routes 24/178. The Township's Open Space Trust Fund Account will be reimbursed from the Township's Green Acres Program Planning Incentive Grant, Project No. 1412-99-009 for the actual acquisition cost and all related expenses.

**Section 2.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 3.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hanover, the provisions hereof

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shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Hanover are hereby ratified and confirmed, except where inconsistent with the terms hereof.

**Section 4.** This ordinance shall take effect in accordance with law.

The Ordinance and Notice of Introduction will be published in full in the Daily Record on March 17, 2021 in accordance with the law. Public Hearing is scheduled for April 8, 2021 at 7:00pm via zoom webinar meeting.

Motion on introduction made by Member Gallagher and seconded by Member Mihalko and unanimously approved.

So Introduced

**ORDINANCE NO. 11-2021**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 120 OF THE TOWNSHIP CODE OF THE TOWNSHIP ENTITLED DRUGS AND DRUG PARAPHERNALIA**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis

wholesaler, or a cannabis retailer”), cannabis distributors, or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

**WHEREAS**, the Hanover Township Master Plan, Land Use Plan Element, adopted on February 9, 2021 states "the land use plan seeks to preserve and strengthen the positive aspects of Hanover's residential neighborhoods and business districts, to ensure that any infill development is compatible with these areas, and to reduce or minimize any negative features"; and

**WHEREAS**, Hanover Township has been an advocate and supporter of the New Jersey Coalition for Education and Positive Choices to educate and inform the community at-large how to promote a healthy, safe substance and stigma-free environment to encourage the development of positive lifestyle for our youth and reduce at-risk teen behavior, along with Township programs supported by the Hanover Township PBA, Hanover Township public schools, and Hanover Township Department of Recreation, which includes but is not limited to a culture within the Township to educate our youth with programs such as "Friday night at Mennen Arena" and "youth nights", along with multiple community programs, educational forums, and lectures to promote anti-drug use as part of our community; and

**WHEREAS**, the Township Committee of the Township of Hanover has determined that, due to the detrimental impacts that permitting one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Hanover in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Hanover's residents and members of the public who visit, travel, or conduct business in the Township of Hanover, to amend the Township of Hanover's regulations to prohibit all manner of cannabis/marijuana-related within the geographic boundaries of the Township of Hanover.

**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.** Article III of Chapter 120, entitled Drugs and Drug Paraphernalia, is amended to read as follows:

Article III

**Cannabis**

**§ 120-11. Definitions.**



For purposes of this Chapter, the following definitions shall apply:

“Cannabis” means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“Cannabis cultivator” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis delivery service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

“Cannabis distributor” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

### **§ 120-12 Cannabis establishments, distributors and delivery services prohibited.**

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Hanover, except for the delivery

of cannabis items and related supplies by a delivery service based and initiated from outside of the Township.

**Section 2.** Any article, chapter, section, paragraph, subsection, clause, or other provision of the Township Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

**Section 3.** In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

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

The Ordinance and Notice of Introduction will be published in full in the Daily Record on March 17, 2021 in accordance with the law. Public Hearing is scheduled for April 8, 2021 at 7:00pm via zoom webinar meeting.

Motion on introduction made by Member Gallagher and seconded by Member Mihalko and unanimously approved.

So Introduced

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**RESOLUTIONS:**

**RESOLUTION NO. 44-2021**

**A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN PROFESSIONAL SERVICES AGREEMENT WITH ARTHUR A. LINFANTE, III, MAI, CRE AND INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY IN THE PREPARATION OF SEVENTY-SIX (76) 2019 AND 2020 LIMITED SCOPE REPORTS IN AN AMOUNT NOT TO EXCEED \$125,000.00 AND, WHEN NECESSARY, THE PREPARATION OF FINAL NARRATIVE APPRAISAL REPORTS WITH REGARD TO 2019 AND 2020 TAX APPEALS EITHER SCHEDULED OR PENDING BEFORE THE TAX COURT OF NEW JERSEY, PLUS PROFESSIONAL APPRAISAL AND EXPERT WITNESS TESTIMONY SERVICES, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i) AND THE PAY-TO-PLAY PROVISIONS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.**

**WHEREAS**, there exists a need for professional appraisal and expert witness testimony services with reference to seventy-six (76) 2019 and 2020 tax appeals either scheduled or pending before the Tax Court of New Jersey; and

**WHEREAS**, the Township is again faced with the prospect of losing a considerable portion of its 2020 ratable base as a result of challenges to the Township's 2019 and 2020 assessments of residential, commercial, vacant and industrial properties; and

**WHEREAS**, pursuant to the provisions of the Pay-to-Play laws at N.J.S.A. 19:44A-20.5, and 19:44A-20.26, the Township of Hanover is in need of retaining the services of a licensed real estate appraiser with experience and expertise in the appraisal of commercial, industrial and residential properties as a Non-Fair and Open Contract; and

**WHEREAS**, in accordance with N.J.S.A. 40A:11-5.(1)(a)(i), the Township's Business Administrator solicited a written proposal and quotation from **Arthur A. Linfante, III, MAI, CRE**, a licensed professional real estate consultant, for the purpose of preparing limited scope and full narrative "trial ready" appraisal reports, and the performance of expert witness testimony services if such services become necessary and appropriate, in the defense of the Township's tax assessments as it pertains to the seventy-six (76) tax appeals; and

**WHEREAS**, in keeping with the requirements of the Non-Fair and Open Process of the Pay-To-Play Legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-

20.26, the Township’s Business Administrator, in his capacity as the Township of Hanover’s Qualified Purchasing Agent has prepared a “Value Determination and Certification”, (a copy of which is attached hereto and made a part of this resolution), that the estimated contract for the preparation of limited narrative appraisal reports, final narrative appraisal reports and expert witness testimony services have an anticipated value in excess of \$17,500.00; and

**WHEREAS**, the Township has previously retained and utilized the services of **Mr. Linfante**, a principal in the Firm of **INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY**, and, believes that his past performance, knowledge and expertise and professional training, qualify him to perform professional appraisal services for the Township; and

**WHEREAS**, it is the recommendation of the Tax Assessor that **Arthur A. Linfante, III**, and the Firm of **INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY**, be retained for the purpose of providing expert appraisal services and expert witness testimony services in defending the Township's assessments as it pertains to pending and prior year tax appeals; and

**WHEREAS**, the total assessed value of the seventy-six (76) ratables under appeal is estimated at over \$400,000,000.00; and

**WHEREAS**, because of the exposure to its ratables, and the consequences that may evolve by a loss of the taxing power of the Township, and the critical and essential need to retain the services of persons having demonstrated competence and ability in providing expert appraisal services, the governing body deems it to be in the best interests of the Township to retain the services of **Mr. Arthur A. Linfante** and the Firm; and

**WHEREAS**, for each of the seventy-six (76) properties under appeal, the Business Administrator requested that **Mr. Linfante** submit a fee schedule for limited scope reports, final narrative reports and expert witness testimony services, as may be needed; and

**WHEREAS**, in the case of the seventy-six (76) tax appeals, the governing body has determined that **Mr. Linfante** be directed, at this point in time, to only prepare the limited scope reports either scheduled or pending before the Tax Court of New Jersey; and

**WHEREAS**, based on the December 21, 2020 proposal and quotation of **Mr. Linfante**, it is estimated that the cost for the preparation of the limited scope reports pertaining to those appeals filed directly with the Tax Court of New Jersey shall not exceed \$125,000.00; and

**WHEREAS**, individual final narrative appraisal reports for any Tax Court civil action shall only be completed if authorized and deemed necessary by the Township Committee, on a case-by-case basis, in accordance with the December 21, 2020 proposal submitted by **Arthur A. Linfante**; and

**WHEREAS**, for the performance of tax appeal services as requested by the Township such as consulting assignments, court appearances and expert witness testimony before the Tax Court of New Jersey, **Arthur A. Linfante** and the firm of **INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY** shall be compensated based on the following hourly rates:

Principals of the Firm.....	\$ 165.00 per hour
Associate Appraisers.....	\$145.00 per hour; and
Support Staff.....	\$ 75.00 per hour; and

**WHEREAS**, in the event that tax appeals affirmed by the Morris County Board of Taxation in favor of the Township of Hanover are subsequently appealed to the Tax Court of New Jersey, the Tax Assessor shall request that **Mr. Linfante** provide the Township with a supplemental proposal and quotation to prepare any additional limited narrative appraisal reports; and

**WHEREAS**, the Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available in the 2021 Current Fund Budgets - Tax Assessor – Other Expenses, Line Item No. 131-0003-520, to meet the costs of preparing the limited scope narrative appraisal reports and expert witness testimony services; and

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

**WHEREAS**, the Business Administrator, in compliance with N.J.S.A. 40A:11-5.(1)(a)(i), has filed a certificate attached hereto, setting forth the nature of the work and the reasons why the contract is a Professional Service.

**WHEREAS, Mr. Linfante and INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY** has completed and submitted a Business Entity Disclosure Certification which certifies that **Mr. Linfante and INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY** have not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one (1) year and that the contract will prohibit **Mr. Linfante and INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY** from making any reportable contributions for the term of the contract; and

**WHEREAS, Mr. Linfante and INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY**, in accordance with N.J.S.A. 19:44A-20.26 have also filed a Chapter 271 Political Contribution Disclosure Form and a Stockholder Disclosure Certification.

**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 N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq. of the Pay-To-Play laws, the Mayor and Township Clerk are hereby authorized and directed to execute an agreement with **Arthur A. Linfante, III, MAI, CRE**, a principal in the Firm of **INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY** and the **Firm** located at 301 South Livingston Avenue, Suite 104 in Livingston, New Jersey 07039, for the preparation of only limited scope reports. Preparation of the limited scope reports shall be completed on a case-by-case basis, and only upon assignment and authorization by the Tax Assessor. Final narrative appraisal reports shall only be completed, on a case-by-case basis, if deemed necessary and authorized by the Township Committee.

2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5.(1)(a)(i) of the Local Public Contracts Law because it is critical that an appraiser and expert witness be retained based upon proven reputation and ability in the field of real property tax appeals because of the complexity of the appeals and the need for the careful gathering, analysis and interpretation of data needed by the Township Attorney for discovery proceedings, pretrial investigations and trial proceedings.

3. The summary of fees for the preparation of limited scope and final narrative appraisal reports for each property under appeal and expert witness services to be performed by **Mr. Linfante**, in the rendering of expert appraisal services including assistance in discovery proceedings, pretrial conferences and expert witness testimony with regard to those tax appeals, either scheduled or pending before the Tax Court of New Jersey, are all in accordance with the receipt of civil action tax complaints filed with the Tax Assessor and Business Administrator/Township Clerk. The December 21, 2020 proposal of **Arthur A. Linfante, III** is attached hereto as Schedule "A" and made a part of this resolution as if set forth in full.

4. This resolution authorizes that the services to be performed under this contract shall not exceed One Hundred Twenty-Five Thousand (\$125,000.00) Dollars for the preparation of the limited scope reports. If final narrative appraisal reports are required and authorized by the Township Committee, the cost will be based on the

individual quote for each property.

5. In the event other related tax appeal services are requested by the Township such as providing expert witness testimony including analysis of plaintiff's reports, pre-trial conferences and court appearances, **Arthur A. Linfante, III** and **INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY** will perform all necessary appraisal services and expert witness testimony services based on the Firm's hourly rate schedule as follows:

Principals of the Firm.....	\$ 165.00 per hour
Associate Appraisers.....	\$ 145.00 per hour; and
Support Staff.....	\$ 75.00 per hour; and

6. In the event that tax appeals affirmed by the Morris County Board of Taxation in favor of the Township of Hanover are subsequently appealed to the Tax Court of New Jersey, the Tax Assessor shall request that **Mr. Linfante** provide the Township with a supplemental proposal and quotation to prepare any additional limited narrative appraisal reports.

7. In accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Business Disclosure Entity Certification Form, the Chapter 271 Political Contribution Disclosure Form, and the Stockholder Disclosure Certification submitted by **Arthur A. Linfante** and **INTEGRA REALTY RESOURCES-NORTHERN NEW JERSEY** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his capacity as a Qualified Purchasing Agent, is also attached hereto and made a part of this resolution as if set forth in full.

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

**RESOLUTION NO. 45-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO RICHARD F. SMITH, JR., P.L.S., A LAND SURVEYOR LICENSED BY THE STATE OF NEW JERSEY IN THE PERFORMANCE OF LAND SURVEYING SERVICES AT THE RATE OF \$150.00 PER HOUR, FOR A ONE (1) YEAR PERIOD COMMENCING MARCH 12, 2021 THROUGH MARCH 11, 2022, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i) AND THE PAY-TO-PLAY PROVISIONS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.**

**WHEREAS**, the Township of Hanover seeks to retain the services of a land surveyor licensed by the State of New Jersey for the purpose of reviewing survey documents submitted to the Township as they relate to applications for development pending before the Planning Board and Zoning Board of Adjustment; and

**WHEREAS**, the Township has previously utilized the services of **Richard F. Smith, Jr.**, a land surveyor licensed by the State of New Jersey who possesses extensive experience, knowledge and expertise in the performance of land surveying services; and

**WHEREAS**, in this regard, the Township's Land Use Administrator requested that **Mr. Smith** submit a proposal and quotation to provide land surveying services related to applications for development pending before the Planning Board and Board of Adjustment; and

**WHEREAS**, in a memorandum dated March 1, 2021 to the Business Administrator/Township Clerk, the Township Engineer and Land Use Administrator/ Board Secretary recommends that a professional services agreement be awarded to **Richard F. Smith, Jr.**, a licensed land surveyor licensed by the State of New Jersey; and

**WHEREAS**, in accordance with Article VII, Section 166-48.B. and C. under Chapter 166 of the Code of the Township entitled Land Use and Development

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Legislation, **Mr. Smith** shall receive payment for the performance of land surveying services from the respective individual escrow accounts established for applicants; and

**WHEREAS**, the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) requires that the resolution authorizing the award of contracts for “professional services” without competitive bidding, and the contract itself must be made available for public inspection.

**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 recommendation of the Township Engineer and Land Use Administrator/Board Secretary as set forth in their memorandum dated March 1, 2021 to the Business Administrator/ Township Clerk, the governing body hereby awards a professional services contract to **Richard F. Smith, Jr.**, a land surveyor licensed by the State of New Jersey, with offices located at 44 Schoolhouse Lane in Morristown, New Jersey 07960 for the review of land survey documents submitted to the Township by applicants to the Planning Board and Zoning Board of Adjustment.
2. **Mr. Smith** shall be paid in accordance with his 2021 Municipal Hourly Rate Fee Schedule.
3. The term of the contract shall commence on March 12, 2021 and expire on March 11, 2022.
4. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement by and between the Township and **Richard F. Smith, Jr.** based on **Mr. Smith’s** 2021 Municipal Hourly Rate Fee Schedule.
5. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq.
6. Notice of this action shall be published in the March 17, 2021 issue of the Daily Record.
7. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township’s Chief Municipal Finance Officer and **Mr. Smith** for reference and information purposes.

**RESOLUTION NO. 46-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF AN EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT (EUS) WITH CECILIA FEELEY, Ph.D. AND THE FIRM OF FEELEY CONSULTING, LLC IN AN AMOUNT NOT TO EXCEED \$39,215.00 FOR THE PURPOSE OF CONDUCTING A MOBILITY STUDY AND A COMPREHENSIVE AND STRATEGIC MOBILITY PLAN AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN EUS AGREEMENT**

**WHEREAS**, in December, 2020, the Township of Hanover was awarded An \$100,000.00 Inclusive Healthy Communities (IHC) grant through the New Jersey Department of Human Services; and

**WHEREAS**, the purpose of the grant is to assist the Township in becoming a sustainable, connected community that promotes equitable access for all of its residents, and especially those with developmental disabilities, to travel freely throughout the municipality; and

**WHEREAS**, in order to achieve this goal, the Township, pursuant to the provisions of the Pay-to-Play laws at N.J.S.A. 19: 44A-20.5 and 19: 44A-20.26, needed to retain a qualified consultant to conduct a (1) Mobility Study to determine the needs of

the Township; and (2) to devise a strategic Mobility Plan to maximize efficiency of the Township's transportation network and infrastructure; and

**WHEREAS**, in keeping with the requirements of the Non-Fair and Open Process of the Pay-To-Play Legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated contract for the preparation of the Plan and Study does have an anticipated value in excess of \$17,500.00; and

**WHEREAS**, on February 8, 2021, the Business Administrator/Township Clerk, in accordance with N.J.S.A. 40A:11-6.1 and 11-5.(1)(a)(ii) sent a written Request for Proposal (RFP) and quotation (RFQ) to twenty (20) professional consulting firms having experience and expertise in developing plans that address the needs of persons with disabilities; and

**WHEREAS**, of the twenty (20) consultants solicited, the Township received only one proposal from **Cecilia Feeley, Ph.D.**, the principal member of **Feeley Consulting, LLC**; and

**WHEREAS**, the Township's Inclusive Healthy Communities' (IHC) Coordinating committee has reviewed the proposal submitted by **Dr. Feeley** and recommends that the Township Committee authorize the award of an Extraordinary, Unspecifiable Services Agreement to **Dr. Feeley** and the firm of **Feeley Consulting, LLC**; and

**WHEREAS**, **Dr. Feeley** will be assisted by Andrea Lubin, a senior research specialist at the Alan M. Voorhees Transportation Center at Rutgers University; and

**WHEREAS**, both **Dr. Feeley** and Ms. Lubin have extensive experience and expertise related to the mobility needs of persons with disabilities; and

**WHEREAS**, based on the recommendation of the Township's IHC coordinating committee, it is the intention of the Township Committee to award an Extraordinary, Unspecifiable Services agreement to **Dr. Cecilia Feeley** and the firm of **Feeley Consulting, LLC** in an amount not to exceed \$39,215.00; and

**WHEREAS**, in accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, **Dr. Feeley** has filed the three (3) Play-to-Pay Business Entity Disclosure Certification, the c. 271 Political Contribution Disclosure and the Stockholder Disclosure Certification forms; and

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

**WHEREAS**, in compliance with N.J.S.A. 40A:11-6.1 and 11-5(1)(a)(ii), the Township's Business Administrator has filed a Certificate attached hereto, setting forth the nature of the work, and the reasons why the contract is an Extraordinary, Unspecifiable Service.

**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 **Cecilia Feeley, Ph.D.** and the Firm of **Feeley Consulting, LLC**, located at 576 Valley Road, Suite 166 in Wayne, New Jersey 07470 are hereby retained for the purpose of conducting a Mobility Study and preparing a Strategic Mobility Plan as part of the Township's Inclusive Healthy Communities Grant requirements. The scope of services shall be performed in accordance with the Township's February 8, 2021 RFP/RFQ proposal and the proposal and quotation submitted by Dr. Feeley and dated March 1, 2021. The letter proposal and quotation

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are attached hereto and made a part of this resolution as if set forth in full.

2. The total cost to conduct the Mobility Study and prepare the Strategic Mobility Plan shall not exceed Thirty Nine Thousand Two Hundred Fifteen (\$39,215.00) Dollars.
3. The Mayor and Business Administrator are hereby authorized and directed to execute an Extraordinary, Unspecifiable Services Agreement on behalf of the Township in an amount not to exceed \$39,215.00.
4. This contract is awarded without competitive bid 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 critical that individuals with proven expertise and demonstrated technical competence and experience with issues involving paratransit, demand response transportation, access, mobility, driver training, passenger training and routing as they relate to accommodating the transportation and mobility needs of persons with disabilities.
5. A brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.
6. That certified copies of this resolution shall be transmitted to **Dr. Ceclia Feeley**, the Township’s IHC Program Coordinator and Chief Municipal Finance Officer for reference and information purposes.

**RESOLUTION NO 47-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ACCEPTING A 2020 TRAILS CONSTRUCTION GRANT THROUGH THE MORRIS COUNTY OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND PROGRAM FOR THE CONSTRUCTION OF A NEW BEE MEADOW POND NATURE TRAIL IN THE WHIPPANY SECTION OF THE TOWNSHIP AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE GRANT AGREEMENT**

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

**WHEREAS**, the County of Morris established the Morris County Trails Construction Grant Program (hereinafter referred to as the “Program” and the Trails Construction Grant Program Advisory Committee hereinafter referred to as the “Advisory Committee”) to review, prioritize and make recommendations on the funding of projects; and

**WHEREAS**, the Township of Hanover filed an application (“Application”) with the Program on August 28, 2020 for financial assistance in fiscal year 2020 under the Trails Construction Grant Fund for the construction of the Bee Meadow Pond Nature Trail – Phase IV, 2,223 feet in length along the ponds at Bee Meadow Park, and such Application is annexed hereto as Schedule “C”; and

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

**WHEREAS**, the Advisory Committee has reviewed the Township’s Application and found it to be in conformance with the scope and the mission of the Program, and recommended to the Morris County Board of Chosen Freeholders that the project entitled “Bee Meadow Pond Nature Trail – Phase IV” for the continued extension of a new Trail along the Bee Meadow Ponds on Lot 2 in Block 8104 and 9 in



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Block 8401 as set forth on the Tax Map of the Township of Hanover be awarded a Trails Construction Grant in the amount of \$224,840.00; and

**WHEREAS**, the Morris County Board of County Commissioners confirmed the findings of the Advisory Committee and approved the project entitled "Bee Meadow Pond Nature Trail - Phase IV," hereinafter referred to as the "Approved Project," for funding; and

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

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

1. The governing body hereby approves the acceptance of a fiscal year 2020 Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Grant for the construction of the Phase IV Bee Meadow Pond Nature Trail along the Ponds at Bee Meadow Park which Trail shall be constructed on Lot 2 in Block 8104 and Lot 9 in Block 8401 as set forth on the Tax Map of the Township of Hanover. The Project is designated as the "Bee Meadow Pond Nature Trail – Phase IV."
2. In consideration of the grant award, and in accordance with the Application heretofore filed, and hereby incorporated into this Agreement as Schedule "C", the County and the Township of Hanover agree to abide by the terms and conditions set forth in the Grant Agreement, hereinafter referred to as "Agreement."
3. That the Mayor and Township Clerk are hereby authorized and directed to execute the 2020 Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund Grant Agreement on behalf of the Township.
4. A certified copy of this resolution shall be transmitted along with the signed Agreement to the Program Administrator, Director of Park Planning and Development at the Morris County Park Commission, the Township's Chief Municipal Finance Officer, Township Engineer and Chairperson of the Township's Open Space Advisory Committee.

**RESOLUTION NO. 48-2021**

**STANDARDIZED BORD RESOLUTION**

The Board endorses the following commitments as defined in this document:

1. Health Insurance Portability and Accountability Act (HIPAA)\*

Specific to HIPAA (Health Insurance Portability and Accountability Act), the above noted Provider Agency is either (check A or B):

A) a covered entity (as defined in 45 CFR 160.103)

B) a non-covered entity and has executed a DHS Business Associate Agreement (BAA) last dated \_\_\_\_\_.

C) a non-covered entity that will not be receiving or sharing personal health information.

Once executed, the BAA will be included in the Departmental Component's official contract file. The BAA *will be considered applicable indefinitely* unless there is a change in the Provider Agency's status, information or the content of the BAA, in which case it is the responsibility of the contracted Provider Agency to revise the BAA.

The Board agrees that if there is *any change* in their BAA Status the Departmental Component will be immediately notified and the appropriate information provided within 10 business days.

**\* This section is not applicable for DCF Office of Education Contracts.**

2. Legal Advice

The Board acknowledges that the Department of Human Services does not and will not provide legal advice regarding the contract or about any facet of the relationship between the Department of Human Services and the Provider Agency. The Board further acknowledges that any and all legal advice must be sought from the Provider Agency's own attorneys and not from the Department of Human Services.

**RESOLUTION NO. 49-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF HANOVER TO ENTER INTO A COOPERATIVE PRICING AGREEMENT WITH THE HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT**

**WHEREAS**, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

**WHEREAS**, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

**WHEREAS**, on March 11, 2021, the governing body of the Township of Hanover in the County of Morris and State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services.

**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:

**TITLE**

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Hanover

**AUTHORITY**

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

**CONTRACTING UNIT**

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

**EFFECTIVE DATE**

This resolution shall take effect immediately upon passage.

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RESOLUTION NO. 50-2021

**A RESOLUTION OF THE TOWNSHIP COMMITTEE RESCINDING THE AUGUST 13, 2020 APPROVAL OF INACTIVE POCKET PLENARY RETAIL CONSUMPTION LICENSE NO.1412-33-005-010 ISSUED TO HANOVER HOSPITALITY CORPORATION FOR THE 2020-2021 LICENSE TERM**

**WHEREAS, Hanover Hospitality Corporation** is the holder of an inactive Pocket Plenary Retail Consumption License, License No. 1412-33-005-010; and

**WHEREAS,** although **Hanover Hospitality Corporation** submitted its renewal fees to the Township and the Division of ABC for the 2020-2021 license term, the holder of the license failed to apply for a Special Ruling to permit the renewal of the inactive license pursuant to N.J.S.A. 33:1-12.39; and

**WHEREAS,** inadvertently, the Township Committee approved the renewal of the inactive Pocket License prior to the approval of a Special Ruling that would permit the consideration of the renewal application for the 2020-2021 license term; and

**WHEREAS,** on September 17, 2020, **Hanover Hospitality Corporation** filed a Verified Petition with the Director of the Division of ABC requesting authorization for the Township Committee of the Township of Hanover, as the local issuing authority, to consider a renewal application for inactive Plenary Retail Consumption License No. 1412-33-005-010 for the 2020-2021 license term pursuant to the provisions of NJSA 33:1-12.39; and

**WHEREAS,** by letter dated December 2, 2020, **Hanover Hospitality Corporation** received a Special Ruling, in accordance with N.J.S.A. 33:1-12.39 permitting the Township, as the issuing authority, to grant the renewal application for the 2020-2021 license term; and

**WHEREAS,** this resolution rescinds the August 13, 2020 approval of Plenary Retail Distribution License No. 1412-33-005-010 for the 2020-2021 license term.

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

1. The approval of Plenary Retail Distribution License No. 1412-33-005-010 held by **Hanover Hospitality Corporation**, as an inactive Pocket License, set forth in Township Committee Resolution No.127-2020 and dated August 13, 2020 for the 2020-2021 license term is hereby rescinded.
2. That a certified copy of this resolution shall be transmitted to the Licensing Bureau of the Division of ABC.

RESOLUTION NO. 51-2021

**A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-005-010 AS AN INACTIVE POCKET LICENSE FOR HANOVER HOSPITALITY CORPORATION FOR THE 2020-2021 LICENSE TERM IN ACCORDANCE WITH A SPECIAL RULING TO PERMIT THE RENEWAL OF AN INACTIVE LICENSE PURSUANT TO N.J.S.A. 33:1-12.39**

**WHEREAS,** on September 17, 2020, **Hanover Hospitality Corp.** filed a Verified Petition with the Director of the Division of ABC requesting authorization for the Township Committee of the Township of Hanover, as the local issuing authority, to consider a renewal application for inactive Plenary Retail Consumption License No. 1412-33-005-010 for the 2020-2021 license term pursuant to the provisions of NJSA 33:1-12.39; and

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**WHEREAS**, by letter dated December 2, 2020, **Hanover Hospitality Corp.** received a Special Ruling, in accordance with N.J.S.A. 33:1-12.39 permitting the Township, as the issuing authority, to grant the renewal application for the 2020-2021 license term; and

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

**WHEREAS**, the Township Committee desires to approve the renewal application as an Inactive Pocket License during the 2020-2021 license term.

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

1. The governing body hereby approves the renewal of Plenary Retail Consumption License No. 1412-33-005-010 as an Inactive Pocket License held by **Hanover Hospitality Corp.** for the 2020-2021 license term. The licensee has paid the Township and Division of ABC license renewal fees for the 2020-2021 license term.

That certified copies of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control and the Hanover Township Police Department for reference and information purposes.

**RESOLUTION NO. 52-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO ONORATI CONSTRUCTION COMPANY, INC., THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$217,291.91 FOR THE RESURFACING OF AIRPORT ROAD TO THE END OF THE PUBLIC RIGHT-OF-WAY IN WHIPPANY, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY**

**WHEREAS**, it is the intention of the Township of Hanover to resurface Airport Road to the end of the public right-of-way in the Whippany Section of the Township; and

**WHEREAS**, due to its deteriorating condition, and in order to ensure the safety of motorists and pedestrians traveling the road, it is the desire of the Township Committee to resurface Airport Road as described above; and

**WHEREAS**, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on February 9, 2021 for the above referenced resurfacing project; and

**WHEREAS**, the principal items of the resurfacing project will include but not be limited to a hot mix asphalt milling, 2" thick, hot mix asphalt surface course, 2" thick, the removal and replacement of granite block curbing, and additional improvements as set forth in the Township's Specification and Supplementary Specification; and

**WHEREAS**, on March 2, 2021, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of fifteen (15) sealed competitive bids out of sixteen (16) prospective bidders; and

**WHEREAS**, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this resurfacing project and has determined that the lowest competitive bid submitted by **Onorati Construction Company, Inc.** for the resurfacing of Airport Road to the end of the public right-of-way, is in total conformance with the Township's Specification and Supplementary Specification and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

**MARCH 11, 2021**

**WHEREAS**, in a letter dated March 8, 2021 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the resurfacing project described herein to **Onorati Construction Company, Inc.** which bidder submitted the lowest competitive bid for this project in the amount of \$217,291.91; and

**WHEREAS**, sufficient funds have been appropriated and are available for this resurfacing project through Capital Improvement Fund Ordinance No. 23-20, Line Item No. 410-5644-499 including the Fiscal Year 2019 NJDOT Municipal Aid grant and the 2021 Current Fund Budget, Road Construction & Reconstruction, Line Item No. 131-0048-833, all in accordance with 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. A contract is hereby awarded to:  
**Onorati Construction Company, Inc.**  
111 Cornelia Street  
Boonton, New Jersey 07005

for the resurfacing of Airport Road to the end of the public right-of-way in the Whippany Section of the Township, all in accordance with the Specification and Supplementary Specification which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$217,291.91.

2. Upon commencement of the work, **Onorati Construction Company, Inc.** shall be responsible in providing sufficient personnel, and to continue in completing the project in an expeditious fashion, all in accordance with requirements of the Township's Specifications. In addition, **Onorati Construction Company, Inc.** shall be required to submit a satisfactory work or progress schedule to the Township Engineer.

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Capital Improvement Fund Ordinance No. 23-20, Line Item No. 410-5644-499 including the Fiscal Year 2019 NJDOT Municipal Aid grant and the 2021 Current Fund Budget, Road Construction & Reconstruction, Line Item No. 131-0048-833, the 2019 Current Fund Budget, Road Construction & Reconstruction, Line Item No. 129-0048-213 for the resurfacing project set forth in this resolution.

4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Onorati Construction Company, Inc.** in an amount not to exceed \$217,291.91.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **Onorati Construction Company, Inc.** for reference and information purposes.

**RESOLUTION NO. 53-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING AN AGREEMENT WITH THE MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY COMMENCING JANUARY 1, 2021 THROUGH DECEMBER 31, 2025 IN THE PERFORMANCE OF SINGLE-STREAM CURBSIDE COLLECTION OF RECYCLABLES AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AGREEMENT**

**WHEREAS**, since 1998, the Morris County Municipal Utilities Authority (hereinafter referred to as the "MCMUA") has assisted the Township of Hanover, through a shared services arrangement, in meeting the Township's recycling goals by providing for the curbside collection of recyclable materials, and as an outlet for the disposal of these materials; and

**MARCH 11, 2021**

**WHEREAS**, pursuant to the Uniform Shared Services and Consolidation Act at N.J.S.A. 40A: 65-3, the Township has entered into an agreement with the MCMUA for the performance of the curbside collection of recyclables from the Township's residential units and non-residential locations; and

**WHEREAS**, the MCMUA provides single-stream recycling whereby various recyclables including but not limited to aluminum cans, newspapers, plastic containers and junk mail may be co-mingled into the same recycling container(s); and

**WHEREAS**, in order to continue the single-stream recycling program at a cost savings to the Township, it is necessary for the Township and the MCMUA to execute a renewed agreement that shall supersede previous agreements in providing for the curbside collection of , acceptance, processing and marketing of recyclable materials at the Morris County Recycling Consolidation Center; and

**WHEREAS**, pursuant to N.J.S.A. 40A:65-5, it is the intention of the Township Committee to enter into a Shared Services Agreement with the MCMUA for the purpose of approving and authorizing the MCMUA to perform single-stream recycling and all other related recycling services within the Township of Hanover.

**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 Uniform Shared Services and Consolidation Act, N.J.S.A. 40A: 65-5, the governing body hereby authorizes and approves an Agreement by and between the Township and the Morris County Municipal Utilities Authority in providing for the single-stream collection, processing and marketing of recyclable materials by the MCMUA from the Township's residential and non-residential locations as listed in Schedule C" of the Agreement. The Agreement providing for the single-stream collection of recyclable materials is attached hereto and made a part of this resolution as if set forth in full.
2. The Agreement by and between the Township and the MCMUA shall commence on January 1, 2021 and continue until December 31, 2025, unless one party notifies the other in writing with at least ninety (90) days' notice of its intent to terminate.
3. The Mayor and Township Clerk are hereby authorized and directed to execute the above referenced Agreement on behalf of the Township of Hanover.
4. That a certified copy of this resolution along with the signed Agreement shall be transmitted to the MCMUA's Executive Director, the Township's Recycling Coordinator, the Superintendent of the DPW and the Chief Municipal Finance Officer for reference and information Purposes.

**RESOLUTION NO. 54-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO SA FOOD ASSOCIATES, LLC, IN OPERATING THE TOWNSHIP'S BEE MEADOW POOL CONCESSION STAND DURING THE YEAR 2021 POOL SEASON BASED O5N ITS BID TO PAY THE TOWNSHIP \$6,200.00 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 February 17 and 24, 2021, 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 in the Daily Record for the operation of the Township's Bee Meadow Pool Concession Stand during the period commencing Memorial Day weekend, May 28, 2021 through Labor Day, September 6, 2021; 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 February 17 and 24, 2021 Notice to Bidders, two (2) sealed bid was received by the Township's Bid Reception Committee during the March 9, 2021 Bid Reception Committee meeting as follows:

**SA Food Associates, LLC**  
**Sergio F. Francisco**  
**1231 Beech Avenue**  
**Mountainside, New Jersey 07092.....\$6,200.00;**

Rise & Go Catering  
214 Wanaque Avenue  
Pompton Lakes, New Jersey 07442.....\$6,000.00; and

**WHEREAS, SA Food Associates, LLC** submitted the highest bid at \$6, 200.00 on the Township's "Proposal Form" as the amount to be paid the Township for the operation of the Concession Stand in accordance with the Township's written Specification; and

**WHEREAS**, the Business Administrator has carefully examined the two (2) Bid Proposals submitted by **SA Food Associates, LLC** and Rise & Go Catering which are attached hereto and made a part of this resolution, and recommends that the governing body award a contract to **SA Food Associates, LLC** as the highest responsible and responsive bidder; and

**WHEREAS**, in accordance with the Township's Specification, **SA Food Associates, LLC** shall pay the Township the sum of \$6,200.00 in two (2) equal installments of \$3,100.00 each which payments shall be deposited in the Township's Swimming Pool Enterprise Fund - Miscellaneous Account by the Township's Chief Municipal Finance Officer.

**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 a contract is hereby awarded to:

**SA FOOD ASSOCIATES, LLC**  
**Sergio F. Francisco, the Owner**  
1231 Beech Avenue  
Mountainside, New Jersey 07092

for the operation of the Township's Bee Meadow Pool Concession Stand during the period commencing Memorial Day weekend commencing May 28, 2021 through Labor Day, September 6, 2021.

2. As remuneration to the Township for the operation of the Concession Stand, **SA Food Associates, LLC** shall pay the Township one half (1/2) the sum of \$6,200.00 or \$3,100.00 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 10, 2021, **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 \$3,100.00.

MARCH 11, 2021

4. Pursuant to the Local Public Contracts Law at N.J.S.A. 40A:11-15, the Township reserves the right to extend the contract of **SA Food Associates, LLC** for one (1) additional pool season, that is the 2022 Bee Meadow Pool Season provided that the terms and conditions of the 2021 contract remain the same and that **SA Food Associates, LLC** shall pay the Township 2% above the amount paid to the Township for the 2021 pool season. The extended contract shall be awarded by resolution of the Township Committee upon a recommendation by the Superintendent of the Recreation and Park Administration Department certifying that during the 2021 pool season the services were performed in accordance with the Township's Specification.

5. 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.

6. 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**.

7. 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. 55-2021**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE TOWNSHIP'S CHIEF MUNICIPAL FINANCE OFFICER TO DEDUCT \$20,293.02 FROM THE \$233,805.00 CASH TWO (2) YEAR SITE IMPROVEMENT MAINTENANCE BOND DEPOSITED BY 67 WHIPPANY INVESTORS, LLC AND TRANSFERRING SAID FUNDS TO TRUST ESCROW ACCOUNT NUMBER 252-6222-499 FOR PAYMENT OF OUTSTANDING INSPECTION FEES CONDUCTED BY THE HANOVER SEWERAGE AUTHORITY AND FURTHER AUTHORIZING THE CHIEF MUNICIPAL FINANCE OFFICER TO RELEASE THE BALANCE OF THE CASH TWO (2) YEAR SITE IMPROVEMENT MAINTENANCE BOND IN THE AMOUNT OF \$213,511.98 PLUS A PORTION OF THE INTEREST TO THE DEVELOPER AS IT RELATES TO THE CONSTRUCTION OF THE METLIFE OFFICE BUILDING ON PROPERTY LOCATED AT 67 WHIPPANY ROAD IN WHIPPANY AND ALSO DESIGNATED AS LOTS 1.02 AND 1.03 IN BLOCK 5801 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER**

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

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

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

**WHEREAS**, by agreement with the Developer, the remaining total cash performance guarantee in the amount of \$588,180.00 was reduced to \$354,375.00 of which \$233,805.00 was retained by the Township in fulfilling the Developer's obligation to post a cash two (2) year site improvement maintenance bond; and



**WHEREAS**, by resolution dated December 14, 2017, the governing body released the \$354,375.00 cash performance bond plus a portion of interest and \$15,203.95 in Township Engineering inspection fees; and

**WHEREAS**, because the Developer owes the Hanover Sewerage Authority \$20,293.02 for outstanding inspection fees, the Developer has agreed to deduct this amount from the \$233,805.00 two (2) year site improvement maintenance bond and transfer the funds to the Trust Escrow Account for inspection of the 67 Whippany Road property.

**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 Township’s Chief Municipal Finance Officer is hereby authorized and directed to deduct \$20,293.02 from the Developer’s \$233,805.00 cash, two (2) year site improvement maintenance bond, and transfer the funds to Trust Escrow Account No. 252-6222-499 for the purpose of reimbursing the Hanover Township Sewerage Authority for outstanding inspections related to the 67 Whippany Road property.
  
2. The Township’s Chief Municipal Finance Officer is further authorized and directed to release to the Developer the remaining balance of the cash two (2) year site improvement maintenance bond in the amount of \$213,511.98, plus a portion of the interest in accordance with P.L. 1985, c.315.
  
3. That certified copies of this resolution shall be transmitted to **67 Whippany Investors, LLC**, the Township’s Chief Municipal Finance Officer, the Township Engineer and Executive Director of the Hanover Sewerage Authority for reference and information purposes.

**RESOLUTION NO. 56-2021**

**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:

<b>BLOCK</b>	<b>LOT</b>	<b>QUAL. #</b>	<b>NAME</b>	<b>AMOUNT</b>
2104	9		McKiroy & Riskin PA Cargille Knolls 136 South Street Morristown, NJ 07960 Location: 2 East Frederick Pl Reserve for Tax Appeals	\$17,905.42
2602	9 & 10		Garippa Lotz & Giannuario 66 Park Street Montclair, NJ 07042 Location: 54/56 South Jefferson Rd Reserve for Tax Appeals	\$64,624.28
2701	27		Christopher Schumacher 29 Ridgedale Avenue Cedar Knolls, NJ 07927	\$1918.69

Motion to approve Resolutions as a consent agenda made by Member Francioli and seconded by Member Gallagher and unanimously approved.

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**PAYMENT OF BILLS:**

The governing body approved a grand total disbursement of **\$5,197,414.08** for the payment of all bills as of this Regular Township Committee Meeting. A copy of the “Bills Payment List – by Vendor” is hereby approved and made a part of this resolution as if set forth in full. Moved by Mayor Ferramosca and seconded by Member Cahill 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.

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**OPEN TO THE PUBLIC**

Motion made by Member Francioli to Open to the Public and seconded by Member Gallagher and unanimously passed.

Motion made by Member Francioli to close this portion of the meeting and seconded by Member Gallagher and unanimously passed.

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**REPORT OF THE TOWNSHIP ATTORNEY:**

**STATUS OF THE TOWNSHIP’S AFFORDABLE HOUSING OBLIGATION**

Mr. Semrau: Thank you Good Evening Mayor and Members of the Township Committee as far as the Affordable Housing process goes all of our documents have been submitted to the court timely for consideration of closing out the case and third round approval plan, there are no other changes, as I said everything is in order and know it is subject to final review and we are told by the middle of April that Judge Gaust will consider all of the evidence and provide us with a final judgement of compliance and that is my update.

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**OTHER BUSINESS:**

Mayor: Now, I would like to turn the meeting over to Member Cahill, this is under the umbrella of Great Things Happen In Hanover Township, and this is really big news and Committeeman Cahill will walk us through this news.

Member Cahill: I really didn’t want to take your tag line, so thank you for putting that out there, in previous meetings we have talked about the desire by the Landmark Commission to gain ownership of the Joseph Tuttle House on Route 10, their master plan has been for years long before I have started on the Committee here to acquire that property acquire that house and make it a museum of the History of Hanover. We have gotten to the point, just a brief history, about the past few years we began talking about setting aside some money and putting it in a cigar box as Ron would say, so that if the opportunity come up to purchase that property we would be in a better position to do so with a combination of our money and of course grants and whatever else we could acquire from the State or the County, in end it turned out that we will not need to do that by grace of the Spada family they chose to donate the house, property adjacent to the house and as I mentioned this before very generous on their part this is coming to fruition now looks like the target is now April 1<sup>st</sup> for a closing date so we are all very excited about that. It is going to be the beginning of a long journey as far as what comes of the house after that, we are still going to pursue grants and look for other sort of funding to help rehabilitate the house and make it appropriate for a museum, At the same time the Landmark Commission is creating a 501.c type of organization that will allow them to actually accept donations from corporates and members of the community to help in that regard as well, so again this has been a long time coming and we are really happy to see it happening and it will be a great addition to the Township and to our history. So that is it, we are all very happy and I know the Landmark Commission is thrilled that this is coming to fruition.

Mayor: Thank you for sharing.

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**ADJOURNMENT**

Motion made to close this portion of the meeting at 7:51 pm. but will reconvening back to Legal Conference was by Member Gallagher and seconded by Member Mihalko and unanimously passed.

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

\_\_\_\_\_  
Joseph A. Giorgio, Township Clerk