

**December 11, 2014**

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, December 11, 2014, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Gallagher, Ferramosca, Brueno and Coppola

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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**ACKNOWLEDGEMENT:**

Recognition Of The Hanover Township Youth Football & Cheer Hanover Tigers Third Grade Football Team As 2014 Undefeated Champions

Recognition of Committeeman Thomas "Ace" Gallagher for his "One Day One School" program.

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**OPEN TO PUBLIC**

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

Mayor: Once again the floor is still open if anyone else would like to address the Township Committee at this time.

Mrs. Judy Iradi, 43 Locust Drive, Hanover Township: Just two quick questions for you, they are dealing with Planning. I guess on Tuesday, the Planning Board had a concept plan come before it for a multi-family housing on Whippany Road and Park Avenue, can the Director of Planning update us on that plan?

Mr. Ferramosca: The Township Committee hasn't even discussed it yet. That was in the Planning Board session, no minutes have been issued from that meeting yet and unfortunately we have not had any time to even talk about it.

Ms. Iradi: So then, will you be talking about that tonight?

Mr. Ferramosca: If there is time, it might be spoken about yes, its under the master plan discussion.

Ms. Iradi: Another one, a resident wanted to know about multi-family housing on Route 10? Is there a proposal for additional multi-family housing on Route 10?

Mr. Ferramosca: As you well know, concept plans happen on the first Tuesday night of the month. We hear many concept plans throughout the course of the year. A concept plan did come up on Tuesday night, but again this Township Committee has not received any minutes of that meeting yet and we have not yet been able to provide any information to the Committee about it.

Ms. Iradi: You sit on the Planning Board so can you update us?

Mr. Ferramosca: Can I update you on that?

Ms. Iradi: Was there a proposal for multi-family housing on Route 10?

Mr. Ferramosca: There was a proposal a concept plan came in; well let me brief the Township on this, and the background I'm not going to give you an entire report at this moment, but for the Township Committee's purpose is, there is an area on Route 10 where we know The Grande Town Homes are located and the townhomes are very nice, upscale, there is an area on Route 10 in the front where there is some homes that are not part of that Townhome facility, the concept came in trying to see what the planning Board thought about changing the zone in that area to match The Grande complex.

Ms. Iradi: I was just curious because I read Planning Board minutes that were kind of sparse from a while ago mentioning some Route 10 condos, and I was wondering where along Route 10 that would be, so it would be directly...

Mr. Ferramosca: Route 10 is undergoing a master plan for the entire length of Route 10 and as Director of Planning, I can tell you that there is no emphasis in that

plan for Townhomes on Route 10 so I don't know the basis of that statement, I don't know where it's coming from.

Ms. Iradi: It was in the Planning Board Minutes from a couple of meetings ago, a discussion of townhomes on Route 10, a small development on Route 10, and my question was I wanted to know exactly where on Route 10 it was and you answered my question, it's in front of The Grande.

Mr. Ferramosca: This Committee has not had the benefit of getting any minutes of that meeting at this moment;

Ms. Iradi: You are on the Planning Board, The Mayor is on the Planning Board you don't need minutes, and you were there.

Mr. Ferramosca: No, no Judy, the Mayor is aware of what took place at the meeting on Tuesday night, yes and am I aware of it, yes. Has Mr. Gallagher been able to be briefed about it, NO. Has Mr. Coppola been able to be briefed about it, NO, has Mr. Brueno, NO, because we have not had a chance to discuss it yet. Will we discuss it with them, Yes.

Ms. Iradi: So the public can't find out about it before you discuss it with the Township Committee?

Mr. Ferramosca: The public can find out about it. The public is always welcome to find out about it. There is nothing that this Committee is doing except for closed legal that the public does not have a right to know about. We are very interested in providing and being forthright and being honest and being direct and championing the needs of Hanover Township to make this the very best community it could be, and to maintain the suburban environment, a safe environment and an affordable environment in which they can live.

Ms. Iradi: Okay, and one other question. I understand there is a Planning Board sub-committee that reviewed the South Campus site plan over a year and half. Can you tell me who the members of the Planning Board are on that Committee?

Mr. Ferramosca: The Township Committee? I'm sorry I just want to help you understand where we are since we are talking about the South Campus. In public, on October 27, a presentation came into the Township Committee about a mixed use zone for the South Campus, during that month from October 27 to our last meeting in the month of November the Township Committee discussed the potential change of zone and it was decided at the last Township Committee meeting that the zone which is in place called OB-RL3, which has been in place for about 75 years will continue to be in

place, so there is no basis to a discussion about any changes in the zone only the governing body can change the zone.

Ms. Iradi: So again, my question because you said you want to be open with the public, can you tell me who is on the sub-committee?

Mr. Ferramosca: I am not a member of that sub-committee.

Ms. Iradi: So you are on the Planning Board but you don't know who is on the sub-committee?

Mr. Ferramosca: I do know who the sub-committee is. However, is it fair to the sub-committee for me to report to you this moment their names? Who they are? Why is that your main? Please help me understand it.

Ms. Iradi: Because you said you were being open and forth right and I never heard of a sub-committee; but a sub-committee has been going on for over a year and it's not in the meeting minutes of the Planning Board which should have created this sub-committee. It should be in minutes.

Mr. Ferramosca: We...

Mr. Semrau: Just a couple of things. The other properties that you have asked about there is nothing before the Township Committee at this point of time. I think it is important for the public to know that. There is nothing that has been presented. There has not been a request for a zone change, if there is some type of concept plan that was presented to the Planning Board sub-committee that really doesn't follow to the Township Committee. There is no action, and there is nothing before them. If there is a zone change request that would come before the Committee, otherwise it's just a concept. There is not even an application. So, I just don't want the public to get the perception that there is some type of plan out there that is going forward, because it's not going forward until there is an application and there is no zone change unless there was a request.

With respect to the South Campus, I just have to echo just so that the public is aware there was action by the governing body at the last meeting and was very clear that the governing body was not interested at this time to any type of rezoning of that aspect of the South Campus which is south of the Bayer property. Just so you are aware too, so there has been no other commitment, nothing else in front of the governing body at this point in time.

Ms. Iradi: I don't want to mislead people. Mayor Francioli said it very eloquently. Anybody can recommend anything and they do, but the Township Committee and Planning Board doesn't have to approve that, but, why I'm asking about these Planning

Board issues is just if I had a recreation issue I would ask Mr. Brueno as a Township Committeeman who is liaison to the Recreation. I'm just asking Mr. Ferramosca about Planning; things we heard, the residents heard and may be interested in and Mayor I know you wanted to have an open dialogue with the public but you haven't been able to get your blogs online yet, so it was just an open discussion it was just a couple of questions that I wanted to have answered honestly, but thank you for your time.

Mayor: Procedurally. Just so everybody knows what Ms. Iradi is pointing out to and its important to understand that every one of us owns property in the Town and is entitled to listen to the Planning Board for reviews of concepts, what does that mean? If you have a big piece of land in town and you are interested in subdividing it or you're interested in creating some other use for that the process starts with a concept, an idea, before the Planning Board. The Planning Board generally gives you the benefit of speaking, it's made up of men and women from Hanover Township, they live here, they work here etc., and they have an interest here in the Township. In fact the Planning Board finds some merit in what is being shown in a concept then they will have an open public meeting to discuss it before making the recommendation to the Township Committee for adoption and that recommendation can come in various forms including modification to what is known as the Master Plan, know this at this early stage in any discussion that we have had relative to this properties has taken place, should it, then as council has said it would have to come to this Township Committee to be lawful to become into law for zoning change to take place. You can put whatever you want, Judy you know you sat in this spot, you can do whatever you want in the Master Plan and it can hang on that wall for the next 100 years unless the Township Committee adopts it through its zoning requirements. Even at such times it does, I'm trying to make this brief, it has to have an open public hearing, and it has to present all of the argument for and against that. That would have to take place, so what you are talking about Tuesday night's agenda and what Mr. Ferramosca was referring to, very early stages of some talk that has been going on on some still vacant and one land parcel vacant and one up for transmittal sale, and of course it always come through the requirements, density more use, etc., it's a concept. Thank you.

Hearing none seeing none, motion to close made by Member Coppola and seconded by Member Ferramosca.

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**PUBLIC HEARING ON THE FOLLOWING ALCOHOLIC BEVERAGE CONTROL LICENSES:**

APPLICATION FOR PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 1412-33-006-004 FROM FENWAY, INC. T/A THE HALF POINT PUB TO VILLAGE SUPERMARKET T/A THE VILLAGE

LIQUOR STORE LOCATED AT THE SHOP RITE SUPERMARKET AT 178 EAST HANOVER AVENUE IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP; AND

APPLICATION FOR A PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL DISTRIBUTION LICENSE NO. 1412-44-009-007 REQUESTING TO DE-LICENSE A PORTION OF THE EXISTING DISTRIBUTION LICENSE AT THE SHOP RITE SUPERMARKET REFERENCED ABOVE ALL IN ACCORDANCE WITH N.J.A.C.13:2-7.2(d).

Mr. Giorgio: The full application was received on August 25, 2014 and on August 27, 2014 I submitted all the documentations directly to the Division of ABC as is required so the application was then sent on to the ABC. Subsequently, at the request of the Township Committee, the Chief of Police, the Chief of the Cedar Knolls Fire Department and First Aid Squad, the Construction Official, and the Township's Health Officer and Environmental Specialist, were asked to submit their comments on the applications that were submitted in August in terms of whether or not they saw any impact on both transfer applications. We have reports that were submitted from the four department heads which in fact through Mr. Semrau which were provided to Mr. Scrivo and Mr. Sordillo. I believe yesterday afternoon and subsequent to that, this afternoon by email I received a lengthy letter from Mr. Scrivo in response to those four reports that were submitted by the Chief of Police, Chief of Fire Department, Construction Official and the Health Officer, and copies of those letters were transmitted to the members of the governing body. Also, for the record, that by letter dated, December 8, Mr. Sordillo on behalf of the Shop Rite submitted an Affidavit of Publication indicating and providing proof of publication that the notice of tonight's hearing appeared in full in the Daily Record and the notifications appeared in the November 17<sup>th</sup> and November 24<sup>th</sup> issues of the Daily Record which is the official newspaper of the Township of Hanover. We also received notification under cover letter dated December 8<sup>th</sup> also from Mr. Sordillo providing me, as the Business Administrator/Township Clerk, with copies of the Notification to the Division of ABC page 8 which provides the dates on which the Notices of the public hearing appeared in the Daily Record. So all that documentation was received and the final document was a memo from Det. Chris Thompson to me dated November 25<sup>th</sup> that the Detective Bureau had conducted a back ground investigation which is required as part of the transfer application and Det. Thompson states in part that he sees no reason to deny that application to Village Supermarket to purchase that consumption license based on the review of the licensee. With that I will turn over the proceedings to Mr. Semrau.

Mr. Semrau: Thank you Mr. Giorgio. So is the applicant present this evening?

Yes, sir.

Mr. Semrau: Can you come forward and state your name for the record.

Thomas Scrivo; McElroy, Deutsch, Mulvaney & Carpenter, LLP representing Village Supermarkets of New Jersey.

Mr. Semrau: Mayor and Members of the Township Committee the way this hearing is going to work so we all truly all understand it and make sure there are no questions and that goes for the applicant. The applicant as he informed us that he intends to call witnesses as he is entitled to do; the witnesses will come forward and testify. When the witnesses have concluded their testimony then if members of the Township Committee have any questions, you can ask and after the Township Committee has completed their questions then we would ask the Mayor to open the meeting up to the public to see if there are any members of the public that has any questions or comments with respect to that particular witness.

After, Mr. Scrivo has completed presenting his witnesses, from the standpoint from the Municipal Attorney, we plan on calling witnesses as well to provide some testimony to address this application and the same procedure would follow with exception that Mr. Scrivo could ask questions of any witness that the Township calls. With respect to the application itself and I don't think there would be any dispute to this because we are accord with the applicant that generally what you are looking at here, is if you were to, you are considering this application, if you were to consider the application one which did not meet your qualifications, here is the standard. The standard to deny an application is generally where the applicant has failed to meet the requirements or is otherwise unfit to hold a license; so one standard you are going to look at this evening is the applicant qualified to hold a license and I don't believe there is going to be a necessity based on what the Administrator said regarding the fitness doesn't appear to be an issue that is going to be disputed.

Secondly, what is the community sentiment regarding this proposed transfer application and third would the transfer violate some other municipal ordinance and fourth would the transfer negatively impact the public welfare and fifth would the transfer serve the public interest. That is generally what the standards are the things that you will consider; community sentiment, violations of a local municipal ordinance, the impact of the public welfare and the overall public interest to the Township of Hanover.

So, with that being said I just want to ask if there are any questions with respect to the procedure by the governing body.

Mr. Scrivo: If I may through you what I would like to do, if it's okay with the Mayor and Committee is just to outline what we intend to show and demonstrate this evening and identify the witnesses who will testify and what we intend to prove consistent with the Township Attorneys advice but just to amplify a little bit on that and provide the governing body with some introductory remarks and where we intend to go, if that is satisfactory to the Mayor and the Committee.

Mayor: Fine.

Mr. Semrau: Mr. Scrivo before you proceed, from a procedural standpoint do you have any dispute how the committee would like to proceed based on what I just outlined?

Mr. Scrivo: It is perfectly satisfactory to the applicant.

Mayor and Members of the Committee thank you for allowing Village to appear this evening for this application and as the Business Administrator and the Township Attorney have indicated there are really two applications submitted this evening, one is for place to place and the other is for a person-to-person transfer. As the governing body is aware currently Shop Rite has a distribution license and operates a distribution for the entirety of the supermarket. And, as a result, package goods are available for sale for the consuming public to purchase as an amenity and as ability of the supermarket to provide to its customers those package goods. We are seeking to do this evening is to delicense portions of the store where that distribution license exists and then to license those portions of the store as consumption license areas. Those would be premises that would be only permitted to have consumption alcohol in those portion that the license premises and would not allow sales of package goods or distribution licenses in those areas. And, in particular you will hear testimony this evening from Shop Rite's architect as well as a principal of Shop Rite about how that would work functionally within the store, the protections that were properly raised by the Township Attorney the issues of security and those types of issues that are pertinent to the governing body consideration of the applications this evening.

As an introductory matter what I would like to say is that the purpose of this application is not and it will be shown through the testimony is not to create a hang out, a bar hang out for patrons, it is part of a national and local trend in the supermarket industry to enhance the shopping experience to the consuming public. Much like supermarkets had advanced over the years providing pharmacy services and bakery and all other kinds of amenities that you now see in the flag ship Shop Rite that you have the ability to call your own in this town. The next phase of that is the amenity that we are here this evening. Previously voted on that one of the earlier amenities which is the distribution license, so what you see here is a natural progression of that and as will be testified through this evening by witnesses this is part of a national trend and I believe your Fire Chief also pointed that out in his report to the governing body that he too was able to do some research and found this part of a growing trend. You will see supermarkets in our very State that have consumption licenses within the four corners of their supermarkets.

What we would like to say this evening, what this is not, this is not intended to be a hang-out. This is not intended to be a sports bar, this is not intended to be what I like to call a saloon, a gin mill, and a tapper. Rather this is as we said part of a national trend to allow certain amenities for the consuming public. You will hear testimony from the principal of Village Supermarket how the consuming public has made demands on supermarkets as well as malls and other retail establishments and that is what Village seeks to do this evening is to meet the demands for that consuming public. We do have



some articles that are part and demonstrate this national trend for ease of reference. What I would propose through the Township Attorney, if that is appropriate, would be and I don't know the rules of evidence don't apply but to provide those for the governing body for purposes of background I don't intend to introduce them formally through witnesses but if we can provide them to the Township Attorney and if it is satisfactory and a ruling based on the governing body's approval of those we would like to submit those because we think they will help the governing body's consideration of the application this evening.

So we do have those. We can wait till the end to provide them or provide them now. They just demonstrate that this is part of it the "newish", this isn't your Grandfather's supermarket anymore. To the extent that the governing body is willing to accept those we would be happy to present those to you for consideration.

Mr. Semrau: Can I see the articles Mr. Scrivo.

Mayor: The Committee would like to review.

Mr. Semrau: Because this is a hearing, I will be able to give some advice as to the governing body as to how to address this since Mr. Scrivo said we can do it now, or later, I will take a look now and I would think what we will probably do is distribute this to the governing body, but we will weigh it accordingly, there is no one here to authentic this or cross examine but Mr. Scrivo just wants some back ground.

Mayor: Is this relative specific to Village Market and what they have done in this market place. Number one and number two are we just referring to trends in Jersey, national, I don't know what that article encompasses.

Mr. Semrau: Mayor just before we proceed, what will often happen in ABC matters, they are never short as you anticipate them to be and clearly by the number of people in the room and the fact that the Committee has an agenda after this portion of the meeting perhaps it might be a good idea to just set a time frame so that everyone is aware now and later we are not trying to address that. So I defer to the Committee as to how long if we need to continue it we may not, you may want to set a time table so everyone is aware of what we are up against.

Mr. Ferramosca: The Planning Board has presentations and reviews like this and doesn't take more past 10:30.

Mayor: I might agree with about 1 hour because of considerable other matters on Agenda that the Township Committee still needs to take up in public session.

Mr. Semrau: So that everyone is aware going forward, then it will be continued.

Mr. Scrivo: Like any good lawyer, I promise to be quick.

Mayor: I will move you along if I have too.

Mr. Scrivo: Thank you Mayor; I will get to the witnesses very shortly but in terms of what the Township Attorney set forth and we had previously provided to the governing body this evening the outline of what the standard is, and you have been well advised by your Township Attorney as to what that standard is and I will tell you how we intend to meet those standards this evening and go on with the witnesses. We have taken a very good look at the reports that the governing body has received in connection with the application I sit more on that side of the table than on this side as a Municipal Attorney for four towns and someone who has been doing this for about twenty years and I understand what you would be asking and the questions that your officials have asked are not only appropriate but spot on. So what I would like to show tonight, is that we have a clear plan, Village that is, to segregate the areas that are going to be governed by the consumption license.

Mayor: That is going to be our main focus, but go ahead.

Mr. Scrivo: And we are going to show this evening through the company's architect as well as the principal of the company that these segregated areas will ensure what you are seeking to protect for the consuming public because I can tell you this no one wants that protection more than Village. With the possible exception of the governing body, but in connection with this goal, Village and the governing body are on the same page with respect to that goal. Certainly after putting together a flag ship store that both the Town and Village have been proud of this is not something that Village takes lightly to put itself in harm's way of a great reputation that it is deserved and earned over the last 13 months. So we will demonstrate that the segregation will not permit the co-mingling of patrons in the areas as was raised by as a concern by your Police Chief, we will obviously show that Village continues to have and will only enhance the security within the store, because as the Governing body is aware from the prior application there are more cameras in this store looking at every square inch of the store than any other probably licensed premises in the entire state of New Jersey. Village will have the trained personnel to ensure that the protections are in place to ensure that the safety of the public is paramount and protected. And it does this not only through the protections that are in place but through the environment that Village has created and the atmosphere it has created in the store already, and it would not be a destination for those who wish to go to a bar, but only those to enhance their shopping experience. We will also address through testimony the concern that was raised by the Police Chief over children and this is not particularly the oyster bar or the patio area are not intended to be a destination for children it is intended to be a respite for shoppers and to grab a quick bite to eat for both the working public, families etc., and we will show that through testimony.

Mayor: So you will not intend to individually advertise it.

Mr. Scrivo: Individually advertise it?

Mayor: Bar service or a destination bar?

Mr. Scrivo: That is not part of the intention. The intention is to just make it a more enhanced experience for the shopper. Frankly, you are taking a destination that is a non-conforming use in a particular area of the town that I think most would agree if you were working from a clean slate. The perfect location for a saloon and putting it in a location where all the protections to protect the public are in place and so what we think that this enhances that experience and the betterment of the town. So tonight we are going to hear from two witnesses, first will be the architect for Village, Mr. Pavese, who the governing body may have heard from before, the Planning Board certainly has, and has qualified a number of time before the Township who will explain the parameters and will explain some of the renderings that were provided to everybody in advance of the application. And, we will talk about the security measures and you will also hear from Mr. William Sumas who is the Vice Chairman of Village Supermarket and will also testify about the security and other measures as well as to create to protect the consuming public. I invite questions of these witnesses such that they can respond adequately to the governing body's concerns. And, we have every intention of answering every question that the governing body has; so with that we would like to call Mr. Enzo Pavese, who is a licensed architect in the State of New Jersey as our first witness.

Mr. Semrau: Please raise your right hand; do you swear to tell the truth and nothing but the truth so help you God?

Mr. Enzo Pavese: I do. P-A-V-E-S-E

Mr. Scrivo: Mr. Pavese would you kindly give the governing body the benefit of your education and employment history.

Mr. Pavese: Yes, I attended Pratt Institute in Brooklyn, New York, where I received my Bachelor's Degree in Architecture, approximately 30 years ago; I founded the Pavese Group Architectural Firm, which I am a principal of. I have been designing shopping centers and supermarkets for about 30 35 years. Presently I am a registered architect in the State of New Jersey, New York and Pennsylvania. I am also a licensed professional planner for the State of New Jersey.

Mr. Ferramosca: Moved to accept.

So Moved by Member Ferramosca and seconded by Member Gallagher.

Mr. Scrivo: Mr. Pavese are you familiar with the subject property, the Shop Rite property at 178 Hanover Avenue?

Mr. Pavese: Yes in detail, I was involved with the initial design, also through the construction of the shopping center supermarket and the entire site.

Mr. Scrivo: And for purposes of markings Mayor, we obviously have blown up exhibits but the Governing body has been provided with in advance with all of the exhibits that will be marked this evening in connection with Mr. Pavese testimony. I don't know if the Township Attorney has a preference.

Mr. Semrau: Officially the governing body has not been provided with these documents. They received that today, but perhaps you just want to start with P1 and go from there just each exhibit, whatever you want.

Mayor: We just got these at 4:00 p.m.

Mr. Semrau: They haven't been distributed; we are really at square one tonight.

Mr. Scrivo and Mr. Pavese: P1 would be Supermarket, P2 would be a rendering of the oyster bar; P3 will be interior rendering of the oyster bar; P4 is a rendering of the patio.

Mr. Scrivo: Mr. Mayor we do have enough copies, I guess this is 11x17 for distribution to the members of the dais if the governing body would like. So we can distribute them. Yes. Thank you.

Mr. Semrau: Mr. Scrivo just so everyone is on the same page, we can reference the same documents, but again the first page in this handout is P1, the next page if discussed will be P2...

Mr. Scrivo: Actually this is where it gets tricky, because in the collating the next one became P4 and then P2 and then P3.

Mr. Semrau: So the last page is P3; just keep it interesting.

Mr. Scrivo: So Mr. Pavese, turning our attention to P1, could you please describe for members of the governing body what P1 is?

Mr. Pavese: This is a picture plan to the Supermarket, drawing AR101A fixture plan and mezzanine floor plan. It depicts the interior of the supermarket along with some additional detail for the oyster bar and also detail of the patio area.

Mr. Scrivo: Just for clarification purposes a version of this had been provided with the application, correct?

Mr. Pavese: Correct.

Mr. Scrivo: and there had been minor modifications most recently to this drawing correct?

Mr. Pavese: Correct.

Mr. Scrivo: Can you just identify for the members of the governing body what those minor modifications were.

Mr. Pavese: Yes, if I may in regards to the Oyster Bar which is located towards the center of the supermarket, we had a partition that was around the area of the Oyster Bar which was 48 inches tall, we since then changed that to provide more of a solid partition a 30 inch tall on the lower portion with glass above. The glass is 42 inches for a total area of approximate 6 feet tall. So to provide more of a barrier area around the oyster bar area.

Mr. Scrivo: It had been 4 feet and now it's up to 6 feet. Mr. Pavese: Correct. Mr. Scrivo: So as I understand there also has been a reduction of the area of seats in that area around the oyster bar?

Mr. Pavese: Correct, the area around the oyster bar was a little bit larger. Previously, we since have made it a little smaller to align with the cooler that's adjacent to it and also to align it with the oyster area on the front side. A little bit smaller.

Mr. Scrivo: So the number of seats has been reduced?

Mr. Pavese: Yes, correct.

Mr. Scrivo: What was it originally?

Mr. Pavese: We had 9 seats at the bar area which got reduced to 8 seats and I believe we had 9 seats on the opposite side which got reduced to 6 seats.

Mr. Scrivo: So now its 8 and 6?

Mr. Pavese: 14 total.

Mr. Scrivo: 14 seats in that oyster bar total. And for purposes of the governing body understanding how large of an area of that oyster bar.

Mr. Pavese: The entire area of both behind the bar and in front of the bar is 382 square feet, the public area which is in front of the bar is approximately 180 square feet.

Mr. Scrivo: So for purposes of the public that would only be 180 feet of space within that oyster bar?

Mr. Pavese: That is correct.

Mr. Scrivo: okay, and for that 180 feet you have 9 seats, I mean 14 seats. Now that area is now currently licensed for distribution is that right?

Mr. Pavese: Correct, the entire supermarket is licensed for distribution.

Mr. Scivo: And, by the application this evening, the applicant is looking to delicense that area for distribution, correct? Mr. Pavese: Correct. Mr. Scivo: and to license it for consumption, correct?

Mr. Pavese: Correct.

Mr. Scivo: Will there be any sale of consumption of alcohol outside that barrier for the oyster bar?

Mr. Pavese: No only in the oyster bar area and obviously the second area will be the patio bar which is distinctly outside the rest of the supermarket.

Mr. Scivo: Now turning our attention to the patio area. Can you please describe to the members of the governing body the size of that for those who haven't been there?

Mr. Pavese: Yes, the patio area is on the left side of the supermarket near the prepared food area, it's the existing area where we have our culinary area also that is where all the seating and dining is. There is an open partisan and partial open roof that opens up in that area that can open and close depending on the weather and that is basically where we will house the second consumption bar area.

Mr. Scivo: Now currently that area is licensed as distribution area within the store, correct?

Mr. Pavese: Correct, yes.

Mr. Scivo: Just parenthetically, is there any distribution sales in that area now?

Mr. Pavese: No.

Mr. Scivo: So by the application this evening Village is seeking to license that area for consumption, correct?

Mr. Pavese: That is correct.

Mr. Scivo: So, let's get back to just those consumption services that are to be provided. Now you have spoken before the Oyster Bars, so let's go back to that for a moment. How would that be staffed?

Mr. Pavese: There is a service area where the bar counter sort of to the rear side of the area, there would be a bartender in that area that would serve the customer on the opposite side of the counter and the customer would be in that area.

Mr. Scrivo: And if you could for the governing body's benefit, can you describe generally what is in the area surrounding the oyster bar, in other words, what is proposed for the walls surrounding the oyster bar, what is just immediately outside of those walls.

Mr. Pavese: yes, the area basically once you pass the floral department there are all the package goods area right in front of the Oyster Bar there is a beer cooler on the opposite side there is a bread bar with the olive and cheese bar adjacent to it, there are some cheese cases and the fish department, deli is on the opposite side and all the prepared food is slightly beyond that where our kitchen area and coffee shop.

Mr. Scrivo: Sounds like they are mostly prepared foods, service, liquor and cheeses and gourmet type items.

Mr. Pavese: Yes, very much so.

Mr. Scrivo: Any traditional grocery items in or around that area?

Mr. Pavese: No not in that general area, we have our produce department a little bit more towards the front of the store and our bakery department which is somewhat outside that area.

Mr. Scrivo: Now, I may have asked this before and if I did I apologize to the Governing body would it be the intention of Village if licensed for consumption in the oyster bar to permit the consumption of alcohol outside of the walls of the oyster bar?

Mr. Pavese: No absolutely not.

Mr. Scrivo: And, how would Village ensure that this doesn't occur.

Mr. Pavese: Through the bartender service that is in the area and also a security that we have inside the store along with tons of employees throughout the store that would monitor.

Mr. Semrau: May I just add, the witness is just an architect, but is he also versed in how this is going to be staffed and does he really have experience to talk about how he is going to staff this and gage how alcohol is going to be basically over sought the consumption of alcohol.

Mr. Scrivo: We can use another witness for those purposes, I was just asking him about the security for it, but he did mention security so Mr. Pavese, are you familiar with the security cameras that are in Village?

Mr. Pavese: Yes, we installed approximately 200 security cameras throughout the store. Basically, we see every corner of the store and also outside the building.

Mr. Scrivo: And would the security cameras pick up or are you able to view from the security cameras the areas of the oyster bar?

Mr. Pavese: yes, the oyster bar and the patio bar.

Mayor: Does that mean that there will be no staff security assigned in that area?

Mr. Scrivo: I don't want to encroach on the...

Mayor: Will there be someone else that will speak to that?

Mr. Scrivo: The problem is that this witness is very very familiar with the store he is there all the time so he does have knowledge of it although he is a licensed architect.

Mr. Coppola: Can I ask a question? I understand the concept on what this is going to look like, who is going to address how this is going to be controlled from a security standpoint people coming out giving the number of patrons in that facility that is my worry.

Mr. Scrivo: Right, so we are going to meet that challenge. We kind of took this step so he can provide a background of what the store is going to look like and the boundaries that are going to exist because that is what an architect speaks to, but as you migrate into the staffing and other issues we will go to a different witness. However, you will finish up with Mr. Pavese in terms of the physical boundaries because that is an important part for you Mayor of our proofs this evening and of the standards that must be employed so, I don't like to promise we will get to it, but I can take a break and switch witnesses but I think it would be better for ease of tonight's presentation to just go through Mr. Pavese the physical issues and get to the operational issues if that's satisfactory with the Mayor.

Mr. Scrivo: Turning your attention to the patio, you have described it generally and maybe you can just inform the governing body as to what is proposed in terms of structure, bar etc.

Mr. Pavese: The existing area again being used by the culinary area in this general area and then the rest of the area is for dining presently. The entire area is 2748 square feet, the bar area or the serving area is not there yet, or it's not constructed, we proposed to put a bar area similar to the existing bar that is in the oyster bar in the corner of the patio area and that is where liquor will be dispensed and served only in this general area.

Mr. Scrivo: In terms of the access to what we call the patio area, how does a patron access that area?

Mr. Pavese: Basically the patron accesses the area in front of the juice bar near the checkout area, that is the access both entrance and exit to that area.



Mr. Scrivo: And, what is that, is that an opening. Is it a door?

Mr. Pavese: It's an automatic sliding door; it opens as you approach it.

Mr. Scrivo: And does the automatic door close after someone has passed through that thoroughfare?

Mr. Pavese: Correct.

Mr. Scrivo: Now, what kind of separation does that provide between the store and that patio area?

Mr. Pavese: It's a clear separation, it's a door that will be closed most of the time only when there is a person coming in and out, it will be open and it will close right behind them.

Mr. Scrivo: Now you have mentioned something before about retractable wall, can you please describe that for the governing body.

Mr. Pavese: Yes, the southern side of the building, the entire front wall which is 80 feet long, opens and the front portion of that area the roof also opens so when the weather is good we open either partial or all of the front wall and the roof area we have added a decorative rail across the entire front to basically secure the area from the sidewalk area and the parking area.

Mr. Scrivo: Maybe you can put P4 so the governing body can take a look at the decorative rail looks like. Showing the governing body what has been marked as P4 and what is the second page of the handout to the members of the committee.

Mr. Pavese: This is a photograph of the existing patio area and you can see as the front wall and part of the roof can slide open or close right now it is open and we have added a railing as you can see, an aluminum rail all the way across the front with gates for emergency exist out of the area if needed, that will secure that whole area from the sidewalk area.

Mr. Scrivo: What else is depicted in that photograph which are the ballads are they currently there?

Mr. Pavese: The bollards are currently existing; the planters are also currently there today.

Mr. Scrivo: The decorative rail that you are proposing is to be, is that to be there when the retractable portion of the wall opens?

Mr. Pavese: Correct, we proposed to make it a moveable rail so during the winter time where the retractable roof and wall is closed all the time we would like to take the rail away and then when we plan on opening the wall and roof that rail will be installed.

Mr. Scrivo: And the purpose of that rail for purposes of when the retractable wall is opened is to do what?

Mr. Pavese: To secure the area and keep the patrons inside without escaping, without going outside.

Mr. Scrivo: Is a byproduct of that the intention to keep the consumption license premise within the confines of that.

Mr. Pavese: Correct.

Mr. Scrivo: Can you describe the lighting in both the oyster bar area as well the patio area.

Mr. Pavese: The lighting is some florescent and some LED lights they are throughout, there are some high hat fixtures throughout, it is very well light.

Mr. Scrivo: Let's just turn to the other renderings that you have prepared and we will go to P2.

Mr. Pavese: P2 is a view of the oyster bar from the bread bar and cheese bar area which is opposite of the deli, it depicts, again a solid wall around the oyster bar area to encompass that area and a shaded glass above that wall area.

Mr. Scrivo: Why don't we go to P3.

Mr. Pavese: P3 is another view of the Oyster Bar area; you can see inside the area, the seats along the bar area and the tables and chairs on the opposite side, and again it depicts the wall and the glass. The wall is 30 inches high the glass at the highest point is 42 inches high for a total of 6 feet at the lowest point where it arches back down is a minimum of 60 inches or 5 feet tall.

Mr. Brueno: I have a question here if I may, you are proposing 14 seats here in the oyster bar but it looks like there is some standing room available? Is there a capacity restriction here as far as we know for standing room patrons or is it going to be 14 people, if they don't get a seat they have to go out to the patio bar?

Mr. Pavese: It is very minimal space between the back of the stools and where the tables are, it is basically a 36 – 42 inch space that is a walk through, I think that area is basically limited I don't believe that area has that space for standing room.

Mr. Brueno: Would the person in charge let's say the bartender notify a patron that you can't stand there and have a drink? Or is it more of a loose regulation where they might fit or might not fit. I'm just wondering what the capacity, maybe this is more for our Fire Chief I don't know.

Mr. Pavese: I believe the bartender in that area will control that area, so you can't walk through again for emergency purposes but it's not intended to have standing customers, it's basically whatever fits in the bar area and whatever fits at the table area.

Mr. Brueno: Thank you.

Mr. Coppola: Some of the patrons in and out of the facility during the course of the day, what are we talking about, because if I go there I see it, it looks nice when it's calm I'm concerned with the heavy traffic and the control by the bar, with people shopping, do they know the number of people that are in and out of that facility during the course of a day, and is there a way to control it?

Mr. Pavese: I don't know exactly how many people are in there at any given point obviously it varies, I'm sure there are hundreds of people.

Mr. Coppola: Railing, is there a way people can come from the outside to go inside?

Mr. Pavese: No

Mr. Coppola: Well there is a gate

Mr. Scrivo: No, it will open out.

Mr. Pavese: Its just for emergency purposes, the gate, if there is an emergency that if someone needs to escape out, the gates open but it is not intended for circulation to go outside in that area.

There is another door that leads you to inside which are in this area basically you walk around the checkout area and you can go through the vestibule door to go outside that is in the intended route for circulation, not to go through the gates that are in this area.

Mr. Scrivo: and just looking at that Mr. Pavese when the retractable wall is closed is there an exit out, in that retractable wall site.

Mr. Pavese: No, when the retractable wall is in the closed position, the exiting again is through the entrance door you come in and out to exit through the vestibule we also have an emergency exit door that goes out to the side of the building.

Mr. Coppola: Why did it have to be removable?

Mr. Pavese: It does not have to be, it can stay there year round but in the winter time when the wall and roof is closed all the time basically we prefer to take it out, but again it could stay there year round if need be.

Mr. Ferramosca: Mr. Scrivo you have said earlier that you were going to have somebody speak to the segregation to prevent comingling. Is this witness meant to do that?

Mr. Scrivo: Well this witness is obviously talking about the architectural issues that are associated with that in other words the physical boundaries which is...

Mr. Ferramosca: Then I will approach my question from a different manner then, Mr. Pavese, you have spoken that I'm going to use an orientation here that the top part of your drawing is north and bottom south and the right is east and west in simplicity. You spoke to the southern part of the Oyster Bar, eloquently and this is a world class store, it's got prepared food, you have the cheese bar, the bread bar and you spoke about the south, but you have failed to talk about the north. So could you please amplify the description starting with Aisle 1 which is adjacent to this prepared food area going to the adjoining aisles north, what is there, what is being sold there?

Mr. Pavese: To the north of the oyster bar?

Mr. Ferramosca: Go to the left about an inch, what is in Aisle 1.

Mr. Pavese: I know what is in aisle 1 I don't know exactly what is in aisle 2, in aisle 1 there is wine and liquor and in aisle 2 might be cereal or juice.

Mr. Ferramosca: So standard food products are in these aisles, ok and with regards to the oyster bar there is on this drawing, on front page 1 in mice print there is something the word called "opening" now if I look at P3 the area in the background, is that an illustration of a wall, or floor, keep going up, up, up, up further up north, right there what is that?

Mr. Pavese: That's the continuing floor beyond that.

Mr. Ferramosca: So this aisle that separates the stool or chairs from the tables, this is an aisle that I could walk through?

Mr. Pavese: Correct.

Mr. Ferramosca: So, there is an aisle, there is no structure in place that would prevent me from taking my shopping cart if I wanted to go from picking up Kellogg's cereal and I wanted to get a loaf of bread I could go through the oyster bar with my shopping cart?

Mr. Pavese: Difficult to do, there is a clear aisle just outside of it, it's a much easier wider to circulate, the intent for that hallway basically inside the oyster bar is for exiting purposes so anybody can exit in both directions. That was the intent.

Mr. Ferramosca: You spoke about as well, and I'm still focused on this oyster bar I'm intrigued on how you are going to prove to me that you are going to do the segregation and comingling and preventing it, are you going to stage a gate keeper?

Mr. Pavese: Again, the bar service area the bartender that is in that area that will control that area will have control of that area and we do have security throughout the supermarket that will be in that area.

Mr. Ferramosca: Let me ask the question specifically, will there be an assigned spot, dedicated for an individual to prevent the segregation concern which the Chief of Police wrote in his assessment.

Mr. Pavese: I think the next witness will address this.

Mr. Ferramosca: I thought this witness could talk about it as well.

Mayor: Is this design unique to this particular store, or has Village done this in any other stores in the State?

Mr. Pavese: This is the first in their store.

Mayor: The first...

Mr. Gallagher: Just piggy backing on what John and George asked about the open floor plan, and a bartender like Bob asked, being able to regulate that there are 14 people in there and nobody else would be able to be in that area, it has an open floor plan and we will talk to the next witness about this, but you are the architect and it's an open floor plan right there, I would assume there would have to be additional training to the staff because the mingling word was my biggest concern, somebody that has 4 or 5 beers and they walk into the general population where there are families shopping, it's going to absolutely in my opinion going to require extra training to the staff besides straight security and a bartender and to me that goes to one of Fred's criteria.

Mr. Pavese: I think the next witness is better able to answer that in regards to the staff that they will have in this area and how they are going to do it.

Mr. Gallagher: And as the architect, what is the strategy on having the open floor plan and not having it 100% cut off to families.

Mr. Pavese: Again, my concern was for exiting purposes so that people can circulate out of the area if need be so that is why we opened it up, it's a three foot wide opening which is required by code for exiting, so that was the intent. The rest of the

area has this 6 foot high wall if you will all around it to prevent anybody from comingling to the outside of that area.

Mr. Ferramosca: Mr. Pavese, given the fact that you pointed out to me that one would not want to transvers this aisle because there is an aisle adjacent to it immediatly that is much easier for me to put my cart through, so why would one not want to put up a security barrier at that three foot opening so that in the event of an emergency somebody can get through it, but it actually would prevent the comingling component into prevent it from happening per accident that someone is a little bit inebriated and now is going to wander off into the area where Kellogg's sells its corn flakes. Have you considered that?

Mr. Pavese: We have, you can do that, we just felt for emergency purposes it was best that it was open and there was a bartender that is in the area we felt that they can control it.

Mr. Ferramosca: I'm not submitting that it should be closed; I'm submitting that it should be a form of a structure that from an emergency purpose that could be accessed. I'm not saying to put a brick wall there, so why wasn't that consideration given, because again, we are really trying to prevent comingling and segregation is so important to the safety component for this Township Committee as well as the management of the Shop Rite, because this is a world class Shop Rite and I don't think Shop Rite does not want to take on the risk to its reputation of potentially some sort of accident happening because there was comingling of alcohol with the general shopping in the store. So I want to know why you haven't considered doing that.

Mr. Pavese: We did consider it, again.

Mr. Coppola: Would you be in the position to address the concerns that our Police Chief has rendered in his report? These are very valid points and I definitely want to feel satisfied. I was there on Saturday shopping and Mr. Ferramosca said the comingling is incredible, that's how so many people. I need to know, if someone dropping someone off at the day care someone who has been drinking and leaving the facility and so on, is someone going to be able to address the Chief's report to its entirety?

Mr. Scrivo: We are addressing all of the Chief's issues; we will. Certain of them are obviously related to the structural issues of the store certain of those

Mr. Coppola: Some of the structure issues; but there are still open exposure, limited and how do you control the mingling that's going in and out and in and out of the main the big area also.

Mayor: You are going to present argument on that, we are going to hear testimony from another individual who is prepared to talk about that?

Mr. Scrivo: You will hear testimony from another...

Mr. Brueno: Just another thing if I may, I've been to the store several store, it's a beautiful store, I have not been down to what we are referring to as the patio area and I don't know if that's the future name or the current name, but if someone is there hypothetically, I guess there is prepared food available is there a menu available now?

Mr. Pavese: There are prepared foods, there are kiosk around the store, a hot bar, salad bar, olive bar.

Mr. Brueno: That I am familiar with, but if someone is in the patio area having a drink or two and they get hungry and they want to go out to make a plate of food and come back in is that something that is going to be prevented or is that something you see being allowed?

Mr. Pavese: You cannot go outside that area with a drink in your hand,

Mr. Brueno: But if they are finished with their drink and now they want to eat and now want to come back and get another drink.

Mr. Pavese: They can come back and get food in this area check out and go back in and eat the food and get the drink.

Mr. Brueno: So there is no other alternative. If they are there and they are hungry there is no service available, no menu.

Mr. Pavese: There is no food service available in that area, simply have to get whatever you are going to get to eat outside the area go through the checkout area then enter the patio.

Mr. Brueno: See as far as the term comingle the term that keeps getting used I think that is my one concern that I have there is really nothing to do to prevent that and certainly the food area is very appealing there is a million different menu choices, so I guess I see that happening, not that someone is going to stumble out of there drunk, necessarily, but you can see it happening, okay.

Mr. Gallagher: Is that area going to be 21 and over because that is typical where families go after they get the prepared food to dine while they are eating, so is that going to be specifically 21 and over since they serve alcohol?

Mr. Pavese: Again, the next witness

Mayor: Inside the parameters where they are going to serve the alcohol?

Mr. Gallagher: yes

Mayor: I hope so,

Mr. Coppola: But that's a big restaurant area.

Mr. Ferramosca: its 2800 square feet.

Mr. Gallagher: So no longer can the families can be permitted to go in there because it's 21 and over.

Mr. Scrivo: No it would not be 21 and over.

Mr. Gallagher: Just two more quick questions, have you personally designed a bar in a supermarket before?

Mr. Pavese: This is the first bar I designed in a supermarket.

Mr. Gallagher: Have you specifically studied bars in supermarkets?

Mr. Pavese: I have looked at other supermarkets that have bars such as Whole Foods or Wegman's and things of that nature.

Mr. Gallagher: You were able to pick up different things that they did that were good and bad as far as the mingling that we are concerned with.

Mr. Pavese: Again, tried hard to separate the areas and that is what we tried to do with enclosing the areas around the oyster bar, separating the area where the patio bar area and that's what we are really trying to accomplish.

Mr. Semrau: For the record, you mentioned Whole Foods and Wegman's could you tell the Township Committee where those stores are located?

Mr. Pavese: Whole Foods I believe is in Union and Wegman's is Bridgewater.

Mr. Brueno: Any in Morris County as far as we know.

Mr. Pavese: Not that I know of.

Mr. Brueno: This would be the first.

Mr. Ferramosca: I would like to personally visit the store.

Mayor: What was the comment of the Bridgewater Wegman's

Mr. Pavese: I'm not sure if they have the service,

Mr. Ferramosca: So Mr. Pavese, what Wegman's store did you study,



Mr. Pavese: Again, I don't recall exactly which one.

Mr. Ferramosca: But you studied a Wegman's

Mr. Brueno: He said Whole Foods.

Mr. Pavese: You looked at plans.

Mr. Ferramosca: You looked at plans...., so you didn't go into a Wegman's store you looked at plans, were these concept plans for Wegman's?

Mr. Pavese: Construction drawings.

Mr. Ferramosca: Construction drawings, for a store in what state?

Mr. Pavese: In New Jersey.

Mr. Ferramosca: In New Jersey, but you don't know where in New Jersey.

Mr. Pavese: I don't recall.

Mr. Ferramosca: So you really had never designed from an architectural standpoint for the question Mr. Gallagher asked you previously a place where alcohol is served within a supermarket before.

Mr. Pavese: Within a supermarket no, but I

Mr. Ferramosca: But you studied a Wegman's store that you don't know where, but you think it's someplace in New Jersey and you believe, are you sure it was a Whole Foods store in Union?

Mr. Pavese: Yes,

Mr. Ferramosca: You positive? Did you go into the store or did you study plans?

Mr. Pavese: Yes, I've been to the store;

Mr. Ferramosca: So you visually saw it, and what were the positive criteria that they were doing verses what you have created here, can you say that we are mirroring it, we've improved it, and what can you share with us?

Mr. Pavese: Again, it's the separation between the supermarket area and the serving area and that we tried to do here as well as that's what they were doing at Whole Foods.

Mr. Ferramosca: So since we've talked about this store, can you provide us copies of the plans? Cause you have been to the store, you've studied it and I'd like to see the benefit of the learning, and to Mr. Gallagher's earlier question, because this is something that Mr. Brueno doesn't exist in Morris County today, and we don't have anything locally to look at to, but I would love to be able to see the actual drawings and we can take the learning and apply it to the evaluation.

Mr. Scrivo: We obviously don't have the Whole Foods plans and we don't represent Whole Foods

Mr. Ferramosca: But Mr. Pavese went in and did a study within the Whole Foods store did he not write down anything

Mayor: He admitted to it in his testimony.

Mr. Ferramosca: He brought it in, did you take a picture or write anything down.

Mr. Pavese: No I didn't, I just walked around and took some notes.

Mr. Ferramosca: So if he could submit his notes, that would be good enough for me.

Mr. Scrivo: I would take that under advisement, it's highly irregular to and I would ask your Township Attorney for a ruling on that as to if his notes would be something that would go to the application that is before this board in this Town for purposes of this application which stands on its own.

Mayor: I think Mr. Ferramosca's point is understood; the question of council, Fred two areas that concern me one Shop Rite's Council said that some traffic going into the area will be under 21 years of age, so into the bar area was that your comment, when I said I hope it's over 21?

Mr. Scrivo: You asked, respectfully Mayor whether it would be restricted to 21 and over and I responded it would not be.

Mayor: It would not be, so what, so youngsters with parents may be allowed into this lounge area.

Mr. Scrivo: We call it the Patio, just for purchases of consistency of the record,

Mayor: The Patio area, and now let's go the Oyster Bar for just a second, which is more of an adult thing in my opinion, but

Mr. Scrivo: The question is, the same question is that what you are asking?

Mayor: Yes

Mr. Scrivo: I don't know the answer to that, I can consult with Village, as to if that will be limited, I don't know off the top of my head whether that will be limited to 21 and over but we can inquire and I can get back to you.

Mayor: But the question to my council or both council if I leave the "Lounge Area" with a drink security aside and enter the store, is that anyway shape or form a breach of my license.

Mr. Semrau: I believe that under this concept it would be, because there is an area that is restricted and you can't leave with your drink, but I also believe from what I'm hearing Mayor also that it's the discretion of the applicant here to answer the question at least thus far, we are hearing that minors can go into this particular area with adults. You can consume alcoholic beverages. Now I think as a follow-up Mr. Scrivo has said he will give a definitive answer but as of right now we are to assume that that would be the case.

Mayor: Okay.

Mr. Gallagher: To what the Mayor said, will there be somebody and this is for the architect you have to look at the staffing across the board especially when we are so concerned about our families being in here, will there be somebody at the door, like there would be in a tavern or in another consumption facility to say let me see your identification because if all ages can go in who is going to differentiate who can be served and who can't. And the last question is the hours of this facility, will they differ from the supermarket, is there one point where the supermarket door will be closed and the patrons can stay in the bar area until theoretically last call in New Jersey.

Mr. Scrivo: I can answer that just from my representation stand point and make it part of the record, the answer will be no. The patio/bar whatever you want to call it, would not remain open beyond any store hours. So you would have a bar that under it's current form closes at whatever the time limit is for New Jersey, whereas here it would not stay open past 10:00 pm.

Mr. Coppola: that is really not a segregated area. I have a concern with that, with the volume of traffic in and out that it's not secured on all four sides, you got traffic that can flow through the center, so that is not a secured area. Somebody, and I'm really concerned with even noted in the Chief's report if someone drops a child off and goes drinking, picks up the child then leaves, who is controlling that person within, making sure he is not intoxicated, going out comingling with all the individuals within that store.

Mr. Scrivo: Somebody will answer that, just to short circuit things, we have a system within the facility already that hand stamps those who drop off child care and those people would not be permitted to drink on premises and we would institute procedures to accomplish that.

Mr. Coppola: That is still not a segregated area.

Mr. Scrivo: I'm just answering your last question.

Mr. Coppola: That's not a segregated area, if you are allowing comingling to walk in and out that's not segregated.

Mr. Scrivo: Through you Mayor, I just don't know the Committeeman's question, is that related to the patio or the oyster bar?

Mr. Coppola: The patio you can segregate it if you blocked it off and don't allow anyone under the age of 21 into it; that area there in the center because I am very familiar with it and there is clearly high traffic, high volume area, people can float in and out of there and it is not segregated to a point you can only have someone who is dealing strictly with that particular venue of having a drink or an oyster or whatever. Who is controlling it?

Mr. Scrivo: Obviously, there will be a witness who testifies as to the staffing and the operational issues.

Mayor: Let's keep that issue alive with the other witness; and I'm trying to work around some time constraints for you as well. But is the architect prepared to comment or testify on the Planning issues?

Mr. Scrivo: To the extent that they are relevant for the governing body's consideration of this application I would say yes with a qualifier until we hear those questions.

Mayor: Let me rephrase the question, the question being that with this additional amenity of alcohol on the premises it's seems to get from this hearing that I'm getting that it's going to serve just the audience that's coming to the grocery store, now having said that can it be said that it is not going to create additional traffic in the store coming to the store.

Mr. Scrivo: I don't think the architect is qualified to answer that.

Mayor: Now we are talking about a grocery use and a parking regulation that we have there and now what I would consider a bar or restaurant type of use,

Mr. Ferramosca: Now it's different, absolutely.

Mayor: That would create, so I don't know what...Blais or Council do you want to accept Blaise in some fashion here and testify.

Mr. Semrau: Well I think he could just as a background right here just answer that question, factually if the Mayor has a question.

Mr. Brueno: Specific to the number of spaces or segregating the number of spaces.

Mayor: What will it do to the already approved parking requirements on the site, what does this change, additional as I call it, what does this additional business do to the parking regulations.

Mr. Brancheau: I don't think it does anything. When this came to the Planning Board, the bistro, the expectation was that people who are already coming to the site are shopping there, so the expectation is not that people are coming there specifically to eat or drink, I think that is why parking didn't have a significant effect.

Mayor: So you didn't see any impact?

Mr. Brancheau: There may be a small amount, but if Shop Rite wants it because they want to be popular, I don't see, I think it's part of the overall experience and I don't see it as being something that people are coming to.

Mayor: It's not the destination that they are coming to for alcohol.

Mr. Brueno: But the reality is, I don't think we really know, it's a beautiful looking facility and I've been in there and if someone said let's get some fresh seafood and get a drink, outside of shopping there is nothing to prevent that so...

Mr. Brancheau: There could be a small amount of that; and I think the times that it's a supermarket that has this could increase the shopping in a supermarket as well, it just is difficult to bonafie that since it is such a new concept. You have to understand and deal with this because it is a new approach.

Mr. Gallagher: Just one more question going back to mingling, and I would think it would be under architecture also with the access from the store into the lounge area is our Chief of Police is right here, but I believe two drinks your technically intoxicated and should not operate a motor vehicle, but like Bob said, if you are going to have a couple of drinks and then go have some food and come back in going back to mingling. You are walking out of the lounge area technically intoxicated where there are families, my children, my friend's children, you're getting food and you're going back in. The mingling is a concern, the access to the store is a concern, a concern of mine, and again I'm looking at Fred's criteria and I think that could be architectural also because you are going in and out and have access.

Mr. Pavese: Again, the next witness will respond to the limiting number of drinks that each patron can be served and that will be controlled by the bartender area but again that is more for the next witness than myself.

Mayor: I think to help us along I think another witness can come up. I think they are focusing on two specific issues here, and I think the real concern here seems to be the oyster bar, if I can say that. The outside patio area I think we understand how it could be secured and I think even Committeeman Coppola understands how that could be barrier in a way that it is somewhat segregated if you will from the grocery area, but the oyster bar is centered mostly in the grocery area, and I think that we have concern about. You have any other question for the architect from this point?

Mr. Scrivo: He'll be around it needing be.

Mayor: Would you like to call another witness?

Mr. Scrivo: The only thing that I understand that; I understand that you have other business

Mayor: If you would like to continue with somebody else it's going to begin a whole new area of testimony.

Mr. Scrivo: I'm not looking to burdening the governing body this evening, but the only thing I would say is that I have been contacted by certain residents of your town who have showed up here tonight who were willing at least I think be heard and since they are present, I'm not calling them as witnesses I just know that they are here to provide public comment.

Mayor: If they would like to comment then it's remains in the architecture of some sort of making a statements

Mr. Scrivo: I'm not aware of what the statements are but I'm told that they are public comment here and they have been here awhile.

Mayor: I'm not trying to suppress them that's fine, but what's the form do we take.

Mr. Semrau: Well the public is entitled to comment after each witness; just as the governing body can ask questions so do you want to open it up?

Member Ferramosca opened the floor to the Public and Member Brueno seconded the Motion.

Mr. Semrau: I would like to ask Mr. Scrivo one question, he said individuals contacted him. Are they individuals that work at the store that live in Hanover Township or just individuals that work at the store who contacted you?

Mr. Scrivo: I don't think they are employees.

Mr. Semrau: They just contacted you out of the blue? Or I don't know

Mr. Scrivo: I think they are aware of the application because it was publically noticed twice, I think they are aware of the application and want to express their

Mayor: Are they area residents?

Mr. Scrivo: They are town; I understand that they are town residents.

Mayor: Do they patronize the store?

Mr. Scrivo: I don't know.

Mayor: Are they going to make a statement?

Mr. Scrivo: I haven't spoken to any of them.

Mr. Semrau: It is not as if either yourself or the applicant is solicited them or they are not affiliated to the store or anything like that; they certainly have the right to speak, but I think in all candor I think the record should reflect that if you are asking them to be heard tonight and they contacted you, I just think if you can ask your client to just disclose, because he is not going to testify tonight I think the Township Committee should be made aware if they were requested or solicited to come and speak and, if and in fact they are affiliated or employed by the store.

Mr. Scrivo: I can ask the latter questions, I don't believe any of them are affiliated or employed by the store, I believe they are aware, from my own knowledge, I believe they are aware of the application and they have volunteered to come this evening to provide public comment.

Mr. Semrau: Then why wouldn't they contact the Administrator. Why did they contact the store, I just don't know.

Mr. Scrivo: Mayor, you can ask them, I don't know its public comment; they are residents of your town.

Mayor: I can ask that in open session.

Mr. Semrau: They are certainly entitled to speak, but just the fact the way it is presented I think it should be disclosed.

Mr. Scrivo: I am not calling them, it's not part of my case, and I understand you just opened to the public

Mayor: We did and we would ask if someone would like to come forward make a brief comment or comments to something that was just testified to we will allow that.

Mr. Semrau: I say that Mayor, because one of the standards and criteria is the opinion of the public, so I am asking that as a preliminary question because people are going to speak, I hope that's being done on their own interest and just appeared to me that I think,

Mr. Brueno: We want to understand their motivation, but maybe we should allow them to speak and we can ask them.

Mr. Giorgio: Anyone wishing to address the governing body, please kindly step to the podium stating your full name and address for the record.

Mary Jemas, 1502 River Edge Lane, Whippany: I come to this meeting because I have a dear friend that is employed by Shop Rite, we are very close. She had told me that there may be a hearing tonight and I wanted to come and support Shop Rite. I think they are a friend of our community, I use their services, I attend classes there and I do eat in the café and it would be nice once and awhile to have a nice glass of wine. We don't stay there and hang out we just go after a class, we have a hamburger at the café. So I am here on behalf of Shop Rite and I think we should really consider them, and they do a great service to our community. Thank you.

Mayor: Can I ask, don't go away.

Ms. Jemas: I won't.

Mayor: Can I ask how you became aware of the request?

Ms. Jemas: Actually someone from work, who has no affiliation with Shop Rite, we were having dinner one night and she said she had heard the Half Point was being sold and that Shop Rite was trying to acquire a license. And, I said to her oh no they have their liquor license not knowing this was in the works, so I had no idea, this was months ago, months ago. Nobody solicited, the attorney did not solicit me this evening, and I am coming on my own accord.

Mayor: Did I suggest that?

Ms. Jemas: No not you, thank you.

Mayor: Would anyone else like to be heard at this time?

Christine Giousios, 58 Fairchild Place, Whippany: I heard of this through my sister who also mentioned it to me and I thought I would come. I first would like to thank the Shop Rite staff, I don't know if any of you are here tonight, but they carded me last week when I went to buy a celebratory bottle of wine for my girlfriend, haven't been carded in years, so thank you very much. I just want to say that I started going to Shop Rite as soon as they opened and I shop there quit often, I have had the best



experiences shopping of my life at this new Shop Rite, I go with my with friends, I teach in a neighboring district and after work on a Friday, we will go and have a glass of wine and then do shopping and then end up at my house.

But if this were to happen, we can shop have our little glass of wine and then go home. Friends of mine also who we shop with, colleagues that I teach with also live in Whippany, so I really have to say I've been at Shop Rite so many times the security is amazing, I have gone late at night, and early in the morning, the staff is second to none. They go out of their way to help. One day school was dismissed early, I went to Shop Rite just a little bit of snow, it was snowing and there was a gentleman working at your establishment, no coat, buy the time I left Shop Rite there were 3 inches of snow on the ground, he helped me find my car with no coat no hat and helped me get in. The service there is superior. I can tell you and it is reflective of their high standards. And so I really feel they have made such a nice impact on our Community and if they are going forward with this in good faith, if I was carded I can't tell you and when I'm in the wine area, there is always staff there, gentleman who are security there and I'm very impressed and I am confident just from my experiences there that they are going forward in good faith. I feel, this is the first time I've been to a Town Meeting. I'm hearing a little adversarial comments from the board, and I'm finding it a little disappointing, if they are coming forward in good faith so I hope we will listen with an open mind, because as a resident of the community, I feel that they would be bringing forth a quality step to what they want to do.

I hope we will all listen with open ears.

Mayor: Thank you. Once again the floor is open.

Karen Melvin, 5 Oak Glen Place, and Whippany: I've been waiting since last October for the oyster bar to open with the liquor license. It is the freshest seafood you are going to find anywhere around here. It would be nice to sit down and have a beer or a glass of wine. I personally eat there, lots of my friends eat there, but it would make it nicer, definitely, to have it offered. Not that you necessarily always take it, but at least if you wanted it you could have it. My son works there since the store opened, he's now a junior at Whippany Park and he loves it. I'm there 5 times a week picking him up and dropping him off, whatever, I basically live in the store, you aren't going to find a cleaner place to eat in town, nicer people and I don't see any reason, why anybody would object to having a serving license. I would be more nervous about the high school with the kids with their water bottle, which isn't necessarily isn't water.

Everybody is allowed to have water bottles, is it water, or is it vodka is it rum, hum that's a good question. I'm sure if they had better security in the high school and tested those water bottles, especially with the kids that act up or little uncontrollable, they'd find out that their water bottle contained other things besides water. So at least with Shop Rite we have superior security, I wouldn't give it a second thought that if my son even tried to get alcohol any way, he would be stopped immediately. Which would

be a great thing, and that is. I hope you all go to the Oyster Bar and I hope you all can have a drink there soon.

Elizabeth O'Brian, Hanover Hills: I think it is a great idea that Shop Rite what they are trying to do here because give it a chance because it's probably the first in this area and like everyone says it's a very clean place, everybody that works there is very well trained. I'm sure they are going to train staff that would man-the-bar and the security to enhance that nobody would be drunk. They will probably have a limit on how many drinks you can have, but I would, I do go there a lot, even once a week, I would like to go to a cooking class and after the class maybe have a glass of wine. I see that for myself, I just wanted to say that, and support Shop Rite and their plan. Thank you.

Mayor: Anyone else like to be heard at this time, hearing none seeing none.  
Motion to close made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

Council can we get another date to continue.

Mr. Giorgio: Monday, December 22<sup>nd</sup>.

Mr. Scrivo: Merry Christmas.

Mr. Ferramosca: Merry Christmas is right!

Mr. Scrivo: Can we proceed with no further notices required?

Mr. Semrau: I have an issue that evening Mayor as far as being here on the 22<sup>nd</sup>. Can we carry it into January, it's the same governing body, there is no change and it won't impact the application, can we schedule it for

Mr. Giorgio: The next meeting will be January 8<sup>th</sup>.

Mr. Semrau: I might be able to make it but I don't want to come back.

Mr. Ferramosca: I'm sure whether I can be here that Monday as well.

Mr. Giorgio: Gentleman, is January 8<sup>th</sup>, okay?

Mr. Semrau: Does that work Mr. Scrivo?

Mr. Scrivo: Absolutely.

Mr. Semrau: Then for the record, you may recall your architect, right,

Mr. Scrivo: I think we may, but I think we have concluded with him but I can look at a few things to see if we need to clean things up.

Mr. Semrau: I think Mayor, Mr. Scrivo has one more witness.

Mr. Ferramosca: 10:30 we ended.

Mr. Semrau: No, for the next meeting,

Mr. Ferramosca: We have another meeting to go to. Thank you.

Mr. Semrau: For the next meeting, Mr. Scrivo has one more witness correct.

Mr. Scrivo: That is the current intention, it may base on the feedback from the members of the governing body, that we would call someone other than the intended witness, but I don't anticipate that.

Mr. Semrau: But if there are any more exhibits or any other additional witnesses can we set a date as to which you would be able to distribute that information to the governing body, because it may help so that we get here and have them get familiar with the documents and things of that nature.

Mr. Scrivo: Mayor you set the date and we will comply.

Mr. Coppola: Excuse me, what is that gentleman's role?

Mr. Scrivo: This gentleman here? He works with me, he is another lawyer.

Mr. Coppola: Someone is going to address the whole issue of security. Not tonight, but someone will?

Mr. Scrivo: Yes, but he won't be a lawyer.

Mayor: We have the date of the 8<sup>th</sup>?

Mr. Giorgio: Yes, that will be at 8:30 p.m. regular Township Committee Meeting, but I think for the record, we should just note that we should make a motion to adjourn this proceedings.

Mr. Semrau: Mr. Scrivo wants to know how much in advance of the next meeting would you want any additional documents or names of witnesses.

Mayor: I would in the hands of the Committee 5 – 7 days prior to.

Mr. Brueno: After New Year's if that is possible.

Mr. Scrivo: 12/31.

Mayor: Councilman is concerning of that, if the committee appears to be adversarial that is simply not the case, but it is critically important so the public knows that we try to extract during the course of this hearing information that ensures us that this use is going to be one that meets the criteria that we elaborated earlier by our counsel in the areas of security, etc., but we are not trying to be argumentative or adversarial.

Mr. Scrivo: Something was just pointed out to me, Mayor, if I could, it goes to Mr. Semrau's point about his possibly missing the 22<sup>nd</sup>, but this is not an accommodation for Village in any way shape or form, but it is out of the concern for the seller. If there would be any possibility that the 22<sup>nd</sup> could be a go, we would make ourselves available any subject to anyone's schedule and if not then it goes to the 8<sup>th</sup>, I only throw that out because I have some concern over the seller.

Mr. Semrau: I would also would say Mayor, that it is a difficult time of the year to turn that, the Governing body normally meets on Thursday evenings, so and I've always been under the impression, that is just to clear the business of the Governing body the last meeting of the year. In the same token, you don't want to get here and find out that everyone's either that not everyone is here or they are anxious to leave because it's 11:00 at night and same for the public. Members of the public to come out two nights before the holidays could be difficult too.

Mr. Giorgio: 22<sup>nd</sup> is really the night the Township Committee prepares for re-organization on January 1, 2015.

Mayor: It is difficult at best, and we would appreciate your issue with the seller, but the best we can do is the 8<sup>th</sup>.

Mr. Semrau: I think the public would be more aware and you would have more time to submit anything you want to submit and I think in the long run it might be more efficient. Even if I could attend I just think it would be a more sufficient process. It would be very tough for everyone.

Mr. Scrivo: Obviously it's the Governing body's call. So I just wanted to raise it. So the purpose, I believe there has been a motion to carry, so no further notice is required through you,

Mr. Giorgio: I don't believe so, we should just have a motion to carry.

Motion made by Member Ferramosca to adjourn the hearing and carry until January 8, 2015 and seconded by Member Coppola and unanimously passed.

Mr. Scrivo: Thank you Mayor and enjoy your holiday.

Members & Mayor: Thank you and you too.

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**APPROVAL OF MINUTES:**

The Minutes of the Regular Meeting of November 24, 2014 had been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Ferramosca moved that the Minutes of the Regular Meeting of November 24, 2014 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.  
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**DEPARTMENTAL REPORTS:**  
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**ORDINANCE FOR PUBLIC HEARING AND CONSIDERATION OF ADOPTION:**

**ORDINANCE NO. 43-14**

**AMENDING AND SUPPLEMENTING SECTION 166-141. ENTITLED "REGULATIONS APPLICABLE IN ALL ZONES," BOTH IN ARTICLE XX ENTITLED "SIGNS" AS SET FORTH IN CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION PERTAINING TO SPECIAL EVENT SIGNS IN THE TOWNSHIP.**

Letter from Chairperson of the Planning Board: On behalf of the Planning Board, commenting through in accordance with the Municipal Land Use Law the Planning Board that despite the lack of a specific policy statement in the master plan the Board does not consider Ordinance 43-2014 to be substantially inconsistent with the master plan and Blaise I guess they are not denying approval.

Mr. Brancheau: No, just informing.

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 43-14 appeared in full in the November 20<sup>th</sup>, 2014 issue of the Daily Record in accordance with the law and we have filed the Ordinance and Notice of Introduction with the Morris County Planning Board in accordance with the Municipal Land Use Law.

Motion to convene a public hearing was made by Member Ferramosca and seconded by Member Coppola and unanimously passed.

Is there anyone present wishing to be heard at this time?

Seeing None,

Motion to close by Member Coppola and seconded by Member Brueno and unanimously passed.

Be it resolved, that an Ordinance entitled, "AMENDING AND SUPPLEMENTING SECTION 166-141. ENTITLED "REGULATIONS APPLICABLE IN ALL ZONES," BOTH IN ARTICLE XX ENTITLED "SIGNS" AS SET FORTH IN CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION PERTAINING TO SPECIAL EVENT SIGNS IN THE TOWNSHIP," be passed on final reading and that a Notice of the final passage of the Ordinance be published in the December 18<sup>th</sup>, 2014 issue of the Daily Record.

Motion on Adoption with the Amendment made by Member Coppola and seconded by Member Gallagher and unanimously passed.

So Adopted.

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**ORDINANCES FOR INTRODUCTION:**

**ORDINANCE NO. 45-14**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 12. OF ORDINANCE NO. 23-2014 BY ESTABLISHING NEW RATES OF PAY FOR THE PERFORMANCE OF OFF-DUTY, SIDE JOB ASSIGNMENTS PERFORMED BY MEMBERS OF THE HANOVER TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, the Township Committee and Hanover Township PBA Local #128 have reached agreement on the establishment of new rates of pay for the performance of off-duty, side job assignments to be performed by members of the Hanover Township Police Department during a six and one-half (6 ½) year period commencing January 1, 2015 and ending on June 30, 2021; and

**WHEREAS**, it is the intention of the governing body to amend and supplement Section 12. of Salary Ordinance No. 23-2014 in order to approve and adopt the new rates of pay.

**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 12, paragraph 2. of Salary Ordinance No. 23-14 is hereby amended and supplemented by establishing the following new rates of pay for the performance of off-duty, side job assignments to be performed by members of the Hanover Township Police Department during a six and one-half (6 ½) year period beginning January 1, 2015 and ending on June 30, 2021:

1. Hourly Rate..... \$ 70.00 per hour;
2. Overtime Hourly Rate..... 105.00 per hour;
3. Ravine/MetLife Rate.....100.00 per day;
4. Administrative Fee Paid to Township.. 10.00 per hour; and
5. Cost For the Use of a Township Police Vehicle..... 25.00 per hour.  
(Up to a Maximum of \$125.00 for a Full 8 hour day)

**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.

The Ordinance will be further considered for Public Hearing and Final Passage at the December 22<sup>nd</sup>, 2014 meeting of the governing body and at time any person wishing to be heard will be given the opportunity to speak. The Ordinance and the Notice of Introduction will be published in full in the December 15<sup>th</sup>, 2014 issue of the Daily Record.

Motion on introduction made by Member Coppola and seconded by Member Ferramosca and unanimously passed.

So Introduced.

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**RESOLUTIONS AS A CONSENT AGENDA:**

**RESOLUTION NO. 220-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING CHRISTOPHER J. SCHIMMINGER AS A REPLACEMENT PART-TIME PARK MAINTENANCE WORKER ASSIGNED TO THE PUBLIC WORKS, BUILDINGS AND GROUNDS AND PARK MAINTENANCE DEPARTMENT EFFECTIVE MONDAY, DECEMBER 22, 2014 AND ESTABLISHING HIS COMPENSATION AT \$15.61 PER HOUR UNDER JOB GROUP I, SCHEDULE "B" AND SALARY RANGE GUIDE "D" AS SET FORTH IN SALARY ORDINANCE NO. 23-2014 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND CRIMINAL HISTORY BACKGROUND CHECK)**

**WHEREAS**, with the retirement of Robert J. Peters as a part-time Park Maintenance Worker on December 17, 2014, a need exists to fill the vacant position in order to assist the Public Works, Buildings and Grounds and Park Maintenance Department during the summer and early fall seasons; and

**WHEREAS**, it is the recommendation of the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department that **Christopher J. Schimminger** who has worked for the Township as a temporary, seasonal employee in the past, be hired to fill the vacant position and work a maximum of twenty-eight (28) hours per week; and

**WHEREAS**, subject to the Township's Policies and Procedures, **Mr. Schimminger** will be required to receive a satisfactory medical examination, negative drug test and criminal history background check as a conditional offer of employment.

**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 **Christopher J. Schimminger** residing at 9 Goldblatt Terrace in East Hanover, New Jersey 07936 is hereby appointed to serve as a replacement Park Maintenance Worker assigned to the Public Works, Buildings and Grounds and Park Maintenance Department effective Monday, December 22, 2014.
2. **Mr. Schimminger** shall work a maximum of twenty-eight (28) hours per week and be compensated at the rate of \$15.61 per hour under Job Group I, Schedule "B" and Salary Range Guide "D" as set forth in Salary Ordinance No. 23-2014.
3. In accordance with the requirements of the Township's Employee Job Performance Evaluation System, as described in full under Section 61-18 of Chapter 61 of the Code of the Township entitled Salaries and Compensation, **Mr. Schimminger** shall serve a six (6) month probationary period commencing December 22, 2014 and ending on June 22, 2015. The Superintendent of Public Works, Buildings and Ground and Park Maintenance shall submit an Employee Job Performance Evaluation at least twenty (20) working days prior to the expiration of the six (6) month probationary period. In the event that **Mr. Schimminger** receives an unsatisfactory job performance evaluation during his probationary period, **Mr. Schimminger** may be terminated at the conclusion of the probationary period or sooner, whichever case is applicable.
4. This offer of employment is conditional and subject to **Mr. Schimminger** receiving a satisfactory medical examination, negative drug test and negative criminal history record information check, all in



accordance with the Township's hiring practices as set forth in the Township's Personnel Policies and Procedures Manual and Section 61-29.N(1) through (4) entitled "Alcohol and Drug Testing Policy for Civilian Employees."

5. Pursuant to Township policy as it pertains to part-time employees, **Mr. Schimminger** shall not be eligible to receive any prior service credit or receive and accrue any paid vacations, sick leave, medical and dental insurance health benefits coverage of any kind whatsoever.
6. That certified copies of this resolution shall be transmitted to the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department, the Township's Chief Municipal Finance Officer and **Mr. Schimminger** for reference and information purposes.

#### **RESOLUTION NO. 221-2012**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE EMPLOYMENT OF DAVID C. MANNHERZ AS A PART-TIME ASSISTANT BUILDING INSPECTORS/ASSISTANT ZONING OFFICERS/ASSISTANT PROPERTY MAINTENANCE OFFICERS ON A TEMPORARY, AS NEEDED BASIS, AT THE RATE OF \$30.60 PER HOUR UNDER JOB GROUP IX, SCHEDULE "B" AND SALARY RANGE GUIDE "C" AND FURTHER AUTHORIZING THE EMPLOYMENT OF SALVATORE SIMONETTI AS A PART-TIME PLUMBING INSPECTOR ON A TEMPORARY, AS NEEDED BASIS, AT THE RATE OF \$30.60 PER HOUR PURSUANT TO ITEM 4. OF SECTION 11. UNDER SALARY ORDINANCE 23-14**

**WHEREAS**, the Township is experiencing significant residential and commercial development, and with the construction season in full swing, the Construction Official has requested that the Township Committee authorize the employment of one (1) part-time assistant building inspector and one (1) part-time plumbing inspector, on a temporary, as needed basis whenever the Construction Official deems such assistance is needed; and

**WHEREAS**, the Construction Official recommends that the following individuals who are licensed by the State of New Jersey to serve as a building inspector and plumbing inspector be authorized to perform building inspection and plumbing inspection services on an as needed basis:

**David C. Mannherz  
Salvatore Simonetti**

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

1. The governing body hereby authorizes the Construction Official to retain the services of the individual named below as a temporary, part-time Assistant Building Inspector/Assistant Zoning Officer/Assistant Property Maintenance Officer in order to assist the Building Department with residential and commercial building inspections:

**David C. Mannherz**  
4 Moraine Road  
Morris Plains, New Jersey 07950

and

2. **Mr. Mannherz** shall be compensated at the rate of \$30.60 per hour under Job Group IX, Schedule "B" pursuant to Salary Range Guide "C" of Salary Ordinance No. 23-14. **Mr. Mannherz** shall not work more than twenty (20) hours in any week.
3. The governing body hereby further authorizes the Construction Official to retain the services of the individual named below as a temporary, part-time Plumbing Inspector in order to assist the Building Department with residential and commercial building inspections:

**Salvatore Simonetti**  
71 Mountain Avenue  
Cedar Knolls, New Jersey 07927

4. **Mr. Simonetti** shall be compensated at the rate of \$30.60 per hour under Item 4. of Section 11. as set forth in Salary Ordinance No. 23-14. **Mr. Simonetti** shall not work more than fifteen (15) hours in any week.
5. The authorization given to the Construction Official to retain the services of **Messrs. Mannherz** and **Simonetti** as a temporary, part-time building inspector and a part-time plumbing inspector on an as needed basis shall expire on December 31, 2015.
6. As temporary, part-time employees of the Township authorized to work on an as needed basis, **Messrs. Mannherz** and **Simonetti** shall not be eligible to receive any prior service credit or receive or accrue any paid vacations, holiday pay, sick leave or health and dental benefits coverage of any kind whatsoever during their temporary employment with the Township.
7. That certified copies of this resolution shall be transmitted to the Construction Official, the Township's Chief Municipal Finance Officer

and Messrs. Mannherz and Simonetti for reference and information purposes.

**RESOLUTION NO. 222-2014**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING 2014 BUDGETARY APPROPRIATION TRANSFERS IN ACCORDANCE WITH N.J.S.A. 40A:4-58**

**WHEREAS**, N.J.S.A. 40A:4-58 sets forth the manner in which appropriation transfers may be made; and

**WHEREAS**, there appears to be insufficient funds in the following accounts (excepting the appropriation for contingent expenses or deferred charges) to meet the demands thereon for the balance of the 2014 current year.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover, County of Morris, that this resolution be adopted (by not less than two-thirds of all the members thereof affirmatively concurring) in accordance with the provision of N.J.S.A. 40A:4-58, part of the surplus in the accounts mentioned below be and the same are hereby transferred to the accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) mentioned as being insufficient, to meet the current demands of the 2014 operating budget.

**BE IT FURTHER RESOLVED**, that the Treasurer is hereby authorized and directed to make the following transfers:

<b>FROM:</b>			<b>TO:</b>		
<b>ACCOUNT</b>			<b>ACCOUNT</b>		
<u>NO</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>	<u>NO</u>	<u>LINE ITEM</u>	<u>AMOUNT</u>
124-0004	Purc Tax Liens OE	\$10,000.00	124-0012	Bldgs & Grnds SW	\$ 5,000.00
124-0008	Mgmt Study OE	10,000.00	124-0064	Dial A Ride SW	7,500.00
124-0001	Admin SW	20,000.00	124-0009	Legal OE	50,000.00
124-0011	Engineering SW	22,500.00			
124-0028	Rds – OE	<u>3,500.00</u>	124-0030	Sanitation – OE	<u>3,500.00</u>
\$66,000.00			\$66,000.00		

**POSSIBLE CONSIDERATION OF ADDITIONAL RESOLUTIONS**

Motion to approve by Member Coppola and seconded by Member Brueno and unanimously passed as consent agenda.

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**RAFFLE LICENSES:**

- RL-2804 – Project Graduation, Morristown HS – Tricky Tray
- RL-2805 – Project Graduation, Morristown HS – Grand Prize Tricky Tray
- RL-2806 - Project Graduation, Morristown HS – 50/50 off premise

RL-2807 – St. Joseph Catholic Church – off premise Tuition Raffle  
RL-2808 - St. Joseph Catholic Church – 50/50 off premise  
RL-2809 – St. Joseph Catholic Church – off premise Raffle

Motion to approve by Member Ferramosca and seconded by Member Coppola and unanimously passed as consent agenda.

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**PAYMENT OF BILLS:**

The governing body approved a grand total disbursement of \$4,337,232.13 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 Ferramosca and seconded by Member Gallagher 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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**OTHER BUSINESS:**

Mayor: Is there any other business from the Township Committee?

Mr. Ferramosca: Mr. Giorgio, the subject is Connectivity Plan, we have been working on the connectivity plan and we have gotten some good news on connectivity and Mr. Giorgio and Mr. Maceira, our team of consultant and me visiting Morris County Parks Commission on December 2<sup>nd</sup>. At the meeting we had two objectives 1) we wanted to communicate what our plan was about for connectivity for trails, we wanted to share our rational and need and 2) we wanted to gain support or what we would call Patriot’s Path restoration. Well the good news is from that meeting the communication plan was endorsed well by the Park Commission Committee to collaborate with Hanover when Hanover would develop its application for funding from the county, so that’s a good win for Hanover. And secondly, regarding the support for Patriot’s Path there was an agreement to honor the service agreement, so the result of this that we are in a position now to work on what we call the “Bid Package” for Phase I given the fact that we have a tap grant, given the fact that we have the County supporting the Patriot’s Path restoration. We have the support of Hanover Township’s Open Space Committee as well as we have corporate contribution, so our immediate next step is to Mr. Brueno and I to work with the Engineering Department and get the Bid Package assembled so we can be in place potentially for the establishment for the initial part of the connectivity plan in June 2015.

Under “Good Things Happen in Hanover” I want to share something “Special Things Happen in Hanover” as well, we had football, honoring probably the youngest in football this evening, it was great to have all the children out being honored. It was

wonderful, good feeling in the room. We also have a senior football player at Whippany Park who ran for over 1,000 yards this year. And to the history, Mr. Brueno can probably share with us, the history of this, but I heard this feat was only established one other time before, so this is the second graduate to be from Whippany Park to run over a 1,000 yards and it is Michael Poulter. So a shout out to Michael Poulter, on a job well done.

Mr. Brueno: Special thanks for Committeeman Ferramosca for spear heading the effort to get to the county and to get that on the ballot so we can use the open space money, and we are going to get it funded and get it going in 2015.

Mayor: Excellent gentleman. Just a reminder as you heard earlier the next meeting of the Township Committee will be on the 22<sup>nd</sup> because of the Holidays, if there is no other business from the Committee just to open to the public once again.

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**OPEN TO THE PUBLIC**

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

Mayor: Anyone else would like to address us, please give us your name and address... Seeing none hearing none.

Motion to close made by Member Brueno 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