

JANUARY 8, 2015

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, January 8, 2015, 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, Coppola

ABSENT: None

PLEDGE OF ALLEGIANCE TO THE FLAG

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

RECOGNITION:

Presentation Of Plaque To Edward Bucceri Upon His Retirement As The Township's Plumbing Sub-Code Official In Grateful Recognition Of Twenty-Seven (27) Years Of Dedicated Service To The Residents Of Hanover Township.

Presentation Of Plaque To Robert O'Hare In Grateful Recognition Of Twenty (20) Years Of Dedicated Service To The Residents Of Hanover Township As A Member Of The Hanover Sewerage Authority.

OPEN TO THE PUBLIC:

Mayor Francioli opened the meeting to the public. Motion to open by Member Ferramosca and seconded by Member Brueno.

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Camille Esposito, 42 Pine Boulevard, Cedar Knolls: I like Shop Rite, I go there minimum.... Three days a week.

Mr. Giorgio: This is not the time to comment on the application, I will let you know.

Mayor: We are going to open the hearing for that, and that's when you can comment on that. Did the CFO give you bad advice?

Ms. Esposito: He did.

Robert Steiger, 13 Korda Place, Cedar Knolls: I was here a month ago, and was talking about my sewer bill, I was concerned about it, and I was told that I probably had a leaky toilet or something and the attorney said go to the Sewer Authority and find out, so I went and I got and went to my records and I got back as far as 2011 and my water consumption has gone down 10% since 2011 and my sewer bill has gone up 50% since 2011, when I spoke to them in the Sewer Authority they said well really the water consumption probably isn't that great part of the bill, it's what it costs to run the facility. But has it gone up that much? My bill used to stay in the \$70 and \$80 for years and now it's gone through the roof and yet my water consumption has gone down. So if people come in and come to you to complain, don't blame it on the public for consuming water, because undoubtedly the Sewer Authority is spending a lot of money at that facility. Maybe they are doing a good job, but I'll tell you they are spending it a lot faster than they used to spend it, I can tell you that right now.

Mayor: Is Mike here,

Mr. Steiger: I didn't know there were going to be Sewer Authority people here tonight, so I'm watching my back I understand that. (Laughter) But I did want to bring that up, because I think the public thinks someone is under the option that the water consumption is the biggest and it's not the biggest part of the bill it, really isn't.

Mayor: Bob since you came forward, I will tell you that I did get inquiries myself and I have spoken to the liaison to the HSA on this thing and understanding that there was a letter that went out with our sewer bill initially, it may not have been as descriptive as possible, but I will say this, the HSA has gone through and some of it is required upgrades on the facility and you see the construction going on and some of them going on now, and I certainly don't know as much about it as John may but I know a major part of my bill, is gone to facility. What percentage I think is what we want to know, what percentage do we apply, because if you back that out it would be gallon age. The gallon age cost I think has increased by a couple percentages. John you have

John Ferramosca: The fixed element of the bill went up \$25.00 on average, average and the increase on the variable went up over 3.3%.

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Mr. Steiger: I don't want to waste your time because you have a hearing I know, but I did want to bring that up, I was very much disappointed after living here all these years for it to start sky rocketing it amazed me. Thank you.

Mayor: I appreciate what I hear and the concerns that I have over any increase cost in our Township, and we are very sensitive to it, because of the nature of our Township and I always reminded everybody, the major part of our communities, 28% is senior citizens with fixed incomes and I think we should all be very sensitive in part of that. I think what I would like to do is I have asked John to get more specifics on these increases and to ask the Administrator to post it on our website when we do have that and give people more specific idea of where the cost have gone and some of the construction, you know if we are guilty of something perhaps this letter that we sent out with the sewer bill was not as described as it could be, as to where the increase have went. But John can you look into that.

Mr. Ferramosca: Sure

Mayor: Bob, we are going to pursue this.

William Eames, 6 Cove Lane Road, Whippany: I just want to take the opportunity to express my appreciation to you and for all the Township employees and the work that they are doing, particularly in this cold weather, whether it be the garbage collection, or the recycling that is worked with the municipalities authority, or the maintance of our roads, as I have been in other towns over the last month, there is a lot of deterioration in many places, but I don't see that happening here, so I just wanted to say thank you to the employees, the folks that are retiring, and for you that oversee all of that. Thank you.

Mayor: Well thank you for that, appreciate that Bill.

Mr. Brueno: What a compliment. Did we get that on tape? Thank you very much Mr. Eames, that's very nice of you.

Mayor: I think its works so well, the weather worked in our favor, leaf pick up has been exceptional, I think part of that is due to the fact that we gone over to a far more efficient system with sanitation collection, a third truck, I understand.

Mr. Brueno: About two weeks.

Mayor: The third truck will now complete the whole system. People are somewhat indifferent about it, but when you are on the system it's incredible. It really is. That's giving us the initial main power we needed to do the leaf work, so it's working out ~ thank you once again.

Fred Partridge, 805 Dellwood Lane, Oakridge Townhouse: Once again I am here to talk about the Whippany River erosion off of Paper Mill. I would like to thank Mr.

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Giorgio, Mayor Francioli and the entire Township Committee who have been very responsive to us, finally after a couple of years of dealing with the Morris County Parks Commission, I am sure you have received a copy of this letter from their legal attorney and I have written three quick sentences that pretty much encapsulated it "It should be noted that the erosion of the Whippany River is on the property," that means the County property not on Oak Ridge's property, however, Oak Ridge claims without producing engineering or any other professional expertise that the erosion on the property threatens the Oak Ridge buildings located near the ridge and drop off, that's true. After that, it says, the condition complained about by Oak Ridge, is although unusual entirely natural and that is true. And, it says in the present matter the erosion has not occurred on Oak Ridge property that is true. If Oak Ridge wants to take action regarding the erosion it should petition the appropriate authorities for permission to do so, and should bear the cost of any approved construction. I think this is all what we expected and it was nice finally to get it. So, in essence, what's happened that the erosion is on county property, they feel that it is a natural occurrence. It is, they have no liability. I understand that, but it is constantly eroding and it is eventually going to impede on our property and so I would like to have the Township allow me to continue to pursue through the congressional office to see if we can get the Army Corp of Engineers or some appropriate engineering entity to come and at least tell us what we've got. Because this is exactly what it says here; we have had no engineering survey done and that is what I'm after, I was hoping they would bear the cost of that,

Mayor: The control on that river is, we have Whippany River Watershed Commission, who oversees, but DDP, I think a new avenue, a new door to open would be the DEP, I will have to be with you, but I think that would be the area that would be able to look at this, I appreciate the fact that the county is telling you that as soon as the eroding bank reaches your property line then we will talk, not a very reactive type of approach. It may be such that you want to bring this and the reports to the attention of the DEP, we would happy to provide you with contact information there I think our engineering department would be able to do.

Mr. Partridge: I would like that. Thank you, and I will follow up and will continue to report.

Mayor: We understand the problem, and we also understand what you are going through various agencies along the way.

Mr. Partridge: Well you have been very helpful and I appreciate that.

Anyone else at this time like to be heard? Motion to close made by Member Coppola and seconded by Member Ferramosca and unanimously passed.

APPROVAL OF MINUTES:

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The Minutes of the Regular Meeting of Regular Meeting Minutes of December 11 and 22, 2014 and the Bid Reception Committee Meeting of December 16, 2014 had been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Gallagher moved that the Minutes of the Regular Meeting Minutes of December 11 and 22, 2014 and Bid Reception Committee Meeting of December 16, 2014 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Brueno and was passed by all.

COMMUNICATIONS:

Letter of Resignation submitted by Michael J. Wallace, the Township's Part-Time Electrical Sub-Code Official/Electrical Sub-Code Inspector effective January 28, 2015

Motion to accept the letter of Resignation made by Member Brueno and seconded by Member Gallagher and was passed by all.

PUBLIC HEARING: Time Started: 8:53

Public Hearing began on December 11, 2014 and this evening we have the continuation of that public hearing. So at this time may we have a Motion to continue the Public Hearing made by Member Coppola and seconded by Member Brueno and unanimously passed.

Mayor: Counsel would you like to come forward and once again reintroduce yourselves.

Mr. Scrivo: Good evening Mayor and members of the Committee, Thomas Scrivo, McElroy, Deutsch, Mulvaney & Carpenter, LLP representing Village Supermarkets of New Jersey.

Mayor: From a format standpoint, can you tell us this evening which witnesses you are going to present.

Mr. Scrivo: Mayor, yes and thank you. We intend to produce two witnesses this evening. We are going to recall the architect Mr. Pavese, to go over, very briefly, the amendments to the plans that we had submitted previously, I believe on December 30, 2014 to Members of the governing body and Township Attorney showing a slight amendment to the Oyster Bar area, and his testimony should take a matter of less than 5 minutes, and the second witness we will have this evening is Laurence Lindermayer, who is an employee of Village and the proposed beverage and food manager and he will talk about the process, procedure operations, safety and security and all of those issues associated with the operations to the two areas that we seek to license for the consumption license.

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Mayor: Would you like to proceed with your architect then?

Mr. Scrivo: I think that makes sense because we can get it out of the way, if that is okay with you Mayor. I believe he is previously under oath,

Mayor: Yes he was previously. Please ladies and gentleman if you have a cell phone, just a reminder sometimes during the meeting one goes off, you can set it to vibrate or put it off we would appreciate it.

Mayor: Counselor, I think the Township Committee would like to devote about forty-five minutes of your presentation portion is that seem to be ample enough? Would like to give the public an opportunity to comment at the same time so we are looking at a longer hearing.

Mr. Scrivo: I see a full crowd, sure we will can do it. Mr. Pavese, I know you testified and were questioned extensively about the plans, well what we would like to do know is, I believe that we are up to P5 and I would like Mr. Pavese to identify what P5 is.

Mr. Pavese: P5 is the revised floor plan and it is titled AR101A; dated Revision 7 dated 12/17/14.

Mayor: Revised, is that consistent with the plans that we received?

Mr. Scrivo: It is consistent with the plans that you received.

Mr. Pavese: That is correct.

Mayor: No changes to this were made,

Mr. Pavese and Mr. Scrivo: That is correct.

Mr. Scrivo: Can you briefly describe for the governing body, what changes existed from the previous plan

Mr. Pavese: We heard many comments in regards to the Oyster Bar that it was so somewhat of a thoroughfare and there was a concern of people circulating through the Oyster Bar so what we have done is we have added doors on both sides, they are self-closing doors so you literally have to open the door with your hand to keep it open, enter the space and there is space for about 14 people in the Oyster Bar and it's self-contained in that area. Adjacent to it, to the right side of it we have the aisle with very free and clear for people to circulate beyond the Oyster Bar area.

Mr. Scrivo: And was the intent of that amendment to the plan that the Oyster Bar area would not be a thoroughfare for people with shopping carts.

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Mr. Pavese: That is correct.

Mr. Scivo: Now did you bring another Exhibit showing a rendering of what that would look like?

Mr. Pavese: Yes, I have two other Exhibits I will mark them P6 and P7

Mayor: Is it possible to turn that easel a little more toward the audience. Can you please work from the left side of that easel? That would be a help thank you. Let everyone get an understanding what we are talking about.

Mr. Scivo: Can you see that, is that okay.

Mayor: That is fine.

Mr. Semrau: For the record Mayor the Architect has already been sworn in at the last meeting.

Mr. Pavese: This is the rendering that shows the view from the outside of the Oyster Bar, and, as you can see the two doors right in the center they are the same height as the wall adjacent to it, they are 6 foot high. There is one at one side of the Oyster Bar and one on the opposite side.

Mr. Scivo: And is it the intention, I think you had said before, that they swing closed?

Mr. Pavese: Correct, they are self-closing; they will be in the closed position all the time.

Mr. Scivo: And do you have another Exhibit?

Mr. Pavese: Yes,

Mr. Scivo: Can you mark that P7; can you describe that for the members of the Governing Body.

Mr. Pavese: This is a view of the same Oyster Bar from the front of the building, it is more of an aerial view, again indicating the two doors, and there is one on the one side of the Oyster Bar and the second one at the opposite end.

Mr. Scivo: So is it the intention now of having the Oyster Bar completely closed off at all times.

Mr. Pavese: That is correct,

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Mr. Scrivo: From the supermarket and only access with someone with affirmatively opening the door.

Mr. Pavese: That is correct, and there is a clear path beyond it for people circulating through the store.

Mr. Scrivo: Has the number of seats changed at the Oyster Bar.

Mr. Pavese: No, same 14 seats.

Mr. Scrivo: And, that is 8 at the bar and six seats at the tables.

Mr. Pavese: Correct

Mr. Scrivo: Now, that is all I have for this witness to describe.

Mayor: 14 seats is the total amount both in booth and/or sitting at the bar?

Mr. Scrivo: They are not booths; they are just tables with chairs.

Mayor: Tables with chairs, right.

Mr. Gallagher: I just have one question for you, since last time we repeatedly used the word mingling, mingling with the regular customers, it still seems that the bar patrons would have to go through the store to get to where you are serving the alcohol and then go through the store to leave the area serving alcohol. That still goes under my concern with mingling. You still have to walk into that area, which is a little more enclosed than it was last time, but you still have to walk out and walk through the store, and that's the key where we used in one of our biggest concerns last time.

Mr. Pavese: That is correct, I mean the only way to access it, it's in the center of the store, is to go through the produce department and then if you need to exit you go through the produce to exit out of the building. It is relatively a small area.

Mr. Coppola: Question, if a patron wants to go in and they have kids with them, or is that permissible?

Mr. Pavese: The operations will go over that, but it will not be permissible. They will not be allowed to go in there, but again operations will cover that shortly.

Mayor: So a patron or shopper with a child who wants to have a beverage would not be able to take their child in there with them.

Mr. Scrivo: I think the operation person is going to talk or speak about that, this is just an architect, so

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Mayor: We will hold the question.

Mr. Semrau: At the last hearing, you referenced that you also looked at the Whole Foods in Union and the Wegman's in Bridgewater, but then you weren't certain as to which one. Can you let us know which ones you looked at and this, in fact is modeled after that actual set up.

Mr. Pavese: Again, the Wholefoods in Millburn, I've looked at that again, I have been there several times,

Mr. Semrau: Is that Millburn or Union

Mr. Pavese: Union

Mr. Pavese: On the border of Millburn and Union; it's in Union actually. I've been to that location several times, it's similar to this, the Wegman's it's not the one in Bridgewater, they do not have a serving area in Bridgewater, I have looked at plans for Wegman's and the are in Pennsylvania.

Mr. Semrau: So they serve alcohol in the supermarket in the same format that which

Mr. Pavese: It's adjacent to the supermarket, it's part of the supermarket.

Mr. Semrau: Is it similar to this set up?

Mayor: Within the market, or is it adjacent. That's two different things. Is it adjacent or it's in the market, what are you saying? Is it adjacent, or is it a separate building, is it a component to the building?

Mr. Pavese: It is part of the supermarket, it is in the same building, has a door that goes from the door to the serving area right to the supermarket.

Mayor: Is it a department within the shopping area?

Mr. Coppola: Is it similar to this?

Mr. Pavese: It is in one corner of the building,

Mayor: I don't think these are difficult questions. Is it a service of alcoholic beverages within the shopping area? Could be? Maybe?

Mr. Pavese: Could be.. They have displays right outside the door.

Mayor: In your research,

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Mr. Scrivo: Can I ask it, maybe I can clarify.

Mayor: PLEASE.

Mr. Scrivo: Mr. Pavese, is the bar for a lack of better terms in the Wholefoods in Union similar to what is proposed for the patio area for the Village Supermarket?

Mr. Pavese: It is more similar to that, it is in one corner of the building.

Mr. Scrivo: And, so is it fair to say that you can access that bar from the supermarket in the similar way that you would be able to access the patio area now from the supermarket in Hanover?

Mr. Pavese: That is correct.

Mr. Gallagher: My question was in your research, how many other supermarkets have you found in New Jersey that currently serves alcohol?

Mr. Pavese: The Wholefoods is the only one that I have looked at in New Jersey.

Mr. Gallagher: And is it Wholefoods as a chain or an individual WholeFoods?

Mr. Pavese: This is an individual WholeFoods that they built in Union recently. It is a trend that supermarkets that are going towards.

Mr. Gallagher: But do you know how many they currently have?

Mr. Pavese: No, I do not.

Mr. Ferramosca: Mr. Pavese, can you describe for me the location of the Oyster Bar with regards to the main supermarket, get very specific for me please. Is it in the perimeter, is it in the center, is it in the front or in the back? That is all I am asking to know.

Mr. Scrivo: I noticed now that you are now referencing a different Exhibit, can you can you just for the record reference which exhibit you are referring to

Mr. Pavese: It is Exhibit P5 and the Oyster Bar is hatched in the center of the front aisle.

Mr. Ferramosca: And you referenced a store in Pennsylvania that I believe you said was a Wegman's in Pennsylvania?

Mr. Pavese: Yes

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Mr. Ferramosca: Where does Wegman's have its area where it allows to pour...

Mr. Pavese: Again, I have not visited, I just saw plans of it, and

Mr. Ferramosca: What do the plans show?

Mr. Pavese: It showed, again, it was almost a year ago that I looked at it, while we were laying this out.

Mr. Ferramosca: Am I wrong, in saying that you communicated that in your prior testimony that this was modelled after these two stores?

Mr. Pavese: No,

Mr. Ferramosca: No, you didn't say that?

Mr. Pavese: I don't believe I said that, I said I have seen other supermarkets that have similar.

Mr. Ferramosca: And you referenced those two supermarkets.

Mr. Pavese: Correct,

Mr. Ferramosca: Okay, and in regards to Whole Foods, you said you visited that store,

Mr. Pavese: I have been inside of it several times.

Mr. Ferramosca: Where is this bar? Is it in the middle of the store, the center, or on the side of the store, a different building?

Mr. Pavese: It is in the same building as you approach the Whole Foods from the front of the building it is in the right side of it. There is an entrance from outside that goes into the bar area and also an entrance that goes that directly into the supermarket.

Mr. Ferramosca: Would you describe that, as being the perimeter of the building?

Mr. Pavese: Yes, it is the corner of the building.

Mr. Gallagher: So after somebody has a couple of drinks they don't have to walk through the main store, and

Mayor: Right,

Mr. Gallagher: And, interact with the families, to get out.

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Mr. Pavese: They can exit directly to the outside if they chose to,

Mr. Ferramosca: So, we have an instance where we know that the Whole Foods where we have the location of the bar in the perimeter, we don't know where the location of the bar is in the Wegman's, because you don't recall, you saw the plan but you don't recall.

Mr. Pavese: Correct

Mr. Ferramosca: So, to your understanding is there any supermarket you know in Morris County, New Jersey or the tristate area, United States of America that has a bar in the middle of it.

Mr. Scrivo: Just a point, of order, he can obviously answer that question, no, but he has not been called as a trend expert in the supermarket industry. We can call someone like that, but that was not part of our case. He is an architect who designed this store and is testifying as to the layout, so, I just....

Mayor: Do you have any witnesses that can or are prepared to answer such questions,

Mr. Scrivo: NO

Mayor: No experts on this area?

Mr. Scrivo: NO

Mayor: No one has a history of the other uses in other stores

Mr. Scrivo: We have an operations person, who will testify to the requirements under the ABC regulations as to what is required and what the issues are for the governing body to consider.

Mayor: Setting this argument aside, do you think that this particular use is unique in the Village Store right now? Never been done before.

Mr. Scrivo: Yeah, I would say that is probably true....

Mayor: Continue,

Mr. Ferramosca: In regards to, let's talk about the doors. Can you put that Exhibit back up that illustrated the doors for the Oyster Bar. In your testimony, I think you referenced that there would be two operational doors

Mr. Pavese: Correct.

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Mr. Ferramosca: Why do you need two operational doors?

Mr. Pavese: One on one side and one for the other side, for ease of access, ease of egress also.

Mr. Ferramosca: From an issue of trying to promote entrance into your Oyster Bar, from your other bar areas which I don't know which is North, South, or East, because there is nothing on your plans that show me that, so the bottom part, what would you refer to that as Southerly, Easterly or what is the bottom part?

Mr. Pavese: You can refer to it as South.

Mr. Ferramosca: The southern door, the southern door according to my understanding of your plan is adjacent to the area where basically there is open area and it is basically got some packaged goods there it's got other self-service bar, produce there, it could have hot foods, other things there in that nature, that is the southern entrance to this Oyster Bar correct?

Mr. Pavese: Correct.

Mr. Ferramosca: Ok, the northerly entrance, that door, is what I would call the area where traditional groceries are stored.

Mr. Pavese: Correct

Mr. Ferramosca: The center store

Mr. Pavese: Correct.

Mr. Ferramosca: Would it be in your opinion, advantageous to really promote traffic from the adjacent service bars into your Oyster Bar as opposed to luring traffic from center store into the Oyster Bar?

Mr. Pavese: It's advantageous basically to have the southern entrance more so than the Northern entrance.

Mr. Ferramosca: And, I do agree having two entrances is a good thing, one of which though the Northern one I would consider the more of a safety mechanism, so in the event there is failure or congestion with that southern door, so would you entertain just a single door entrance to this Oyster Bar, my question with the other door serving more as a safety mechanism.

Mr. Pavese: We can live with one door only if we had too.

Mr. Ferramosca: Okay,

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Mr. Pavese: The second door, as a secondary.

Mr. Ferramosca: Thank you.

Mayor: Any other questions of this witness.

Mr. Gallagher: I think he answered my question, my concern was and sorry to interrupt you Joe, in the Wholefoods store to be visited were the people able to exit the bar area without cutting through the entire store and interacting with families and mingling with families that might not want to deal with somebody that had a couple of drinks. Do they have access to leave the premises without having to walk through all the families and all the public that are in there buying groceries?

Mr. Pavese: There are several times that I have visited the Wholefoods in Union. The outside door was locked so you had to go in through the supermarket to access it. There is less mingling because again it is on the corner of the building and, if you wanted to exit out, I'm sure you can just open it and go out, but from the outside it was closed.

Mr. Gallagher: Ok, that was my question, thanks.

Mayor: Counselor.

Mr. Semrau: Just for clarification, a while ago you had answered, testified that you looked, you didn't look at plans but you went to this WholeFoods Store and this gave you some ideas, but are you aware of any industry standards design standards that you would have taken into account to present this?

Mr. Pavese: No, again, it's a relatively small area, so we felt that it was very reasonable to have it in that area, and the larger area obviously is on the outside of the building with large doors exiting to outside.

Mr. Semrau: So you are not familiar with any, you didn't look at any other plans nor are you familiar with any type of industry or design standards to put a bar in a supermarket?

Mr. Pavese: No

Mr. Semrau: Okay

Mayor: I would like to ask, if in an architectural perspective of positioning the bar/liquor service in this particular spot within the grocery area what benefits can you talk to as having placed it there, having designed it there, you are supporting the design being within the store, what..

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Mr. Pavese: I think it's an exciting area in the store, there is a lot happening in that area, there is the packaged goods in the area, the olive bar with the bakery in that area also, it's an exciting part of the store, we are trying to have a focus point. A focal point there.

Mr. Gallagher: As to what the Mayor just said, too, what is interesting is most people go to Shop Rite have shopping carts, if someone is shopping and they want to have a drink to enhance their shopping experience it's also going to get kind of congested around there because of the shopping carts and we have pretty tight access if there was god forbid an emergency. Have you talked about or thought about that area around it to where we can possible park shopping cars? Cause most people in there do have shopping carts.

Mr. Pavese: Again, it's a relatively small area, there is 14 seats, there is 8 at the counter...there is plenty of room around the rear right in this area there is plenty of space where the package goods area, very wide open space in that area, if someone wanted to park their cart right there, there is room over there.

Mr. Gallagher: Simply asking that of the congestion, I have been in there quite a bit, and the aisles are pretty wide when it comes to walking from one side of the store to the other but that whole area is a little bit congested and I was just picturing that with people in there and with their carts around there; god forbid again if there was an emergency and people had to exit.

Mr. Pavese: Again, there is plenty of room and plenty of directions for exiting purposes, there is plenty of room and exit room and exit ways for exiting purposes to get out of the building.

Mr. Semrau: I think what you are also being asked if you have a certain number of seats, you said 14

Mr. Pavese: Correct

Mr. Semrau: How many, how much room, how many carts could it hold, how many carts can you park there?

Mr. Pavese: We will not allow carts inside that area; so the carts will be beyond that.

Mr. Semrau: But to the question that Mr. Gallagher just asked, you said that there was an area where carts can be parked, how many can you fit?

Mr. Pavese: You can probably fit about 6 or 7 carts behind the cooler without a problem what so ever.

Mr. Semrau: Thank you.

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Mr. Coppola: I have a question, you commented that early on about not allowing any youngsters in with someone to go into the bar area, correct?

Mr. Pavese: Again, I believe operations will go through that, in more detail, but yes they will not be allowed

Mr. Scrivo: That's an operations question.

Mr. Coppola: Should I wait?

Mr. Scrivo: I don't know your question.

Mr. Coppola: My question is, if that's the case, if you go into the big area and they are going to be serving alcohol there, you are not going to allow anyone underage to be in there and during the course of my in and out of that facility you have a lot of young people going back and forth, so does that become an operations question?

Mr. Scrivo: I'm not sure which area you are talking about,

Mr. Coppola: The large area.

Mr. Scrivo: We are not limiting that to 21 and over.

Mr. Coppola: That means that anyone can walk in there young and old,

Mr. Scrivo: That's correct

Mr. Coppola: Where there is alcohol being served.

Mr. Scrivo: That is correct

Mayor: For purposes of the description, that's the patio area, correct?

Mr. Scrivo: That's correct

Mr. Ferramosca: Mr. Pavese, I would like to go back to a question Mr. Gallagher was asking you, because I think he was raising the question about safety and the ability to navigate and I just want to get an understanding of the exact lineage? How wide is one of the grocery aisles from the bottom of one gondola to the opposite gondola?

Mr. Pavese: They are usually seven foot wide.

Mr. Ferramosca: Seven foot wide, what is the distance between the easterly wall of the Oyster Bar and the wine cooler?

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Mr. Pavese: It's about six feet from between the wine between the Oyster Bar and the cooler.

Mr. Ferramosca: It's six feet; okay how wide is a grocery carriage?

Mr. Pavese: Two feet.

Mr. Ferramosca: Two feet; do you consider if we had 8 carts queued up against that wall? Is that ample room for people to navigate safely in that 4 foot distance?

Mr. Pavese: I was not queuing carts in that area, I was queuing carts behind in this area, behind the cooler not in that aisle way.

Mr. Ferramosca: Aisle One? The carts would queue in Aisle One

Mr. Pavese: Correct

Mr. Ferramosca: And, I would walk, would you put signs up "cart... leave your cart here" or something?

Mr. Pavese: Sure, we can do that...

Mr. Scrivo: This is an operations question and we are not going to be talking about the cart, for purposes of where people put their shopping carts we have really good people to talk about that, not the architect.

Mr. Ferramosca: I thought I heard that there was ample room to transition between the easterly wall of the Oyster Bar and the westerly wall of the cooler, and I was trying to get the amount of foot, feet, that is and I got that

Mr. Scrivo: Got that

Mr. Ferramosca: And, I needed to understand whether they would be staging carts, because I needed to subtract that because my responsibility is one thing...safety.

Mr. Scrivo: Gotcha, but the queuing of the carts and where and

Mr. Ferramosca: Somebody else I can talk to about that

Mr. Scrivo: Somebody else can talk about no queuing of carts and all of that stuff.

Mr. Coppola: Can I go back, what is the difference between not having youngsters in the Oyster Bar verses the other, when you're serving liquor in both?

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Mr. Scrivo: We are going to have an operations person talk about why people and where people are going to be.

Mr. Coppola: I don't understand the difference...

Mr. Scrivo: There is no difference which means the operations people will tell you.

Mayor: Are you done with this witness?

Mr. Scrivo: You had him for a while; I've been done for a while. (Laughter)

Mayor: I think we are.

Mr. Ferramosca: Thank you,

Mr. Semrau: What you would want to do now Mayor is open it up to the public in case there was comments.

Mayor: On the basis of the testimony, ladies and gentleman I am going to open the floor for any comments you have on this particular witness' testimony limited to that witnesses' testimony. So, if anyone would like to address the Committee to this witness at this time please do so from the podium, giving us your name and address please.

Seeing none, hearing none

Mr. Scrivo: We call Lawrence Lindermayer

Mayor: Fred, can you swear in this witness.

Mr. Semrau: Yes, raise your right hand, do you swear this testimony that you are about to give is the truth, and nothing but the whole truth, so help you God?

Mr. Lindermayer: Yes.

Court Reporter: Please have him give his name for the record please:

Mr. Lindermayer: First name is Lawrence and last name is Lindermayer.

Mr. Scrivo: Thank you Mayor, Mr. Lindermayer, could you please tell the members of the governing body by whom you are employed.

Mr. Lindermayer: Village Supermarket

Mr. Scrivo: And what is your current position with Village Supermarkets.

Mr. Lindermayer: Currently I am the Bistro Manager.

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Mr. Scrivo: Have you worked in the Village Supermarket in Hanover?

Mr. Lindermayer: Yes, since we have opened.

Mr. Scrivo: And, what has been your position at the Shoprite in Hanover.

Mr. Lindermayer: Food, beverage I'm sorry Bistro Manager.

Mr. Scrivo: Now do you have a background in the food and beverage industry?

Mr. Lindermayer: Yes I do,

Mr. Scrivo: And for how long approximately have you been in the food and beverage industry?

Mr. Lindermayer: Probably close to 22 years.

Mr. Scrivo: And did you hold any positions with any major corporations in the food and beverage industry?

Mr. Lindermayer: Yes, I worked for the Carlson Corporation, which is the umbrella company that has Radisson and TGIFriday's accounts.

Mayor: Move to accept the experience and credentials of this witness and move forward with the testimony.

Mr. Scrivo: Thank you, now in connection with your position for Carlson what did you do?

Mr. Lindermayer: I was hired as a bus boy originally and staying with the company I worked my way up to server, bartender, cooking to management up to general manager.

Mr. Scrivo: And, did you work in Friday's in New Jersey?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, in what cities did you work in or municipalities did you work?

Mr. Lindermayer: I worked in Parsippany, Wayne, Bridgewater, Hackensack, Newark Airport, Ramsey and Roxbury.

Mr. Scrivo: Now you mentioned Newark Airport, did you, were you the general manager of the Friday's in Newark Airport?

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Mr. Lindermayer: Yes, it was two stores.

Mr. Scrivo: So there were two stores that you were the general manager of?

Mr. Lindermayer: yes

Mr. Scrivo: And, were they located in the Airport?

Mr. Lindermayer: Yes, one was on the main concourse and the other was down Jet Way C, which you had to physically go through security and board the plane.

Mr. Scrivo: And, when you say, the main concourse, what terminal is that? We have all been to Newark Airport, but

Mr. Lindermayer: It was in Terminal A

Mr. Scrivo: And, was that opened to the public?

Mr. Lindermayer: Yes

Mr. Scrivo: And in that Friday's, where I assume that because it was on the main concourse there were people who traversed that area pretty regularly during the day?

Mr. Lindermayer: Thousands

Mr. Scrivo: And were there people who were in and around that store who were not patrons of that store but yet had other business at the airport?

Mr. Lindermayer: Of course

Mr. Scrivo: And was it in connection with your position as General Manager was it your job to make sure there were no underage people who were served in that environment?

Mr. Lindermayer: Yes.

Mr. Scrivo: And was it the job of not only you but other bar managers, bartenders, bar staff and staff of the store to make sure that underage people did not drink?

Mr. Lindermayer: Pretty much everybody but the host.

Mr. Scrivo: Now the size of that area, we have all been in airport bars and restaurants, the size of that bar, how big is that one?

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Mr. Lindermayer: The largest one in the main concourse was 45 seats shot gun bar.

Mr. Scrivo: What is a shot gun bar?

Mr. Lindermayer: It's a long straight bar that ran the left side of the building.

Mr. Scrivo: Now, was that in a separate location that was walled off from the concourse or was that kind of opened to the concourse?

Mr. Lindermayer: It was opened to the concourse; it had large glass doors that opened it up.

Mr. Scrivo: So you were regularly interacting with a public that was traversing the concourse and passing by the open area of the Friday's?

Mr. Lindermayer: Yes

Mr. Scrivo: Now, in connection with training, have you been trained on certain service of alcoholic beverages?

Mr. Lindermayer: Yes, right now I am currently a TIP certified and through Carlson we had internal one which was a RASS Certification, which is Responsible Alcohol Sales and Service.

Mr. Scrivo: Now, the TIP Certification, what does that mean?

Mr. Lindermayer: Training Intervention Preventative Services, it is basically a way to make sure your guests aren't getting inebriated, that kind of monitoring?

Mr. Scrivo: And is that administered through the Alcoholic Beverage Commission of the State of New Jersey?

Mr. Lindermayer: Yes, they govern it.

Mr. Scrivo: And, are you TIP Certified now?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now, your employment with Village, I understand you said you worked there since the store opened and will you, if this License transfer is approved by the governing body, what would be your position in connection with Village?

Mr. Lindermayer: I would be the Food and Beverage Manager for that location.

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Mr. Scivo: And, in connection with the being a Food and Beverage Manager would you be responsible for ensuring that Village complies with all laws and ABC Regulations?

Mr. Lindermayer: Yes.

Mr. Scivo: You understand that the application that we are seeking here today, which is a Person-To-Person Transfer between Fenway and Village and then a Place-To-Place Transfer to allow the consumption of alcohol, two distinct locations that Mr. Pavese was questioned on?

Mr. Lindermayer: Yes.

Mr. Scivo: And, you understand that those two areas are the Oyster Bar and the Patio Area correct?

Mr. Lindermayer: Correct.

Mr. Scivo: Okay, now does Village itself as a company provide training to its employees?

Mr. Lindermayer: Yes.

Mr. Scivo: Now will Village insist that all of its bartenders and any bar related staff be TIP Certified?

Mr. Lindermayer: Yes, I actually will be facilitating it, I am working on getting my proctoring for TIP Certification for in-house.

Mr. Scivo: And would you be as the Beverage & Food Manager responsible for oversee this operation?

Mr. Lindermayer: Yes.

Mr. Scivo: Now, in connection with the ID(ing) of customers what would be Village's procedure for doing that?

Mr. Lindermayer: Everyone gets carded who tries to purchase alcohol.

Mr. Scivo: And, once someone gets carded, what does the bar server do with that card?

Mr. Lindermayer: We actually have a reader for that, the ID goes into and lets us know if it is legit.

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Mr. Scrivo: So every person who seeks to purchase alcohol for consumption would be carded regardless of age, or perceived age.

Mr. Lindermayer: Yes.

Mr. Scrivo: And, would you and the bar staff at the Supermarket be trained on monitoring the customers so that there is no, to limit the ability to become intoxicated?

Mr. Lindermayer: Yes, that comes with the TIPS Certifications.

Mr. Scrivo: And, will all bar staff and the bar manager and you as the Beverage and Food Manager be responsible for the safety service and monitoring of all guests who are being served?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now, when a guest purchases alcohol for consumption at the facility, will that guest be required to remain in the designated area where they purchased the consumption alcohol while they are holding that alcohol?

Mr. Lindermayer: Yes, they cannot wonder around the store.

Mr. Scrivo: Okay, so let's take the Patio Area for example, let's say I want to go and buy a beer in that patio area. Could I leave that Patio Area with open alcohol to go to say some of that kiosk where there is food?

Mr. Lindermayer: No

Mr. Scrivo: And, will the bartenders, bar staff and you as the Beverage and Food Manager be trained to ensure that people do not leave the designated areas with open alcohol?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now, what about the hours of operation of the areas that are sought to be licenses, what would be the hours of operation?

Mr. Lindermayer: Um, 11:00am until the store closes.

Mr. Scrivo: And, would Village agree to not keep the areas where there is consumption of alcohol open beyond the hours of operation of the store?

Mr. Lindermayer: Yes.

Mr. Scrivo: So at no time would any bar area be open when the store is not?

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Mr. Lindermayer: Correct.

Mr. Scrivo: Now Village, will it have detailed standard operating procedures for the operation of the Oyster Bar and the Patio Bar?

Mr. Lindermayer: Yes, standard operation.

Mr. Scrivo: And, does Village have a standard operation for all of the areas of the store?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, does that include the area where you sell packaged goods?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, since the store has opened and has opened with permitting the sale of packaged goods, has there ever been any incident or an alleged violation of any ABC Regulation for selling anyone who should not be served alcohol?

Mr. Lindermayer: No.

Mr. Scrivo: Now let's go off, talk back the specific locations and first the Oyster Bar. You were here for Mr. Pavese's testimony, correct.

Mr. Lindermayer: Yes.

Mr. Scrivo: And, that will be closed off?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, there will be self-closing doors around that Oyster Bar. Correct?

Mr. Lindermayer: Correct.

Mr. Scrivo: And, in order to access that Oyster Bar I would have to go and open that door to get in, correct?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, to get out I would have to open the door to get out?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now, will that be staffed by a bartender at all times that it is opened?

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Mr. Lindermayer: Yes.

Mr. Scrivo: And, I understand it will have 8 seats at the Oyster Bar area?

Mr. Lindermayer: Correct.

Mr. Scrivo: And, by the way, the Oyster Bar is currently operating just without alcohol correct?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, a total number of seats in that area will be 14, correct?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now how does that compare 14 to the number of seats you have previously dealt with in TGIFriday's for example?

Mr. Lindermayer: It is a fraction, most of the bar held 50 to 60 people.

Mr. Scrivo: Now, have you ever stood behind the bar at the Oyster Bar?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now, are you able from your post behind the Oyster Bar, the Bartender's post, able to see the door ways?

Mr. Lindermayer: Yes.

Mr. Scrivo: The proposed doorways, and approximately in distance how far are you as the bartender to that door over there?

Mr. Lindermayer: Four to five feet maybe.

Mr. Scrivo: And, so based on your knowledge, experience and practice, do you believe and from being in the Oyster Bar, you believe that any bartender including yourself would be able to see if someone is coming or going into that Oyster Bar?

Mr. Lindermayer: Yes easily.

Mr. Scrivo: And, would you be able to see if someone is leaving the Oyster Bar with an open drink?

Mr. Lindermayer: Yes.

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Mr. Scrivo: And, I noticed around the Oyster Bar there is approximately a four foot, three foot wall in upwards of six feet across of frosted glass is that right?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, is the six feet high of frosted glass completely surrounding the Oyster Bar, is the purpose of that so that someone who has a drink inside the Oyster Bar could not pass it to someone who is inside the store?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, do you believe based on your experience and training and knowledge of the store, that a bartender who is standing behind the bar at the Oyster Bar would be able to see someone who is trying to pass alcohol over that 6 foot wall?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now I understand that there would be no open alcohol that would be permitted to leave the Oyster Bar area is that right?

Mr. Lindermayer: Correct.

Mr. Scrivo: Now, if someone buys a bottle for example inside the store, and tries to bring it into the Oyster Bar, could they open it and drink it there?

Mr. Lindermayer: No.

Mr. Scrivo: That would not be allowed?

Mr. Lindermayer: No.

Mr. Scrivo: We've talked about the bartender and we have talked about how the bartender is going to sort of manage that area, in terms of personnel what else is kind of outside the perimeter of the Oyster Bar in this store?

Mr. Lindermayer: The associates, that work in the store, there is the seafood department right there, the bakery is right there, the appy department is right there, there is other management in the store

Mr. Scrivo: And approximately how many employees in the Village store, average at one time.

Mr. Lindermayer: In the whole store?

Mr. Scrivo: Yes

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Mr. Lindermayer: Easily 100.

Mr. Scrivo: And so will the employees of Village be trained to ensure that no one, if someone gets passed the bartender that no one will leave the Oyster Bar area with an open drink?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now let's turn to the Patio Area. Now Mr. Pavese testified last time to the Patio Area and the bar that is intended to be constructed in that Patio Area and I believe that the governing body was talking about at least now, the layout of the store, the lower left hand portion that is currently on the easel. I noticed that there is a kind of a slight curve in the corner of that drawing and maybe we could just point you to it; (direct the witness if that's okay) now, Mr. Lindermayer this area here is the Patio Area, correct?

Mr. Lindermayer: Correct

Mr. Scrivo: And this little area here, kind of quarter circle that's what?

Mr. Lindermayer: That would be the bar.

Mr. Scrivo: And, how many seats are intended to be at the bar?

Mr. Lindermayer: Seven

Mr. Scrivo: And how does that compare to the number of seats that have been at bars that you have worked at?

Mr. Lindermayer: Again, it's a fraction.

Mr. Scrivo: Okay, currently in the Patio Area, there are tables where people eat is that right?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, do you have staff that clears table on a regular basis?

Mr. Lindermayer: Yes.

Mr. Scrivo: So, if I were in the Patio Area and I had something to eat and I was rude and didn't throw out my plate, someone would come by and pick it up?

Mr. Lindermayer: Yes, we have associates that are stationed in there that clean the tables and wipe them down, getting them ready for the next guest.

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Mr. Scrivo: Okay, and they are trained to do that?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, will that practice policy and procedure continue if the Patio Bar becomes an area where service of alcoholic beverages are?

Mr. Lindermayer: Of course.

Mr. Scrivo: So, if I were someone who decided to have a drink and leave my drink there would your staff be trained to clear that drink and throw it out?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, is that staff on regular sort of patrol for lack of a better term that area?

Mr. Lindermayer: Yes, they are there all day.

Mr. Scrivo: Now, I pointed to before that little half, quarter circle area where the bar is, is there a door from the store into that Patio Area?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, is that now, that door currently is in place?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, it is proposed that that door will still continue to be in place if alcoholic beverages are served in that Patio Area correct?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now, similar to the Oyster Bar, is it fair to say that no one who is served alcoholic consumption of alcohol in that Patio area would be able to leave that patio area with open alcohol?

Mr. Lindermayer: No, they could not.

Mr. Scrivo: And, the bartender and the bar staff and the other members of the Village team would be trained to ensure that no one leaves that area with open alcohol, correct.

Mr. Lindermayer: Correct.

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Mr. Scrivo: Now, that bar that we talked about before in location, you stood in that general area,

Mr. Lindermayer: Yes.

Mr. Scrivo: And, where the bar is proposed to where the door is now, approximately how many feet would be from where the bartenders post is to that door?

Mr. Lindermayer: Less than 10 feet.

Mr. Scrivo: So if I had an open drink in my hand and I wanted to go outside of the Patio Area, I would have to pass within 10 feet of a trained bartender in order to get out of that area, is that fair to say.

Mr. Lindermayer: Yes.

Mr. Scrivo: And, the bartender would be trained to ensure that no one leaves that area with open alcohol, correct?

Mr. Lindermayer: Yes correct.

Mr. Scrivo: Okay, so right when I get outside of that area in that door, are there other Village employees who work in that general vicinity?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, who works there?

Mr. Lindermayer: How many?

Mr. Scrivo: Who works there? Generally, the types of people, cashiers??

Mr. Lindermayer: Cashiers, that is where the largest part of our food operation is, smokehouse, the juice bar, the sushi bar, the sub shop, the pizzeria...

Mr. Scrivo: And, would everyone who is affiliated with, as beverage and food manager would you ensure that everyone who is working in that vicinity be trained to make sure that no one with an open alcoholic beverage be permitted to leave the Patio Area and go into the general store?

Mr. Lindermayer: Yes.

Mr. Scrivo: Similar to the question that I asked you before about being able to bring a bottle of wine that you might have just purchased in the supermarket and bring it into the Patio Area and open it, could you do that?

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Mr. Lindermayer: No.

Mr. Scrivo: And, would you have staff as the Beverage and Food Manager would you be responsible for ensuring that doesn't happen?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, would you have staff trained to be sure that doesn't happen?

Mr. Lindermayer: Yes, we would.

Mr. Scrivo: Now, I know we also talked about once before that the Patio Area has; maybe Member of the governing body has been there, has a retractable wall that opens when the weather is nice.

Mr. Lindermayer: Yes we do.

Mr. Scrivo: Now, when that is open is it currently Village's policy practice and procedure to post a security guard at that exit when those walls are open?

Mr. Lindermayer: Yes, the minute we open them security is deployed to that area.

Mr. Scrivo: And, that is so someone with groceries doesn't leave that area, correct?

Mr. Lindermayer: Yes, correct.

Mr. Scrivo: And will that continue to be the policy practice and procedure of Village in the event that the liquor transfer license is approved to post a guard in that location when the retractable wall is open?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, will that be so that people with open drinks cannot leave the store with an open drink, correct?

Mr. Lindermayer: Yes.

Mr. Scrivo: Okay, and will the security people be trained in connection with that task, namely to stop people with open drinks from leaving the store?

Mr. Lindermayer: Yes they will.

Mr. Scrivo: Now, turning to security; approximately how many security cameras are in the Shop Rite?

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Mr. Lindermayer: Through the entire store?

Mr. Scrivo: Yes

Mr. Lindermayer: About 200

Mr. Scrivo: And, within the store are there security persons who are there every minute that the store is open?

Mr. Lindermayer: There is a minimum of two all day and after three we have another one that is in the parking lot.

Mr. Scrivo: And, that patrols in car, correct?

Mr. Lindermayer: Yes, correct.

Mr. Scrivo: And, is it the job of the security people to ensure the safety of the customers of Village?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, they are trained in security measures? Correct?

Mr. Lindermayer: Yes, correct.

Mr. Scrivo: And, will those security personal be trained in connection with the service of alcoholic beverages in the supermarket?

Mr. Lindermayer: Yes.

Mr. Scrivo: Now, in your years with, with all the 20 years with Carlson and Friday's did you ever have the luxury of having two security guards in your restaurants?

Mr. Lindermayer: No.

Mr. Scrivo: Okay, now in connection with this application the Police Chief has raised some concerns and I wanted to go through those with you to ensure that we are meeting the Township's concerns as expressed by the Police Chief with regard to safety. And he has authored a letter I believe dated October 9, 2014 and I just want to run through some of his concerns and see how they are going to be met by Village; the first concern that the Chief raised was the mix of bar patrons with children in the store, now as someone who has been in the restaurant bar and food service business for the last 20 years is this something that you encounter on the regular basis, the mixture of children and adults in any establishment?

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Mr. Lindermayer: Yes.

Mr. Scivo: And, is this something that when you managed the Newark Airport stores of Friday's you encountered?

Mr. Lindermayer: Yes.

Mr. Scivo: Now, you have worked for Village Supermarket for some period of time and you have also worked in the Hanover Supermarket since it has been open. The question I have for you is have you witnessed unattended children walking about the Shop Rite?

Mr. Lindermayer: Children, no.

Mr. Scivo: Okay, now how will Village ensure, strike that, now you said before that we will ensure that no one is able to leave the license premises, that is the Patio Area and the Oyster Bar with open alcohol, is that right?

Mr. Lindermayer: Correct.

Mr. Scivo: Now, the intention of serving alcohol in the Shop Rite, is this intended by Village to be a destination or is it intended by Village to be another amenity to the shopping experience?

Mr. Lindermayer: It is just another amenity; we are really not a destination point for a bar.

Mr. Scivo: Now do other establishments that serve alcohol also can also children in them?

Mr. Lindermayer: Yes.

Mr. Scivo: Do movie theaters that serve alcohol also have children in them?

Mr. Lindermayer: Yes.

Mr. Scivo: Do bowling allies that serve alcohol also have children in them?

Mr. Lindermayer: Yes.

Mr. Scivo: And, would you say in your experience it's more likely than not that parents will drop their children off at a bowling alley rather than at a supermarket.

Mr. Lindermayer: Yes.

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Mr. Scrivo: And do you have any reason to know that parents have dropped off their children at the Village Supermarket in Hanover?

Mr. Lindermayer: No.

Mr. Scrivo: Now the second issue that the Chief raised was the Town would have to evaluate the plans to make sure that the areas are separate, I think we addressed those issues and I just want to make sure I recited each one of the issues that the Chief addressed; the third issue that the Chief addressed was with regards to the parking lot, could be an issue and there are many senior citizens and children in the parking lot and there could be an issue with regard to that. Have you in your experience in working in the Village Supermarket seen unattended children in the parking lot of the Shop Rite?

Mr. Lindermayer: No.

Mr. Scrivo: I think you said before that there is a roaming patrol from 3:00 on every day in the parking lot.

Mr. Lindermayer: Correct.

Mr. Scrivo: Okay, would we also ensure, the Chief raised validly a question with regard to intoxication. Would our bar staff be trained to ensure that the patrons do not become intoxicated.

Mr. Lindermayer: Yes, again that is all part of the TIPS Certification.

Mr. Scrivo: And, in your experience based on the numbers of seats at the bar and the type of location where this is and the number of cameras in Village Supermarket and the high LED lighting in the supermarket, do you believe as someone that has been in the business for 20 years, that people will come to this location to drink heavily?

Mr. Lindermayer: No.

Mr. Scrivo: Um, now, will the store be marketed as a bar or restaurant?

Mr. Lindermayer: No.

Mr. Scrivo: Now, the fourth issue that the Chief raised was with regard to bar patrons mingling with store shoppers and creating a bar atmosphere, is the intention of the use here to become a bar atmosphere?

Mr. Lindermayer: Not really.

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Mr. Scrivo: In fact, doesn't the Oyster Bar as I think you already answered earlier, already exists.

Mr. Lindermayer: Yes.

Mr. Scrivo: And, the only change here with respect to the Oyster Bar would be to put up some walls and to be able to serve alcohol correct?

Mr. Lindermayer: Yes, correct.

Mr. Scrivo: Now, you have heard some questions before about shopping carts and staging and things like that. Now people go to the Oyster Bar now, you were there tonight, correct?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, you saw a lot of people eating at the Oyster Bar right?

Mr. Lindermayer: Yes.

Mr. Scrivo: Did people keep their shopping carts strewn about that area while they were having Oysters at the Oyster Bar?

Mr. Lindermayer: No.

Mr. Scrivo: Now, in your year at the, do you think for any reason that the service of alcohol in addition to oysters would cause people to bring shopping carts to that area?

Mr. Lindermayer: No.

Mr. Scrivo: And, is that based on your experience in both the bar industry as an employee and what you have observed at Village?

Mr. Lindermayer: Yes, from running it for the last year.

Mr. Scrivo: Okay, now, a question also arose about the Whole Foods in Union, you visited that Whole Foods in Union.

Mr. Lindermayer: Yes, correct, I have been there a couple of times.

Mr. Scrivo: Now, how many stools are at the bar there?

Mr. Lindermayer: Probably 15 or so.

Mr. Scrivo: Now, at that location is there waitress and wait staff?

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Mr. Lindermayer: Yes they do have a staff that takes care of the tables.

Mr. Scrivo: And are we intending to have, is Village I'm sorry, intending to have waiter or waitress service?

Mr. Lindermayer: No, we do not.

Mr. Scrivo: So someone who is in the Patio Area who wants to get a drink has to actually go to the bartender in order to get that, correct?

Mr. Lindermayer: Yes every time.

Mr. Scrivo: And, in your experience does that create an environment with only seven seats there of having a group of people who congregate for a longer period of time to drink heavily?

Mr. Lindermayer: No.

Mr. Scrivo: Now, there was a question before about the access to the Whole Foods in Union and the access specifically to the bar area. You said you personally visited that store, correct?

Mr. Lindermayer: Yes, correct

Mr. Scrivo: And, how did you personally enter the bar area of the Whole Foods in Union.

Mr. Lindermayer: Through the grocery store.

Mr. Scrivo: Did you enter the bar area through the outside?

Mr. Lindermayer: No.

Mr. Scrivo: Okay, when you were in the Whole Foods in Union, was the door, could you access the bar area from outside the store?

Mr. Lindermayer: I was there four times and three times it was locked, there was a sign that said please use their grocery entrance.

Mr. Scrivo: So the only way to get into the bar area in the Whole Foods in Union was to go through the grocery store correct?

Mr. Lindermayer: Yes.

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Mr. Scrivo: And, after someone had a few drinks there the only way to get out in three of the four times that you were was to go through the grocery store, correct?

Mr. Lindermayer: As far as I can tell, yes.

Mr. Scrivo: And, there was, because the door to the outside was locked.

Mr. Lindermayer: Yes.

Mr. Scrivo: And, that location, actually had waitress, wait staff there to service people who sat, correct?

Mr. Lindermayer: Yes.

Mr. Scrivo: And they can serve them food and alcohol?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, Village is not going to do that?

Mr. Lindermayer: No, we will not have a wait staff.

Mr. Scrivo: Is it Villages intention to, maybe briefly if you can describe Village's existing clientele.

Mr. Lindermayer: Your average grocery store shopper, I guess. Normal people like us, go to get groceries.

Mr. Scrivo: Okay, and are you looking to create a destination for those grocery store people to go and drink?

Mr. Lindermayer: Not heavily no.

Mr. Scrivo: And, do people now who come to the supermarket take advantage of the amenities of the supermarket?

Mr. Lindermayer: Yes.

Mr. Scrivo: Do they take advantage of the prepared foods?

Mr. Lindermayer: Prepared foods, the health and fitness, the nutritionist, there is a lot of stuff going in there.

Mr. Scrivo: And, is this just one more amenity in the list of many at the Shop Rite in Hanover?

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Mr. Lindermayer: Yes and they have been asking a lot about.

Mayor: Counselor, I am going to caution you about time. I would like to wind down this portion.

Mr. Scrivo: I have one more page, I just want to finish with the Chief's and then I'm done.

Mr. Scrivo: So the fifth issue that the Chief raised was with regard to child care being offered and the possibility that someone who, cause one of the amenities that Shop Rite offers is to leave your child in the child care area and then go shop. He questioned, rightfully the issue of whether those people who drop off their children would be served alcohol and will Shop Rite, does Shop Rite have a policy right now with respect to dropping off children and the identification of people who drop off children.

Mr. Lindermayer: They get a hand stamp that matches their child.

Mr. Scrivo: Okay, when, will Village have a policy procedure for ensuring that the people who drop off their children and entrust their children with Shop Rite will not be served alcohol while on the premises.

Mr. Lindermayer: Correct.

Mr. Scrivo: And, will the bar staff be trained to ensure that that does not occur?

Mr. Lindermayer: Yes, when we card the guest that comes in will notice the stamps on the hands.

Mr. Scrivo: And, will we take any means possible to ensure that that does not happen if the hand stamp thing don't work.

Mr. Lindermayer: Yes.

Mr. Scrivo: Okay, now the sixth issue that the Chief raised was the presence of bar does offer the potential increased criminal activity and the store may be likely to be robbed? Quickly again, the issue of security there are two guards patrolling the store at all times?

Mr. Lindermayer: Yes.

Mr. Scrivo: And 200 cameras?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, approximately how many other Village employees at the store at all time?

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Mr. Lindermayer: 100 easily again.

Mr. Scrivo: And, are they all trained in how to respond to see if they see if they see someone who is attempting to rob the store?

Mr. Lindermayer: Yes.

Mr. Scrivo: And, that is already in existence?

Mr. Lindermayer: Correct.

Mr. Scrivo: Now, the seventh issue that the Chief raised was it should be considered the element the bar would bring. Again, I think we covered this, do you envision the clientele of the supermarket to change merely as a result of providing another amenity within the supermarket?

Mr. Lindermayer: No, again cause it really not a destination place.

Mr. Scrivo: And, that is it for the Chief's concerns and that is all I have right now for Mr. Lindermayer.

Mayor: I have one question of the testimony that I would love to hear a little more about and that is that I might learn something here, you testified that your training in identifying patrons that might be inebriated or not. At what point have you identified that person to be inebriated?

Mr. Lindermayer: No, you would monitor your guest on how quickly they are trying to consume alcohol, like did they have two beers in five minutes, you pace them as they are sitting there

Mayor: You see a change,

Mr. Scrivo: Were you done?

Mr. Lindermayer: No,

Mr. Scrivo: You can continue to answer.

Mayor: I'm sorry.

Mr. Lindermayer: You can see if someone is getting to that point, you kind of step in and offer an appetizer or offer them a nonalcoholic drink. Do things to try and slow their pace down.

Mayor: In essence, stop serving that person.

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Mr. Lindermayer: Pretty much,

Mayor: And, they would be able to under their own power, leave the area.

Mr. Lindermayer: Yes, I mean if there was anybody we thought was out of hand we can obviously reach out to other management and security in the building to try and stop them from getting in their car.

Mayor: Can I get a few questions from council and then the Committee and then I am going to open the floor.

Mr. Scrivo: That's fine Mayor.

Mr. Brueno: Just in terms of Mr. Lindermayer's background, it sounds like you are very well versed in all of what we are talking about here, but what I am curious about obviously now your position is full time and if you were to add these additional responsibilities you stretch rather thin, so how many additional full time employees would you anticipate in hiring to make sure that we have an adequate bartenders and so forth to handle this potential additional business?

Mr. Lindermayer: To staff the bar itself, we would have only one bartender on per shift, but I would assume three or four bartenders so people get days off and stuff like that.

Mr. Brueno: And in terms of security, potential security, you mentioned associates that are currently located near the Oyster Bar and perhaps they would now take on some additional role as far as responsibility as far as securing the area, they anticipate formal training for them?

Mr. Lindermayer: We would bring them through the TIPS Certification as well.

Mr. Brueno: Anyone who is in the vicinity of the Oyster Bar.

Mr. Lindermayer: Anyone who is close to it, the first round of defense.

Mr. Brueno: Then in terms of the Chief's concern about the parking lot, that parking lot is already difficult to navigate and I do frequent the Shop Rite quiet often in fact, and now there is a bank under construction which will probably mean even more congestion going in and out of that parking area, do you anticipate any additional security, I know there is security person there now right, so there is somebody driving around, we add alcohol and we add a bank, that I believe will have three drive in bays, that could lead to the potential of a lot more traffic going in and out of there, do you anticipate any additional security might be necessary in the parking lot?

Mr. Lindermayer: That is really above my pay grade.

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Mr. Brueno: Fair answer. Thank you.

Mr. Gallagher: I just have one question, believe it or not, and it is going to piggy back with the mayor's question, with all of your experience in this industry do you believe people act differently after a few drinks?

Mr. Lindermayer: To a certain degree.

Mr. Gallagher: And I believe two drinks is legally intoxicated?

Mr. Lindermayer: It depends on your blood alcohol level, it doesn't mean necessarily have to be two drinks.

Mr. Gallagher: Let's call it three then, let's see someone leaves the clam bar area, and then they are going to begin to shop, they are again mingling. Interacting with our families, interacting with our children and Shop Rite has done a great job in creating a very nice family experience; it's an outing when we go to Shop Rite. And we really enjoy it, but the questions and concerns that I have had during this whole exercise so far are people that had a couple of drinks that might not be unruly enough for you to flag them and tell them to leave and like Bob said once they leave there is a whole series of new problems because of the tight parking lot and the people out there.

The entrance where the people have to walk through the main box to get in people waiting to get in and out that's confusing enough; but my biggest problem still is the mingling and people walking around after a couple of drinks interacting with 8, 9 10, 11 year olds who are with their families and maybe a little independent getting hot food and enjoy it in the store; which my children do. So as far as that, what would you do if somebody having three or four drinks and want to continue the shopping experience and one more question, would the people, if it's not going to be a destination, do the people that go to the clam bar now, go there specifically just to have clams because if they don't have carts aren't they there shopping and they are having a snack because they are shopping, I think the cart issue is a real issue, because most people that I see there have carts, so we are talking about two different things, so my biggest concern is mingling and the way somebody acts after a couple of drinks and interacts with our families.

Mr. Lindermayer: When it comes to the mingling, it is no different than if somebody was at another local bar, really and decided to come into our store and go grocery shopping.

Mr. Gallagher: Do you have a problem with people walking around your store intoxicated now?

Mr. Lindermayer: No, not that I have noticed.

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Mayor: Trick question in one sense, this is the first effort that they are putting forth in doing this so how we had experience in knowing an intoxicated person is going through your store after your bar.

Mr. Lindermayer: If they are leaving our bar, as of now they are not intoxicated because they haven't been served anything, we can't pour alcohol.

Mr. Gallagher: I think that's another issue, that it hasn't been done before, we really don't have a track record to look at and help.

Mr. Ferramosca: Mr. Lindermayer: You spoke a lot about your reference child probably 20 30 times, what is your definition of a child?

Mr. Lindermayer: Anyone under 18.

Mr. Ferramosca: Anyone under 18, would you believe those above 12 have significantly more freedom in Shop Rite then those below the age of 12.

Mr. Lindermayer: Some, it depends on the parents.

Mr. Ferramosca: Would you think a 17, 18, 19, 20 year old would have significantly more freedom than an 11 year old.

Mr. Lindermayer: I would think so.

Mr. Ferramosca: In regards to the age issue, you just brought up the fact for me that when people visit the local bar they bring children. What percentage of the people who go to a local bar, there is a local bar here on Parsippany Road called Billy's Red Room, we went to Billy's Red Room, what percentage you think patrons would bring their children there?

Mr. Lindermayer: Well it's also a dining establishment, I've been to Billy's when you go in there are tables.

Mr. Ferramosca: What percentage?

Mr. Lindermayer: I have no idea,

Mr. Ferramosca: How can we compare would you say to the incidents of shoppers bringing children to a supermarket?

Mr. Lindermayer: What do you mean?

Mr. Ferramosca: Which would be,

Mr. Lindermayer: There is going to be more parents

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Mr. Ferramosca: Yes, okay thank you. So there is a lot more people who when they visit a supermarket that the family goes together. Next question I have for you is the Village staffing plan and you're currently the Bistro Manager and you would be in charge of these bar areas, how many bartenders would there in each of the two locations.

Mr. Lindermayer: One per bar.

Mr. Ferramosca: And, how many waiters and staff would be supporting that bartender.

Mr. Lindermayer: We are not offering staff

Mr. Ferramosca: Okay great. You reference the Whole Foods in Union, does the Whole Foods in Union have a bartender?

Mr. Lindermayer: Yes.

Mr. Ferramosca: Does it have a wait staff

Mr. Lindermayer: Yes.

Mr. Ferramosca: And, your Patio Area is 2800 square feet, and you are going to have one person monitor the drinking of

Mr. Lindermayer: No other management is also out there, store managers, myself is included, Beverage Manager, Associates

Mr. Ferramosca: Dedicated, the Whole Foods we concluded has significantly more presence dedicated to managing the alcohol then you do.

Mr. Scrivo: I don't think anywhere near what the testimony of this witness was. If you read back.

Mr. Ferramosca: Did the witness say, that there was a bartender in Whole Foods.

Mr. Scrivo: Yeah

Mr. Ferramosca: Did the witness say, that there is waiters and staff in the bar area in Whole Foods.

Mr. Scrivo: Yes.

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Mr. Ferramosca: Now, did the witness say, the amount of people bartenders that would be in the Shop Rite in various locations?

Mr. Scrivo: He said one and one.

Mr. Ferramosca: And did the witness say, the amount of waiters and wait staff that would be in the bar area in the Shop Rite.

Mr. Scrivo: Correct, none.

Mr. Ferramosca: Zero, so is let's say three greater than one?

Mr. Scrivo: So, I'm not getting deposed, but the way the Committeeman engrafted the factually testimony of the witness was incorrect. Because what the Committeeman said was and we can have the court reporter read it back, isn't it true that the Whole Foods is going to have more dedicated staff to the management of the operation, that's not true, so what the witness said was one bartender and no waitresses, what the Committeeman said management staff and what the witness was trying to explain until the Committeeman interrupted him was that there was going to be other staff such as himself as the beverage and food manager and other managers within the store who would be picking up that function, but he was interrupted.

Mr. Ferramosca: Thank you, I will rephrase my question. Bar staff, how many bar staff members do you have at the Oyster Bar.?

Mr. Lindermayer: ONE

Mr. Ferramosca: How many bar staff members do you have in the patio?

Mr. Lindermayer: One.

Mr. Ferramosca: How many bar staff members do you believe are in Whole Foods?

Mr. Lindermayer: The times that I have been there, there was one bartender.

Mr. Ferramosca: How many waiter/waitress staff?

Mr. Lindermayer: One server maybe.

Mr. Ferramosca: Okay, alright thank you very much. The next question I have is in terms of your location, I am looking at your printout and I am looking at the Patio area can you show me specifically where the bar is located in relationship to the door?

Mr. Lindermayer: The bar is this quarter moon shape right here

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Mr. Ferramosca: Okay, thank you.

Mayor: I am going to open the floor, my concerns and throughout this hearing and still is the focus on the Oyster Bar, I think the matter of the Patio Bar whether or not my colleges what to address that some other fashion how it exists or doesn't, is another matter, to the focus on the Oyster Bar for a second once again this is going to be a carted off area with 3,4 foot partitions followed by and it's going to be as what I can see, correct me if I'm wrong, certainly the general shopping public as going to have visibility into the bar, into the Oyster Bar area.

Mr. Lindermayer: Yes, it's a three foot glass wall,

Mayor: So shoppers in generally in disagreeing with alcohol or don't disagree with alcohol they are going to be able to see what drink you have at the Oyster Bar.

Mr. Lindermayer: If I'm not mistaken, it's a smoked or etched glass so.

Mayor: Smoked glass? Children will be able to see into this area as well?

Mr. Lindermayer: Smoked glass.

Mayor: Still smoked glass. How smoked is the glass?

Mr. Lindermayer: I didn't smoke the glass. (laughter)

Mayor: Based on that we really evaluate that testimony,

Mr. Semrau: Mr. Lindermayer did you speak to anyone who operates the Whole Foods Store and ask them questions about their operations?

Mr. Lindermayer: When I sat and spoke to the bartender, I sat in the bar area, I was asking her random questions but nothing really fulfilling answers.

Mr. Semrau: Do you have any studies or any other reports regarding supermarket bar arrangements such as this one? Did you do any studies? Or read any studies about them?

Mr. Lindermayer: Just different ones that I have seen I really haven't gone out of my way to study that.

Mr. Semrau: So this plan that has been presented this evening you would be responsible for the safety and administering of this plan correct, as far as the alcohol safety is concerned?

Mr. Lindermayer: Correct.

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Mr. Semrau: But it is based upon your experience working in beverages for the companies that owns the Friday's store, correct. It's not based upon any type of information about supermarket bars, correct?

Mr. Lindermayer: Correct.

Mr. Semrau: But then when you look at Friday's, Friday's has, you were in charge of a Friday's that had a wait staff, this is not going to have a staff.

Mr. Lindermayer: Correct

Mr. Semrau: And, the Friday's is a single use, it wasn't a multiple use like this, with a supermarket and other type of uses right? It's different.

Mr. Lindermayer: Yes

Mr. Semrau: And, how far from the Oyster Bar is the package goods in the Shop Rite facility?

Mr. Lindermayer: If you walk out the northern door the package goods department is right there behind you, and, if you walk out the southern door the wine door department is to the left.

Mr. Semrau: Can you describe the extent of those package goods and what is offered there for sale and how that is managed right now.

Mr. Lindermayer: Beer, wine and spirits, like any.

Mr. Semrau: One aisle, two aisles, how much is...

Mr. Lindermayer: One aisle for spirits on the left hand side, there is some wine on the right there is a hand full of beer coolers which are right behind the Oyster Bar and then displays of wine right across from the produce department.

Mr. Semrau: So have you ever managed the facility that was a bar and had this extent of packaged goods as well?

Mr. Lindermayer: Not that size, not in a liquor store.

Mr. Semrau: So you get to manage the liquor store or a bar, but never both.

Mr. Lindermayer: I never managed a liquor store.

Mr. Semrau: You never managed a facility that had packaged goods and multiple bars inside of one store like this?

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Mr. Lindermayer: The closest would be the Newark Airport where I managed two restaurants that, you've been to Newark Airport I'm assuming, Terminal A one is on the grand concourse and one is down behind security, we didn't do packaged goods, but it was it two functioning bars from 6:00 am – 10:00pm.

Mr. Semrau: So, you've put together or you endorsed the security measures, but you really haven't have any results, I mean this is just based on managing the Friday's not managing a facility similar circumstances correct?

Mr. Lindermayer: We didn't have any securities guards in any of the Friday's.

Mr. Semrau: I'm just asking, if what you put together here is far as the strategy to handle this from a safety concern it's not based on any other experience except for what you testified today, it's not based on any similar type of arrangement, this is unique.

Mr. Lindermayer: Similar, no, running an Oyster Bar in a grocery store, no.

Mr. Semrau: For multiple uses two bars and packaged goods, available, you haven't had any experience in managing that?

Mr. Lindermayer: No, but technically the packaged goods is a different department, that falls under grocery, where the Oyster Bar and the Bar in the Patio Area fall under the Bistro.

Mr. Semrau: So what happens, in your testimony you talked about basically cutting someone off who had too much to drink in the Oyster Bar, but they can leave the Oyster Bar and go by packaged goods right around the corner in the same store, correct?

Mr. Lindermayer: We also have a walky-talky system where if I let security know to let the cashiers know that this gentleman has had enough, if anyone gets to that point, security is going to get involved anyway, because they had too much, and we aren't going to want them out on the street.

Mr. Semrau: If you know that that is the case, and also as indicated you said this was going to be part of the shopping experience, do you have any studies that demonstrates that that in fact is going to be the case, any studies provided to you, I mean, you are getting ready for this particular plan, but you said it was going to be part of the shopping experience, how do you know that?

Mr. Lindermayer: How do I know, well I mean, basically the way we look at it, is if you were there shopping with your significant other, she wants to go shopping and if you really don't want to, you can sit down and have a beer and a couple of oysters.

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Mr. Semrau: But you don't have any studies, or reports or surveys to support that correct?

Mr. Lindermayer: No, the only thing is just from being in the store for over a year is what the feedback that we get from the guests that come in and out in a daily basis.

Mr. Semrau: Based upon your experience and your testimony this evening, what would be the most significant concern or challenge that you would have regarding the two bars and the packaged goods and the multiple uses including the supermarket and as indicated the families visiting the store, what would be your most significant concern?

Mr. Lindermayer: Honestly, there is nothing that raises a red flag in my head.

Mr. Semrau: No concerns what so ever?

Mr. Lindermayer: Nothing that really sticks out verses any other establishment where someone might consume alcohol and go out in the and be surrounded by the public.

Mr. Semrau: And, how would you coordinate if a person is in the Oyster Bar and then later on goes over to the Patio Bar and starts to purchase alcoholic beverages, is there really any way to really monitor the consumption at that point in time?

Mr. Lindermayer: Again, put myself in there as the Food and Beverage Manager, I am all over that area, I'm not just going to stand by the Oyster Bar and not just stay at the Patio Bar we have a business to run so I'm going to be all over the place and if the bar only seats 16 people chances are when you go to the other bar and it will only seat 7, I'm going to be able to spot the line.

Mr. Semrau: And, if you are not there, who would be responsible for the operations?

Mr. Lindermayer: The other Bistro Manager below me will also be trained in the same things that I am.

Mr. Semrau: Do they have more experience or less experience in alcohol beverages, and management than you do?

Mr. Lindermayer: I would say they had a little couple of years less if not the same.

Mr. Semrau: Have you visited any other stores, or done any other surveys of supermarket bars?

Mr. Lindermayer: With a set up like this?

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Mr. Semrau: Yes

Mr. Lindermayer: In Manhattan, it's a little bit south of Midtown, and there is about 6 or 7 bars just kind of throughout the whole place, walk along you have your pasta and you get your glass of wine and you continue to the next bar.

Mr. Semrau: But you never spoken to management

Mayor: That's a unique market environment with multiple kiosk and beverages; I take exception to comparing the environments, but if that's your testimony.

Mr. Semrau: But you never spoken to management or performed any other study or received any other data regarding issues and concern and management of these types of facilities?

Mr. Lindermayer: No, because I was there as a guest.

Mr. Semrau: And, with respect to the distinction between waiters and wait staff and bar staff in your experience do you find that, where do you find there is a better opportunity to monitor the beverage consumption, would it be if there is just a bartender or would it be if you actually had a wait staff? Where is it more advantageous from a monitoring stand point?

Mr. Lindermayer: I would say from a bartender's perspective, because you are face to face with the person

Mr. Semrau: But the person can leave the bar and go sit down and you really don't know

Mr. Lindermayer: This is in the patio area, not in the Oyster Bar. If they are in the Oyster Bar and I am behind the bar you are physically sitting at the table that's how close we are.

Mr. Semrau: You mentioned that people cannot take alcoholic beverages out of the patio area, correct.

Mr. Lindermayer: Correct.

Mr. Semrau: Can they take other beverages out, not alcoholic beverages out?

Mr. Lindermayer: Yes

Mr. Semrau: They could, and would there be any precautions that you would take, to make sure that's exactly what they are taking out, how would you tell an extinction, that someone is not pouring in a drink into a paper cup and walking out saying it's a coke, how does it happen?

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Mr. Lindermayer: How do you stop that in any other bar or restaurant.

Mr. Semrau: I'm asking you, I don't know.

Mr. Lindermayer: Its through training, we have staff over 300 people for this store, there is roughly 100 of them on staff at any given point we are going to do our best to get 90-95% of them trained that are backing that department to help us monitor this, like if you were in a restaurant and had a wait staff that monitors what you are doing.

Mr. Semrau: And, you have read the report by the Chief of Police of Hanover Township, correct?

Mr. Lindermayer: Just vaguely, I didn't sit and study it.

Mr. Semrau: So you are not familiar with his report, or just based on the testimony you gave this evening, have you had an opportunity to read the report?

Mr. Lindermayer: No.

Mr. Semrau: I know your attorney broke down various components of the report, but I think the Township Committee would want to know if you disagree or agree with what the Director of Public Safety is saying about this proposed use. But if you haven't read his report then I just let the record reflect that.

Mr. Coppola: I just have a couple of things, first I would like to comment that, I guess I have a problem understanding the analogy between an airport bar and a bar inside of a shopping store. I think the amount of traffic that is that Shop Rite way as far as I have seen a businessman coming off the airplane and having a drink, okay, my other concern is if you have one bartender and he is at one end of that bar how does that stop a person from walking out with something that is on the other end of that bar?

Mr. Lindermayer: The patron would have to go back pass the bar area,

Mr. Coppola: Two entrances.

Mr. Lindermayer: On the Patio?

Mr. Coppola: We are talking about the Oyster Bar.

Mr. Lindermayer: The Oyster Bar is 10 feet long.

Mr. Coppola: I know what it looks like, but that's saying that someone is dedicated to watching every single person that is in there how do you do that?

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Mr. Lindermayer: Its 14 people.

Mr. Coppola: 14 people is a lot of people when you got a very congested area in a shop rite, there is a lot of activity going on, okay, and it sounds you can't keep control of one person, your busy making a drink for someone and someone at the other end is walking out.

Mr. Lindermayer: I don't follow your question.

Mr. Coppola: What is so hard to figure out? You are at the bar and somebody is over there making a drink, busy making a drink and somebody is at the other end walking out, how do you control that?

Mr. Lindermayer: We make our drinks facing our guests,

Mr. Coppola: I understand that

Mr. Lindermayer: Your eyes are still there.

Mr. Coppola: Oh, so you are able to watch every single thing that is going on?

Mr. Lindermayer: It is literally 5 feet one way and 5 feet another way, it's not a big area.

Mr. Coppola: Same would be at the other place.

Mr. Lindermayer: The Patio area is obviously larger,

Mr. Coppola: My other question is in your earlier testimony is what that no one can go to the Oyster Bar with someone under age.

Mr. Scrivo: That was not his testimony.

Mr. Coppola: What?

Mr. Scrivo: He did not testify to that.

Mr. Coppola: I asked if you can bring a kid into there and he said no.

Mr. Lindermayer: No, I didn't.

Mr. Scrivo: No he didn't, this is not from witness.

Mr. Coppola: Not from this gentleman, he didn't say that.

Mr. Scrivo: No he didn't say that

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Mr. Coppola: But it was said previously, I asked a question and you told me specifically to speak to this gentleman.

Mr. Scrivo: That is correct.

Mr. Coppola: Can you tell me, that they can walk into that facility but they cannot go into the Oyster Bar that kid stuff like that?

Mr. Lindermayer: No that is not correct, if I wanted to go in there with my son, why couldn't I go there with my son just to sit down and have oysters.

Mr. Coppola: It was said earlier.

Mr. Lindermayer: I didn't say that.

Mr. Coppola: I know you didn't, but it was stated? That's why I asked the same thing, the same thing exists with the outside.

Mayor: It was stated by one of the witnesses,

Mr. Lindermayer: But it's again, no different than any other establishment.

Mr. Coppola: You keep saying it is no different than any other establishment, this is a Shop Rite shopping center I see hundreds and hundreds of people in there at any given time, it's not designed as a bar. A bar has certain criteria about it, people who want to have something to drink, they are asked specifically to go into, okay, I'm concerned as to what goes on in just this department, alright, it has nothing to do with the bar.

Mr. Lindermayer: Okay?

Mr. Scrivo: I don't believe there is a question?

Mr. Coppola: My question is how is that controlled? People going in and out

Mr. Lindermayer: Our staff.

Mr. Coppola: But you have one person..

Mr. Lindermayer: Standing behind the bar, but we also have another roughly 100 associates in the store at all times, two security guards, three to four managers, the Food and Beverage Managers, a sui chef, another executive chef, there is more than enough capable eyes to see if someone is going to try and take a beer and sneak out the door with it; they are not going to get far. Just like if someone is sitting at Billy's Red Room and took a bottle of beer and walked out the door, someone is going to stop you.

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Mr. Gallagher: Last one; with all of your experience in this industry have you ever seen a 14 seat bar that serves alcohol in a middle of a grocery store?

Mr. Lindermayer: In the middle of the grocery store, again they have bars located all throughout,

Mr. Gallagher: Are you referring to the one in New York again,

Mr. Lindermayer: Yes

Mr. Gallagher: But not New Jersey?

Mr. Lindermayer: No.

Mr. Gallagher: That's it Mayor.

Mayor: I think I understand, I think we fully understand that this is a unique marketing and/or another approach to the market, I think what I am hearing in most of the testimony is our colleagues are trying to focus on certain things that they feel that are not germane to a public supermarket, and I understand it, because we have no basis to compare this to in particular case of this Oyster Bar and I guess that's why we are here, but having said that what I would like to do Counselor unless you have any other experts or people to come forward I would like to open the floor for public comment for this witness or expert.

Ladies and Gentleman we are going to open the floor I hope you will cooperate with us and limit comment from the podium to a few minutes and then I will open the floor to the public if you would like to address the testimony that you heard from this particular professional, anyone who would like to do so, again please tell us your name and address for the record.

Carol Fomchenko, Malapardis Road, Whippany: My first question to the witness is is there a legal limit to how many drinks a person can have while sitting at a bar?

Mr. Lindermayer: A legal limit? No.

Ms. Fomchenko: Okay, so in other words a person could be sitting at a bar drinking two, three, four, five drinks until they show some signs of intoxication correct?

Mr. Lindermayer: Just like any other establishment, but we are going to have our employees and associates trained not to get it to that point, again we are not looking to get into the "bar" industry.

Ms. Fomchenko: Will you limit the amount of drinks, is there a minimum or maximum amount of drinks a person can have?

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Mr. Lindermayer: We would still have to discuss that, we really never tabled anything like that.

Ms. Fomchenko: So a women my size that comes in and has a few drinks, she can keep drinking until she starts to show signs that she shouldn't be drinking anymore or if a 6 foot 5 gentleman weighing 300 pounds came in and started to drink, would it be your opinion that that 6 foot 5 gentleman can consume more alcohol that a woman my size?

Mr. Lindermayer: Yes, again that is actually part of the TIP Certification, they break down the human body and it actually states in it, that woman physically get inebriated quicker due to physical makeup. And that is from the ABC not me.

Ms. Fomchenko: And what are your first signs of a person being a little bit tipsy, it doesn't take much for me, but... (laughter)

Mr. Lindermayer: People start to get a little more boisterous, giving up their inhibitions at the bar, all of a sudden going to buy everyone at the bar a drink, things like that.

Mr. Fomchenko: So by that time, they are already tipsy?

Mr. Lindermayer: According to the ABC standards and TIP Certification, yes, they are on their way.

Mr. Fomchenko: Okay, so in other words, you don't stop them from drinking until they start to exhibit signs of being a little loud, or boisterous as you put it.

Mr. Lindermayer: No, like I said earlier in the TIP Certification and in my personal background again, and if someone comes in and they have three glasses of wine in seven minutes, we are going to raise a red flag and put a stop to it, because they are, they are on a mission, and a mission that we don't want to be on under our watch.

Ms. Fomchenko: Thank you.

_____15 Reyonlds Avenue, Whippany: I am a regular customer of Shop Rite since the day they opened it, and one of the things that bring me there is the outstanding customer service, and one of the things I truly love is that wellness center, I think it is a brilliant idea that they have that, because I think, I get my shopping done and get my exercise done and if I'm having a birthday party I can get the cake and even get whatever I'm serving at the party. Also, I enjoy the cooking classes, I think it is amazing, and it would be nice I mean, you can have a glass of wine while you are taking your cooking class, and I have two kids and something that really admire the store the security is outstanding. When I'm dropping my kids they have me pull my ID

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and they stamp my hand so they know obviously I am not leaving there to go get a glass of wine because I wouldn't do that for safety for my children and also for the security of all the customers who are there. So I have no doubt based on what I have heard from the witnesses that they will do the best for the safety of all of us, who are like I said am there at least two times a week.

Mayor: For the record, I assume this but it's I'm going to share everybody in the public, this _____ liquor license would entitle this bar/owner to serve beer wine and hard liquors, vodka, devries, you name it. We are hearing a lot of comment about having a glass of wine and beer and that is fine too, but it could also get the whole Jack Daniels too, but having said that.

Judy Iradi, 43 Locust Drive, Hanover: I will ask a question, but first let me say, I love the Foodtown, I mean Shop Rite (laughter) and I love going there often, I love the set up but I don't like the parking. My question is with the Oyster Bar, what is the capacity of the Oyster Bar again?

Mr. Lindermayer: 14.

Ms. Iradi: What's the breakdown for how much at the counter and how much for the tables?

Mr. Lindermayer: 8 at the counter and 6 at tables.

Ms. Iradi: How many tables are there?

Mr. Lindermayer: 3

Ms. Iradi: Two at each table.

Mr. Lindermayer: Yes.

Ms. Iradi: So now will, you will only be able to service that amount of people at a time, in other words do I have to have a seat to get a drink?

Mr. Lindermayer: Yes, again it's an Oyster Bar that's what we are really pushing is our oysters and it's not really conducive to stand there and hold a shucked oyster verses when you get them and

Ms. Iradi: Sorry I can't hear.

Mayor: That's interesting, can I follow through on that question a little bit, it fills us in too, but if I don't have oysters and I come in and the seating is filled, 14 people are seated and having a drinks, I can't order a drink?

Mr. Lindermayer: No, you would have to go over to the Patio.

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Mayor: You would tell me to go over to the Patio?

Mr. Lindermayer: We are keeping,

Mayor: I can't stand there and have a drink?

Mr. Lindermayer: No we don't want to have that,

Ms. Iradi: So if I came in, I sat at a table and everything is filled up and I got up to ask for a drink at the bar, and somebody came and sat in that seat, would you deny me my drink?

Mr. Lindermayer: Once you are in there and kind of for a lack of better terms set up camp at a table, I don't really foresee anybody coming in and taking your seat from you. Again, it's 14 people with a trained bartender and management roaming around.

Ms. Iradi: So you're testifying that the capacity for drinkers at one time in that bar is 14 max.

Mr. Lindermayer: It's not just drinkers it's also people who might just want a diet coke and a lobster roll, it's just not for beer, wine or spirits.

Ms. Iradi: So I can stand up if I wasn't having a drink, if I was just having a lobster roll?

Mr. Lindermayer: No again, designated for 14 people.

Ms. Iradi: 14 people max at one time. Now I'm going to talk about the outside where the bar is proposed to be on the right side, in the Patio, how many seats are at the bar?

Mr. Lindermayer: Seven.

Ms. Iradi: So you will only be serving seven drinks at a time?

Mr. Lindermayer: Just to the seven people sitting there, but if you are there and walk up and you order a beer or a glass of wine, and if your ID comes through that you are good, we will serve you and you can then walk over to a table and sit down and enjoy your cocktail.

Ms. Iradi: So I can go to that bar and I could order a drink, hard liquor, and I can take that drink and go over to the other side of the patio behind the fireplace and drink that drink?

Mr. Lindermayer: The glass fireplace that you can see through?

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Ms. Iradi: Yes. So I could go over to the bar, get my Kahlua and go behind the fireplace and join my friends who are underage and they can all share my drink?

Mr. Lindermayer: We actually discussed something like that, if someone is going in there and want to have a couple of drinks, are you really going to go the farthest possible point of the bar? Or you going to sit close to it feeling that there is not a waiter or waitress to take care of you. You physically have to get up and go to the bar every time you want a drink, because again we are not making it conducive for a bar drinking atmosphere, if someone wants to have that bridge while they are there we are offering it. So again, if you decide to try and go behind the glass fireplace that we can see through we would also be able, the bartender would be trained to call myself, manager, or security and say hey someone is going to the back corner, that's a little shifty and we are going to come over and keep an eye on it.

Ms. Iradi: So at that outdoor patio, anybody can walk up to the bar and get a drink, so there is really not a maximum on the amount of people that can be drinking in that area?

Mr. Lindermayer: If someone is 21 years old and they can prove a valid ID then yes, they can buy a cocktail, fitting into however how many people are allowed to sit in there, and offhand I don't know the exact number.

Ms. Iradi: Do you know the capacity of the sitting out there and standing?

Mr. Lindermayer: I just said offhand I don't know the exact number.

Ms. Iradi: So if I went with a bunch of my friends, 10-15 of my friends I can just go and we can all get cocktails and kind of sit out there?

Mr. Lindermayer: Most of our tables are set up for 2, 4 and I think our largest one holds 5 so at that point you are starting to rearrange things, and again it will be noticed, security and bartender associates and management.

Ms. Iradi: So now I think of myself as the typical shopper of Shop Rite and I'm also a senior citizen and could you tell me a possible scenario where I might be stopping at off at the Oyster Bar to have a drink for my shopping experience?

Mr. Lindermayer: I'm not going to put words in your mouth; I have no idea when you would go there.

Ms. Iradi: My scenario would be I came from work; stopping off at Shop Rite let me have a drink before I shop? Let me have a drink alone before I shop. Or another scenario might be, I've finished my shopping let me have a drink alone before I go home? Usually when you drink you are drinking at a party, you are drinking with friends, and you are drinking at the airport because you have a long wait for the next plane. But

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drinking at the Shop Rite, another scenario okay, that might be a no destination for me because I'm shopping anyway, but the other scenario I went with my spouse and I did my shopping any my spouse sat in the Oyster Bar, would that be a destination for my spouse? Or would he be enjoying the experience with me?

Mr. Lindermayer: That's up to your spouse, again, I don't know him, maybe he doesn't like shopping and he's going to go watch a couple of minutes of the football and have a beer, I don't know.

Ms. Iradi: Thank you for your answers.

Robert Steiger, 13 Korda Place, Cedar Knolls: My first comment is that it is a magnificent facility, I have been at Cedar Knolls for 57 years and I never dreamt we would have anything like this built in our town. I shop there 3 or 4 mornings a week, and I go at 7 or I'd never get a parking space. It is wonderful! (laughter) It is wonderful, but when I hear they come in and say we are going to bring in extra security, I say to myself why the hell does this magnificent facility need more security unless they are bringing in a problem. And it would be a problem I don't care what anybody says, if the traffic is a problem on Horsehill they need a cop to direct traffic we will live with the traffic as long as its sober. We don't know what's going to happen once they open a bar. I was fortunate enough to be on the Planning Board when this case was heard it took over six months the longest case I had ever heard in the 40 years I've been involved with it, because Stop and Shop tried to stop them from shopping, I understand that, but they never once intimated the slightest hint that they were going to bring booze in to serve to people. It was never brought up and as far as I'm concerned it doesn't belong there and please for the sake of the people of Cedar Knolls please don't approve of it, I beg of you please don't!

Mayor: The floor is still open.

William Eames, 6 Cove Lane Road, Whippany: You answered for them, my first question which was what is the nature of alcohol being available, and that will be beer, wine and spirits at both locations. And they were unable to answer how many people were at the patio, so that was going to be my second question. But I'm confused about the answers that relate to an adult who has a child and they are together, whether they can go into the Oyster Bar together, I think they said Yes.

Mayor: I think the answer was yes.

Mr. Eames: And same true in the patio. Yes, okay. Any plans for tv's or entertainment to be provided in either these locations?

Mr. Lindermayer: In the Oyster Bar no, it's already set up and functioning it is what it is, and same with the patio are, there is three or four tvs and that is it and we are not doing anything else.

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Mr. Eames: Would you see the nature of what is in the patio bar becoming a sports bar kind of environment? Saturday afternoons or Sunday football?

Mr. Linder Mayer: Our TV's play sports, news, weather and food and we are not going to go out of our way to play football all over the TVs and promote it as a sports bar, no.

Mr. Eames: Okay, my primary concerns relate to the issue of traffic and the access and I just want to say that I commend the folks that have built this facility, I think it's a marvelous facility and I think it is well run, beautiful store, much better condition than what had been in Route 202 in Morris Plains before but I think that my expectation is of a grocery store to be a grocery store, I understand the need and the competitiveness and the narrowness of the margin and all those things and I really am sorry, that you have to invest the kind of money that you do with attorneys and consultants and advisors to go through an application, it would be easier somehow not require all that time and dollar per hour, I wish I were paid for every question that I asked, but traffic is a concern, it has been, it is, the county traffic folks have talked about Hanover Avenue as a congestion area, we have seen that happen, it would seem to me that the draw would be for the lunch time crowd from all the office buildings and at the same time the after work crowd and I know the Hanover Avenue is used practically by the Morris Minute Men and the Cedar Knolls Rescue Squad as access and primary route to Morristown Memorial Hospital concerns me about changing the mix of traffic there for the possible inebriation and also the extra crowds in those two rush times and the other aspect is the school buses that are used on those routes on regular basis. Not during midday generally but at the end of the work day or in that timeframe when we have sporting events and buses loaded with school kids, so I am concerned about the traffic impact that might be added by this.

And, then my probably biggest concern to the Committee making a judgment on this process is, this is a very competitive retail environment grocery stores, very low margins, obviously each store does everything it can to differentiate itself and to draw a specialty crowd to their particular market, and to encourage that clientele to return. I understand that, I have been a business man, myself and I've worked with many many others in Chambers of Commerce for years, but we stand the potential here of setting off a competition among our various grocery stores, Hanover is blessed to have a number of them and more coming and the potential here for me is a concern that we would create a competitive environment that everyone would try to bring in liquor to a grocery store. Here, Farmtastic, Wegman's Whole Foods and that is a concern to me. So I would just, I hate to be negative because I am a pro-business guy and I understand the competitive market but in the same time I understand that our community and I do have great concerns in those areas. Thank you for hearing me.

Mayor: Thank you. Anyone else that would like to be heard at this time. Hearing Non. Any other comments from the Township Committee at this time, None?

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Given the hour counselor I am, unless there are any other comments from the Committee, I would recommend a continuous of this particular hearing. Will you be producing or will you have any further testimony will you have any further experts at this point or have you concluded?

Mr. Scrivo: We have concluded.

Mayor: Then with the approval and the recommendation to the Committee the continuous of the hearing, giving the Committee an opportunity to deliberate,

Member Ferramosca seconded the recommendation by the Mayor to the continuation of the Hearing until February 12, 2015 and seconded by Member Coppola and unanimously passed. Mr. Scrivo also approved.

TIME ENDED: 10:43pm

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Treasurer's Report	S. Esposito	Year End Report 2014
Summary of Budge		
Revenue	S. Esposito	Close of the Year 12/14
Chief of Police	S. Gallagher	Month of 12/2014
Human Resource	J. Johnston	Month of 12/2014
Property Maintenance	E. Desimoni	Month of 12/2014

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 20-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PROBATIONARY EMPLOYMENT OF ANTHONY CITARELLA AS THE TOWNSHIP'S REPLACEMENT PART-TIME PLUMBING SUB-CODE OFFICIAL/PLUMBING INSPECTOR IN THE BUILDING DEPARTMENT EFFECTIVE JANUARY 13, 2015, AND ESTABLISHING HIS COMPENSATION AT \$32.47 PER HOUR UNDER JOB GROUP IX, SALARY GUIDE "C" OF SALARY ORDINANCE NO. 23-14 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY INFORMATION RECORD CHECK)

WHEREAS, in a letter dated November 14, 2014 but not received until November 21, 2014, Edward Bucceri, the Township's Plumbing Sub-Code Official/Plumbing Inspector since June 23, 1987 advised the Business Administrator of his intention to retire from the position effective December 31, 2014; and

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WHEREAS, in order to maintain the current manpower strength of the Building Department in managing its case load, a need exists to fill the Plumbing Sub-Code Official/Plumbing Inspector position; and

WHEREAS, through the job application process, the Building Department received a total of two (2) applications for the position of part-time Plumbing Sub-Code Official/Plumbing Inspector; and

WHEREAS, in accordance with the Township's job application process, the two (2) applicants were initially interviewed by the Construction Official and the Human Resource Specialist in mid-December, 2014; and

WHEREAS, the applicants were rated on their employment experience and expertise and their overall skills and abilities to perform the duties and tasks of the positions set forth above; and

WHEREAS, subsequently, the Business Administrator and Human Resource conducted a second interview with the finalist on January 7, 2015; and

WHEREAS, as a result of the second interview with the final candidate, the Business Administrator and Construction Official believe that **Anthony Citarella** residing at 25 Cole Road in Fairfield, New Jersey 07042 possesses the necessary experience, skills and expertise to assume the job duties and responsibilities of part-time Plumbing Sub-Code Official/Plumbing Inspector; and

WHEREAS, depending on the needs of the Building Department, the Construction Official estimates that **Mr. Citarella** will be required to work approximately eight to ten (8 - 10) hours a week up to a maximum of sixteen (16) hours in any week; and

WHEREAS, in accordance with Township policy as it pertains to part-time employees, **Mr. Citarella** shall not be eligible to receive any prior service credit or receive or accrue any paid vacations, sick leave, or health and dental benefits coverage of any kind whatsoever in his part-time position as Plumbing Sub-Code Official/Plumbing Inspector.

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 **Anthony Citarella** residing at 25 Cole Road in Fairfield, New Jersey 07042 is hereby appointed to serve as the Township's replacement part-time Plumbing Sub-Code Official/Plumbing Inspector, commencing Tuesday, January 13, 2015. **Mr. Citarella** shall work approximately eight to ten (8 - 10) hours a week in any week and up to a maximum of sixteen (16) hours in any week depending on the Department's workload.

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2. In accordance with Salary Range Guide "C" of Salary Ordinance No. 23-14, **Mr. Citarella** shall be compensated at the rate of \$32.47 per hour under Job Group IX as set forth in Schedule "B".

3. Pursuant to 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. Citarella** shall serve a six (6) month probationary period commencing January 13, 2015 and ending July 13, 2015. At least twenty (20) working days prior to the expiration of the six (6) month probationary period, the Construction Official shall prepare a written job evaluation of **Mr. Citarella's** performance. In the event that **Mr. Citarella** receives an unsatisfactory job performance evaluation at any time during his probationary period, **Mr. Citarella** may be terminated at the conclusion of the probationary period or sooner, whichever case is applicable.

4. In accordance with Schedule "B" and Salary Range Guide "C" of Ordinance No. 23-2014, **Mr. Citarella** shall be compensated at \$32.47 per hour under Job Group IX. Subject to the receipt of a satisfactory Job Performance Evaluation by the Construction Official at the conclusion of his probationary period on July 13, 2015, **Mr. Citarella's** rate of pay shall be increased to \$35.00 per hour. **Mr. Citarella** shall not be entitled to receive any other remuneration such as compensatory time other than the annual cost of living adjustments that may be granted to non-union civilian employees by the Township Committee and subject to receiving a satisfactory Job Performance Evaluation performed by the Construction Official.

5. This offer of employment is conditional and subject to **Mr. Citarella** 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".

6. Pursuant to Township policy, **Mr. Citarella** shall not be eligible to receive any prior service credit or receive or accrue any paid vacations, sick leave and health and dental benefits of any kind whatsoever.

7. That a certified copy of this resolution shall be transmitted to the Construction Official, Chief Municipal Finance Officer and **Mr. Citarella** for reference and information purposes.

RESOLUTION NO. 21-2015

PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF FRED SEMRAU, ESQ AND THE FIRM OF DORSEY & SEMRAU AS "TOWNSHIP ATTORNEY" DURING CALENDAR YEAR 2015 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. SEMRAU IN AN AMOUNT NOT TO EXCEED \$160,000.00 WHICH AMOUNT

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INCLUDES A RETAINER AT \$75,000.00 COVERING GENERAL LEGAL SERVICES, AND LITIGATION AND TAX APPEAL SERVICES AT \$85,000.00 (NOT INCLUDING AN AMOUNT NOT TO EXCEED \$3,000.00 FOR OUT-OF-POCKET DISBURSEMENTS, IN REM TAX FORECLOSURE ACTIONS AT THE RATE OF \$1,000.00 PER TAX SALE CERTIFICATE OR EXTRAORDINARY LITIGATION), ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the provisions of the Local Public Contracts Law and N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township of Hanover has a need to retain the services of an attorney as a non-fair and open contract in order to provide the Township with legal counsel and representation in the conduct of the Township's business including the defense of the Township in matters of litigation; and

WHEREAS, in keeping with the requirements of the Non-Fair and Open process of the Pay-to-Play legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated value for the performance of the legal services to be performed during calendar year 2015 has an anticipated value in excess of \$17,500.00; and

WHEREAS, **Fred Semrau, Esq.** and the firm of **Dorsey & Semrau** have served the Township of Hanover as Township Attorney during the last thirty-seven (37) years; and

WHEREAS, the Township Committee reappointed **Mr. Semrau** at its January 1, 2015 Reorganization Meeting and is desirous of memorializing his reappointment and that of the Firm of **Dorsey & Semrau** in rendering legal services to the Township during calendar year 2015; and

WHEREAS, the Township finds itself in what is described as difficult financial times, particularly for the 2015 budget year, and, as a result wishes to restrict to the extent that it can, legal fees within the current budget year; and

WHEREAS, **Dorsey & Semrau** have completed and submitted a Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure form and the Stockholder Disclosure Certification. **Dorsey & Semrau** have certified that the Firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the previous one (1) year, and that the new professional services agreement will prohibit **Dorsey & Semrau** from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5. (1)(a)(i), requires that the resolution authorizing the award of contracts for "Professional

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Services" without competitive bids, and the contract itself, must be available for public inspection; and

WHEREAS, Fred Semrau, Esq. and the Firm of **Dorsey & Semrau** hereinafter referred to as the "Township Attorney" shall be paid a retainer of \$75,000.00 during calendar year 2015 which retainer shall cover all general legal services required by the Township; and

WHEREAS, in order to cover those issues involving litigation, tax appeals, condemnations and representation involving land use and corporate development, the Township Attorney shall be compensated based on the Firm's hourly rates, except, however, that the maximum amount for the litigation services shall not exceed \$85,000.00; and

WHEREAS, in addition to the annual retainer and those services rendered for general litigation, the Township Attorney shall be reimbursed for out-of-pocket disbursements in an amount not to exceed \$3,000.00; and

WHEREAS, the maximum amount of the Agreement shall not exceed \$160,000.00 during calendar year 2015 plus \$3,000.00 for out-of-pocket disbursements. Except, however, the amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours and is, therefore, considered to be extraordinary litigation; and

WHEREAS, In Rem Tax Foreclosure actions, while classified as litigation, will be billed separately at the rate of \$1,000.00 per tax sale certificate and will not be covered under the \$160,000.00 nor will any item or items of litigation considered extraordinary in nature; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2015 Temporary Current Fund Budget - Legal - Other Expenses, Line Item No. 125-0009-083 to meet the need of this award during the first quarter of 2015 and, it is anticipated that sufficient funds will be appropriated and available in the 2015 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. That **Fred Semrau, Esq.** and the law firm of **Dorsey & Semrau**, located at 714 Main Street, P.O. Box 228 in Boonton, New Jersey 07005, are hereby retained as the "Township Attorney" during calendar year 2015 in providing the Township with professional legal services, including the preparation of legal opinions and the representation of the Township in litigation, and in any negotiations or representations involving developers and/or corporate property owners, all of which are

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more particularly described in the attached Agreement.

2. For general legal services, the Township Attorney shall be paid a retainer of \$75,000.00 during calendar year 2015. The Township Attorney shall also be compensated, based on the Firm's hourly fee schedule, in rendering professional legal services regarding litigation, tax appeals, condemnations and in representing the Township regarding any proposed land use and corporate developments at the following hourly rates:

Fred Semrau, Partner.....	\$163.00 per hour
Associate.....	\$137.00 per hour
Paralegal.....	\$ 87.00 per hour

The amount for this portion of the Agreement shall not exceed \$85,000.00, except that this amount for litigation shall be adjusted when any item or items of litigation exceed one hundred (100) hours, and is considered to be extraordinary litigation. The total contract amount, however, for all legal services, shall not exceed the maximum amount of \$160,000.00 plus an amount not to exceed \$3,000.00 for out-of-pocket disbursements. However, In Rem Tax Foreclosures, while classified as litigation, shall be billed separately at the rate of \$1,000.00 per tax sale certificate and shall not be covered under the \$160,000.00 cap.

3. In accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26 et seq., the Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure Form, and the Stockholder Disclosure Certification submitted by **Dorsey and Semrau** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his capacity as a Qualified Purchasing Agent, is attached hereto and made a part of this resolution as if set forth in full.
4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2015 Temporary Current Fund Budget - Legal - Other Expenses, Line Item No. 125-0009-083 to meet the need of this award during the first quarter of 2015 and it is anticipated that sufficient funds will be appropriated and available in the 2015 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.
5. The Mayor and Township Clerk are hereby authorized to execute an Agreement with **Fred Semrau, Esq.** on behalf of the Township in an amount not to exceed \$160,000.00 (except In Rem Tax Foreclosure cases which shall be billed separately at the rate of \$1,000.00 per Tax

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Sale Certificate and cases classified as extraordinary litigation which are not covered under the \$160,000.00 cap) plus out-of-pocket disbursements in an amount not to exceed \$3,000.00.

6. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) because the services performed are by a person authorized by law to practice a recognized profession as a licensed attorney of the State of New Jersey and such services are not subject to competitive bidding.
7. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

RESOLUTION NO. 22-2015

A PROFESSIONAL SERVICES RESOLUTION RETAINING THE SERVICES OF STEPHEN E. TRIMBOLI AND THE FIRM OF TRIMBOLI AND PRUSINOWSKI LLC AS "SPECIAL LABOR COUNSEL" TO THE TOWNSHIP DURING CALENDAR YEAR 2015 AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AGREEMENT WITH MR. TRIMBOLI IN AN AMOUNT NOT TO EXCEED \$60,000.00 BASED ON AN HOURLY RATE OF \$130.00 PER HOUR PLUS AN AMOUNT NOT TO EXCEED \$750.00 FOR OUT-OF-POCKET DISBURSEMENTS, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5.(1)(a)(i) AND N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, pursuant to the provisions of the Local Public Contracts Law and in conformance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 44A-20.26 et seq., the Township of Hanover needs to retain the services of a labor attorney as a non-fair and open contract in order to provide the Township with labor and personnel legal counsel and representation in the conduct of the Township's business; and

WHEREAS, in keeping with the requirements of the Non-Fair and Open process of the Pay-to-Play legislation at N.J.S.A. 19:44A-20.5 and N.J.S.A. 19:44A-20.26, the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated value for the performance of the legal services to be performed in calendar year 2015 has an anticipated value in excess of \$17,500.00; and

WHEREAS, Trimboli and Prusinowski LLC have completed and submitted a Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure Form, and the Stockholder Disclosure Certification. **Trimboli and Prusinowski LLC** have certified that the Firm has not made any reportable contributions to a political or candidate committee in the Township of Hanover in the

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previous one (1) year, and that the new professional services agreement will prohibit **Trimboli and Prusinowski LLC** from making any reportable contributions through the term of the contract; and

WHEREAS, it is the intention of the Township Committee to retain the services of **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC** (hereinafter referred to as the Special Labor Counsel) to serve as the Township's Special Labor Counsel during calendar year 2015; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) et seq., requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids, and the contract itself, must be available for public inspection; and

WHEREAS, the Special Labor Counsel shall be paid for all professional legal services at the rate of \$130.00 per hour plus reimbursement for all necessary disbursements incurred during the performance of legal services; and

WHEREAS, the maximum amount of the agreement shall not exceed \$60,000.00 for all legal services plus an amount not to exceed \$750.00 for out-of-pocket disbursements during calendar year 2015; and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that funds are available in the 2015 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 125-0009-095 to meet the need of this award during the first quarter of 2015 and that it is anticipated that sufficient funds will be appropriated and available in the 2015 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. That **Stephen E. Trimboli** and the law firm of **Trimboli and Prusinowski LLC**, located at 268 South Street in Morristown, New Jersey 07960, are hereby retained to provide the Township with professional legal services, as Special Labor Counsel, for calendar year 2015. Services shall include, but not be limited to, preparation for and attendance at negotiations meetings with various labor organization representatives, the preparation of written legal opinions and the representation of the Township in litigation arising out of matters for which the attorney is retained.

2. For all services rendered under the terms of the Agreement, **Mr. Trimboli** shall be paid at the rate of \$130.00 per hour plus reimbursement for all necessary disbursements incurred during the performance of legal services. The total contract amount for all legal services, shall not exceed the maximum amount of \$60,000.00 plus an amount not to exceed \$750.00 for out-of-pocket disbursements.

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3. In accordance with N.J.S.A. 19:44A-20.5 and N.J.S.A. 44A-20.26, the Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure form and the Stockholder Disclosure Certification submitted by **Trimboli and Prusinowski LLC** shall be placed on file with this resolution. The Determination of Value Form certified by the Township's Business Administrator, acting in his capacity as a Qualified Purchasing Agent, is attached hereto and made a part of this resolution as if set forth in full.

4. The Township's Chief Municipal Finance Officer has certified that funds are available in the 2015 Temporary Current Fund Budget – Legal O/E, Labor Negotiations, Line Item No. 125-0009-095 to meet the need of this award during the first quarter of 2015 and that it is anticipated that sufficient funds will be appropriated and available in the 2015 Current Fund Budget, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

5. The Mayor and Township Clerk are hereby authorized to execute an agreement with **Stephen E. Trimboli** and the Firm of **Trimboli and Prusinowski LLC** on behalf of the Township in an amount not to exceed \$60,000.00 for all legal services plus an amount not to exceed \$750.00 for out-of-pocket disbursements.

6. This appointment is awarded without competitive bidding as a "Professional Service" under the provision of the Local Public Contracts Law, N.J.S.A. 40A:11-5.(1)(a)(i) because the services performed are by a person authorized by law to practice a recognized profession as a licensed attorney of the State of New Jersey and such services are not subject to competitive bidding.

7. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

RESOLUTION NO. 23-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE VIDEO TAPING OF TOWNSHIP COMMITTEE MEETINGS FOR A TWELVE (12) MONTH PERIOD COMMENCING JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 BY ROBERT KOPACZ, D/B/A ROSENETTV BASED ON A FEE OF \$350.00 PER TAPING WHICH COST SHALL NOT EXCEED \$8,750.00 AND FURTHER AUTHORIZING THE BUSINESS ADMINISTRATOR/TOWNSHIP CLERK TO ISSUE A PURCHASE ORDER BETWEEN ROBERT KOPACZ AND THE TOWNSHIP

WHEREAS, the Township Committee of the Township of Hanover believes that open government and transparency are key elements in communicating to the residents of the Township and the public in general, the actions and decisions made by the governing body; and

WHEREAS, technological advances in the communications industry provide governmental entities with the necessary state-of-the-art tools to transmit

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information in verbal and visual formats to their constituents, using such mediums as cable TV and the Internet, and most recently via YouTube; and

WHEREAS, it is the philosophy of the governing body that residents of the community should actively participate in the decision making process by attending Township Committee meetings and the meetings of other boards and commissions in order to assist the Township's government in formulating policy; and

WHEREAS, the Township Committee further believes that by video taping and televising meetings of the governing body via cable TV and YouTube, this action will energize members of the community to attend and participate at meetings of the governing body; and

WHEREAS, an informed community is the cornerstone to good government, and in this regard, the Township Committee wishes to retain the services of **Robert Kopacz, d/b/a RosenetTV**, as videographer, in recording and converting into suitable formats for television and the Internet, the regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2015 through December 31, 2015.

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

1. In accordance with the Township Committee's philosophy of open government and transparency, and the need to inform its constituents of actions and decisions that affect the welfare of the community, the governing body hereby authorizes the video taping of all regular public meetings of the Township Committee during a twelve (12) month period commencing January 1, 2015 through December 31, 2015.
2. The governing body hereby retains the services of **Mr. Kopacz, d/b/a/ RosenetTV** for the purpose of videotaping all regular public meetings of the Township Committee during calendar year 2015 which meetings are held at 8:30 p.m. in the Main Meeting Room of the Municipal Building on the second and fourth Thursdays of each month except in July, August, November and December when only one (1) meeting may be convened.
3. **Mr. Kopacz** shall be paid a fee of \$350.00 to tape each Township Committee meeting which fee includes the taping of meetings, the conversion of the tape into suitable formats for broadcasting on Cablevision's Access Channel 21 and for streaming on demand over the Internet via YouTube and the Township's web site. This fee also includes providing the Township with three (3) standard definition DVDs for the Township and the Whippanong Library.
4. That the Business Administrator/Township Clerk is authorized and

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directed to issue a Purchase Order in an amount not to exceed \$8,750.00 for the taping of Township Committee meetings at the rate of \$350.00 per meeting for the period beginning January 1, 2015 through December 31, 2015.

5. That a certified copy of this resolution shall be transmitted to **Mr. Kopacz** and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 24-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO SCS CONTRACTING, INC. THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$89,000.00 FOR THE INSTALLATION AND CONSTRUCTION OF A MULTI-COURT PLAY AREA AND PARKING LOT ADA ACCESS AT THE BEE MEADOW SWIMMING POOL, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY

WHEREAS, in 2014, as part of its Capital Improvement Budget, the Township's Board of Recreation Commissioners recommended to the Township Committee the expansion of the recreation area at the Bee Meadow Swimming Pool to include a half-court basketball court, two (2) four square courts and a tetherball court, including parking lot ADA access (hereinafter referred to as the "Multi-Court Play Area Project"); and

WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on November 19, 2014 for the above referenced Multi-Court Play Area Project; and

WHEREAS, the Multi-Court Play Area Project will include a half-court basketball court, two (2) four square courts and a tetherball court, including parking lot ADA access at the Bee Meadow Swimming Pool all as set forth in detail in the Township's Specification and Supplementary Specification; and

WHEREAS, on December 16, 2014, pursuant to public advertising, the Township's Bid Reception Committee met and received and opened a total of three (3) sealed competitive bids out of five (5) prospective bidders; and

WHEREAS, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this Multi-Court Play Area Project and has determined that the lowest competitive bid submitted by **SCS Contracting, Inc.** for Item No. 1, the base bid for the Multi-Court Play Area and for Item No. S-1, the supplemental bid item concerning the parking lot ADA access are in total conformance with the Township's Specification and Supplementary Specification and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

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WHEREAS, in a letter dated December 31, 2014 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the Multi-Court Play Area Project described herein to **SCS Contracting, Inc.** which bidder submitted the lowest competitive bid for this project in the amount of \$89,000.00; and

WHEREAS, sufficient funds have been appropriated and are available for this project through Capital Improvement Fund Ordinance Nos. 14-14 and 34-14, Line Item No. 220-5656-499 and the Open Space Trust Fund, Line Item No. 254-3509-499, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. A contract is hereby awarded to:

SCS Contracting, Inc.
87 Shadyside Road
Ramsey, New Jersey 07446

for the Multi-Court Play Area Project which includes a half-court basketball court, two (2) four square courts and a tetherball court, including parking lot ADA access at the Bee Meadow Swimming Pool, all in accordance with the Specification and Supplementary Specification which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed the following amounts:

Item No. 1 – the base bid for the Multi-Court Play Area.....	\$79,000.00; and
Item No. S1- the supplemental bid item for the parking lot ADA access.....	<u>10,000.00</u>
Total Amount Not to Exceed.....	\$89,000.00

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

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Capital Improvement Fund Ordinance Nos. 14-14 and 34-14, Line Item No. 220-5656-499 in the amount of \$87,250.00 and from the Open Space Trust Fund Account, Line Item No. 254-3509-499 in the amount of \$1,750.00 as set forth in this resolution.

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4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **SCS Contracting, Inc.** in an amount not to exceed \$89,000.00.

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

RESOLUTION NO. 25-2015

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

BE IT RESOLVED, by the Township Committee, of the Township of Hanover, County of Morris and State of New Jersey, that the following tax overpayments, as certified by Silvio Esposito, Collector of Taxes, be and are hereby refunded:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL. #</u>	<u>NAME</u>	<u>AMOUNT</u>
4301	2	C0704	Michael Berry 704 Dawson Place Whippany, NJ 07981	\$1459.60

POSSIBLE CONSIDERATION OF ADDITIONAL RESOLUTIONS

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

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$655,054.88 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 Coppola and seconded by Member Brueno 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.

OTHER BUSINESS:

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

Mr. Gallagher: All last winter Committeemen Brueno referred to the Polar Vortex and referred to how cold it was and what a good job the guys at the DPW were doing, I

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would like to say that we are having a cold snap and I hope it's not a polar vortex that is going to stick around until the end of May, but I just want to say that we had a couple ice situations, not snow pushing yet, but once again the DPW did a great job our streets were done well they were done right away and everyone was safe and we all appreciate it and I just wanted to recognize that.

Mayor: very good,

Mr. Brueno: One more comment if I may, before the transition of the DPW over to Committeeman Gallagher, is that the third and final garbage truck will be online next week, I know I mentioned it briefly on New Year's Day, but cans have been delivered and the pickup will be started next week, making the Town 100% automated.

Mr. Ferramosca: Congratulations, well done.

Mayor: Once again, I am going to motion to open the floor.

OPEN TO THE PUBLIC

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

Jim Neidhart: 3414 Appleton Way, Whippany: A minor correction, the Town will be fully automated except for on a residential bases except for a couple of condominium complexes...Correct?

Mr. Brueno: Good point, yes.

Mr. Neidhart: I did read the notice that someone forwarded to me about it today, and the exception was listed as the Oak Ridge, The Grande, and Sunrise. I live in Eden Lane and that was not mentioned. Is there a reason as to why it wasn't mentioned?

Mr. Giorgio: As from what I understand from the Superintendent of Public Works, Eden Lane will remain with dumpster pick up.

Mr. Neidhart: So that will also be an exception to the automated.

Mr. Giorgio: Yes, the other three developments will be automated later in the year, but from what I understand Eden Lane will not be.

Mr. Neidhart: Ok, because Eden Lane was not addressed in there as an exception to automated pick up, I just wanted to confirm it was staying with dumpster pickup.

Mr. Giorgio: That is correct.

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Mr. Neidhart: I did share some of the information on our Eden Lane Facebook page, which a majority of the people in our community read and within 15 minutes 20-30 people read it, even though it doesn't affect them, they thought it was very positive the fact that we are, the Town was smart enough to investigate this ahead of most other people and when you are able to go from two pickups to one pick up in a week and you can cut the drivers from three to one and you can reduce injury costs, and use those other workers for other things within the town, the comments and this is from Eden Lane, Condominium people, who generally aren't really engaged in what is going on, I do keep them very well informed, but the comments were very positive about this particular incident and about how well the town is run.

Mayor: Thank you. I think since it is working so well, I think other towns are looking at it and the county is looking at it as well.

Mr. Neidhart: Having frequented a lot of your meetings here as well as being on the Board of Adjustment and being in this room a lot on other side of the podium there, I have noticed considerable problems with the speakers in here and the recording devices, when people speak into the microphones and are given testimony those microphones seem to be for recording purposes which I understand is necessary I don't know if they are also intended to provide amplification so that the people in the audience can hear better, it doesn't.

Mayor: It should, oh it doesn't.

Mr. Neidhart: It does not... so often the people given testimony, rightfully so they are speaking to the people behind the podium but some people have light voices, and a lot of people do and they don't speak close to the microphone which is bad for the recordings, but because they are projecting in that direction there are so many times when people in the audience actually are disturbing the proceedings "what did they say" so I would ask you as you look at some of the audio visual upgrades dealing with this room, that you also address the sound systems.

Mr. Giorgio: We just installed a new amplifier, for the main meeting room, but one of the main problems Jim that we face, and we do the transcriptions, we have to have a recording in writing, we find that one of the problems is people not speaking directly into the microphones, that seems to be the biggest problems, because we have this system fixed already, we had the amplifiers put in and we had a couple of new microphone put in it becomes a matter of balancing it, we try to balance it every time but then again, it's the way the people modulate and speak.

Mr. Neidhart: I understand that is a concern related to the recordings, it's a concern, I'm talking about the other concern that the folks in the audience can't really hear the people that are testifying and part of a reason for a public meeting for open records and letting people hear what is going on, and it also, and when they don't hear what is going on, they don't hear the full testimony and then they come up here and ask

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questions, that they already answered already. Is there any way to have the microphones that are at the front testimony here for testimony able to feed the speaker system in the room? If that could be improved I think that that would be recommended.

Mayor: We will give it to the attention of our audio people, that just finished up this system, and how are these micks working by the way.

Mr. Neidhart: This one is working very well.

Mayor: That is good,

Judy Iradi, 33 Locust Drive, Hanover: I just want to make a statement, while I was on the Township Committee, Joe Giorgio continually year after year wanted to get those one armed garage truck and I was very doubtful because nobody in this surrounding area had those, and year after year Joe Giorgio insisted we get them and finally we did them and they are just working out great and it's a good thing that Joe persisted all those years.

Mr. Giorgio: Judy I started in 1995 with that!

Ms. Iradi: That was way before I was on the committee!! It was finally proven that you were right, so hearing that and also with the microphones and everything, I do think the system is very old, when you are doing your budget can you consider investing in some new technology, like for the boards and for the Township Committee, overhead projectors and different speaker systems? Stuff like that.

Mayor: You hit a pet peeve of mine, we are working on it, with our Police Department, we have a wonderful techy person in our PD, Lt. Pelsis, and he is heading up along with yours truly and some other members of our departments, etc., a committee to look at paperless generation for the Township municipality and that and better management, we have had several meetings already, we met with one professional company already, very impressed by the way, East Hanover is using it, a lot of municipalities are using components of this various elements of the scanner management system, they actually do the achieving of hard copies for us, provide us all with electronic copies, intern they also have a network system that when an application for anything comes in boom it goes out to everyone there is a seamless connect no one can claim that one department is hanging up over another department, much of this too much to talk about, but all good and part of it, come budget time we are going to discuss with the Township Committee about some of the hardware we are going to need and we are planning to get electronic documents only as they are piling up in our mailboxes, we are going to need a projection system here we are going to need it for other professionals who testify, also by the way, all electronic media. So we are on the road.

Bill Eames: I didn't want to take up all the time in the earlier spot, just another compliment for the Township. I work in a number of towns in the area, one of them has to be Maplewood, which is a disaster when it comes to leaf pick up they still use a front

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loader, they leave stuff all over the place, I've seen Parsippany where it's bags and everything else, I do want to commend you and the Public Works people for the systems that you have put in, Bob for the automation of the one arm trucks, it takes 11 seconds to pick up my garbage, I've clocked it one time. They put it back, and if it comes over they stop the truck and get out and stand it up, that's my point. The gentleman that you have working for you and the ladies that work in these various service things put attention into what they are doing. I have seen situations where there is a can or lid that blew off on the way back and they will pick that up and put it into place. One time something went terribly wrong in dumping my garbage and the garbage went in a whole bunch of places, it was a windy day, the guy in the truck stopped went back picked that stuff up and they continued on their way, and I don't think there is another place where that would happen. So I want to just say thank you, please commend those individuals, I try to write once or twice a year to do that to say thank you, but they really deserve credit, because you know they work in miserable conditions sometimes, sometimes it's a nice warm day, to be outside, but a day like today is not one of those, so I appreciate what they do.

Mr. Brueno: Great to hear, thank you.

Mr. Gallagher: Can I make one comment on that, Bill you know what is interesting about the job that the men do and the equipment they use, I've been in a lot of garages in the years in business myself and in the summer time, they work on all that equipment to prepare it for leaf season, once that equipment is out they spend the whole fall working on the plows working to get them ready, so behind the scenes there is an incredible team, getting all this equipment to run as well as it does. You can go in any garage and any DPW at any time and the men are working on the next parts of equipment as well as maintaining the current ones, so there is a lot of layers it's very deep and we have an incredible staff here, and thank you for saying that because I think they do a great job also.

Barbara Eames: Just a question, the property on the corner of Park Avenue and Whippany Road, I understand that church has closed now. Can you tell me the status of that property and what applications are before it and what its use could be?

Mayor: You are correct that property is closed and it is on the market, it's up for sale, we have heard rumors of several known developers who are interested in the property, but we have no formal applications that have come forward, we did have a concept meeting with one particular developer who is interested in the property, but in keeping with that, the developer obviously does not want to build consistent with the R15 zoning which that church property is. That church property is residential R15 all the houses in that area.

Ms. Eames: R15 means?

Mayor: 15,000 square foot lot single family homes.

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Ms. Eames: Which is about 1/3 of acre.

Mayor: approximately yes, Church is in there under a residential zone right now because it is allowed in any zone, that property could be turned over to another church, which I understand is the contention or it could go to another developer and used as another residential use, that's where we are and I think the Committee is keeping their eye on it, to see what which we get the request for on that particular property, but as of now it remains status quo R15 residential development and if it's not another church than that's the way it will develop.

Ms. Eames: So there is an inquiry from a church as well?

Mayor: It could remain as another church.

Ms. Eames: Yeah, but did you say there was some, I though you said there was some entity that was interested.

Mayor: If there is another church interested in it, yes.

Ms. Eames: Can you say who that is?

Mayor: Um, I don't think I have the right information, I know we have a new church that moved into the Church of Christ that is a Syrian Orthodox that has changed hands, on Whippany Road that is right. It is possible that it is not Christian Church.

Ms. Eames: It's not Christian

Mr. Semrau: If you don't know Mayor,

Mayor: It is possible that it is not.

Mr. Eames: So, it wouldn't be Jewish.

Mr. Semrau: If I may, I just don't know at a public meeting unless the property owner is really here, for us to speculate

Mayor: We have no accurate information.

Ms. Eames: So you don't know what it is, but it's not a Christian Church.

Mayor: No,

Ms. Eames: So is the Church that is interested on Park Avenue and Whippany Road, is it a Christian Church or is it a Jewish

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Mr. Semrau: I just want to say, that believe it or not there are so many different rights that potential applicants and religious organizations have that if there is a question like that it is better that it doesn't, I wouldn't recommend that be discussed at a public meeting, in fairness to whoever is looking at a property, there is certainly if there is a question you want to ask, after the meeting or something like that, but to put it on the on the public record, unless that property owner is here and they have a contract, I don't think it is good to speculate.

Ms. Eames: There is no contract and it could be developed as a church or as residential.

Mayor: That is correct.

_____ : Just as a follow up to her question, because we use Monroe Hall a lot, could we make a parking deck at Monroe Hall if it gets used for other purposes?

Mayor: I would share such information as I could on that property, but at this particular time, the Planning Board has entertained some concepts for the property, concepts, but there has been no official filling of anything we have no record of anyone making a purchase of the property yet most of it is just rumored out there and that they extent of it.

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

Mr. Coppola: just one comment, I want to echo what Ms. Iradi said, I just received my garbage can today, and although I had my concern, they appear to be unfounded, I have heard many compliments, and I haven't had my first pick up yet but I will appear that they were unfounded and I hear a lot of good things, and Mr. Giorgio and let's not forget Ken Schleifer he was one of the ones who also pushed for this. So when you're wrong you're wrong, I admit it, I thought it would be an issue but it's a matter of fact been a blessing to the town.

Mr. Giorgio: So Judy if something happens with the first pickup next Tuesday, he lives right around the block from me, so I'm sure he will be knocking on my door.

Mr. Gallagher: I would like to see if there is a way we can encourage our children to bring the cans in at the end of the day.

Mayor: Or to take them out! Regardless of the size of the cans they have to be brought in at days end and so many times they are left out but you are right.

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

TOWNSHIP COMMITTEE

JANUARY 8, 2015

TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

Joseph A. Giorgio, Township Clerk