

**SEPTEMBER 12, 2019**

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, September 12, 2019, at 8:00 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Ferramosca, Gallagher, Cahill, Mihalko

ABSENT:

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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) Ronald F. Francioli, Mayor

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**PLEDGE OF ALLEGIANCE TO THE FLAG**

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**MOMENT OF SILENCE IN REMEMBRANCE OF ALL THOSE WHO PERISHED ON  
SEPTEMBER 11, 2001**

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**OPENING PRAYER**

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

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**PROCLAMATION**

**PROCLAMATION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP  
OF HANOVER CONGRATULATING THE CEDAR KNOLLS FIRE  
DEPARTMENT IN CELEBRATING THE 100<sup>TH</sup> ANNIVERSARY OF ITS  
FORMATION AND HONORING THE MEMBERS OF THE FIRE DEPARTMENT  
FOR THEIR PROFESSIONAL FIRE FIGHTING SERVICES, BRAVERY,  
DEVOTION AND DEDICATION TO THE HANOVER TOWNSHIP COMMUNITY**

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**OPEN TO THE PUBLIC**

Motion made by Member Cahill open to the Public and was seconded by Member Francioli and unanimously passed.

Linda Oaks, 39 Cortright Road, Whippany: I don't have anything prepared like I normally do for you guys tonight because it's been a long week of our first week of school so I'm sure you guys can appreciate that. So I have some questions for everybody that really, I just really want to get a better understanding of the PILOT program or the tax thing here and again I just want to thank you that the presentation that you made at the last meeting was very helpful and very clear I have been absorbing everything that was said but it also left me with quite a few questions. So, I guess my first question is can somebody explain where the money from the PILOT goes within the town for the properties that are currently under PILOT?

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Mayor: I am going to have council explain it to you far better than I can. You know the initials stand for payment in lieu of taxes?

Ms. Oaks: Yes I do, I totally understand that, I want to understand that (interrupted)

Mayor: It's a sum of money paid in which the Township then controls the distribution so on that note Fred.

Mr. Semrau: I think your question was where does the money go?

Ms. Oaks: Yes what do you guys do with the money; you have three properties currently under PILOT in Town?

Mr. Semrau: One.

Ms. Oaks: Oh one. Where does that money go within the Town?

Mr. Semrau: Well it goes with the rest of the Town's tax revenue that it collects, but that particular property is all affordable units so and that is the only PILOT that we have on record, there is not three.

Ms. Oaks: Okay, so does any of that get transferred to the schools? The taxes that we pay for the schools?

Mr. Semrau: I don't know what you mean transferred?

Ms. Oaks: I mean if they pay you \$10,000 do you use that for schools

Mr. Semrau: No, it probably doesn't it's much like this evening, there is a tax appeal that the Township is addressing, and it may result in a refund of taxes of about \$400,000.00 and out of that refund the Town does not go back to the school 40% of that was paid to you, there are certain things that just don't go back to the school and certain things that go back from the Town so in that PILOT program I think there is a small percentage that goes to the County I think it's 5% but the remaining portion goes to the Town just like when you have commercial development even though it may not generate anything for the schools about 40% of those taxes do go to the schools from what is paid to the town. This is just the way the law works, there has been legislation to try and change that so that all the things that I just told you like for example tax refunds, there has been legislation to say that tax refunds should be charged back to the County and the school or PILOT's should go to the school but right now the way the law is that is the way it works.

Ms. Oaks: So what services do we provide I guess that development that has a PILOT in lieu of taxes like do we do all their streets and all their sanitation just like the rest of the Town or because it is condo complex are they responsible for their own like are they privatized and they do dumpster garbage?

Mr. Semrau: Are you just speaking about the affordable housing development?

Ms. Oaks: Yes the Willow.

Mr. Semrau: I think they are treated like every other development Joe is that correct?

Mr. Giorgio: That is correct.

Mr. Semrau: They are treated like any other development we would have to.

Ms. Oaks: Ok so when River Park is approved can you clarify if that entire unit is going to be on PILOT or it just the affordable part of that? Cause the settlement the way I read it and understood it that all 950+ units of River Park will be under PILOT.

Mr. Semrau: At this point there is no PILOT agreement in place but it is anticipated that that very well may happen and when that happens the Governing Body

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can make a decision if it so chooses to work an ordinance or arrangement with an allocation to the schools and towns have done that and that is an option and as far as services go with respect to that development and mind you that 93% of the units in that development are one bedroom or two bedroom units and with respect to that development the municipal services you just asked about like sanitation pick up and snow removal and reimbursement for that none of that will be paid by the Township and the commercial portion of River Park and the development the taxes that are generated there that goes back to what I call conventional and 40% of the taxes from the commercial, aspect of River Park I think 55% will go to the schools.

Ms. Oaks: Did you guys do any reports of how many kids you estimate to be in that complex once it is complete? Out of 950+ units, has there been any type of study done?

Mr. Semrau: I think that would come forward when there is a site plan application they will have to generate reports as far as traffic and what type of generation it would be for like I said the majority of it is one and two bedrooms.

Ms. Oaks: Well two bedrooms can still generate two kids in them. You can have kids sharing a bedroom so I mean.

Mr. Semrau: Well you can't make zoning decisions based on that.

Ms. Oaks: I was just curious if you had any idea of about how many children it was going to bring into the fold because I would think you would want to know that while you are agreeing on settlement.

Mr. Brancheau: We have counted school as they came out multifamily today and excluding the senior ones which obviously don't have school kids we've found that with what comes today overall from that varies depending upon the number of bedrooms, varies depending upon whether it is affordable housing or not affordable housing, the overall for the Township excluding senior apartments multifamily generates .13 school children for every unit so what that comes out to is slightly you need more than 7 units to get one school child, so if you had 70.. (interrupted)

Ms. Oaks: But for affordable units (interrupted)

Mr. Brancheau: Affordable generates more

Ms. Oaks: It generates more because you have to have a certain amount of people.

Mr. Brancheau: But that includes the affordable that is overall, that is an average, that includes the affordable and market, so if you were to look at affordable it would be somewhat higher than .14 if you look at market rate it would be lower than that, so the average again, most of the multifamily in Hanover Township has an affordable component to it some are affordable and some is none but the average that I cited includes affordable units.

Ms. Oaks: But we haven't done a specific study for this development?

Mr. Brancheau: Well we don't know the persist bedroom mix and the number of units when and how they are going to be phased and all those sort of things so it's difficult to say but if you take the number of units and multiply it that by .13 for a rough estimate.

Ms. Oaks: Okay so .13, so let's say you get to the point where you are planning and they come up with their plan, do you agree with this PILOT program prior to the plan and you have seen all the studies and how many kids this is going to bring in or do you what.. (interrupted)

Mr. Brancheau: There will be a redevelopment agreement before any site plan and that redevelopment agreement would cover a PILOT beforehand, how the town spends the money is up to the town.

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Ms. Oaks: But is the Town considering the, I just want to be clear I mean that even that you are saying that it's going to be 200 kids which I think it's going to be more than that that's a whole school.

Mr. Semrau: I don't think you are saying it's going to be 200 kids.

Ms. Oaks: You did, you said it at the last meeting that you estimated it to be 200 kids

Mr. Brancheau: I said that and that was not for River Park it was for all the housing developing that was proposed as part of our settlement agreement with the courts.

Ms. Oaks: So with 957 units you think there is going to be less than 200 kids that come out of that?

Mr. Brancheau: Absolutely absolutely.

Mr. Mihalko: At that ratio maybe 130

Ms. Oaks: Okay so 130 is still almost a school.

Mr. Brancheau: Over 12 grades, that comes out to about 11 children per grade

Ms. Oaks: You are assuming it is going to be over 12 grades

Mr. Brancheau: We are talking about that .13 ratio was children going to elementary, middle and high school

Ms. Oaks: I just want to make sure that the town council is keeping in mind that these schools are going to need additional funding to a) educate the additional amount of children that are coming in; and b) make any expansions necessary to fit these kids whether it is grammar school, middle school or high school. If you PILOT out this entire program the school does not by law have to get a penny of that, so I just want to make sure that you are considering this and considering the impact it has on my kids' education as well as my taxes because if the PILOT is going to pay for these additional children it is going to come out of my taxes and I still have 13 years of school for my kids I still have K-12 I would like them to get the education that I paid for buying into this town to get, I feel very unsure. You guys also talked about the school sizes and compared the school sizes now compared 70's and 80's when it was a larger population of people but what we failed to talk about at the last meeting there was 4 grammar schools then and now 3 and the middle school has now about 1/3 of it has been taken over by the Board Offices so now there are less class space there now than back then. So when we talk about the fact that our schools fit these children in back then there has been significant changes made to the schools since then so they are fitting less and I just want to make sure that you take that into consideration when you are hammering out all of this PILOT stuff before you even have a drawing because that comes first.

Mr. Gallagher: I just want to respond to that quickly and we all understand how complicated it is and we did spend a very long time on this, but as far as the schools, even when I ran for the Board of Education for the first time I said if it's the K-8 High School Budget, the Fire District Budget, the Municipal Budget I'm paying for all of it because we are tax payers so if you look at the big number on what we actually pay to run Hanover Township with everything all in it's a lot of money. The communication is very good especially within the last year or so with our meeting with the State and with the Fair Share and with the COAH the one thing I will tell you is the advantage to having this kind of crisis is that we have to look for new solutions because this is a new problem. We do get to decide how we divi up the PILOT and being the co-liaison along with Committeeman Cahill I speak to Mr. Wasko at least once a week and after every large high level meeting I spoke to Mr. Wasko standing on the front stairs of town hall and Carol Grossi a lot and I already started to talk to Maria Carol who is the new Superintendent of the High School, they also do studies on how many children they are going to get. Now I know from my mother teaching here they didn't build a classroom in Hanover Township since 1979 and 1980 and Committeeman Cahill didn't you say you were in trailers at Memorial, so we are all very concerned about the kids coming in but

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there is also going to be money coming in with PILOTS if we get to decide how to divi it up which we do right Fred?

Mr. Semrau: Yes we do.

Mr. Gallagher: There is absolutely no way that I am going to allow our schools to be hit with this type of tax increase because you know what if the school tax goes up and ours doesn't, me as a resident my taxes went up so we have a different form of balance here because it is a new crisis and we did sit and when I went over police, dpw, fire, schools and especially schools because all of my family are all educators except me and my brother we were told that was progress. The progress that is so wonderful to the state it is a problem for us.

Ms. Oaks: I understand that and I know it is what it is. We have to build the units. I'm past it but build them and move on I just want to make sure that everybody in this room is on board with making sure why Hanover Township is so great, low taxes great schools that is why we all live here and that's why everybody who grew up here moves back, so let's just make sure we are all on the same page that we want that to continue.

Mr. Cahill: We both served on the Board of Education, Ace for 6 years and I was on for 9 years, the children and the education of the children in this town are top priority to us, it always will be. Those discussions do occur, to Ace's point we have to find an out of box solutions to this dilemma that we are in and it is a dilemma, we have established over the past 7 months that this is a court ordered mandate that we managed to negotiate down and it's going to bring challenges and issues around all sorts of services particularly education but we are there, we are completely are behind what goes on in education, we have been in those meetings those Board of Ed meetings and we have seen how they deal with these challenges and concerns so it's nothing new to us and it certainly is not something that is going to be forgotten or by any means ignored.

Ms. Oaks: I will be coming to visit you guys more often this year to make sure we stay honest with it.

Mr. Gallagher: One more point about traffic I live in the section of Whippany that is going to be affected by the development down on Parsippany Road and Eden Lane and all of that, I don't make believe there is not a traffic problem either, we went to the vet yesterday and I sat on Whippany Road for 25 minutes so I'm not going to say there is not a traffic problem and I'm not going to say that we do not discuss this and we know where the traffic is coming sometimes and we know sometimes there is an accident but largely you cannot drive on Whippany Road and we are all aware of that and like we said before and I've said to you we are all available all the time this is a new problem a big problem and I believe we are doing the absolute best we can and keep in touch.

Mr. Cahill: If you can't make this next meeting I suggest that you go to the State Legislator's meeting and voice your concerns there.

Ms. Oaks: Do you want to watch my five year old twins while I do that?

Mr. Cahill: Ok, so you can't make it but my point is that who is doing that to us that's what I'm saying.

Ms. Oaks: I do have a couple of other questions which your traffic led into, I know that the police are understaffed based on the 1990's report that you and that we are like 25 years out on that, so where are we with increasing our Police Department? Where are we going to get the money to do that? We got considerable building in the last 25 years, we have all of these multiunit facilities coming in so we got 5 cops on duty at one time 3 are usually patrolling, you have traffic on Whippany Road where it is taking 25 minutes to get through obviously we need to make sure we have the officers to man all of these additional dwelling as well as the ones we have so, have you guys been discussing how you are going to increase the police department, at some time we are going to need a full time fire department, I would imagine it is not going to be rely on volunteers the more we build the more we build the more we are going to need 24 hour paid people there. The Whippany side of town does not have ambulances with all this

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traffic, I had to call the ambulance for my parents and it took well over 15 minutes for it to get there at a Sunday night of a holiday so you know these are all other things that I'm just asking are you talking about where are you at with it and what are you doing?

Mr. Cahill: Yes absolutely, as far as Police (interrupted)

Ms. Oaks: And how are you going to make all of that happen with everything under PILOT where it is going to less money coming into the Town?

Mr. Semrau: I don't think a PILOT means less money, I do not agree with you. The PILOT is based on the gross revenue, if the rates go up on that location (interrupted)

Ms. Oaks: Is it the gross revenues or is it what they get after they take out their depreciation?

Mr. Semrau: Nope, it's the gross revenues no deductions, gross. And if the rents go up in the market the PILOT payment goes up, and just so you know the Town has this year this time of the year the additional ratables that are put on the books is probably somewhere north of \$10 million dollars for commercial properties this year. 55% of that goes to the school all those ratables ZERO school children (interrupted)

Ms. Oaks: We have 950 units coming in that are going to have school children

Mr. Semrau: but wait you can't just say one way, you are making a statement like the town is somehow not taking into consideration the school kids and it is. That is another example; all of those revenues go to the school, zero school kids, so I'm trying to tell you to feel better that that is a positive.

Ms. Oaks: I just want to make sure that everybody up here is on page and you guys are doing something and that you are talking about it and that is in your ear.

Mr. Mihalko: We discuss it at almost every meeting and if not multiple times and to your point we are looking to the future. One of the items on the agenda tonight is the loan for the Fire Department and backing that is our promise, that fire house has made provisions and that why it is so big because we are planning for the next 100 years, back when we started 8 years ago so you are asking what we are doing yeah it is constantly being talked about and there are provisions for an ambulance to be set over there and eventually it is going to be needed we have done studies when I was a Fire Commissioner for 8 years we did studies it wasn't time at that point we were not ready for it but we are planning for it.

Mr. Cahill: This is a major milestone and if we can get ourselves moved into that Fire House then we can address some of those issues.

Ms. Oaks: Are you also addressing police?

Mr. Cahill: Let's go back a couple of years ago right when we had 28 now we have 32 now and it's a discussion every budget session, now last budget there were other priorities but clearly as the community grows and this development, which by the way is not going to up all in one day, so we will certainly will be planning for that. As that housing goes up and as the Township grows the levels of the police force will have to grow with it. We are at much better levels that we were years ago so and we plan on continuing that.

Ms. Oaks: Oh okay.

Mr. Mihalko: And across the board we are looking at Recreation improving our parks we are improving our playgrounds, talking about an additional field we are saving money for that additional field again (interrupted)

Ms. Oaks: Just don't cut down trees to make those fields

Mr. Mihalko: It's obviously that we are planning on future.

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Ms. Oaks: Well there are more important things but thank you for your time I appreciate it and I know I went well over my normal 4 minutes but I will see you guys soon I appreciate everything.

Douglas Emann, 48 Washington Ave: Which I might add might I add must be the worst paved street in Town, just wanted to make that point, I have had several complaints from neighbors that they raised it up and it is still not on the engineering teams report for being paved.

So tonight I wrote my comments here based off from what I had seen from the last Town council meeting from what was posted on YouTube. Unfortunately I was not able to stay the entire time as I had to watch my 5 year old daughter that night, while I appreciate comments as well attending state legislature meetings as with Linda that is not always possible for all of us but the same time that is why we elect a Town Council and a Mayor to be the voice for us at those meetings.

So I would like to cover three items tonight so the first being the analysis that was performed to assess the impact of Pine Plaza and River Park developments, next transparency and when information is made available to the public and lastly how the PILOT dollars will be spent which Linda had touched on as well.

So first in my opinion there appears to be a lack of due diligence on quantifying the impact of these developments on our infrastructure and services. There also seems to be a lack of plan to maintain our current quality of life without significant tax increases at the last town council meeting several people asked about the traffic and there wasn't one helpful response on the matter. Has a pro forma financial analysis been completed on these developments to determine the financial impact on our town? Has a feasibility study been completed and determined the impact on infrastructure and services? If so are you able to share these and add transparency to the matter? Which leads me to the matter of transparency or the lack thereof and while I greatly appreciate the posting of agenda's, minutes, automated alerts and having the town council meetings on YouTube which if it wasn't for that I wouldn't have been able to catch up on everything so that itself does not make something transparent. Transparent also means easily understood or easy to preserve or detect as an example Mayor you posted on Facebook and this is a quote "Hanover is not excepting PILOT programs we want our schools to share in any tax income" this post was all the while Hanover Township already has a PILOT development in place with the Saddle Brook Development and already signed PILOT agreements for River Park and Pine Plaza, this raises the question of transparency.

Mayor: (interrupted) I dispute that quote sir.

Mr. Emann: I appreciate that, if I can finish my comments.

Mayor: I am not personally favoring PILOT programs.

Mr. Emann: I am just quoting exactly what is on Facebook. And, as far as signed PILOT agreements in place, I was basing off of comments from our Township Attorney at the last Township meeting, which going back to transparency sounds like PILOT programs might not be in place so are they in place or not in place at the last Township meeting our Township Attorney said the entire development except for the commercial portion of River Park was going to be PILOT. So tonight I heard the PILOT agreement has not been signed, it goes back to again transparency. So while I received my alert earlier in the week notifying me that the town was being transparent the actions and actual information being shared seems to indicate otherwise. Which leads me to with the lack of further analysis and insight from our town council I left to derive my own assumptions on the matter such as how many students will enter our school systems from these developments. For example the Saddle Brook Court PILOT development has 78 units and approximately 42 students or a ratio .4 per students per unit. However if you look at the total ratio for all multifamily housing developments in Hanover Township the ratio is only .3 units as you noted earlier. Again with the lack of any public analysis or additional transparency I am left to extrapolate those figures for River Park and Pine Plaza and see what we would potentially have 150-600 new students entering our school system for just River Park and Pine Plaza. Again, to share my own transparency this is a very top level analysis that did not get into the number of affordable housing units per development or number of bedrooms in those

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developments. Lastly and most importantly for me I'm here tonight as a father of a 5 year old girl who moved here to Hanover Township with optimism that this is the place where I would raise my daughter and spend the rest of my life. I have no special interest in this matter other than my precious daughter and ensuring she is raised in a town where she has the opportunity to grow and develop as the past students and residents have done over the years. I do have a vested interest in this matter for the next 13 years as my daughter will progress through the public school system. More importantly my daughter has a vested interest in the matter for the rest of her life. As the education she receives today will forever have an impact on her. Considering these are PILOT programs again basing it off of comments at the last Township meeting we are looking at a significant increase in the number of students in our school system and I have serious concerns that the residents of Hanover Township will be the ones that ultimately flip the tax bill. I am truly disheartened by the fact that our Town representatives have yet to make a public commitment to ensuring significant PILOT dollars will be dedicated to our public school system and ensuring our children have the same opportunities to grow and develop as its past students. I ask you tonight are you ready to public commitment to ensuring sufficient PILOT dollars or tax dollars are dedicated to our school systems ensuring our students have the same resources and class sizes as they do today? To further this are you ready to make this commitment while also committing to cap our local tax increase to no more than 3% per year for the next 30 years just like you have given then PILOT the developers who stand to make millions on these development.

Mayor: Would you like answers or are you do with your dissertations?

Mr. Emann: I didn't know this was a back and forth I could have given my questions ahead of time which I will do so next time if you prefer.

Mayor: You didn't pause and answer your questions.

Mr. Emann: Based on off the last town council meeting I had only 4 minutes I was going to get my time in.

Mayor: Are we prepared to support our school systems through the PILOT program? Answering from myself and I hope my colleagues answer is yes and the PILOT programs as I always said gives us that ability to control payment in lieu of taxes that come into this Township. Presently nearly 50% or \$.50 on every one of your dollars goes to the schools, PILOT programs hopefully and I'll interpret that word hopefully in a second to you, we will ask this very same. Because we will not be paying certain dollars in other areas we will be able to accrue more dollars to pay PILOT programs to schools if that case is the decision of this governing body number one, number two the tax rate that we in this Township, the tax you pay in this Township for several years have been zero on the municipal level zero. This year 1.7 under 2% would we like to keep it there certainly, will we try to do that yes, do we have good ratables in order to that you heard from council that we have added on good ratables that do not have school children in like Barclays Bank as one of them and those taxes are certainly are accrued and can be directed to our schools again.

Have we been in touch with the schools as to school population? Ongoing... ongoing. I have distributed through the EDAC several weeks ago a form showing what the school age population was from all of our high density populations in the Township 5 of our major condominium developments. Can we use that as a baseline scale to what is happening today? In some degree yes, because it is current, going forward we know there are trends that change with millennials that change the amount of children in the household populations, are we looking at that? Yes, as well. We have come up with a rather accurate averages of school children we are putting in. Are we looking in enrollment decreases along with increases from the Fair Share Housing issues and settlements, and I want to talk to that in a second? Yes, we have, we are looking at that. Are we committed to these settlements through the courts? Unfortunately with Fair Share Housing, yes. These are agreements that we have come to that are sanctioned by the courts, this governing body has taken it on the chin on social media and every other area for what is going on in Fair Share Housing today. Not only in this community but other communities as well and neighbors around us, Hanover Township did the best damn deal in Fair Share Housing than other surrounding communities we have, talk to those Mayors. Negotiating team that we had did a very effective job with our low and



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moderates; we were given a sum of 1000 low and moderate units that would be at least nearly 5000 market units and total gross units in order to accommodate that. We brought that down considerable, not considerably but we brought it down immensely in what we are doing, so I hope that answers some of your questions but if there is something that I left out.

Mr. Emann: It doesn't answer much of it. Much of it is talking about the past; I would like to talk about the future. So while work may have been done, I would love to see studies sounds like there is a lot of talking going on and I would love to see some studies on what those impacts would be to our residents, again to our students who honestly who is the future for all of us. Linda has a 5 year old I have a 5 year old; I know there were a lot more people at the last meeting.

Mayor: We all have children in this (interrupted)

Mr. Emann: If I can finish, please... thank you Mayor. I don't think that anyone from what I saw at any of the meetings or anyone on Facebook has questioned the tremendous job that everyone has done. I didn't in any of my comments, and you responded a lot about the great work that has been done, I don't think anyone is questioning that and I think that is why people moved to Hanover Township cause they saw low taxes, good school systems, good quality of life, good opportunity for property values to increase. I think that we were put into a situation here and not saying you didn't do a good job negotiating coming from a business background there are certain analysis that should be done before signing an agreements. I think there was lack of analysis when those settlement agreements were signed to truly understand what those impacts will be to the future of Hanover Township right, and I'm still not sure if they are PILOT agreements or not, I can go back, I know what I heard being it's on YouTube it was said that there was PILOT agreement for River Park by our Township Attorney that the entire River Park was PILOT with the exception of commercial, tonight now I hear well no maybe we still have to do the agreements, again it goes back to transparency and the impact on the future of this Township. Councilmen Gallagher, Mihalko I appreciate the comments from the Board of Education I can get a true sense that you really care about the education in the town, but I would love to see some actual studies on that matter and not a lot of talking, we are talking about this talking about that, I think that a lot of the residents' concerns would be eased if we actually saw a plan from the town, here is what we are forecasting here is a pro forma financial analysis based off some preliminary numbers at the last Township committee meeting you showed the number of units that you are expecting from River Park, so if you already know those estimates you should at least be able to come up with some figures on number of students and payment in lieu of taxes and with respectfully gross revenues does not include all revenues with PILOT programs, alright, it does not include state subsidized rents which with affordable units would not be included, correct me if I'm wrong, there is 140 from the last meeting affordable units, if there are section 8 would not be included in that number slight impact and Saddle Brook Court based off the information that Terri published on Facebook, for Saddle Brook we only got \$24,000 granted that they are all affordable housing units, and for transparency I don't want to be hey it's 24,000 .54 ration on Saddle Brook you can get 900 students that would be misleading and using the wrong information to get people up in arms the other way, but facts are facts that's what Saddle Brook is we don't get much tax dollars from them, we get a lot of students from that program we don't get our PILOT dollars to support that.

Mayor: You are using Saddle Brook as an example of some years ago, Saddle Brook is a housing HUD project, Saddle Brook was put in with a net amount of L&M's so that the Township did not have to build market units, I cannot speak specifically about Saddle Brook because I was not personally involved in negotiations at that time, but I do understand very well the concept and part of the HUD concept under the federal law was a PILOT program that you are referring to and everybody on Facebook seem to be targeting as some sort of revelation here, so Fred am I missing something here?

Mr. Emann: Again, I am not, again I said for transparency purposes, that is the extreme case and they are all affordable housing (interrupted)

Mr. Semrau: We meet here twice a month, Planning Board meets three times a month, I can give you every meeting schedule going we are on website covers just

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about every situation with plans that you want to see even though that has been refuted it is on our website for you to see, I don't know how this Town could be any more transparent where other towns are not even equal to this so I defend the transparency that we have. I met you first time tonight sir I'm here several years at every one of these meetings and this room is empty. Thank you for being here and thank you for your comments and thank you for the opportunity to address them.

Mr. Emann: I appreciate that, you seem to use that excuse at the last meeting as a defense, because they didn't show up your opinion does not matter, graciously I have (interrupted)

Mayor: That is a very inaccurate statement you seem to have an agenda, sir.

Mr. Emann: You said it at the last meeting

Mayor: I thank you very much would you sum up please.

Mr. Emann: No problem, Councilman Gallagher you were going to make a comment.

Mr. Gallagher: I typically don't jump in to like a pole but my mother did teach in Hanover Township for 30 years, I moved here because of the school system and my children benefitted from it immensely, I did teach drums in Hanover Township schools, I love these schools I took band camp here and played baseball here even though I didn't live here. I can give anybody my word and I was chastised in a fun way for a couple ways when I became a committeeman that I'm still a Board of Education Member I don't think there is anything more important than our children and our education and their safety, so I will say and I have said it repeatedly if we get the opportunity which we do to divide that PILOT money into a way that would be very fair to the schools, I will say on top of a mountain I will do that period. I will say that to everything you said that is something that is very important why I have to jump in as 1/5 of this body the entire Hanover Township has my word that I will be last guy to leave the schools high and dry period.

Mr. Emann: Thank you, I appreciate that.

Mr. Ferramosca: I think that there is nobody sitting on this dais that has ever done anything that negatively impacted the schools and in fact we go out of our way to communicate with the schools in terms of information. Let's go back since you wanted to raise in issue of what something happened several years ago and let's talk about the Horsehill Road project. The Horsehill Road project we needed to evaluate sir the upside and downside of what it could be verses what it is. So here are some numbers to contemplate and then you can think about how you would have voted on the issue, but here is the opportunity for you to think about it. Horsehill Road project has 78 units in it, it produces on average somewhere between 35-38 students if that weren't built the other side of it would have been and Planner correct me if I'm wrong, it would have been 785 total units because we would have to use the Fair Share correlation so on one hand I look at 78 units they produce arguably 40 students which impact the school, and on the other hand I'm looking at 785 units that could result in 300 students, so if you look at the upside and the downside and you evaluate the decision in terms of what is the best impact to our schools I would ask you to take into consideration and I can assure you that as a student of economics we evaluate on this board every dollar that gets spent by this board we look at it one way, we are spending people's money, every dollar is an incremental spend so I can assure you that it is a very fiscally conservative operation and I can assure you as to what Mr. Gallagher said that we are very supportive and we will remain supportive of our schools and we never demonstrated any other approach to school funding in the past that would suggest in any way shape or form that we would be doing something differently going forward. That is all I can share with you it's some facts on that matter.

Mr. Emann: I appreciate that, thank you.

Mr. Semrau: Can I clarify, some things first, I like what you said that you like where we are and how we got here.

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Mr. Emann: That is why I moved here.

Mr. Semrau: About the affordable housing, the numbers the settlement and I understand your point, you just want to understand what is going to happen, so let me answer a few things first. We have a plan, a settlement plan that includes River Park and Pine Plaza and it includes as part of the negotiations that there will be a PILOT but there will be a separate meeting and there will be a public hearing and there will be a vote, I am going to tell you that it will have to be part of our plan or else we will have a problem with compliance with our affordable housing obligation, but there will be a public hearing, there will be an analysis presented there will be a chance to ask questions about it and I think that I take note about your pro forma and the decision making process, I want to explain to you to that this was not your conventional type of pro forma because part of this whole process was that we had a number order and a lot of it was just about how we can bring that development number to a minimum and we could bring the bedrooms to a minimum for a start, so it's not always going to be fair analysis but your saying that you want to understand that, that will come out when we have that PILOT before you. What will also come out that there is a possibility that the governing body at that time will look at an ordinance as to how it wants to allocate the funds all of that will come forward so my point is that I appreciate what you said about where we are because that takes a lot of explaining, we did explained a lot of how we can up with the numbers as far as units, but now you are asking about the dollars and that is going to be the next phase as we go forward and you will get those answers so I be patient because it is going to happen and when it does then you, you said you can make your own conclusions try not to and wait cause I'm telling you you will get a lot of that information as we go forward before there is a vote on this, you will get a lot of that, what it could have been, what it is and what a PILOT means with the projected revenues would be and to your question it may be answered as well without what it means as far as allocation to the schools. I want to say one thing to try and discount the fact that there is a PILOT at Pine Plaza but it is much different than any other PILOT because that just has 60 units and they are all affordable and they are all seniors.

Mr. Emann: Ok, completely understood.

Mr. Semrau: But for the record, so that... and that was such a high density and such a favorable type of outcome to get us par units, I don't think you are ever going to get that type of analysis there and it doesn't impact the schools. So the one that will be the focus for a lot of your questions are River Park and there will be a time for that and think we all took note and we would have at that point in time will be a public hearing and all of those questions I hope will be answered if that helps.

Mr. Emann: Sure, I appreciate that. At the last Township meeting I think more of the time was spent on condemnation Pine Plaza when from a financial standpoint to your point, less of a financial impact from Pine Plaza as there is for River Park and that is where more of my concern comes from is PILOT at River Park is it everything excluding just commercial, and what PILOT dollars will we be receiving from that development and is it sufficient to support infrastructure services and most importantly for me education right, my daughter is the most important thing in my life as with anyone here that has children as well, (interrupted)

Mr. Semrau: I think it was important just to get the message, it is a very complicated process to get the message across what the obligation was what the units are what to expect and that is how we are trying to help with your questions, now you know what is in front of the Township and that financial aspect is yet to come and also be mindful of the fact that there is some things that River Park has to do before we ever even reach that. That does not mean to your point before that we discounted anything but there is a number of steps in between that they have to do and then we will reach the point where there will be a PILOT agreement for a public hearing and consideration and analysis.

Mr. Emann: I appreciate that, if I showed up at that meeting and made my comments for the first time I wouldn't be told that it was the first time I showed up and spoken so I've made my point (interrupted)

Mr. Semrau: No, it's all good

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Mr. Emann: So I made my points in advance, it won't be the first time or the last time that I attend a meeting. Thank you Mayor.

Mayor: Hope to see you again.

Mr. Mihalko: I just want to make one comment just to beat this to death. Sir I have three children I have three children in the school, I can say if it was not for COAH or Fair Share Housing we would not be having this conversation, I opposed this immediately, we have done everything that we could have possibly can to get that number down, even sat with the Court Master and she said that this is probably one of the best deals she has ever seen. That doesn't mean that we like it, we are trying to do the best we can with what we have and we go over this hundreds thousands of hours.

Mr. Emann: No disputing that, my challenge to all of you is to having that same quality of life (interrupted)

Mr. Mihalko: We are there, we are with you we live here I plan on living here.

Mr. Emann: to have the same quality of life, have the low tax rate and increase our property values, and the main focus on education.

Mayor: We all live here, we all raised our children here we all pay taxes here, we are no different than you and we fight darn hard for every dollar to keep them down because we know it's going to come out of our wallet

Mr. Emann: We are a little bit different, because we are at different points in our life; I have a five year old (interrupted)

Mr. Mihalko: I have an 11 year old

Mr. Emann: I have 13 years, no offense, you are older gentleman on the Town Council you are all at a different points in your lives, you can move tomorrow and cut your losses, I would not say you are going to do that you are longtime residents, we have different interests here education is more paramount and I appreciate your comments thank you.

Mayor: Thank you.

Mr. Emann: I will attend when I can when I do not have my daughter I think being with her is more paramount than attending a meeting.

Jim Neighart, 34-14 Appleton Way, Whippany: Throughout this whole process since the very beginning when public started commenting on this I have seen a lot of the Facebook posts that have been made, heard a lot of the questions that were asked at the last Township meeting as well as some of the questions and comments from tonight and I can't help thinking that a lot of the questions and concerns and some of the ankhs and some of the accusations of lack of transparency come from the fact that the members of the public or a certain percentage of the public is that get information and they get it piece meal and they react because they don't understand the process like people like yourself or myself who are on the Board of Adjustment, I didn't understand the process of the Board of Adjustment even after I was on it for a year. It took me a long time to understand how the process works. But my understanding of this particular project River Park and in particular Pine Plaza is that we were thrust into a situation where negotiation had to take place and tried to negotiate the best deal we could, what is agreed to in the developer's agreement was a rather broad understanding at a relatively high level but now the specifics have to be worked out and agreed to and a lot of the things that members of the public are assuming based on what's in the developer's agreement they make a lot of assumptions based on that. Some right and some wrong, but I think that in some respect the public is out there right at the fore front because of social media they are at the same point and sometimes ahead of you and you are almost playing catch sometimes in terms of answering questions on things that haven't been decided haven't been considered and a good example is doing a study in terms of the school children, that sounds really nice it sounds like the right thing to do but in my opinion we are not quit at that point because there is a lot of elements that are still subject to change and do you want to spend 20-30,000 dollars or \$50,000 on a

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study now and then have to redo it in six months from now when you have more information and you are actually committing to something there is a lot of things in these developer's agreements that is not going to be finalized until after the site plan gets submitted for approval then some decisions have to be made.

Mayor: Even in advance to that to try to respond to that the governing body and the Planning Board has advanced hypothetical figures based upon what we supposed that calculations are going to be to the boards already.

Mr. Neighart: But you are going to learn more as you go through the process so my opinion is that it would not be appropriate to do that study previously or at this current time you might need more information before you can do that study otherwise you are not spending the dollars efficiently. So I'm not being critical to any members of the public and I'm not praising you guys in this regard I'm just saying that I think a lot of this happens because the public does not understand the process and perhaps at the start of this project the meeting that you had at the last Township meeting you had a lot of this information earlier perhaps you could have shared that earlier and in the past there was no need to do but now with social media and word getting spread quickly you probably need to be thinking going forward as to how to share the process with the public a little earlier to circumvent misinformation partial information so even at this point laying out what you believe the process is from this standpoint and what decisions will be made down the future might be very helpful to the public so that they can't come in here and accuse you of not being transparent enough or considering something that we are not even at that point in the process yet. That is my only suggestion.

Mr. Cahill: Jim thank you for those comments and it's funny because yet that is another topic that has been talked every other week back in that room as to what can we do and I will admit that I think we made a lot of progress in the past two, three years and there are some legal obstacles and in some cases of what we can put out there and how we put it out and in certain ways we are required by the State and believe me every two weeks we are talking about that how can we do better and we have some ideas and unfortunately we are right in the middle of this as well.

Mayor: One of the novel things that we did do here as the Township Committee and you certainly remember then Jim that at the near close of every meeting we save a portion of the agenda for counsel and he gives reports at every single meeting as to where we were with Fair Share Housing issues.

Mr. Mihalko: Did we start that January?

Mayor: I think so, and in conjunction with those remarks was repeated again on YouTube and we decided that was the direction that we wanted to go.

Mr. Neighart: That is all good that's really good. I'm talking another level cause technology changing and the way people are using it is changing and the public is getting out there in front of you in some respects, so you really need to think about explaining the process and publishing that perhaps on the website, not the decisions, but show them what the process is coming forward so that they know that they know it is not time for that decision yet, when they are all assuming you are making the wrong decision cause a paragraph they read in a developer's report.

Mr. Ferramosca: I think that the whole approach of having an action plan with a methodology in terms of steps phases I think it is a good idea, I think it is a great idea and as we have no need to hold information from the public we share information with the public everything we can share we share except that some information and you know Jim it's legal it's confidential and we can't.

Mr. Neighart: Or you are negotiating. And you can't talk about negotiations cause that ruins negotiations and people say how come we didn't know you were negotiating this? Because you are not supposed to know it but the members well many of members of the public do not understand that and I think that where we are in 2019 I know you guys are busy doing a lot of things but you really have to think about the communications strategy, I don't think it's a transparency issue I have come to a lot of these meetings I am on the Board of Adjustment I have come to many of your work sessions in the back the ones that I think are important if I can make it I don't have a

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problem with trusting you guys, everybody on this Board I know you and I have observed you for years I trust everything you are doing, and I don't believe there is an intention not to be transparent but perceptions can develop around motivations or transparency if people don't understand the process. My only suggestion is really think about sharing more about the process on what is going to unfold and when certain decisions are going to be made and that will circumvent a lot of the misinformation.

Mr. Mihalko: Sort of like an outline; like we were in negotiation before now we are into court approval, phases and you are saying physically put that down, that is not a bad idea. It's a good idea.

Mr. Neighart: A little road map a diagram of what happens next the dates, along the time line, the key decisions to be made at that point, I think it will be helpful. You are going to get a lot more suggestions and recommendations but it won't be worse than accusations and nontransparency.

Mr. Ferramosca: Good idea.

Mr. Neighart: Thank you.

Laura O'Brien, 33 Sunset Drive, Whippany: I have concerns obviously and I just want to make it known that I have concerns, I will not go to crazy because you have already dealt into a lot of it so I won't do that to you guys. Having said that I have some concerns about the nuisance law, I want to start out by saying I think what you are trying to do is wonderful, so I come from a supportive stance I also come from the stance that I used to be a pharmacist in town. One of things that concerns me is the limits as a pharmacist it is very easy when you get a prescription that you find out to be fraud to rip it up and have it disappear and just say I'm not filing it, it is fake, I always went the extra step because I felt it helped people to call the police and make a report and if possible have them arrested for a few reasons, one preventing drugs from getting onto the streets to our kids, two maybe I helped someone reach rock bottle and they get help for themselves. As a business if I was going to get charged that concerns me, we unfortunately and I don't know that everyone realizes this Route 10 is a lot of pharmacies and I don't think it is as problematic as now cause that wonderfully New Jersey has gone electronic prescribing for things and that has reduced fraudulent prescriptions a lot, but I still do get them. I do not work in town anymore. I think that concerns me if I choose to work in town again it is just something to consider that for a corporations probably still do it but if there was a small business pharmacy that might affect decision making, there is not a whole lot of profit in pharmacy and that could make a difference in whether people decide to go to the police with something.

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

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**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of July 11, 2019 and August 8, 2019 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Gallagher moved that the Minutes of the Regular Meeting of July 11, 2019 and August 8, 2019 have been accepted and approved as presented by the Township Clerk. The motion was seconded by Member Francioli and was unanimously passed.

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**COMMUNICATIONS:**

Letter of Retirement from Patricia Shea, Assistant to the CFO effective October 15, 2019

"Gentleman it is with mixed feelings that I submit this letter to formally retire from my position of Assistant to the CFO of Hanover Township, my official last day working in the office will be September 20, 2019 and with my vacation accrued will formally retire on October 15, 2019. Respectfully Submitted, Patricia Shea."

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Member Francioli made the motion to accept the letter of resignation and was seconded by Member Ferramosca.

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**DEPARTMENTAL REPORTS:**

The following reports were presented and ordered filed as received:

Engineering	G. Maceira	All Capital Projects
CFO/Treasurer	S. Esposito	2 Reports
Police Department	M. Roddy	All Activities 2 Reports
Construction	S. Donlon	Report of all permits
Public Works	B. Foran	Reports on all activities

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

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**PUBLIC HEARING AND ADOPTION OF ORDINANCES:**

**ORDINANCE NO. 28-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY ACCEPTING ANNEXATION OF A PORTION OF BLOCK 200, LOT 1.2 IN THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 28-19 appeared in full in the September 18<sup>th</sup>, 2019 issue of the Daily Record in accordance with the law. Ordinance was also filed with the Morris County Office of Planning and Preservation.

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

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

Now on Adoption, Be it resolved, that an Ordinance entitled, “**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY ACCEPTING ANNEXATION OF A PORTION OF BLOCK 200, LOT 1.2 IN THE TOWNSHIP OF PARSIPPANY-TROY HILLS**” be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

Member Ferramosca: Along with my motion I would like to make a comment, a little bit of background as to what is taking place so you get a little context to this. Part of the analysis the Township had to go through was to do an evaluation as to whether it wanted to participate in this plan that Parsippany is entertaining at 1515 Route 10. That exciting plan is a mixed use plan there will be opportunities for living, working and play at that location. This Township Committee elected to fore go participation in that 1515 development and the reason this Township Committee elected not to participate in that plan was that it’s concern for school aged children impact so because of that we worked closely with the Township of Parsippany to allow them to move forward to perfect it’s plan move forward into the application with the developer and Hanover will be swapping a property with Parsippany and that piece of property that Hanover will swap will go through our own zoning to make a determination on that so I wanted to give a little back ground.

Mr. Giorgio: Mr. Ferramosca has made the motion for adoption of Ordinance 28-2019 and seconded by Member Francioli and unanimously passed.

**So Adopted.**

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ORDINANCE NO. 32-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING SECTION 166-108, *MAP, SCHEDULE AND APPENDICES*, IN ARTICLE XVIII, *DISTRICTS; MAP AND SCHEDULE*, OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, IN ORDER TO AMEND THE ZONING MAP TO REFLECT A PROPOSED CHANGE IN THE MUNICIPAL BOUNDARY WITH THE TOWNSHIP OF PARSIPPANY-TROY HILLS**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 32-19 appeared in full in the September 18<sup>th</sup>, 2019 issue of the Daily Record in accordance with the law. Ordinance was also filed with the Morris County Office of Planning and Preservation and we will note for the record that in accordance with the Municipal Land Use Law the Ordinance included 28-2019 both Ordinances were referred to the Planning Board for recommendation.

For the record: The Planning Board responded to Ordinance 32-2019 as it being a Land Use Ordinance by letter dated

“Dear Mr. Giorgio,

At its August 13, 2019 meeting, the Planning Board reviewed and discussed Ordinance 32-2019 which had been referred to the Board by the Township Committee as required by the Municipal Land Use Law at N.J.S.A. 40:55D-26a. Ordinance 32-2019, if adopted, would: 1) recognize a change in the municipal boundary with the Township of Parsippany-Troy Hills, currently pending as ordinance 28-2019, and 2) amend the zoning map to designate a portion of land to be annexed to the Township of Hanover pursuant to Ordinance 28-2019 as being in the I-P zone district.

In reviewing Ordinance 32-2019 for consistency with the master plan, the Planning Board has determined that the ordinance is not substantially consistent with the master plan, since the master plan reflects the current municipal boundary with Parsippany-Troy Hills. Despite this inconsistency, the Planning Board recommends that if Ordinance 28-2019 is adopted, the adoption of Ordinance 32-2019 is appropriate for the following reasons:

1. The land that would be annexed to Hanover Township by Ordinance 28-2019 is owned and developed in common with property identified as Block 303, Lots 13 and 14 on the Hanover Township tax maps.

2. Block 303, Lots 13 and 14 are currently located within the I-P Industrial Park District.

Finally, the Board notes that Block 303, Lots 13 and 14 are currently designated as an area in need of redevelopment and that a redevelopment plan has been adopted for the area. If Ordinance 28-2019 is adopted, the Board recommends that designation of the annexed land as an area in need of redevelopment be considered, and if so designated, that the current redevelopment plan be amended to include the annexed land and to remove the land to be de-annexed.

Thank you for the opportunity to comment on Ordinance 32-2019.

Very truly yours,  
Gene Pinadella, Chairman  
Township of Hanover Planning Board”



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

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

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING SECTION 166-108, MAP, SCHEDULE AND APPENDICES, IN ARTICLE XVIII, DISTRICTS; MAP AND SCHEDULE, OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, IN ORDER TO AMEND THE ZONING MAP TO REFLECT A PROPOSED CHANGE IN THE MUNICIPAL BOUNDARY WITH THE TOWNSHIP OF PARSIPPANY-TROY HILLS**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

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

**So Adopted.**

**ORDINANCE NO. 33-19**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 180 UNDER PART II: GENERAL LEGISLATION OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED NUISANCE PROPERTIES – EXCESSIVE UTILIZATION OF MUNICIPAL SERVICES BY REGULATING AND ESTABLISHING PENALTIES FOR THE UTILIZATION OF SUCH SERVICES**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 33-19 appeared in full in the September 18<sup>th</sup>, 2019 issue of the Daily Record in accordance with the law.

Robert Rossmeissl, Esq., Dorsey & Semrau: Thank you Joe, I am Rob Rossmeissel and I am with Fred Semrau's law firm, the Town Counsel. It was brought to our attention by the Chief not long ago that there are some properties in the Township that are utilizing a lot more public services than other properties. Actually go back a few speakers to Linda who made a comment about concerns regarding the Township's public services in general and how the Township is addressing potential issues there and for the record I think Hanover Township is generally known to have generally pretty good public services, this actually shows the Township's concern. The Chief came to us and basically noted that there are a couple properties in Town that are basically being called upon by the police by other departments of the Township, very disproportionately, I think everybody would accept the idea of public services is that basically all residents all businesses pay their fair share and utilize their fair share of services if you have to have the police to come to your property for a particular reason or the fire department I think that is something that is to be expected but there are some, to give an idea of the nature of this disproportionate use of public services by some of these properties and the Chief provided a statement that Fred from our Firm is going to read in a moment, I kind of usurped this a little bit but there are from January 2017 through the present the Hanover Police Department was involved in 288 possession of control substance arrests, 187 domestic violence incidents, 19 aggravated assault incidents, and 92 simple assault incidents. 12% of all of these incidents were related to two properties in the Township, so basically there are a couple of properties in the Township where the Police Department is spending an inordinate amount of time. With this ordinance basically does is it essentially, it will not cut off anybody's services but it essentially sets kind of a quota for how many calls you can have to your property in a particular set of time before you basically have to decompensated the Township for the services that you are using. It is not limited to Police visits to your property, these calls can be basically public health calls, calls by the fire department, some of the qualifying calls include violations of ordinances concerning the sale or service of consumption of alcoholic beverages, disorderly conduct, disturbing

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the peace, littering, or excessive noise, damage to property or injury to a person, improperly parking a vehicle, there are a number of others, the ordinance is going to establish certain standards if in a consecutive 60 day period a particular property utilizes the police often, it will set the standards based upon the type of property. So for example, for residential properties it's not typical that any resident is going to be concerned about that is just it is utilizing the services over the normal basis, if you have a house in this Township you would have to have the police visit your house basically more than 8 times in 60 consecutive days before the ordinance would kick in. For other types of properties there are different levels. For multiply family dwelling and hotel/motels if there 5-40 dwelling units you would have to have 40 calls to the property before the ordinance would kick in. It goes on and on like that, if you are a convenience store or liquor store you would have to have more than 10 qualifying calls in 60 consecutive days to have it kick in. If the ordinance kicks in with regards to your property basically you will be cited, issued a notice and at that point for every qualifying call for the next 12 consecutive months you will be assessed a fee of \$500 increasing by \$100 per call. You will have a hearing in court, you will not pay these fines until the municipal judge actually find indeed exceeded the quota of the particular calls for your property in the 60 consecutive day period. Basically the nature of this for the property that really are problem actors in the Township and are utilizing far more an extremely disproportioned amount of public services they are ultimately going to have to pay a fine to the Township for each call after a certain set of calls for a particular amount of time so ideally what it will do is it will either curve the behavior that is requiring the Township to respond to these properties so constantly or alternatively it will force the properties to pay their fair share rather than have the entire Township basically shoulder the costs for the excessive services that are being provided for a few properties. So that is the nature of the ordinance in general I think the Committee will have something to say about it also. I would welcome any questions also if anybody has any.

Mr. Semrau: Just to add that I would like to read into the record; Mayor just because it is important that the record reflects a statement by the Chief of Police who worked with Robert on this Ordinance and he recommends the ordinance and he could not be here this evening so he would like this statement be read as part of the record so if we have to look back and identify whether or not there was an endorsement by the head of public safety there is. The statement is as follows:

**Report of the Chief of Police of Hanover Township in support of the Township Committee's Nuisance Ordinance Legislation**

As Chief of Police and head of Public Safety in Hanover Township, I am advising the Township Committee that the ordinance before you this evening is one which will support the health, welfare, and safety of the residents of our community. I say this for several reasons. Our Police Department is prepared 24 hours, seven days per week, to respond to the calls of residents and visitors at hotels, shopping centers, homes, and on the roadways within the Township. However, there are certain locations although not common to Hanover, but they have repeated responses and require repeated police visits to address serious public safety concerns such as crime, drugs, violence, illegal weapons and domestic disputes. Although these calls are not part of the Police Department's day to day regular calls there are still a few locations where these calls are persistent and where preventative security measures should be but are not provided, this leaves Hanover Township in the position to constantly police these locations. These locations require additional demands on the Police Department and threatens the Department's ability to make decisions regarding other preventative or public safety responsibilities.

If we were to apply this ordinance to the Township Police calls over the past year, there is a possibility that two locations would be affected. Over the past year, these two locations would have had the requisite number of calls in this proposed ordinance to the Police Department to have resulted in an additional charges or assessments.

These additional charges provided by this ordinance would serve two purposes. First, it would encourage property owners to undertake appropriate public safety precautions and measures to protect the general

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public, as well as law enforcement and first responders of the Township, who have been injured in these places as a result of these repeated dangerous calls. Second, it would appropriately place the financial responsibility and the cost that Hanover Township and its taxpayers are incurring to provide these public safety measures on a repeated basis.

The law already provides that businesses, schools, contractors, or utilities that have special events or projects must pay for necessary law enforcement services. In this case, the repetitive incidents and calls at certain properties are placing extraordinary demands on the Police Department, and also deserve the financial support of the property owner. Statistically, in Hanover Township as mentioned, from 1/1/17 through 9/11/19, the Police Department was involved in the following number of incidents: 288 possession of controlled substance arrests; 171 domestic violence incidents; 19 aggravated assault incidents; 92 simple assault incidents. Two properties in Hanover Township accounted for approximately 12% of all of these incidents.

The Township and its taxpayers should not support establishments that fail to provide adequate security and protection, and that place a drain on first responders instead of establishing proactive security and safety measures. This ordinance will not in any way cause or create a financial obligation for those establishments, residents, or incidents that we routinely address. This ordinance concerns the repeat offender and, in this case, it is these property owners who are jeopardizing the health, safety, and welfare of the general public and our first responders, and who want the Township to be more than just a responder, but to be a security provider. It is these establishments that are addressed in this ordinance and I would request that the Mayor and Township Committee consider the adoption and enactment of this Ordinance. Chief Mark Roddy.

Mr. Giorgio: As we continue ladies and gentleman Ordinance 33-2019 now we have a public hearing the Ordinance was published in full with a notice of introduction in the August 30, 2019 issue of the Daily Record pursuant to law and at this time may we have a motion to convene the public hearing:

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

Jim Neidhardt, 34-14 Appleton Way: Mr. Mayor perhaps you can have the Township Attorney answer this question. My question is have other Township's within the State had similar ordinances passed and have them been codified by case law?

Mr. Semrau: Good question, our Township Administrator raised the issue that he identified that the Township of Toms River had a similar ordinance and the Chief of Police thought that by addressing this concern by going in this direction would be a very good posture to take. In Toms River we spoke to the former Administrator because he retired and he said that the ordinance was very affective and it actually in that particular case that a troubled business that did not cooperate ended up leaving the Township and overall he thought that it was highly recommended ordinance and I cannot say that there is any case law but none the less Robert and the Chief and myself we have gone through the legalities to make this consistent with a nuisance type of ordinance and to give a lot of the safe guards, there is a hearing that they can have before the Municipal Court Judge and things of that nature so it is to prevent and have safe guards so we think from the legal standpoint that with conjunction with the fact that the Head of Public Safety supports this for the health and safety reasons and we think that it would be something that we would sustain in a legal challenge.

Mr. Neidhardt: Ok great. And my second question, your associate has given some examples of limits for residents and for convenience and liquor store and for multifamily units such as hotels and the ones on the residents and the liquor store convenience seem kind of reasonable just on the surface if somebody that hasn't been involved in this the number of 40 for a motel hotel seems like an exceptionally high

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number and I was wondering how that number was determined and why it was not much lower number?

Mr. Semrau: The Chief gave us some data that he looked at historically so that within reason these numbers coincide with the fact that there are incidents when you have hotels and things of that nature, cause you mentioned the hotel, but none the less if we went over 40 qualifying calls in a 60 day period it may very likely happen it does happen in particular incidents and he thought that was a fair number that it was within reason, he took a statistical background if I am correct Robert.

Mr. Rossmeissl: I will add to that the 40 calls for a particular hotel that is a hotel over 200 units so it is a pretty sizable hotel and the smaller hotel will have a smaller limit and the way the ordinance is set up, I don't think the purpose of this ordinance is necessary to net, it is basically that people are using services within reasonable limit. I think the Chief pointed out this (inaudible) the letter that Fred read, basically if we were to apply this retroactively there would be basically two properties it would affect over the last year and I think I will respond to your question by saying that the numbers were crafted very consciously. I think generally if your uses are reasonable you are probably not going to be caught up in this and it was based on past experience of all of the calls that not only by the police department specifically but a number of departments the Township were making on which the numbers of the ordinance were based and so we will see what that does going forward should the ordinance pass. I think the 40 qualifying calls I think that was determined by Chief Roddy in concert with us looking at other Township and the calls that are typically made to a property that size that was determined to be the best reasonable number retroactively.

Mr. Neidhardt: So if the properties that are, I will call the high offenders, the ones that use additional portion of the amount of the services perhaps the two that are probably were some of the things considered in recommending this ordinance would the additional fees that these properties have to pay if they continue their same level of requirements for our services are those substantial enough to motivate those property owners to provide their own security?

Mr. Rossmeissl: We think so and that was actually a good part of my discussion with the Chief this has been an ongoing process and we have been talking about this, and he has been excellent by the way, very helpful, he kind of was the main motivator for us to push this forward and I will just say that the number that we put together was again very consciously crafted. If you exceed the number of calls in a consecutive 60 day period the per call fee is \$500 increasing by \$100 per call so it does begin to add up very quickly and actually I do not know if I necessarily got to this in my review of the ordinance but what will ultimately will happen is after 60 days if you have a fee assessed against you and you have not paid it, it is going to turn into a regular municipal (inaudible), if these fees at these properties add up and they neglect to pay them it's going to be a lien on which ultimately theoretically the Township can foreclose on.

Mr. Neidhardt: Who will the lien be against the business or the property owner?

Mr. Rossmeissl: The property owner and so we think that again we put something together like this is a very delicate process because you do not want to be too aggressive, we do not want to scare somebody who is a good law abiding citizen who has a standard number of calls hopefully none but basically we think that there are enough teeth in this ordinance that it is going to deter certain actors in the Township that become problematic and that anybody else that rises to that level at some point.

Mr. Neidhardt: I appreciate your thorough answer and also you made a very nice presentation.

Mr. Rossmeissl: Thank you very much I appreciate that.

Laura O'Brien, 33 Sunset Drive: Just one thing that I heard was that health checks were included? I don't think that any healthcare facility in town has ever come close to the limits so I don't think that anyone is going to get snared but perhaps has anyone thought about excluding businesses whose primary source of business is healthcare, doctor offices, we have two urgent cares in town, we have two pharmacies

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in town from health checks because a lot of people this day and age of high costs of health care I know will go to an urgent care or a pharmacy first I know I had called in my pharmacy just the other month a women who came to my pharmacy for stomach pain and I can't say a 100% but I sent her out in an ambulance and I think her appendix burst so this is what we get now a days so while, so I never have been close to the limits but it could happen and I have no idea what is walking in my door and perhaps maybe a common sense think like health checks can be excluded for businesses or doctor offices or pharmacies, urgent care facilities that type of things.

Mr. Rossmeissl: I will respond to that by saying that I think it is great points and when I discussed this with the Chief in putting this together we took into account certain issue that could become issues, healthcare facilities also senior facilities there were certain things that obviously just by the nature of what they are going through a lot of calls and what I can say is that with my conversations with the Chief I got a lot of assurances that as written this is not going to affect those properties.

Ms. O'Brien: I'm sure that at our place that we would never come close to the quotas but you can have a bad month.

Mr. Semrau: (interrupted) But I think just for clarification to a first aid type of call or medical type of emergency is not a qualifying call, so that is in the ordinance.

Mr. Giorgio: Anyone else wishing to comment on Ordinance 33-2019?

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

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 180 UNDER PART II: GENERAL LEGISLATION OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED NUISANCE PROPERTIES – EXCESSIVE UTILIZATION OF MUNICIPAL SERVICES BY REGULATING AND ESTABLISHING PENALTIES FOR THE UTILIZATION OF SUCH SERVICES"** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

Member Gallagher: I just want to make one comment I want to thank Chief Roddy, Robert and Fred for all of their great work. Chief Roddy I have only used this with Sheriff Gannon is the right man at the right time for the right job and I really appreciate him looking at this new problem coming up with a solution that is going to benefit everyone of us. So absolutely I for me.

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

SO ADOPTED.

**ORDINANCE NO. 34-2019**

**AN ORDINANCE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE GUARANTY OF THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON NOT TO EXCEED \$6,100,000 AGGREGATE PRINCIPAL AMOUNT OF COUNTY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2019 (WHIPPANY FIREHOUSE PROJECT) ISSUED BY THE MORRIS COUNTY IMPROVEMENT AUTHORITY FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY THEREFOR AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 34-19 appeared in full in the September 5<sup>th</sup>, 2019 issue of the Daily Record in accordance with the law. This Ordinance is a Bond Ordinance the Bond Law permits a summary of the Ordinance. Just for the record members of the Whippany Fire Company, Fire District, representatives of the Morris County Improvement Authority and

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myself made the presentation concerning this Ordinance before the State Local Finance Board yesterday morning in Trenton and I am pleased to report that the Local Finance Board approved the revenue bonds. This is part of the formality with the adoption of the Ordinance.

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

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

Now on Adoption, Be it resolved, that an Ordinance entitled, **“AN ORDINANCE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE GUARANTY OF THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON NOT TO EXCEED \$6,100,000 AGGREGATE PRINCIPAL AMOUNT OF COUNTY GUARANTEED GOVERNMENTAL LOAN REVENUE BONDS, SERIES 2019 (WHIPPANY FIREHOUSE PROJECT) ISSUED BY THE MORRIS COUNTY IMPROVEMENT AUTHORITY FOR THE PURPOSE OF PROVIDING ADDITIONAL SECURITY THEREFOR AND DETERMINING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH”** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

Motion to adopt ordinance made by Member Cahill and seconded by Member Mihalko unanimously adopted the Ordinance.

SO ADOPTED

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**INTRODUCTION OF ORDINANCES:**

**ORDINANCE NO. 35-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AMENDING SECTION 3. OF ORDINANCE NO. 39-2018 ENTITLED “AUTHORIZING THE PURCHASE AND INSTALLATION OF NEW MAIN ENTRANCE DOORS, A REAR EMPLOYEE ENTRANCE DOOR AND AUTOMATIC DOOR OPERATORS FOR THE MAIN ENTRANCE DOORS AT THE MUNICIPAL BUILDING AND A NEW MAIN ENTRANCE DOOR AND INSTALLATION OF AUTOMATIC DOOR OPERATORS FOR THE MAIN ENTRANCE DOOR AT THE WHIPPANONG LIBRARY AND FURTHER APPROPRIATING THE SUM OF \$36,000.00 FROM THE TOWNSHIP’S 2018 CURRENT FUND BUDGET AND \$9,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP’S 2018 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECTS” WITH THE APPROPRIATION OF AN ADDITIONAL \$45,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP’S 2019 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT**

**WHEREAS**, on August 20, 2019, the Township’s Bid Reception Committee received and opened one (1) sealed competitive bid for the purchase and installation of new main entrance doors at the Municipal Building, a rear employee entrance door and a new main entrance door at the Whippanong Library, including appurtenances, as described in full in Ordinance No. 39-2018; and

**WHEREAS**, in a letter dated August 26, 2019, the Township Engineer recommended that **D & E Window and Door, LLC**, the lowest responsible and responsive bidder, be awarded a contract for the purchase of the doors and appurtenances in an amount not to exceed \$85,250.00; and

**WHEREAS**, Ordinance No. 39-2018 only appropriated the sum of \$45,000.00 for the new doors; and

**WHEREAS**, in order to provide suitable access to the Municipal Building and Whippanong Library to individuals with disabilities, the Township Committee

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desires to appropriate additional funds from the unallocated portion of the Township's 2019 Capital Improvement Fund so that an award can be made to **D & E Window and Door, LLC**; and

**WHEREAS**, it is the intention of the governing body to amend and supplement Capital Improvement Fund Ordinance No. 39-2018 with the appropriation of an additional \$45,000.00 in providing sufficient funds for an award.

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

**Section 1.** Section 3. Of Ordinance No. 39-2018 is hereby amended and supplemented with the appropriation of an additional \$45,000.00 from the unallocated portion of the 2019 Capital Improvement Fund and all prior years in order to provide sufficient funds for the purchase and installation of new main entrance doors and a rear employee entrance door at the Municipal Building, a new main entrance door at the Whippanong Library and automatic door operators and all related appurtenances as set forth in the Township Engineer's Specification and Supplementary Specification dated April, 2019.

**Section 2.** Following public hearing and adoption of this Ordinance, the Business Administrator/Township Clerk is authorized and directed to prepare a resolution authorizing the award of a contract to **D & E Window and Door, LLC**, the lowest responsible and responsive bidder in an amount not to exceed \$85,250.00 for the Municipal Building and Library Door Replacement Project.

**Section 3.** All ordinances of the Township of Hanover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** If any 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.

**Section 5.** This Ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on October 10<sup>th</sup> at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

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

So Introduced

**ORDINANCE NO. 36-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 267-46. SCHEDULE XVI: NO STOPPING OR STANDING CERTAIN HOURS. UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP ENTITLED VEHICLES AND TRAFFIC WITH THE INCLUSION OF PARKING RESTRICTIONS ON MOUNTVIEW ROAD**

**WHEREAS**, in the interest of pedestrian and motorist safety and in order to ease traffic congestion during the drop-off and pick-up of children at Mountview Road School, the Police Department has recommended the adoption of limited stopping or standing on the west and east sides of Mountview Road during weekday morning and afternoon hours when school is in session.

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

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**Section 1.** In accordance with provisions of Section 267-21. entitled "No stopping or standing certain hours." under Chapter 267 of the Code of the Township entitled Vehicles and Traffic, Section 267-46. Schedule XVI: No Stopping or Standing Certain Hours. Is hereby amended and supplemented with the inclusion of the following:

"For the purposes of this Ordinance, Mountview Road, in the Cedar Knolls Section of the Township shall be considered to extend in a north-south direction.

**Mountview Road.** No person shall stop or stand a vehicle between the hours of 8:00 a.m. and 10:00 a.m. on weekdays, when school is in session, (i.e. from the first day of school in September of each year to the last day of school in June of each year), on the west side of Mountview Road from the southerly curb line on Malapardis Road to its terminus; and No person shall stop or stand a vehicle between the hours of 2:00 p.m. and 4:00 p.m. on weekdays, when school is in session, (i.e. from the first day of school in September of each year to the last day of school in June of each year), on the east side of Mountview Road from the southerly curb line of Malapardis Road to its terminus."

**Section 2.** Upon final passage and publication, the Public Works Department, in coordination with the Township Engineer, shall erect and maintain the necessary regulatory signs specifying the no stopping or standing restrictions set forth herein pursuant to N.J.S.A. 39:4-198, and in conformance with the Manual on Uniform Traffic Devices.

**Section 3.** All ordinances of the Township of Hanover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** If any 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.

**Section 5.** This Ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on October 10<sup>th</sup> at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

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

So Introduced

**ORDINANCE NO. 37-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY REPEALING THE SALEM DRIVE "PARKING PROHIBITED CERTAIN HOURS PROVISION" UNDER SECTION 267-45. OF SCHEDULE XV AND FURTHER AMENDING AND SUPPLEMENTING SECTION 267-46. SCHEDULE XVI: NO STOPPING OR STANDING CERTAIN HOURS. UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP ENTITLED VEHICLES AND TRAFFIC WITH THE INCLUSION OF NO STOPPING OR STANDING CERTAIN HOURS RESTRICTIONS ON SALEM DRIVE**

**WHEREAS**, in the interest of pedestrian and motorist safety and in order to ease traffic congestion during the drop-off and pick-up of children at Salem Drive School, the Police Department has recommended the adoption of limited stopping or standing on the north and south sides of Salem Drive during weekday morning and afternoon hours when school is in session.



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**NOW, THEREOFRE, 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 provision of parking prohibited certain hours for Salem Drive as set forth in Section 267-45. Schedule XV: Parking Prohibited Certain Hours as defined in Section 267-20. is hereby repealed in its entirety.

**Section 2.** In accordance with provisions of Section 267-21. entitled "No stopping or standing certain hours." under Chapter 267 of the Code of the Township entitled Vehicles and Traffic, Section 267-46. Schedule XVI: No Stopping or Standing Certain Hours. is hereby amended and supplemented with the inclusion of the following:

"For the purposes of this Ordinance, Salem Drive, in the Cedar Knolls Section of the Township shall be considered to extend in an east-west direction.

**Salem Drive.** No person shall stop or stand a vehicle between the hours of 8:00 a.m. and 10:00 a.m. on weekdays, when school is in session, (i.e. from the first day of school in September of each year to the last day of school in June of each year), on the north side of Salem Drive from the westerly curb line on Salem Drive North to its terminus; and No person shall stop or stand a vehicle between the hours of 2:00 p.m. and 4:00 p.m. on weekdays, when school is in session, (i.e. from the first day of school in September of each year to the last day of school in June of each year), on the south side of Salem Drive from the westerly curb line of Salem Drive North to its terminus."

**Section 3.** Upon final passage and publication, the Public Works Department, in coordination with the Township Engineer, shall erect and maintain the necessary regulatory signs specifying the no stopping or standing restrictions set forth herein pursuant to N.J.S.A. 39:4-198, and in conformance with the Manual on Uniform Traffic Devices.

**Section 4.** All ordinances of the Township of Hanover which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** If any 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.

**Section 6.** This Ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on October 10<sup>th</sup> at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

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

So Introduced

**ORDINANCE NO. 38-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING ARTICLE XX, SIGNS AND OTHER SIGN REGULATIONS IN CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION IN ORDER TO AMEND THE SIGN REGULATIONS FOR RETAIL SALES AND RETAIL SERVICE USES**

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**WHEREAS**, the Township of Hanover currently contains various retail zone districts; and

**WHEREAS**, the current zoning regulations contain multiple variations of sign regulations for retail land uses; and

**WHEREAS**, the Township Planning Board has examined the various sign regulations for retail land uses, and has suggested that the amount of variation in the retail sign regulations is unnecessary and should be reduced; and

**WHEREAS**, the Township Planning Board has also examined the sign regulations for retail land uses in view of recent development applications, and based upon that examination has recommended various amendments to the regulations;

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

**Section 1.** Paragraph (2)(e) of Subsection E. in Section 166-141., *Regulations applicable in all zones*, in Article XX, *Signs*, is amended to read as follows:

- (e) Maximum height. Except as provided otherwise for large nonresidential developments in Paragraph E(3) below, directional signs shall be limited to a maximum height of 3 feet; provided, however, that the reviewing agency may permit a height of up to 7 feet when the applicant demonstrates that the directional sign(s) would not be reasonably visible at a height of 3 feet and that there is no reasonable alternative location where the sign(s) would be visible at a height of 3 feet.

**Section 2.** Section 166-144., *Signs in the B and B-10 Zone Districts*, in Article XX, *Signs*, is amended to read as follows:

**§ 166-144. Signs in the B, B-10, D-S, and WC Zone Districts and signs for retail development in the I-B3 and OB-DS Zone Districts.**

A. General regulations.

- (1) Except as may be specifically permitted by this Chapter or by other applicable law, no sign shall be permitted which is not an accessory use to the principal use conducted on the same property.
- (2) Principal identification signs. For purposes of these regulations, the term “principal identification sign” refers to any sign that is designed, intended or functions to identify a development, use, product, service, event or activity, when viewed from the street right-of-way or other location not on the same property as the sign.
- (3) Secondary signs. For purposes of these regulations, the term “secondary sign” refers to any sign that is not a principal identification sign.

B. Signs for retail sales and retail service uses. Signs for retail sales and retail service uses, as defined by this chapter, shall comply with the following requirements:

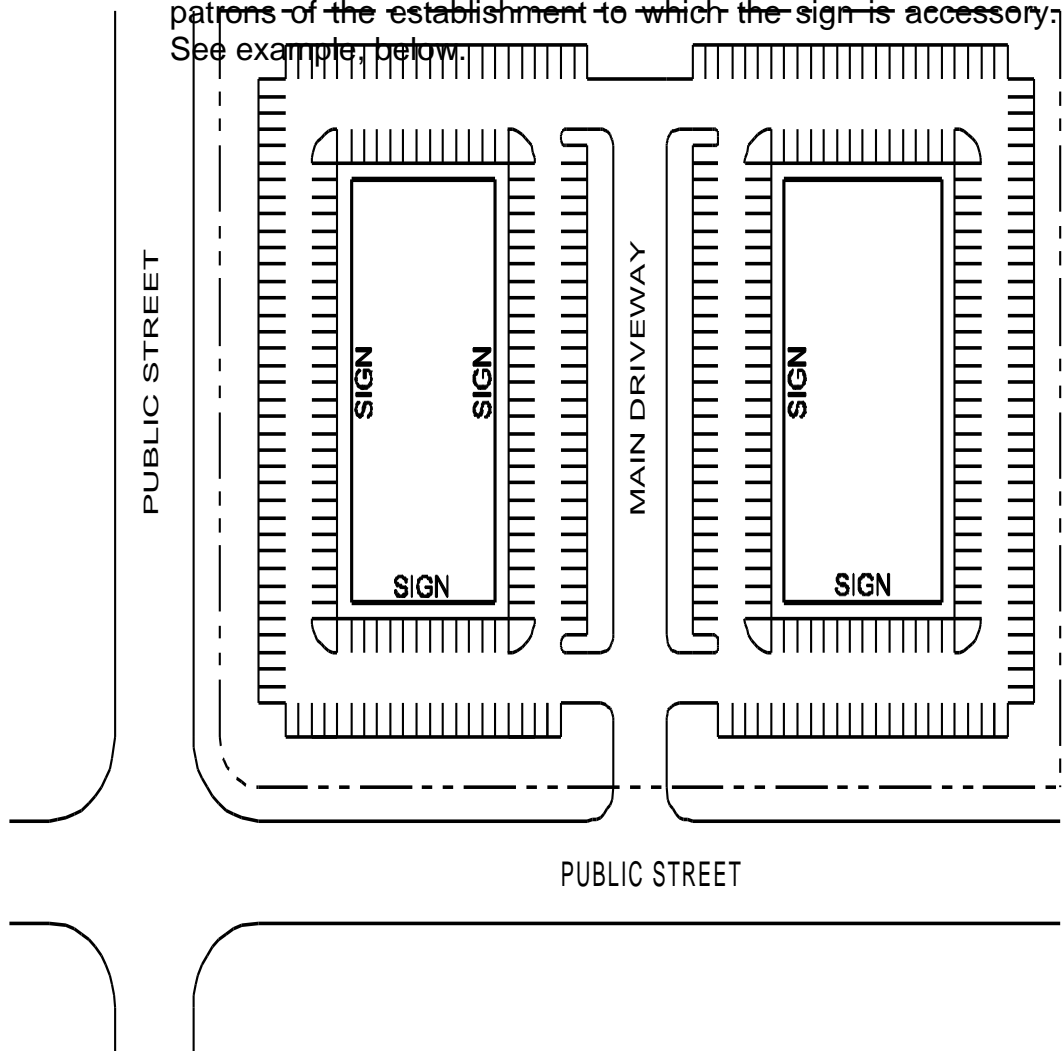
- (1) Principal identification signs. Principal identification signs, as defined in Paragraph A(2) above, for retail sales and retail service uses shall be subject to the following requirements:
  - (a) Permitted types. Principal identification signs may be attached to the building or freestanding, subject to the following requirements:
    - [1] Attached signs are permitted for all developments.
    - [2] A principal identification sign may be freestanding only if all of the following conditions are complied with:
      - [a] Unless specifically permitted otherwise, the lot or lots containing the development identified by the sign(s) must have at least 200 feet of frontage upon a public street, the

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freestanding sign(s) must be located in the front yard abutting said street and the sign(s) must be oriented to be viewed primarily by travelers on said street; and

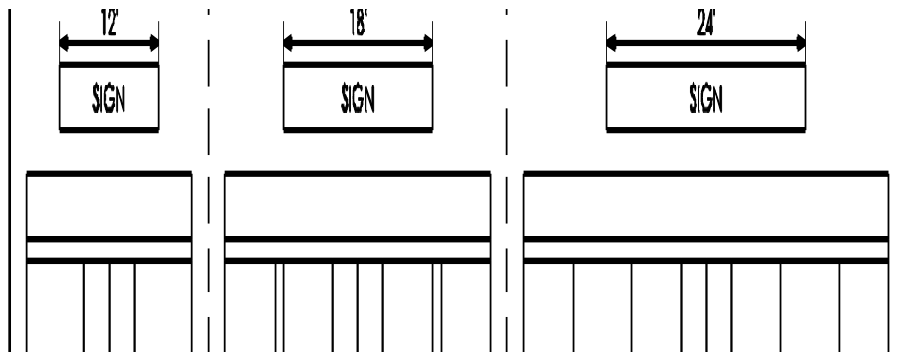
- [b] The sign must be accessory to a development or developments containing at least 25,000 square feet of gross floor area devoted to retail sales and retail service uses.
- (b) Content. In order to ensure the readability of signs, to avoid visual clutter and unnecessary distractions, and in order and to promote attractive sign designs, the content of principal identification signs shall be limited to information identifying the name of the business establishment(s) and/or the name of the overall development on the property, as in a shopping center, and/or the logo, trademark or other identifying symbol of said establishment(s) and/or development, and/or the street address of the property. Except as specifically permitted otherwise, sign content including but not limited to telephone numbers, email addresses, products and/or services which are not part of the name or logo of the individual establishment(s) or the overall development shall be prohibited.
- (c) Attached principal identification signs. Attached principal identification signs shall be subject to the following requirements:
  - [1] Maximum quantity of attached signs. For each business establishment, the quantity of attached signs shall be subject to the following requirements:
    - [a] One attached principal identification sign shall be permitted on each exterior wall of the establishment that faces a public street upon which the property has frontage. See example, below.

- [b] One attached principal identification sign shall be permitted on each exterior wall of the establishment that faces a main driveway. For purposes of administering this provision, a "main driveway" shall be defined as a driveway that provides direct access between a public street and the parking area(s) for patrons of the establishment to which the sign is accessory. See example, below.



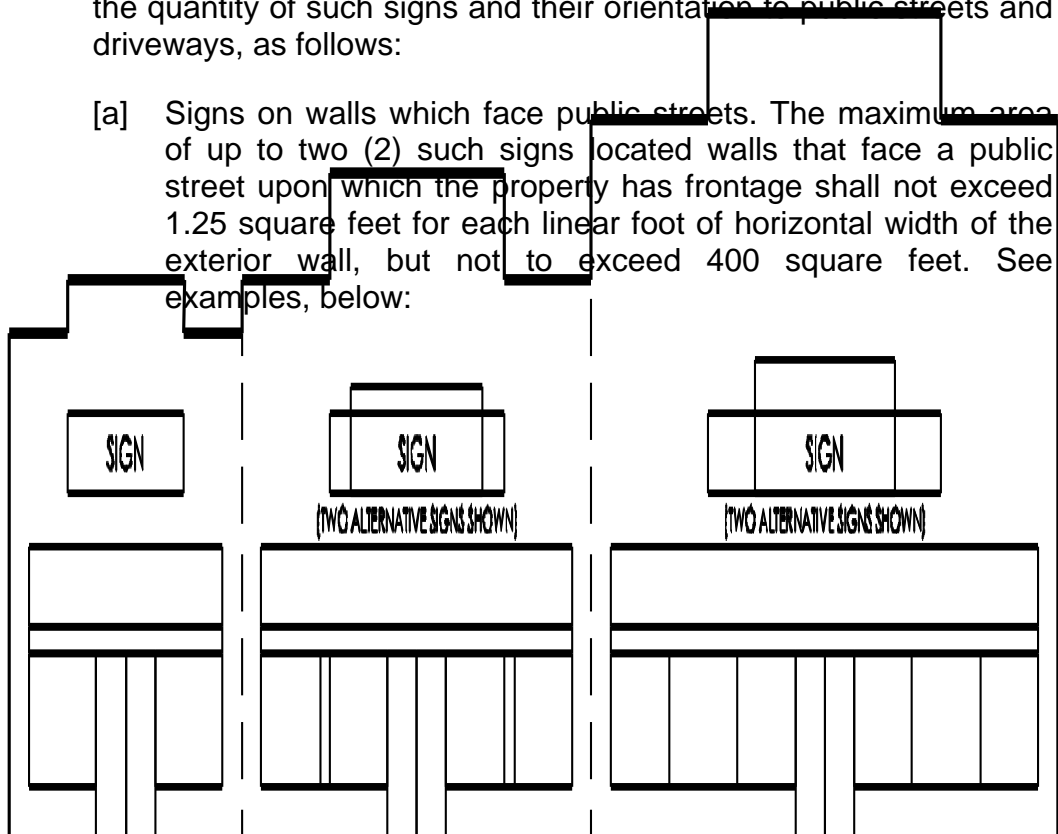
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- [c] In the event that a wall of the establishment faces both a public street and a main driveway, only one principal identification sign shall be permitted on said wall.
  - [d] In the event that no walls of the establishment face a public street or main driveway, or the wall containing the main entrance for patrons of the establishment does not face a public street or main driveway, one principal identification sign shall be permitted, which sign shall be located upon a wall containing the main entrance for patrons of the establishment.
  - [e] For purposes of administering the foregoing provisions, a sign shall be considered to face a public street or main driveway when such sign is oriented towards and prominently visible and readable to travelers upon such street or driveway. Signs which are obscured from the view of streets or driveways by vegetation, buildings or other obstructions, or which are located too far from the street or driveway to be readable shall not be considered to face such streets or driveways.
  - [f] In no case shall a business establishment be permitted more than three attached principal identification signs.
- [2] Attached sign location. Attached principal identification signs shall be located on a wall, canopy, marquee, awning, door or window which is part of that portion of the building used and occupied by the business establishment.
- [3] Maximum horizontal dimension of attached principal signs. The horizontal dimension of attached principal identification signs shall not exceed 50% of the width of that portion of the wall enclosing the space occupied by the business and upon which the sign is located, up to a maximum horizontal sign dimension of 50 feet. See examples, below:



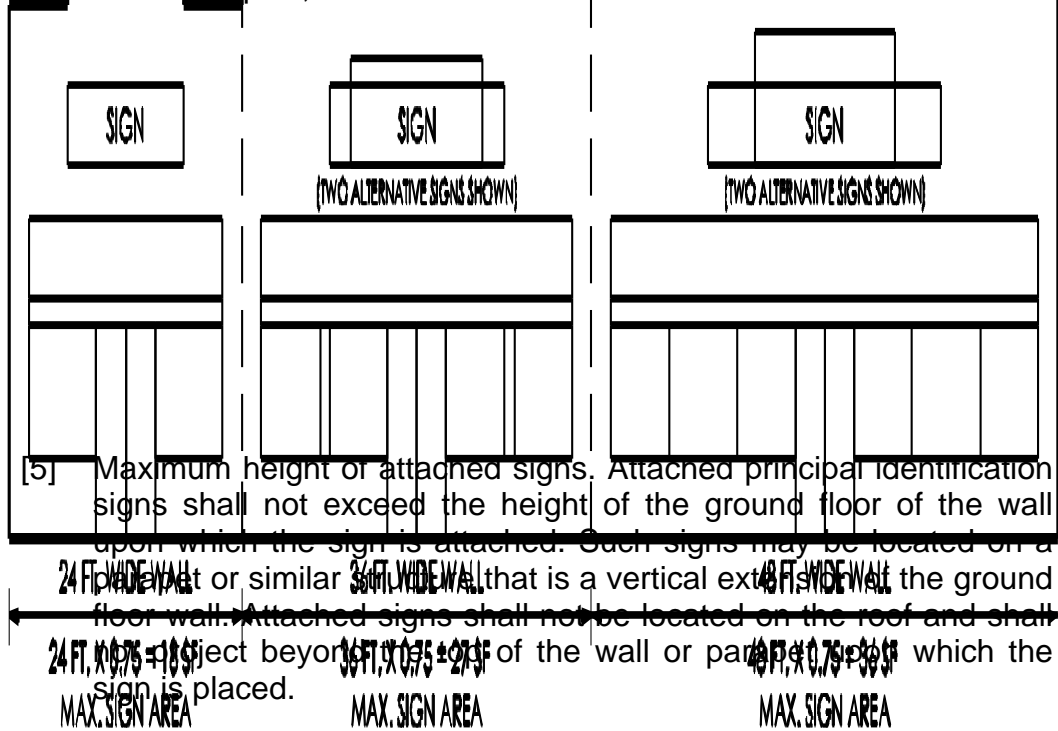
- [4] Maximum area of attached principal signs. The maximum permitted area of attached principal identification signs shall vary based upon the quantity of such signs and their orientation to public streets and driveways, as follows:

- [a] Signs on walls which face public streets. The maximum area of up to two (2) such signs located walls that face a public street upon which the property has frontage shall not exceed 1.25 square feet for each linear foot of horizontal width of the exterior wall, but not to exceed 400 square feet. See examples, below:



For purposes of administering the foregoing provision, a sign shall be considered to face a public street when such sign is oriented towards and prominently visible and readable to travelers upon such street. Signs which are obscured from the view of streets by vegetation, buildings or other obstructions, or which are located too far from the street or driveway to be readable shall not be considered to face such streets.

[b] Other signs. The maximum area of signs other than the signs regulated by subparagraph [a] above shall not exceed 0.75 square feet for each linear foot of horizontal width of the exterior wall, but in no case greater than 240 square feet. See examples, below:



[5] Maximum height of attached signs. Attached principal identification signs shall not exceed the height of the ground floor of the wall upon which the sign is attached. Such signs may be located on a parapet or similar structure that is a vertical extension of the ground floor wall. Attached signs shall not be located on the roof and shall not project beyond one-third of the wall or parapet upon which the sign is placed.

[6] Maximum projection of attached signs. Principal identification signs shall not extend further than 12 inches from the face of the wall, canopy, marquee, awning, window or door upon which they are mounted.

[7] Design theme for multi-use developments. In the case of buildings or developments used by or designed for use by more than one business establishment, all attached principal signs on the building and in the development shall express a single compatible design theme. The design theme shall be specified by the applicant at the time of the site plan approval for the development or, in the case of existing developments for which site plan approval is not required, by the applicant for a sign permit. The design theme for attached signs shall have at least two of the following elements to be the same or substantially the same, subject to the approval of the reviewing agency:

- [a] Sign type (e.g., box sign, board/panel sign, pin-mounted/channel sign letters, etc.).
- [b] Sign illumination (e.g., internal illumination, external gooseneck fixture illumination, etc.).
- [c] Sign location on the wall, canopy, awning, etc. and height above the finished ground elevation below the sign.
- [d] Vertical sign dimensions.

(d) Freestanding signs. Freestanding principal identification signs, when permitted, shall be subject to the following requirements:

## SEPTEMBER 12, 2019

- [1] Maximum quantity of freestanding signs.
- [a] One freestanding sign shall be permitted for each driveway that provides access to the property from a public street, up to a maximum of two signs for each street upon which the property has frontage, but in no case more than four (4) signs for the entire lot or tract, and subject to the spacing requirements in subparagraph (d)[6] below.
- [b] Notwithstanding the foregoing, designed shopping centers in the OB-DS zone district shall be permitted up to two freestanding signs identifying the center from Route 10, up to two freestanding signs identifying the center from Route 287, and up to two on-site freestanding signs identifying the center from streets other than Routes 10 and 287, all subject to the spacing requirements in subparagraph (d)[6] below.
- [2] Shared freestanding signs. Freestanding signs shall be permitted to identify and advertise uses located on more than one lot if both of the following criteria are satisfied:
- The freestanding sign shall be accessory to and located on the same lot as at least one of the uses identified or advertised on the sign.
  - All of the uses identified or advertised on the sign shall be located on the same lot as the sign or on a lot adjacent to the lot containing the sign.

Such freestanding signs shall be subject to the same regulations as other freestanding principal identification signs permitted by this section. The authorization for such signs shall not be construed to permit a greater number of freestanding signs than would otherwise be permitted. The maximum permitted area of such signs shall be based upon the floor area of all of the uses identified on the sign, provided that this shall not be construed to increase the sign area above the maximum area permitted for freestanding signs by this section.

- [3] Maximum area of freestanding signs. The maximum permitted area of freestanding signs shall vary, based upon the quantity of signs, as follows:
- [a] The area of one freestanding principal identification sign per street, but not more than two (2) such signs for properties with multiple street frontages, shall not exceed 50 square feet, plus 1.5 square feet for each 1,000 square feet of gross floor area greater than 25,000 square feet of the development identified by the sign, or 250 square feet, whichever is less.
- [b] The area of any freestanding principal identification signs other than those regulated in subparagraph [3][a] above shall not exceed 30 square feet, plus 0.9 square feet for each 1,000 square feet of gross floor area greater than 25,000 square feet of the development identified by the sign, or 150 square feet, whichever is less.
- [c] If the freestanding sign(s) identify more than one business establishment, the cumulative area of all of individual sign panels that comprise the freestanding sign(s) shall comply with the maximum areas permitted by subparagraphs [3][a] or [3][b] above, applicable.
- [4] Maximum height of freestanding signs. The maximum permitted height of freestanding signs shall vary, based upon the quantity of signs, as follows:

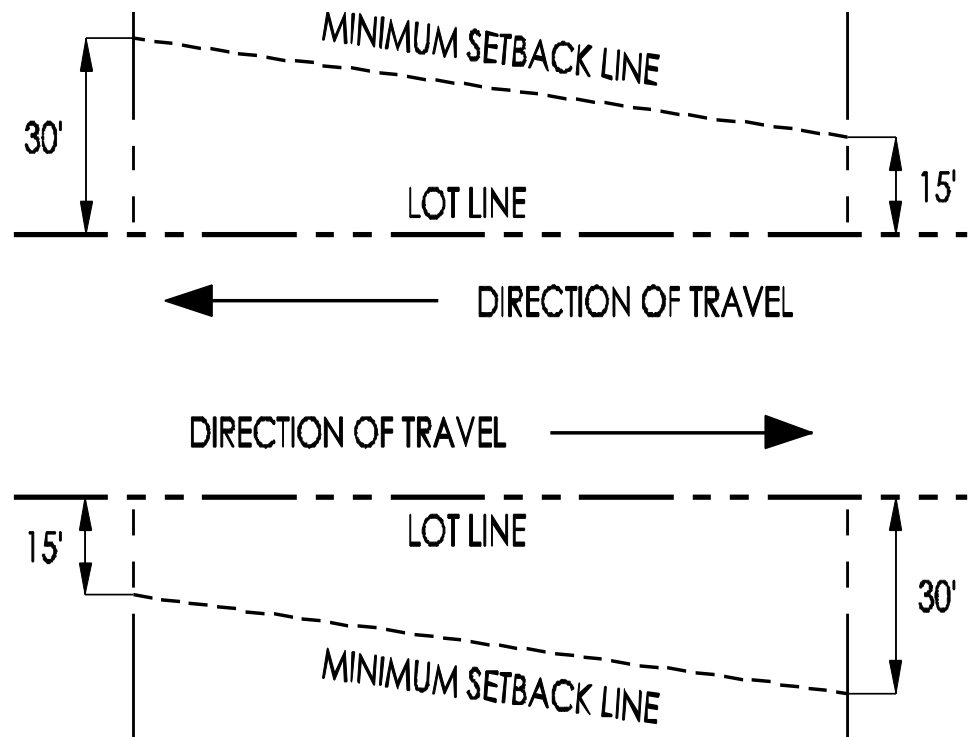
**SEPTEMBER 12, 2019**

- [a] The height of one freestanding principal identification sign per street, but not more than two (2) such signs for properties with multiple street frontages, shall not exceed 20 feet; provided, however in the OB-DS zone district the height of freestanding signs permitted to be located along Route 287 and along Route 10 for designed shopping centers shall not exceed 30 feet.

The foregoing height shall be permitted for one sign per street, up to a maximum of two such signs for the development.

- [b] The height of any freestanding principal identification signs other than those regulated in subparagraph [4][a] above shall not exceed 10 feet.
- [5] Minimum setback of freestanding signs from streets. Freestanding principal identification signs shall be located at least 15 feet from any public street right-of-way; provided, however, that in those locations where the subject property has frontage on a street that has a center barrier or other control that limits access to the property by vehicles traveling in only one direction, such signs shall be located no closer to the street right-of-way than a straight line which connects the following two points:
- [a] 15 feet from the street right-of-way at the point of intersection of the front lot line and the side lot line that is closest to the direction of travel on the same side of the street as the property upon which the sign is located.
  - [b] 30 feet from the street right-of-way at the point of intersection of the front lot line and the side lot line that is farthest from the direction of travel on the same side of the street as the property upon which the sign is located.

The minimum setback line for such situations is illustrated below:



- [6] Minimum distance between freestanding signs. When more than one freestanding principal identification sign is provided on a property and/or tract, such signs shall be separated by a distance of at least 200 feet, measured horizontally between the closest points of the signs.

- (2) Secondary signs. Secondary signs, as defined in Paragraph A(3) above, for retail sales and retail service uses shall be subject to the following requirements:

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- (a) Accessory use signs for larger establishments. In addition to the attached principal identification signs permitted by Paragraph B(1) above, individual retail sales and retail service establishments containing a gross floor area of at least 50,000 square feet in the building shall be permitted attached signs for secondary uses to the principal use. Such signs shall be limited to signs identifying uses which are an accessory component of the primary retail business, such as but not limited to a pharmacy, garden center or eating establishment accessory to a supermarket or "big box" retail establishment, or other use similarly accessory to the primary retail business, and shall be subject to the following requirements:
    - [1] One secondary sign for each accessory use to the establishment shall be permitted on each building wall of the business that faces a public street, main driveway as defined by Paragraph B(1)(c) above, or parking area for patrons of the establishment, provided that there shall be no more than a total of three such signs for all accessory uses on any wall for the establishment nor more than a total of four secondary signs for all walls of the establishment.
    - [2] The area of each such secondary sign shall not exceed 2% of the area of the ground floor wall upon which it is placed, or 100 square feet, whichever is less.
  - (b) Window signs. Window signs shall be permitted, subject to the following regulations:
    - [1] The total area of all window signs shall not exceed 25% of the main front window area, or one square foot for each linear foot of building frontage occupied by the establishment using the sign, whichever is less. The maximum area permitted for window signs shall be calculated separately from the area for other permitted signs.
    - [2] Window signs shall be located only in the main front window.
    - [3] Window signs shall not be illuminated.
  - (c) Directory signs, loading bay signs. Directory signs and loading bay signs for developments containing multiple business establishments shall be permitted, subject to the requirements for such signs in §166-147.
  - (d) Other signs permitted by §166-141. shall be subject to the regulations in §166-141.
- (3) Drive-through signs. When drive-through uses are permitted, secondary signs for the convenience of drive-through patrons shall be permitted, subject to the following requirements:
- (a) Maximum quantity of drive-through signs. The quantity of permitted drive-through signs shall be only as determined to be necessary for the operation of the drive-through use, as regulated below.
  - (b) Type. Drive-through signs may be attached to the building or may be freestanding.
  - (c) Location and orientation. Drive-through signs shall be located adjacent to the drive-through lane(s) and oriented to be viewed primarily by drive-through patrons. Such signs shall not oriented or be used to advertise goods or services to non-drive-through patrons or the general public.
  - (d) Preview signs. Preview signs are signs that highlight or summarize the goods or services identified in more detail on the menu board sign, and are regulated as follows:
    - [1] Up to one preview sign for each drive-through lane shall be permitted.



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- [2] The area of preview signs shall not exceed 20 square feet.
  - [3] The height of preview signs shall not exceed 6 feet.
  - (e) Menu board signs. Menu board signs are signs that detail the products and services that may be ordered from the drive-through lane(s), and are regulated as follows:
    - [1] Up to one menu board sign for each drive-through lane shall be permitted.
    - [2] The area of menu board signs shall not exceed 30 square feet.
    - [3] The height of menu board signs shall not exceed 6 feet.
  - (f) Order station signs. Order station signs are signs used for the placement of orders from a drive-through lane, and typically involve a visual display of the order being taken, and may include a microphone and/or speaker for communication between the patron and the establishment. Order station signs are regulated as follows:
    - [1] Up to one order station sign for each drive-through lane shall be permitted.
    - [2] The area of order station signs shall not exceed 10 square feet.
    - [3] The height of order station signs shall not exceed 6 feet.
  - (g) Drive-through directional signs. Drive-through directional signs are signs used to guide or instruct patrons of the drive-through operation, and include signs directing patrons to the drive-through lanes and order locations, vehicle clearance heights, and other similar functions. Such signs shall be subject to the regulations in §166-141E.
- C. Signs for nonresidential uses other than retail sales and retail service uses. Signs for nonresidential uses other than retail sales and retail service uses shall be as permitted for such uses in §166-147. and shall be subject to the regulations for such signs in §166-147., except as provided otherwise below:
- (1) A principal identification sign for such uses may be freestanding only if all of the following conditions are complied with:
    - (a) The lot must have at least 200 feet of frontage upon a public street, and the freestanding sign must be oriented to be viewed primarily by travelers on said street; and
    - (b) The sign must be accessory to a development on the property containing at least 25,000 square feet of gross floor area.
  - (2) Freestanding principal identification signs for such uses shall be subject to the same setback requirements that apply to freestanding principal identification signs for retail sales and retail service establishments in this section.
- D. Signs for developments containing a mixture of retail sales and retail service uses and other uses. In the case of developments that contain both retail uses and other nonresidential uses, the signs for the retail uses shall be subject to the requirements of Subsection B. of this Section, and the signs for the other nonresidential uses shall be subject to the requirements of Subsection C. of this Section. In the event that the requirements of Subsection B and Subsection C. conflict with each other when applied to such developments, the more restrictive requirement shall apply.

**Section 3.** Section 166-145., *Signs in the D-S Zone District*, in Article XX, *Signs*, is amended to read as follows:

**§ 166-145. Signs in the D-S Zone District.**

Signs in the D-S zone district shall be subject to the provisions of §166-144.

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**Section 4.** Section 166-145.1., *Signs in I-B3 Zone District*, in Article XX, *Signs*, is amended to read as follows:

**§ 166-145.1. Signs in I-B3 Zone District.**

- A. Signs for retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments shall be subject to the provisions of §166-144.
- B. Signs for uses other than permitted retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments shall comply with the regulations for signs in the office and industrial zone districts pursuant to § 166-147.A. through E.
- C. All other applicable sign requirements of Article XX shall be complied with unless specifically superseded by the requirements of this section.

**Section 5.** Subsections F. and G. of Section 166-147., *O-S, OB-RL, OB-DS, I, I-2, I-B2, I-P, and I-4 Zone Districts*, in Article XX, *Signs*, are amended to read as follows:

- F. Designed shopping centers in the OB-DS Zone District shall comply with the sign regulations in §166-144.,
- G. In the I-B2 and O-S Zone District, signs for retail sales and retail service uses shall be subject to the requirements of § 166-144.

**Section 6.** Paragraph (16) in Subsection A. of Section 166-186.11., *Required conditions*, in Article XXXIB, *B-P2 Business and Professional District*, is amended to read as follows:

- (16) Signs. Signs shall be required to comply with the provisions of § 166-144. and all other applicable provisions of Article XX, *Signs*.

**Section 7.** Subsection G. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is amended to read as follows:

- G. Signs. Signs shall be permitted as regulated by § 166-144.

**Section 8.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 9.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 10.** This ordinance shall take effect in accordance with the law.

Ordinance will be further considered for Public Hearing on October 10<sup>th</sup> at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. This Ordinance is a lengthy ordinance the Municipal Land Use Law provides that a summary of this Ordinance be published and all of the Notices of Introduction and the summary will be published in the September 18<sup>th</sup> issue of the Daily Record in accordance with the law.

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

So Introduced

**ORDINANCE NO. 39-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING SECTION 166-114, ACCESSARY BUILDINGS IN ARTICLE XIX, GENERAL PROVISIONS OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP**

**SEPTEMBER 12, 2019**  
**ENTITLED LAND USE AND DEVELOPMENT LEGISLATION IN ORDER TO PERMIT  
AND REGULATE DETACHED GARAGES FOR RESIDENTIAL USES**

**WHEREAS**, the Hanover Township Planning Board has conducted a reexamination of the master plan and development regulations, and compiled its findings and recommendations in a report dated October 30, 2018; and

**WHEREAS**, one of the recommendations in the reexamination report is to “(a) mend the existing prohibition of detached garages in §166-114.B.(1) to permit detached garages with appropriate height, area and setback requirements”; and

**WHEREAS**, the Township Planning Board has provided specific recommendations concerning the appropriate standards that should apply to detached accessory buildings for residential properties;

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

**Section 1.** Subsection B. of Section 166-114., *Accessory buildings*, is amended to read as follows:

B. Buildings and other roofed structures accessory to residential use. The following requirements shall apply to buildings and roofed structures that are accessory to residential uses; provided, however, that if the standards for in a particular zone district conflict with any of the following requirements, the standards for the district shall apply:

(1) Permitted yards.

- (a) No accessory building or other roofed accessory structure shall be permitted in the front yard, provided that bus shelters and gatehouses designed and to serve multifamily residential developments shall be permitted in the front yard.
- (b) On corner lots and through lots, no accessory building or other roofed accessory structure shall be permitted in any front yard.
- (c) Accessory buildings and other roofed accessory structures are permitted in the side and rear yard, subject to the requirements of this Subsection and all other applicable requirements of this chapter.

(2) Required setbacks.

- (a) When an accessory building or other roofed accessory structure is attached to a principal building or is separated from the principal building by a distance less than 10 feet or the height of said accessory building or roofed structure, whichever is greater, such accessory building shall be subject to the same yard setback requirements as the principal building.
- (b) Accessory buildings and other roofed accessory structures located within the side yard shall be subject to the required front and side yard setbacks for principal buildings in the zone.
- (c) Accessory buildings and other roofed accessory structures located within the rear yard shall be subject to the following:
  - [1] Accessory buildings and other roofed accessory structures in the rear yard on corner lots or through lots shall be subject to the required front yard setbacks for principal buildings in the zone.
  - [2] Accessory buildings and other roofed accessory structures in the rear yard that cover up to 250 square feet shall be located at least 10 feet from the side and rear lot lines.
  - [3] Accessory buildings and other roofed accessory structures in the rear yard that cover more than 250 square feet shall be located from the side lot line a distance not less than the required side yard setback for principal buildings in the zone, and not less than 25 feet from the rear lot line.
  - [4] In the case of two accessory buildings or other roofed accessory structures in the rear yard which are located closer to each other

## SEPTEMBER 12, 2019

than the height of the taller of the two structures, the aggregate coverage of the two structures shall be used to determine the required setbacks from the side and rear lot lines.

- (3) The maximum permitted height of detached accessory buildings and other detached roofed accessory structures shall be as follows:
  - (a) Detached garages: 17 feet.
  - (b) Other detached structures: 13 feet.
- (4) The maximum permitted floor area and building coverage for individual detached accessory buildings and roofed accessory structures, excluding detached accessory structures used for the keeping of livestock as permitted by § 166-136.2, shall be as follows, subject, however, to the requirements of Paragraph (5) below:
  - (a) Cabanas: 200 square feet.
  - (b) Gazebos: 250 square feet.
  - (c) Greenhouses: 200 square feet.
  - (d) Sheds and other storage buildings: 150 square feet.
  - (e) Other: 100 square feet.
  - (f) Garages:
    - 1-car garage: 300 square feet.
    - 2-car garage: 550 square feet.
    - 3-car garage: 800 square feet.
  - (g) Combination of any of the foregoing: the maximum permitted for the largest type of building in the combination. For example, a combination shed and greenhouse may not exceed a floor area and building coverage of 200 square feet.
- (5) The aggregate floor area and building coverage of all detached accessory buildings and roofed accessory structures, excluding detached accessory structures used for the keeping of livestock as permitted by § 166-136.2., shall not exceed the lesser of:
  - (a) One-half of the actual building coverage of the principal building on the same lot; or
  - (b) One-fourth of the permitted maximum building coverage for the lot.
- (6) No more than two detached accessory buildings or roofed accessory structures shall be permitted on any residential lot, except for permitted multifamily residential developments.
- (7) The aggregate number of vehicle spaces in garages, both detached and attached, shall be subject to the requirements of §166-118.
- (8) The exterior walls and roofs of detached garages shall be designed using an architectural style and materials which are compatible with the style and materials of the dwelling(s) to which they are accessory.

**Section 2.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 3.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

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

Ordinance will be further considered for Public Hearing on October 10<sup>th</sup> at 8:00 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

Motion on introduction made by Member Ferramosca and seconded by Member

SEPTEMBER 12, 2019

Gallagher and unanimously approved.

So Introduced

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**RESOLUTIONS AS A CONSENT AGENDA:**

**RESOLUTION NO. 172-2019**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN PARSIPPANY HANOVER REALTY II, LLC AND THE TOWNSHIP AS IT RELATES TO THE CONSTRUCTION OF AN 8,630 SQUARE FOOT RESTAURANT AND RELATED SITE IMPROVEMENTS AT 1400 AND 1402 ROUTE 10 WEST IN THE WHIPPANY SECTION OF THE TOWNSHIP AND DESIGNATED AS LOTS 1 AND 2 IN BLOCK 3401, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF VARIOUS FEES, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE DEVELOPER'S AGREEMENT**

**WHEREAS**, by resolution adopted on March 12, 2019, the Planning Board granted preliminary and final site plan approval to **Parsippany Hanover Realty II, LLC**, as Applicant/Property Owner, to construct an 8,630 square foot restaurant and related site improvements on property located at 1400 and 1402 Route 10 Westbound in the Whippany Section of the Township and designated as Lots 1 and 2 in Block 3401 as set forth on the Tax Map of the Township of Hanover and situated in the B-10 Highway Zone and the OB-DS Office Building – Designated Shopping Center Zone Districts; and

**WHEREAS**, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval to said site plan is contingent upon the Developer having completed all such improvements within and without Block 3401, Lots 1 and 2, in accordance with the requirements of said preliminary and final 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 and the execution of this Agreement; and

**WHEREAS**, the Developer desires to improve said Site in accordance with all applicable requirements, including those set forth in this agreement.

**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 **Parsippany Hanover Realty II, LLC**, the Applicant/Property Owner, for the for the construction of an 8,630 square foot restaurant and related site improvements on property located at 1400 and 1402 Route 10 Westbound in the Whippany Section of the Township, and designated as Lots 1 and 2 in Block 3401 as set forth on the Tax Map of the Township of Hanover, and situated in the B-10 Highway Zone and OB-DS Office Building – Designated Shopping Center Zone Districts. However, 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

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must furnish a "statement that all required State, County and local prior approvals have been given:"

2. The Developer will deposit security with the Township Clerk to guarantee completion of all public improvements. Such security shall require the posting of a performance bond or Irrevocable Standby Letter of Credit in the amount of \$274,319.00 and the sum of \$30,480.00 in cash or certified check. The total performance guarantee is \$304,799.00.
3. In accordance with paragraph 5(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall deposit with the Township Clerk at or before the signing of the Developer's Agreement the sum of \$45,148.00 to cover the cost of Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer. However, in accordance with N.J.S.A. 40:55D-53.h. the Developer, has the option to pay the \$45,148.00 in four (4) installments. The first installment would be \$11,287.00. When the balance on deposit drops to 10% of the required amount, the Developer shall make an additional installment deposit.
4. The Developer shall also be required to pay to the Township the sum of \$35,000.00 to cover the cost of the Hanover Sewerage Authority's engineering review, inspection and supervision of the sanitary sewer facilities and improvements required for this project subject to the provisions of N.J.S.A. 40:14A-40.; and
5. **Parsippany Hanover Realty II, LLC** subject to payment of a Mandatory Development Fee for Affordable Housing pursuant to N.J.S.A. 40:55D:8.1-8.7 and shall pay a development fee of 2.5% of the equalized assessed value of any non-residential property as determined by the Tax Assessor, as applicable.
6. Subject to the terms of the Township's tree regulations as described in full in the Township's Code, **Parsippany Hanover Realty II, LLC** shall pay the Township the total sum of \$26,800.00 based on the calculations of the Township Engineer.
7. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover and the Hanover Sewage Authority as "an additional insured", all in accordance with paragraph 14 of the Developer's Agreement.
8. In accordance with paragraph 5(e) of the Developer's Agreement, the Developer upon satisfactory completion of the improvements, shall provide the Township Engineer with a Two (2) Year Maintenance Guarantee in an amount of \$45,719.00 which represents 15% of the cost of the installation of all bonded improvements and the installation of the following private site improvements: storm water management basins, in-flow and water quality structures within the basin and the out-flow pipes and structures of the storm water management systems which cost shall be determined by the Township Engineer. Prior to the release of the Two (2) Year Maintenance Guarantee, the Township Engineer shall conduct a final inspection. If, the Township Engineer determines that all of the improvements have been satisfactorily constructed, this resolution authorizes the Township Engineer to release the Two (2) Year Maintenance Guarantee.
9. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".

**SEPTEMBER 12, 2019**

10. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the guarantees and any other fees as required at the time of signing, and the conveyance of any applicable deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any construction activities.
11. That certified copies of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer, the HSA Executive Director and **Parsippany Hanover Realty II, LLC** for reference and action purposes.

**RESOLUTION NO. 173-2019**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO SALMON BROTHERS, INC., THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$211,195.00 FOR THE CONSTRUCTION OF PHASE I OF THE BEE MEADOW NATURE TRAIL, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY**

**WHEREAS**, in accordance with the Township's 2013 Pedestrian and Bicycle Connectivity Framework Plan, adopted by the Planning Board on November 12, 2013 as part of the Township's Circulation Plan, the Township applied for grant funds through the Morris County Park Commission for the extension of the Township's trail system in and around the lakes at Bee Meadow Park; and

**WHEREAS**, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on August 12 and 13, 2019 for Phase I of the Bee Meadow Nature Trail Project; and

**WHEREAS**, the scope of work for this project includes the base bid construction of approximately one-half mile of aggregate nature trail, footbridges, signage and site amenities including excavation, site clearance, minor grading, slope stabilization, trail and bridge construction and site restoration and landscaping, pursuant to the Township's July, 2019 Specification and Supplementary Specification; and

**WHEREAS**, on August 27, 2019, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of five (5) sealed competitive bids out of eight (8) 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 the Phase I Bee Meadow Nature Trail Project and has determined that the lowest competitive bid submitted by **Salmon Brothers, Inc.** for the Phase I Bee Meadow Nature Trail Project 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

**WHEREAS**, in a letter dated September 10, 2019 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the Phase I Bee Meadow Nature Trail Project described herein to **Salmon Brothers, Inc.** which bidder submitted the lowest competitive bid for this project in the amount of \$211,195.00; and

**WHEREAS**, sufficient funds are available for the Phase I Bee Meadow Nature Trail Project through the Reserve for Grant Account, Line Item No. 190-0139-499 and through the Township's Open Space Trust Account, Line Item No. 254-3509-499, 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:

**SEPTEMBER 12, 2019**

1. A contract is hereby awarded to  
:

**Salmon Brothers, Inc.**  
5 Furnace Street  
Stanhope, New Jersey 07874

for the Phase I Bee Meadow Nature Trail Project, 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 \$211,195.00.

2. Upon commencement of the work, **Salmon Brothers, 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, **Salmon Brothers, 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 are available for the Phase I Bee Meadow Nature Trail Project through the Reserve for Grant Account, Line Item No. 190-0139-499 and through the Township's Open Space Trust Account, Line Item No. 254-3509-499, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **Salmon Brothers, Inc.** in an amount not to exceed \$211,195.00.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **Salmon Brothers, Inc.** for their reference and information.

**RESOLUTION NO. 174-2019**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER CONSENTING TO THE REQUEST OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS FOR SERVICE OUTSIDE THE DISTRICT OF THE SOUTHEAST MORRIS COUNTY MUNICIPAL UTILITIES AUTHORITY**

**WHEREAS**, the Southeast Morris County Municipal Utilities Authority ("Authority") has received a request from the Township of Parsippany-Troy Hills ("Parsippany") for an extension of service at the Authority's regular retail rates to properties outside the District of the Authority pursuant to a Supplemental Agreement between the Authority and Parsippany; and

**WHEREAS**, the proposed service and extension require the approval of the Authority's four creating municipalities and the Morris County Municipal Utilities Authority; and

**WHEREAS**, the Authority has agreed to provide the requested service and extension, subject to the approval of the creating municipalities and the Morris County Municipal Utilities Authority and such other approvals as may be required by law, as set forth in a Retail Service Agreement between the Authority and Parsippany-Troy Hills dated July 9, 2019, a copy of which is annexed hereto and made part hereof.

**WHEREAS**, the Authority has determined based upon a certification of its Chief Engineer that the proposed service and new extension is feasible and can be constructed without substantially impairing the Authority's ability to meet existing and reasonably foreseeable service requirements within the District; and

**WHEREAS**, the Authority has requested that its Creating Municipalities and the Morris County Municipal Utilities Authority give their consent to the proposed extension, as required by agreements between the Authority and such parties; and



**SEPTEMBER 12, 2019**

**WHEREAS**, in accordance with the July 16, 2019 letter and attachments submitted by Laura Cummings, P.E., the Executive Director of the Authority, the governing body hereby approves the request of the Township of Parsippany-Troy Hills for water service outside the District of the Southeast Morris County Municipal Utilities Authority.

**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 Consent is hereby given to the Southeast Morris County Municipal Utilities Authority (SMCMUA) to provide retail water and fire protection service to certain properties located outside its District in the Township of Parsippany-Troy Hills as set forth in a Retail Service Agreement between the Authority and Parsippany-Troy Hills dated July 9, 2019 and to extend its water system infrastructure as necessary to provide such service.
2. That certified copies of this resolution shall be transmitted to the Executive Director of the SMCMUA and to the Township of Morris, Town of Morristown and Borough of Morris Plains for reference and information purposes.

**RESOLUTION NO. 175-2019**

**RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for equal amount.

**Section 1.**

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 which item is now available as a revenue from:

State of New Jersey:	\$5,500.00
2019 Drive Sober or Get Pulled Over Statewide	
Labor Day Crackdown	

**Section 2.**

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

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

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

**SEPTEMBER 12, 2019**  
**RESOLUTION NO. 176-2019**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE FINAL BOND RELEASE BY RELEASING THE \$122,268.00 BOND PLUS A PORTION OF THE INTEREST IN ACCORDANCE WITH P.L. 1985, c. 315 AND ALL REMAINING ENGINEERING AND SANITARY SEWER ESCROW FEES TO RED BULL ARENA, INC. AS IT RELATES TO THE COMPLETION OF THE RED BULL SOCCER TRAINING FACILITY 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**

**WHEREAS**, on July 10, 2012, the Planning Board granted preliminary and final site plan approval to Red Bull New York, Inc. to construct a soccer training facility for the New York Red Bull professional soccer team on property located at 24 Melanie Lane in Whippany and designated as Lot 12 in Block 6601 as set forth on the Tax Map of the Township of Hanover; and

**WHEREAS**, this first phase consisted of constructing 4,000 square feet of the northerly portion of Building "E", a parking area, storm water management, lighting, fencing, landscaping and other related improvements; and

**WHEREAS**, the January 16, 2017 Developer's Agreement by and between the Township and **Red Bull Arena, Inc.** required the submission of the \$468,077.00 Irrevocable Standby Letter of Credit, \$122,000.00 in cash plus engineering and sanitary sewer inspection fees; and

**WHEREAS**, on July 8, 2014, the Planning Board granted an amended preliminary and final site plan to **Red Bull Arena, Inc.** to expand the existing soccer training facility; and

**WHEREAS**, this second phase consisted of the construction of approximately 3,500 square feet of the southerly portion of Building "E", a new natural turf field, bleachers, press box, ticket booths, scoreboards, field lighting, fencing and other related improvements; and

**WHEREAS**, in accordance with July 8, 2014 amended Planning Board approval, the Township and **Red Bull Arena, Inc.** executed a second developer's agreement dated January 5, 2015 for Phase II of the project; and

**WHEREAS**, the Irrevocable Standby Letter of Credit, the cash bond and insurance certificates posted for the Phase I portion of the project were applied to Phase II; and

**WHEREAS**, as part of the Phase II construction, **Red Bull Arena, Inc.** deposited additional engineering and sewer inspection fees with the Township; and

**WHEREAS**, the Township Engineer, in a letter dated September 5, 2019 has advised the Mayor and Township Committee that construction of the soccer training facility has been completed and that the cash bond in the amount of \$122, 268.00 plus a portion of the interest and all remaining engineering and sanitary sewer inspection fees should be released; and

**WHEREAS**, the Township Committee concurs with the recommendation of the Township Engineer that the cash bond and remaining engineering and sanitary sewer inspection fees be released.

**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, the Township's Chief Municipal Finance Officer is authorized and directed to release the \$122,268.00 cash bond plus a portion of the interest pursuant to P.L. 1985, c.315 which cash bond is on deposit in a TD Bank Escrow Account, Account No. 0007760845131.

**SEPTEMBER 12, 2019**

2. The Township's Chief Municipal Finance Officer is also authorized and directed to release the remaining engineering and sanitary sewer inspection fee balances in Trust Account Nos. 252-7036-499, 252-7046-499, 252-6179-499 and 252-6213-499.
3. That certified copies of this resolution shall be transmitted to **Red Bull Arena, Inc.**, the Township Engineer, Chief Municipal Finance Officer and Executive Director of the Hanover Sewerage Authority for reference and information purposes.

**RESOLUTION NO. 177-2019**

**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><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>QUAL. #</u></b>	<b><u>NAME</u></b>	<b><u>AMOUNT</u></b>
103	10		Tom Sheung 53 Poplar Drive Morris Plains, NJ 07950	\$2,815.80
2403	1		Byline Bank Attn: Bertha Sotelo 180 N LaSalle Street Suite 400 Chicago, IL 60601 RE: 110 South Jefferson Rd	\$193.78
3704	29		Kelly Kaminski 7 Llewellyn Court Whippany, NJ 07981	\$2,080.79
4301	2	C2410	First Jersey Title Services Inc. PO Box 2525 25-00 Broadway Fairlawn, NJ 07410 RE: 2410 Whippanong Way	\$585.12
4606	22		Joseph & Christine Kuhl 7 Beech Terrace Whippany, NJ 07981	\$1,710.63
8103	10		Robert Nagel 3 Buckingham Road Whippany, NJ 07981	\$2,281.93
8501	10		Priyank/Amiben Patel 17 Kearney Avenue Whippany, NJ 07981	\$136.96
9001	1	C1604	Elizabeth Merenda 1604 Brook Hollow Drive Whippany, NJ 07981	\$6,648.59

**RESOLUTION NO. 178-2019**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RELEASE OF THE \$198,068.00 PERFORMANCE SURETY RIDER BOND AND THE \$22,080.00 CASH BOND, PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985 c.315 TO FLEET HANOVER, LLC AS A RESULT OF COMPLETING ALL OF THE BONDED SITE IMPROVEMENTS RELATED TO THE CONSTRUCTION OF TWENTY-**

SEPTEMBER 12, 2019

**FOUR (24) SINGLE-FAMILY ATTACHED TOWNHOUSE DWELLINGS IN SIX (6) SEPARATE BUILDINGS AND RELATED SITE IMPROVEMENTS ON PROPERTY LOCATED AT 325 WHIPPANY ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND DESIGNATED AS LOT 29 IN BLOCK 4701, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER SUBJECT TO THE SUBMISISON OF A TWO (2) YEAR SITE IMPROVEMENT MAINTENANCE BOND**

**WHEREAS, Whippany Road Developers**, as applicant, applied to the Planning Board of the Township of Hanover for preliminary and final site plan to construct twenty-four (24) single-family attached townhouse dwellings in six (6) separate buildings and other related site improvements on property located at 325 Whippany Road in the Whippany Section of the Township and designated as Lot 29 in Block 4701 as set forth on the Tax Map of the Township of Hanover; and

**WHEREAS**, by resolution adopted by the Planning Board on February 23, 2016 and memorialized on March 8, 2016, **Fleet Hanover, LLC** received preliminary and final site plan and variance approval subject to conditions which were outlined in the March 8, 2016 resolution; and

**WHEREAS**, subsequent to the granting of Planning Board approval, **Whippany Road Developers LLC**, as applicant, by assignment dated June 21, 2016 assigned all their rights attendant to the Planning Board's preliminary and final site plan approvals in and to the property described in the Developer's Agreement to **Fleet Hanover, LLC** located at 225 Millburn Avenue, Suite 202 in Millburn, New Jersey 07041; and

**WHEREAS**, the Developer was required to install certain improvements for the residential development in accordance with the Planning Board approvals and the subsequent Developer's Agreement dated August 15, 2016; and

**WHEREAS**, as a result of completing a substantial portion of the project, the Township Committee by resolution dated April 13, 2017 authorized Bond Reduction No. 1 by reducing the Performance Surety Bond from \$661,327.00 to \$383,032.00 and the 1--% cash bond from \$74,481.00 to \$42,559.00 plus a portion of the interest; and

**WHEREAS**, in a letter dated February 13, 2019, **Fleet Hanover, LLC**, has requested that the performance surety bond and the 10% cash bond be released; and

**WHEREAS**, although a substantial portion of the project has been completed, the Township Engineer believes it to be in the best interest of the Township to request the approval of a second bond reduction and not a release of the remaining surety and cash bonds; and

**WHEREAS**, in accordance with the March 8, 2016 final site plan approval, and the August 15, 2016 Developer's Agreement, **Hanover Fleet, LLC**, has now completed 70% of the bonded site improvements based on an on-site inspection conducted by the Engineering Department for the purpose of ascertaining the percent of completion of the bonded public improvements; and

**WHEREAS**, in a letter dated March 7, 2019, the Township Engineer recommended a second reduction of the total remaining performance guarantees. Attached to the letter is a Schedule "A" entitled "Reduction II" which describes the percentages of reduction of the bonded on-site improvements and the total amounts of the surety and cash performance bonds to be retained in favor of the Township; and

**WHEREAS**, although the developer was asked to submit a reduced surety bond in the amount of \$383,032.00, the developer inadvertently submitted an amended bond in the amount of \$283,032.00; and

**WHEREAS**, by resolution dated March 14, 2019, the Township Committee approved Bond Reduction #2 whereby the \$283,032.00 Performance Surety Rider Bond was reduced to \$198,068.00 and the cash bond was reduced to \$22,008.00; and

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**WHEREAS**, the Township Engineer, in a letter dated July 31, 2019 to the Mayor and Township Committee, has recommended the release of the \$198,068.00 Performance Surety Rider Bond and the remaining cash balance of \$22,008.00 plus a portion of the interest as the Developer has completed all of the required site improvements.

**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 Performance Surety Rider Bond, Bond No. S304969 dated May 2, 2017, issued by NGM Insurance Company, in the amount of \$198,068.00 be released to **Fleet Hanover, LLC**, the Developer.
2. The remaining balance of the cash performance bond deposited in a TD Bank Escrow Account, Account #7760745145, in the amount of \$22,008.00 is also released, including a portion of the interest, all in accordance with P.L. 1985, c.315.
3. As a condition of the release of the Performance and Cash Bonds, **Fleet Hanover, LLC** shall submit to the Business Administrator/ Township Clerk a two (2) year Site Improvement Maintenance Bond in the amount of \$47,662.65 which represents 15% of the allowable bondable items. At the end of the two (2) year period, the Township Engineer will conduct a final inspection and require that any outstanding items be corrected. After making all corrections, the Township Engineer is authorized to release the Site Improvement Maintenance Bond to the Developer together with any remaining unused inspection fees set aside in the Escrow Accounts described below.
4. In accordance with the recommendation of the Township Engineer, the Chief Municipal Finance Officer is also authorized and directed to return to the Developer \$4,602.18 in Engineering Inspection Fees on deposit in Trust Escrow Account No. 252-7055-499. However, \$1,000.00 will be retained in the Escrow Account until the end of the two (2) year Maintenance Bond period.
5. A total of \$941.07 which represents the remaining balance of Sanitary Sewer Inspection fees on deposit in Trust Escrow Account No. 252-6227-499 will be retained in the Escrow Account for any additional inspections until the end of the Maintenance Bond period.
6. A certified copy of this resolution shall be forwarded to **Fleet Hanover, LLC**, the Township Engineer, the Chief Municipal Finance Officer, and NGM Insurance Company for their reference and action purposes.

Motion made by Member Ferramosca to approve resolutions and seconded by Member Francioli and unanimously approved.

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**PAYMENT OF BILLS:**

The governing body approved a grand total disbursement of **\$\$5,601,603.73** for the payment of all bills as of this Regular Township Committee Meeting. A copy of the "Bills Payment List – by Vendor" is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Gallagher and seconded by Member Francioli 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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**RAFFLE APPLICATIONS:**

SEPTEMBER 12, 2019

- RL-3227 – Whippany Park Touchdown Club – 50/50 on premise
- RL-3228 – Sarah’s Fight For HOPE Foundation – Casino Night
- RL-3229 – Whippanong American Legion Post 155 – Pull Tab Instant
- RL-3230 – Sigma Zeta Lambda Chapter of Alpha Phi  
Alpha Fraternity, Inc. – Casino Night
- RL-3231 – Foundation for Morristown Medical Ctr – on premise raffle
- RL-3232 – The Fighting Children’s Cancer Found. – Tricky Tray
- RL-3233 – Hanover Rotary Club – off premise raffle
- RL-3234 - Hanover Rotary Club –Tricky Tray
- RI- 3235 - Whippany Park High School PTO – 50/50 on premise

Motion for approval of raffle applications made by Member Ferramosca and seconded by Member Mihalko and unanimously passed.

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**OPEN TO THE PUBLIC**

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

Terri Baird, 180 Parsippany Road, Whippany: You have in your legal conference agenda about a letter from EDAC about Valley National Bank and I realize that is part of legal and I am not asking what is actually in the letter but it peaked my interest because in their it is listed to be become before you during the legal session and I have been reading the minutes of EDAC and I do not see anything in there about any letter going to Valley National Bank, so I was wondering what the process was for a letter from EDAC would becoming before you for legal? And why I didn’t see it in any of the minutes.

Mr. Ferramosca: I can comment upon it as far as I can go. I can tell you that the letter occurred after the most recent EDAC meeting and it was a discussion between myself, the Chair the Vice Chair of EDAC and that letter then was recommended to be sent to the Township Committee for its review. But I am not at liberty to discuss this yet because this Township Committee hasn’t even read this letter yet.

Ms. Baird: I am not asking about the content of the letter, I’m asking about the process.

Mr. Ferramosca: That was the process.

Ms. Baird: So the process is that it came from some EDAC members but not all of the whole EDAC.

Mr. Ferramosca: No not all of EDAC, no, letters like this typically come like other groups where Mr. Gallagher and I serve for two years as subcommittee members for Affordable Housing, there are other subcommittee members on EDAC which will work together and they will come up with initiatives, I’ll talk about some subcommittee work tonight but that is why that letter was not discussed at EDAC because EDAC is not even aware of it just the subcommittee members.

Ms. Baird: Okay, so knowing that, I would like to go back to a letter that was received by the tenants of Pine Plaza. They received a letter from EDAC and the letter basically said that it is there understanding that their leases will be terminated or expiring and that they will be having to move. Now they received the letter I believe on July 20<sup>th</sup> but it was written on the 11<sup>th</sup> and again I went back through the minutes and I cannot find anything for this letter that is on Township letterhead and it’s from EDAC to the tenants of Pine Plaza but it didn’t go to all of the tenants of Pine Plaza it only went to some of them, so I was wondering if you can explain where that letter was generated from and how that one didn’t come before the Township Committee.

Mr. Ferramosca: I cannot comment specifically on that letter because I was not at the EDAC meeting when that would have been discussed there again you are dealing with a business retention issue EDAC is very concerned about trying to help facilitate businesses within Hanover Township to remain in Hanover Township as we all know Pine Plaza has been failing for 10 years at least and as a result in the failure of Pine Plaza that owner has been less than supportive of its tenants but the members of EDAC

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I do know have been responsive in terms of trying to provide support to tenants or businesses regardless of their location within Hanover Township because we want them all the succeed and we want to help them, but I can't give you any specifics because I am not aware of it.

Ms. Baird: But that is not the question that I am really asking maybe I was not clear, is that this letter was given out to people on official Township letterhead but I did not see and I went back through the agendas for the Township Committee like this letter is going before you in the back room how come this letter for Pine Plaza did not come.

Mr. Ferramosca: I can't speak to that specifically I can only tell you that letters could have different needs and the letter dealing with tenants in the specific area that you are talking about may have a different purpose and have a different level of confidentiality as a result of it than a different type of letter and I am trying not to be obtuse but I'm trying to also share with you the reality because information needs to be kept legally carefully and disclosing information to members of the public prior to initiatives occurring could be potentially negatively impacted a party. So that is why I believe the value letter that you are talking about is being treated the way it is and as far as the letter for the Pine Plaza I can't tell you the specifics on it, I shared with you as much as I could as to how they went about it and why they do what they do.

Mayor: Is your question Terri why isn't all of their correspondences coming before the Township Committee?

Ms. Baird: I read with the composition of EDAC is and in the Town laws and it seems how I understand it and I could be wrong, when they write correspondences that it is supposed to go before the Business Administrator and then the Township Committee before it goes out and my concern is that because I could not find it and I went looking for it specifically and I could not find it anywhere but it went out to these tenants at Pine Plaza and in reality if you go and speak to the tenants of Pine Plaza that is the first notification that they have that they are were losing their basically their livelihood of what they have available to them at Pine Plaza.

Mayor: Are you suggesting that the correspondence was informing them of their termination of lease from EDAC?

Ms. Baird: Yes because prior to that the tenants of Pine Plaza have had no other official notification they do not know that the place is for sale. Because the landlord is probably in some agreement with the developer and has not disclosed anything to the tenants and I don't think he has to by law to disclose anything until it is sold so if it is not sold their really first notification that their leases would be ending really came from that letter. That is the only official thing that they have on paper and it came from EDAC.

Mayor: To my knowledge I do not know, I do know that as Deputy Mayor commented that they are working earnestly on a new mission and that is business retention throughout the town.

Ms. Baird: And I understand that, I did sit through the last EDAC meeting and I did see that one of the tenants of Pine Plaza came and I observed that discussion but in reality the letter and that letter was not given to every single business in Pine Plaza there are some that did not get that letter. It was hand delivered and so I question...

Mayor: I don't know the letter you are referring to and without having a copy of letter

Mr. Ferramosca: We can look into the matter of the distribution of the letter

Mayor: Without it I can't respond to you, I don't know what this is.

Ms. Baird: So then my question then to follow up with that is when a letter comes from EDAC (interrupted)

Mayor: Were you privy to such letter?

Ms. Baird: No somebody sent me a picture of it.

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Mayor: Somebody sent you a copy of it?

Ms. Baird: yes I took a picture of it. I couldn't have it because I don't have a copy machine on my body, so I took a picture of it and printed it out and I looked at it.

Mayor: I would be astonished if we did something of that nature because they have been very careful and have been cautioned by counsel as well of what their parameters and limits are to speaking to any tenant of Pine Plaza, so if they addressed any letters at all and I don't know if they did it would be in a format of business retention and the willingness to want to help them remain in the town. That's all I can possibly say.

Ms. Baird: The way it is states in there about them being, that they are understanding that the tenants of Pine Plaza will be losing their leases by the end of summer and that is what these businesses got and that's why the businesses were really upset.

Mayor: Who signed the letter?

Ms. Baird: Signed by Susan Shannon

Mayor: And you have the letter?

Ms. Baird: Yes, I have a copy of the letter it's not the official one but I have my picture of it.

Mayor: May we see it?

Ms. Baird: Sure.

Mr. Gallagher: That's the Hanover Township Seal.

Mayor: Very observant Ace.

Mr. Gallagher: But is it an official letter?

Mr. Ferramosca: Let's see what this is first.

Mr. Gallagher: See what it is alright.

Mayor: This is our understanding that it's a subcommittee. This seems to be an outreach on the part of a member of the EDAC committee.

Ms. Baird: The letter is dated July 11<sup>th</sup> and the report from Phillips talking about the area in need of redevelopment with condemnation that wasn't time stamped into the 12<sup>th</sup> the following day. I came in and looked at it so I know what it had on there.

Mayor: Let us have a moment to review it, I don't know what position to take on it.

Ms. Baird: I don't either because to me if I was in business I would think of myself as a business owner down there and getting that and that being the first thing I see like first, I want to say like it's a joke I want to throw it back at somebody but like the tenants of Pine Plaza as of now still have not received any notification from their landlord as to what is happening with Pine Plaza. I have spoken to several of them, one on one not here say from this person that person that person I went right to the actual people to see what was going on.

Mayor: Several of them have come into EDAC and have been invited into EDAC.

Ms. Baird: I only know of one but I can only go by the minutes and there really isn't much that EDAC can do.



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Mayor: We made it abundantly clear whomever appeared before us on an official manner before the Committee or EDAC we had no powers or rights to interfere between that party to party purchase of Pine Plaza by one to another and we had no knowledge and they did admit to us that they had no formal notifications but again to us it wasn't something that we can comment on, we can't make the developer or new purchaser correspond we can't require that developer to talk to his tenants it far exceeds our rights to do.

Ms. Baird: I understand that because I did go to the last EDAC meeting it was the first one that I went to.

Mayor: Well what kind of assumption are you making with this letter are you saying it was damaging?

Ms. Baird: I don't know, I'm trying to find the process, if the one for Valley National Bank has to go through the Township Committee to be approved before it goes out or it is looked at are all EDAC correspondences looked at by the Township Committee or the Business Administrator than I can only assume that this was and I'm just telling you that the people the tenants of Pine Plaza that really their first official piece of paper or notification in black and white that about what is going to happen to them down there and it is very disheartening.

Mayor: What assumption are making, I don't know what you are trying to get to.

Ms. Baird: Number one I want to know the process so I know the process.

Mayor: EDAC writes letter on behalf of the Economic Committee they are an advisory committee they are not (inaudible) take any actions, none, strictly advisory nobody has ever has come before us has formally told that from yours truly as a matter of fact. On the other hand there are subcommittees as Deputy Mayor has mentioned that we have operating in various areas, transportation, etc., they don't correspond with those letter through the Administrator sometimes

Ms. Baird: So a subcommittee doesn't?

Mayor: It's the normal process of their doing business so once again I'm not sure that this person's outreach wasn't on the part of their subcommittee in some fashion.

Mr. Giorgio: Terri this letter was not presented to me.

Mr. Cahill: Terri can I suggest that other than what you have in parenthesis there there was some type of misinformation, so somebody was ill informed and that the spirit of that letter is the volunteer on the EDAC that have service many many years they just want to assist and try to retain these people who will be displaced because of the goings on in the Township so with that understanding there was a process or step that was possibly missed and this is the thing, right, maybe that happened. So I am sure that EDAC or the subcommittee who is responsible will talk about that and correct that step in the process and we will move on, but granted I mean there is no denying that the information in that does not match what the reality was so a mistake was made.

Ms. Baird: Yes, but the people of EDAC seemed to know more information...

Mr. Cahill: No that is you inferring that, I suggested that they didn't I suggested they don't that's what I suggest, I would say though once again if we improve our process perhaps something slipped through the crack and if it goes through our Administrator this will never happen again. So allow us that sometimes mistakes are made.

Ms. Baird: I understand that sometimes that mistakes are made but I just wanted you to know because you obviously don't know that this is one of the hurdles that the tenants of Pine Plaza are dealing with.

Mr. Cahill: And this was unfortunate it is.

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Ms. Baird: It is very unsettling for somebody to receive a letter like that plus all of the hearsay of everything and they don't know they are in limbo they don't know what is going on and these are all small business in our town that you are trying to keep these small businesses and try to be kinder to them or something just help them.

Mayor: EDAC is taking particular care I can say that that EDAC is taking particular care not to interfere with the matter of Pine Plaza not with the new owners or the old owners we have made every effort with the old owners as you might know to try and energize the mall and their business but under the circumstances and once this fell into the process of fair share housings settlements with us etc., EDAC broke off all types of communications. That does not mean that they were not making earnest efforts to assist and wanting to assist shop owners and retailers not just in Pine Plaza but throughout the area I made that particular request of them months ago that the mission of EDAC should be now business retention rather than new business that's where we are and that is the best I can explain.

Ms. Baird: Well hopefully some of them will be able to stay

Mr. Ferramosca: We want to keep everyone that we can.

Mr. Gallagher: John and Ron with all due respect when I said that's the Township emblem and you said very observant Ace I was just surprised as you two and you guys serve on EDAC, so I thought that was disrespectful and unnecessary because I was shocked to see this letter and when I said that is the Town emblem and you said "very observant Ace" that was a little bit disrespectful because again I was in shock as you too I never saw this.. (interrupted)

Mayor: Let me tell you something Ace, your trying to make a mountain out of a mole hills you've been trying to do this, that emblem is part of stationary for that and we have stationary for everyone one of our groups whether it's Landmark etc., it has that seal on it, and this one individual wrote just on a blank piece of letterhead and said that they were looking to assist as the content of this said it wouldn't be identified in the manner it identifies that's what it does. Sounds like to me that your provoking something...

Mr. Gallagher: No with Committeeman Cahill I think the content is very good because we want to retain these businesses but I was just surprised that it took place, and when you looked at it a little surprised I said from here that's the Town emblem so we were all on the same page on this one.

Mayor: I would hope so.

Mr. Gallagher: Absolutely, but like Committeeman Cahill said the content is very good we want to keep the businesses and we all worked very hard for months to do so.

Mayor: Floor remains open on this.

Fred Brunner, President of Whippany Fire Department, 440 Route 10 soon to be 10 Troy Hills Road: How does that sound? I would like to thank you for your assistance Joe for riding along with us yesterday's trip to Trenton it was successful we were worried going in and everything turned out well as he said. Fred you have been a great help going the first round back in February and the rest of the Township Committee thank you for all of your support on behalf on the Fire Company and the Commissioners who unlike myself stuck in town they are all in Wildwood at the Convention having a good time, again thank you for all of your support.

Mr. Ferramosca: You are welcome.

Mayor: It's been a long long road, God Bless it.

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

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**OTHER BUSINESS**

## SEPTEMBER 12, 2019

Member Gallagher: First of all welcome back to school, Hanover Township started school, went to a Back To School last night with the ED Foundation to give out a trophy for the 5K also Park and Traffic Safety is working with AAA and Hanover PD to put out safety messages please be careful all of our kids are out there in the streets and on the fields. I also wanted to say Mike Mihalko I'm sure you will handle this one quite a bit but Hanover Township Day was a great success with all of our departments, the DPW once again lock step with these guys working very hard with all of our groups very successful day. I want to say that we announced today that Friday nights at Mennen arena is going to begin January 3<sup>rd</sup> 10 consecutive Friday nights throughout the winter we are going to have a different theme every Friday night and again our biggest one is Law Enforcement night and we did speak to the fire department about having a Fire Fighter Night.

Next, Vaping the new youth epidemic, the New Jersey Coalition for Education and Positive Choices did a release and a paid boost on social media and with our website with 54 hard hitting articles about the dangers of vaping especially with our youth. It's accurate information and its current and it goes all the way up to the CDC so we are very proud of the hard work that the 19 towns and municipalities are doing standing together, the Township is also going to be looking at ordinances and what we can do in Hanover Township to better protect our kids but it is the new epidemic and it is definitely the new youth epidemic and we are working very hard to let all of us know everything they can to combat and be more helpful in working with their families to try and keep this crisis to a minimum.

Besides that I'll just say that for Fall sports the DPW have been working on the fields they are working on the leaf vacs and hopefully pretty soon they don't have to work on their snow plows but again they are staying ahead of the curve everything looks great and Mike I will give a little time to you tonight for Hanover Township Day cause that was the big one in Town.

Member Cahill: Let me just return real quick to the Cedar Knolls Fire Department 100<sup>th</sup> Anniversary congratulations again, I just wanted to mention that they had a great event on September 7<sup>th</sup> at the Fire House they actually closed down Mountain Avenue, they had food and a beer truck and all kinds of great stuff they had about 700 attendees so great success there.

Moving on to the Hanover Township Landmark Committee so coming up on November 9<sup>th</sup> they are having a service and a tour of the Whippany Burying Yard so that's 10am and noon it's a very informative tour and I suggest if you have not been on that to do it and take it.

Hanover Township Police, I have the results from the crack down that they participated in it was a State Program, it was called "You Drive You Text You Pay" this crack down ran from April 1<sup>st</sup> through 21<sup>st</sup> and I won't go through all the results but I will say though that again Hanover Township Police were the top performers were number one in Morris County out of 30 municipalities that participated and they were the top performer state wide, like I said there is a number of different categories here but the purpose and spirit of the program was to go after cell phone and texters that are driving with the exception of the Morris Township, Hanover Township is the only Township was in the (inaudible) so I will just say the that Hanover Township had 179 tickets or violations with Morris Township with 144 and everybody else was well under 100 so great work by Hanover Township. They also just completed the Labor Day crack down on DUI/DWI so we will have the result for that soon.

Recently you probably have seen it on Facebook Hanover Township Police is now participating with neighbors the Neighbors By Ring Program, and basically it is an app that you can get on your phone you need to dial 555-888 and type in Hanover New Jersey and it will send you a link to the Ring app you do not need to have the ring device you can still sign up for it and I did it the other day and it's a pretty cool application you can set up a map so if you want to be notified within a mile of your house whatever you pick, this side of Route 10 you can adjust the map and it's pretty cool application but it's a great way not to only get informed but also be able to communicate and inform others of suspicious activities that are going on in the

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community so again text 555-888 on your smart phone and type in Hanover New Jersey.

Lastly, coming up October 5<sup>th</sup> the Hanover Police Department PBA 128 will be having their annual seafood truck brew fest it's moved from Golf Center on Route 10 over to the Brickyard Fields it is from 12-6 games activities live music craft beer and food trucks and the rumor has it that there is going to be a hot air balloon there so that should be pretty interesting. If you want more details and want to purchase discounted tickets go to [www.hanovertwppba128.com](http://www.hanovertwppba128.com) and on that website click on brewfest button and it will get you to the place to purchase tickets.

Member Mihalko: Lot going on in the recreation department but I will try to keep it short and sweet, I have a lot of people to thank because Hanover Township Day was fantastic, it was a great day so a lot of people where there it was one of our best well over 3000 residents were there and we can't thank Denise Brennan and the Recreation Department can't thank them enough and the recreation commissioners their support they were out there operating some of the games and the boats and the DPW as always did a fantastic job pulling this event off, Brian Foran and his group they all did a great job. But I really want to thank the sponsors we always say the sponsors the sponsors but these people really do kick in time money manning tables but also supplies so I really want to point out them and I will go through this quick, Cedar Knolls Fire Department they donated one of the bounce house the Dalmatian bounce house, Dorsey & Semrau they donated the balloon art that's our attorney here, Hanover Soccer did the soccer kick, Hertz Mountain did the face painting, Knights of Columbus did the corn on the cob and cooking it, Morris County Parks Paddle Boats, Paper Mill Playhouse donated play tickets, Quick Check donated bottled water, Recreation Commission donated the ice pops and ice cream sandwiches, Shop Rite also donated more bottled water, Wegman's a great neighbor as always 2000 hot dogs, rolls condiments, watermelon also want to thank the Rotary for doing all the cooking they do a terrific job and served a lot of hot dogs that day everything went! Thanks to all the sponsors and the groups that came out that day it was fantastic day.

Real quick some of the fall programs that are coming up Pat Sages Memorial Basketball Tournament is on Saturday, November 9<sup>th</sup> for people that do not know he was one of our Recreation Commissioners who passed away last winter really great man and we are going to have a basketball tournament three on three check out the website and see how to put a team together and come out and have a good time so we are having a tournament on November 9<sup>th</sup>.

September 21<sup>st</sup> there is a bus trip to the Yankee Game although there is only a few tickets left so if you are interested call the recreation department right away I think there is only a hand full of tickets left.

October 20<sup>th</sup> there is an Atlantic City trip to Caesar's bus trip down and back and finally Masquerade at Malapardis Park October 26<sup>th</sup> it goes on rain or shine if it does rain we move it into Memorial Junior School and actually goes very well there also.

Member Ferramosca: Under the theme great things happen in Hanover, Hanover welcomed Lowe's Home Improvement to the Township. It's a 90,000 square foot state of the art home improvement store, it is spectacular very well laid out and in addition to it not only being great store it's got ample parking for handicap and also in addition to recognizing the handicap they are also recognizing US Veterans so if you are a Veteran you have special parking spaces as well at the new Lowe's. The grand opening was special, it was no ordinary ribbon cutting nonsense it was a board cutting opening, it was a 2x8 cut the piece of wood in half, it was impressive. It was a board cutting not a ribbon cutting. This is an important milestone for Hanover Avenue in that the new Lowe's completes what we call the reinvention of Hanover Avenue from distressed outdated many closed industrial sites to now a very prosperous retail zone which is the probably the envy of much of Morris County.

Planning Board was busy during the month of August, they reviewed two major applications, one was something called AC Marriott Hotel, what is an AC Marriott Hotel you ask? That is a business hotel that hotel is designed for the business travel, it's an upscale hotel they wanted to be very close to the Morristown Airport which is in Hanover Township and they got their approval to develop the site which is known as the old

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Meadow Bank, so it went from a bank that has been out of operation for many years to a professional services now to a major hotel coming into that part of town. On a smaller scale Hanover will soon have its very own brew pub. The brew pub will be located at the old site of the Whippany Post Office it was an unanimous decision by the planning board with the exception of one member who decided to recuse himself from that application.

Lastly, I want to talk a little about TransOptions, Hanover Township was recognized by TransOptions for what they call a Gold Award, this Gold Award represents the fact that in TransOptions recognized Hanover as one of the best places to work for providing commuting options for its employees, so I think that is important that companies in general let alone Townships take into account its needs of its employees to facilitate their commuting times. So Hanover was well recognized today.

Mayor: Just for the record, there was one individual on the Planning Board who recused himself on the vote on the Brew Pub and that was yours truly, but as it was posted on Facebook, I did not recuse myself for reasons for conflict of interest I have no conflict of interest where that is concerned I own no properties around that area as indicated, so just to keep the record straight my recusing myself was because I have been concentrating on that property for acquisition for open space park lands and it was part of a historic site at one time, the Township Committee understood my position on that but I want to make it abundantly clear for the record there was no conflict of interest on that.

Board of Health had met this past Wednesday evening the Flu shots are available to you for free here at Town Hall, October 23 10-12 usually at the Recreation Center we will post more as we get closer and second date is November 13<sup>th</sup>.

We had some inquiries interesting enough at the Board of Health level and do investigate everything on this new generation of telecommunications that 5G networks that are coming into play and there seems to be some concern out there that the 5G networks might operate in a way that causes issues and inflections and autism was brought up, Dr. Perez our Health Officer along with Dr. VanOrden responded to any neighbor makes such an inquiry like this and assured them that the facts that we had did not indicate that there was a health issue with 5G networks I just wanted everyone to be assured on that.

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**ADJOURNMENT**

Motion made to close at 10:38 p.m. was by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

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

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Joseph A. Giorgio, Township Clerk