

MARCH 12, 2015

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, March 12, 2015, at 7:30 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

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Mr. Giorgio: Ladies and Gentleman, the first order of business this evening is the Continuation of January 8, 2015 public hearing on the following alcoholic beverage control licenses:

APPLICATION FOR PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE 1412-33- 006-004 FROM FENWAY, INC. T/A THE HALF POINT PUB TO VILLAGE SUPERMARKET T/A THE VILLAGE LIQUOR STORE LOCATED AT THE SHOP RITE SUPERMARKET AT 178 EAST HANOVER AVENUE IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP; AND

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

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I would like to read into the record the following record that I received this morning, it was faxed to my office and dated March 11, 2015 and it says:

“Dear Mr. Giorgio, you may recall that this office had requested a thirty day adjournment in order to review documentation that we had requested in connection with the above-entitled ABC license application. The application pursuant to the Open Public Records Act, the Mayor and the Township Committee kindly adjourned the hearing until March 12, 2015 in order to facilitate our review, we have now reviewed the materials and discussed the same with our client. As a result, we will not appear at the March 12, hearing. Please be advised that our discussion not to appear at the forthcoming hearing should not in any way be construed as a manifestation of support for the application. The decision not to appear was made by our client, for reasons unrelated to the merits of the application. I would like to thank the Mayor and Township Committee for the courtesies in regards to this matter. If you have any questions in connection herewith please do not hesitate to contact me. Signed, Richard L. Rubin, Esq. Member of the Firm with copies to Mr. Semrau and Mr. Scrivo.

Mayor: Counselor at this time, this continuation of the hearing as we know, but just for the purposes of the general public that is with us, would you please give us a brief introduction of yourself once more.

Mr. Scrivo: Thank you Mayor, Thomas Scrivo, from the Law firm of McElroy, Deutsch for Village Supermarket the applicant. We have been here a couple of times now, and thank you for scheduling this meeting early, and as I mentioned to your Township Attorney we have a brief witness this evening to present with regard to some of the issues that came up, it's principal of Village and that shouldn't take much time, we believe and after that I understand from the Township Attorney there will be some witnesses from the Town, and we will see where it goes after that.

Mayor: Okay, on that note, do you want to bring forth your first witness.

Mr. Scrivo: We call John Sumas.

Mr. Semrau: Mayor, as the witness comes up I just for the record two things, 1) I don't think Mr. Scrivo would disagree, generally speaking, I just want to refresh the Committee as to the standards. We started this back in January, but the things to keep in mind in this type of hearing are 1) whether or not the applicant is fit for the license which I don't believe is an issue basically with respect to this application, but community sentiment is another factor whether there are violations of municipal ordinances for this particular license and use, the impact on public health and welfare and the overall public interest. Those are generally the standards just to refresh everybody's memory with respect to this application. Those are the things you take into considerations. The only other issue just for housekeeping purposes, at one point Mr. Scrivo you made a request that perhaps the governing body would just move on the Person-to-Person transfer and we don't know if we will finish tonight or not, but with that being said, the governing body was ready on a recommendation to move forward on the Person-to-Person transfer but the Place-to-Place obviously is where you are providing testimony.

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Mr. Scrivo: Correct.

Mr. Semrau: Do you wish for the governing body to move on that this evening or do you wait until they move on the Place-to-Place and move them as a group?

Mr. Scrivo: Well, it is our anticipation Mayor through you that we would conclude this evening with the testimony and that the matter would be right for a decision on both applications, both being the Person-to-Person and Place-to-Place.

Mayor: Moving it together.

Mr. Scrivo: That is our desire, to move them together and, to do so this evening. We had some discussion at the February 12th meeting about that, there were some issues that we raised over notice, but that would be our preference and hopefully we get there by, Mayor just so I know, we thought we were allotted about a 2 hour time frame.

Mayor: We were setting aside until 9:30 hopefully that is an ample amount of time, but if there are questions and from the Township Committee that require additional time we will act accordingly, but we set 9:30. But so all understand, this license is concerned and Place-to-Place and Person-to-Person this license focuses on authority for the applicant to serve beer wine and spirits in the present Shop Rite facility that's on Hanover Avenue and Horse Hill Road. It's the Shop Rite Grocery facility, it's in a shopping center so that's the basic overview on that, I'll let your witness continue, testifying as a partner and owner in the Village Markets.

Mr. Scrivo: He will testify as to his role.

Mayor: We've met briefly before, have we not?

Mr. Sumas: Yes.

Mr. Scrivo: Is he going to be sworn in?

Mr. Semrau: Give us the witnesses name for the record

Mr. Scrivo: John Sumas S-U-M-A-S

Mr. Semrau: Mr. Sumas do you swear to tell the truth in this testimony, so help you God?

Mr. Sumas: I do.

Mr. Scrivo: Thank you Mr. Sumas, and Mr. Mayor. Mr. Sumas would you please tell the members of the Township Committee by whom you are employed and what your title is?

Mr. Sumas: Village Supermarkets, I am the Chief Operating Officer.

Mr. Scrivo: And how long have you been with Village Supermarkets?

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Mr. Sumas: Probably since 1993,

Mr. Scrivo: And what is your role with respect to the Village Shop Rite in Hanover?

Mr. Sumas: Specifically, I am the person helped with the design of the store with the architect; oversee the rest of the real work, conceptual aid concept, pretty much _____.

Mr. Scrivo: And, you oversee operations of Village Supermarkets generally and the Shop Rite in Hanover specifically.

Mr. Sumas: Yes.

Mr. Scrivo: There has been a lot of questions that the governing body has asked as to why Village Supermarkets wants to proceed in this fashion, with respect to a consumption license on premise, can you just tell the members of the governing body what is the reason why Village Supermarkets are seeking this application.

Mr. Sumas: I think it goes back, I mean Village is a 76 year old company, started in the Village of South Orange, that's where we got our name. It is pretty much a company that started out as a produce stand and everybody sort of has a history with using supermarkets, so supermarkets have evolved a long way from the traditional service product, dry groceries and produce stand. So you get into the 70's you started seeing fresh bakeries and seafood departments and meat departments and then pharmacies started to move in, the concept of one stop shopping becomes very prominent and everybody buying it. Low and behold at some point, operators like Walmart and Target see it as 55,000 square foot, nice little grouping of food products and decides well we can put that inside 100,000+ square food stores and serve some customers and make one stop shopping even bigger, so you can get clothing and other products, electronics and those types of things. So, you know for us, we have constantly been evolving seeing some of the trends and the competition and what is going on and probably in the mid 90's we created a format for a sort of a power aisle store, the Chester Shop Rite looks like,

Mayor: A power aisle? Tell us what a power aisle is.

Mr. Sumas: It just takes all of those areas, like the bakery, and the meat department, you are thinking in the early renditions of most of supermarkets they might be spotted all around the perimeter of the store bakery, bar in the far corner as an example, and so this concept was try to bring all those perishable concepts, some sort of the power of the store in one aisle, so customers come in get their fresh groceries, experience that whole thing and then have their traditional sort of center of the store experience and just capture them all in one spot, spend the money on perishables. That was pretty successful for us, we have a lot of good feedback from customers that you know, they liken us to King's in those areas, your kind of more like King's. But again, it's like trying to trend to have more fresh foods, wanting to feel like their supermarket are experts in the business. So that was very successful for us and we ran

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that model for up until the opening of this store and, in which case we expanded on it significantly, by again looking at what was going on in the industry around us, New Jersey has very parochial rules on packaged liquor goods and you don't see too many supermarkets in New Jersey that have packaged liquor license but if you go out of the State you know it's almost permissible without much of the license according to New York State, I don't think you need a formal license procedure that are limited licenses in New York so I don't know. But you will see beer and liquor in the stores and when we set forth to look at this store, as the Counsel I'm sure is aware we thought packaged goods was a key component to adding on to that one stop shopping experience as the next wave of items that sort of follow the resolution of bakery products, pharmacy and all that kind of stuff, and liquor could become one of those areas. We also, put in a little fitness studio, fitness room, again as a way of sort of going with the trends, and when I was in high school, my mom never went to the gym, my spouse goes to the gym now, everyone seems to go to the gym a lot more, so it was definitely something we thought we could capitalize on the trend, not only from the standpoint of what people do but also from what our brand stands for. It stands for consumer health, we have

Mayor: The gym is a service within the facility. Is it a subscription service? Do people sign up for this gym?

Mr. Sumas: There is evolution with the gym process, it started as a free service that we were offering and people would sign up and it just got very confusing, because there was limited space, there were just too many people that wanted to use the facility.

Mayor: Noted during the original Planning Board Hearing?

Mr. Sumas: I'm not sure, I wasn't involved in the original Planning Board process, so again it was one of those things to try to, talking about is our slogan for lack of terminology, to help families live better. So the idea of affording people the opportunity to work out for free, was a way of getting their exposure to fitness among us, that was part of our wellness package, and took into account the pharmacy that we had and added to it a registered dietician that we have inside the store, somebody to help people make better choices on eat this not that type of stuff. So in these expanding amenities and those kinds of things, we started to tinker with the thoughts of having this service of a bar, or a consumption license. And, to be honest, we were sort of all the way out, I know you didn't come to our premiere party, where we opened the store, we were way out in left field with a lot of that stuff. You know, I think we were the first supermarket to have this fitness studio in there and the registered dietician that was something that was emerging but it wasn't accepted everywhere. We talked about liquor in the State of New Jersey and the package good arena, so we had spent a lot of money and a lot of energy in these things and we weren't really sure where we wanted to go with the consumption of alcohol on our premises. But, at our party there were a decent amount of people from the town that came and a couple of them actually were transplants, I don't if remember, it was from Texas and California and she was extremely excited by what she saw in the store, not just the décor of it but the amenities and the fact that we were more than a food service arena but more of a natural progression.

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Mr. Semrau: Mr. Scrivo, Mayor and to the witness; we are getting a little bit along the lines of hearsay and what other people are saying, perhaps we can just bring it back a little bit.

Mr. Sumas: No problem, so the basic idea was people have accepted and felt comfortable with the store and the amenities that we were offering and we had built out the oyster bar area, as sort of an area to sort of bridge between the package goods area and the seafood department and our thought was that we would serve food there sort of a white table cloth version and maybe if we decided to go in a direction maybe we would go with the consumption license maybe we wouldn't, we didn't really scope out any of the regulations we were just trying to figure out if this is a good transition from food to packaged goods, there would be the package goods service area if we didn't want to go in that direction, there is another investment in consumption license that we are not ready to make based on how things were going, so this might fall under hearsay too, but we have gotten phenomenal responses from the customers wanting to purchase alcohol at the bar and that sort of made our idea a little more concrete. That this is the direction that we want to go in. The general idea of the why is because I don't know how many of the members here actually do the supermarket shopping or food shopping in their house, but the thought is that food shopping is really a fun experience, it sort of does all of these tasks and hopefully the kids don't have to come with me, but if they come with me we also put in a day care center so that people feel comfortable staying.

Mayor: Can you direct your testimony more to tell me more about how you relate your service of liquor in the store.

Mr. Sumas: I think it is more part of that you know, keeping supermarkets shopping fun, we have culinary center and in that center we teach classes, in those classes we've had some members of those classes say it would be really great to have a glass of wine with cooking. We have parties that people want to have, whether business or I think we are doing with the VFW every Friday now that would be an option that isn't an option currently. The general idea from the women that used the fitness center and customers in general is that it is really comfortable being in a supermarket; it's not intimidating to go to fitness classes in a supermarket or shop in a supermarket it's almost like an ownership of the space as this is my supermarket. And, for some people it is uncomfortable to be in a bar/restaurant to meet somebody, specifically a women meeting another woman, you know there is an opportunity for people to think there's a pick up thing going on, people want to come up and talk to them, where a supermarket environment is really a much more sort-of conservative place.

Mayor: I heard a lot of singles meet in supermarkets more than they do in bars. They bump carts and then all of a sudden,

Mr. Sumas: That could be the case, but you haven't heard of any love connections yet in the Shop Rite.

Mr. Coppola: Can I ask something, I may have missed something, are these

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services of the incidentals, are they free, the gym, and the daycare or is there a fee?

Mr. Sumas: The daycare is free, the gym, we actually survey the people that were using the gym 6 months into the process and because of the confusion of people signing up and not showing up, people not being able to get spots and that sort of thing we converted to a pay service. The members are happy with that, because now they know they are in their classes and you can sign up on the website and pick your slot. Because people are paying for it, they are going to show up so we cleaned up a lot of sort of empty classes that were oversubscribed,

Mr. Coppola: Was this all part of planning review the first time around?

Mr. Sumas: I'm not sure, the part of paying for the gym,

Mr. Coppola: No, I'm talking

Mayor: I think what Committeeman Coppola is trying to focus on whether or not the facility has any impact on the entire site, parking, and so forth, in other words when you did your calculations, and again this is somewhere besides of this hearing on liquor license, but your parking calculations and other uses inside the building was that at all taken into consideration in the testimony you gave before the Planning Board?

Mr. Sumas: I did not come before the Planning Board and testify to that, it is my understanding that from parking ratio standpoint we were well over the governed parking spaces that we needed.

Mr. Coppola: But this whole bar concept part of the original plan?

Mr. Sumas: No, because the bar concept wasn't part of our original idea, it's a follow up. I mean this was, this store cost this company close to \$30,000,000.00 to build and put up and some of these were more "hair brained" idea quote unquote were things that we weren't really looking to invest money in and make a bigger commitment too; at that time, because we weren't sure how just the food service operation alone is probably 5 times the size of anything we have ever done. So, we were starting to get a little gun shy with the investment that we had and we were really stepping out into rare air for us and what we were able to

Mr. Coppola: You thought these were kind of "Hair Brained" Ideas?

Mr. Sumas: No, no, not hair brained at all, just things that we hadn't done before and things we were investing a lot of money for a return, there is only so much risk you want to take at that point. We were happy with the format that we had, and as I was trying to comment, with the feedback that we got from the people using this form, and the success that we had we felt sort of bolstered to continue to evolve.

Mayor: Let me bring you back on point for a second here, and George, if I might, regarding the license law, is there any other facility and I think I heard earlier testimony on this, but let me ask it again, since you are the principal of the company, are you aware of any of your stores or any other facilities in the State of New Jersey other than

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grocers by brand name who are presently dispensing beer, wine and spirits, etc., in the State of New Jersey?

Mr. Sumas: Uh, yeah, in the State of New Jersey I was told that there was some testimony earlier about Whole Foods in Millburn. They are dispensing wine and spirits. In the State of New Jersey itself, I'm not sure what other supermarket retailer are, part of my job takes me throughout the entire country and as I was saying before pouring, the packaged goods license you see that in many areas and you see a lot of consumption license in a lot of different areas, I think that I've been to Wholefoods that serves alcohol in California and Texas.

Mayor: But you mentioned a Whole Foods in Millburn and you say that they do serve wine, spirits, wine and beer or spirits as well?

Mr. Sumas: To be honest with you whenever I'm in there I'm in there working so I never go in to see what their full menu of offerings so I'm not 100% sure as to that information.

Mayor: Could we be provided with that?

Mr. Scrivo: I actually think we have someone that might know the answer.

Mayor: Do you want to do that now, or do you want to continue?

Mr. Scrivo: I think we just have Mr. Sumas continue this, and he is just asking Mr. Sumas in terms of your experience with supermarkets generally you mentioned the Whole Foods, part other supermarkets brands providing consumption of alcohol within their stores and if so which.

Mr. Sumas: Wegman's is another supermarket retailer that does a lot with pouring alcohol specifically in Pennsylvania and you know we are all aware of our approved to build on Route 10 over there,

Mayor: Wegman's?

Mr. Sumas: Yes

Mayor: Is approved on Route 10 in Hanover?

Mr. Sumas: I believe so.

Mayor: Oh, okay...that's good to know.

Mr. Sumas: In that, we have done a lot of OPRA requests of those documents and in one of the OPRA requests we saw...

Mayor: Your testimony is that, you said that you referred to Wegman's in Hanover that they are serving liquor or will be serving liquor?

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Mr. Sumas: No, I said that the store is approved in the Town of Hanover.

Mayor: Okay, I thought you were relating it to my question about what other stores are serving alcohol.

Mr. Sumas: I'm getting to that, we've done numerous OPRA requests and in the file, there is a reference to a pocket license by Mack Cali that there is speculation in that file that that is for the Wegman's site.

Mayor: I don't know the nature of the license is it a Person-To-Person do you know more about it than the Town, is that a package license?

Mr. Sumas: It's a consumption license.

Mayor: It is a distribution?

Mr. Giorgio: It could be very well consumption license but meant for one of the restaurant that would be on the same sight

Mayor: A restaurant facility.

Mr. Giorgio: There is supposed to be three restaurants on that site.

Mayor: We just wanted a clarification on that point, sorry I interrupted you.

Mr. Sumas: I also have the documents,

Mr. Giorgio: We have it.

Mr. Scrivo: I'm sure we have it, it's a memo from the Administrator.

Mr. Sumas: So the point of this is that basically this is something that is a trend. Unfortunately, New Jersey Law holds the traditional supermarket operators Pathmark's and the A&P falls under some sort of financial duress right now, so they really don't have the ability to keep those "hair brained" ideas or risks to try and invest

Mayor: Was that his word or yours (laughter) just for the record I wanted to get it straight that is hair brained came from the applicants...

Mr. Ferramosca: It's a technical word.

Mr. Sumas: A lot of my co-workers thought they were hair brained ideas too; so they aren't just words. So, they don't really have the financial strength to take these risks, so in order to continue to grow and thrive and be a successful company, you need to look out and see what is going on the horizon and some cases you innovate a little bit more and some cases you copy so I think the consumption license is something that has been around in the State of New Jersey I think that Whole Foods is probably 8 years old if not older and I've seen them do it and Wegman's do it and various places

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around the country.

Mr. Scrivo: Mr. Semrau do you intend to, if the consumption license is granted, do you intend to make the bar, for lack of a better term, a destination or is the destination the supermarket and the consumption of alcohol is an amenity.

Mr. Sumas: I think we just want to continue to build on that idea of the supermarket being a comfortable place for people to socialize and, if not it being sort about it being a bar or it not it being a gym, or not it being a the registered dietician, but just a place where you know people can feel comfortable to be and my thoughts would be something that a husband might go shopping with his wife now because they can stop and maybe have a lobster roll and a beer before they go home, or people might meet at a supermarket a ½ hour early to maybe have lunch before they go shopping, so I just think it's really just something that will service the core business and enhance our brand and enhance what customers perceive in us,

Mayor: Is it your intention to, since you are on the subject of the oyster bar, you mentioned serving food or having food, now you do have a patio area for your food, but do you intend to have food service available in the oyster bar as well?

Mr. Sumas: Currently, the oyster bar is used for made to order food, so customers go there we have a limited menu, mostly seafood type, lobster roll being one of them, it is a little bit more of an upscale atmosphere then the patio area and the rest of this store so I look at it like more of an intimate private sort of gathering and one bar tender servicing 11 or 12-15 seats maybe at the maximum. So it is very sort of cozy sort of space not some place

Mayor: How would you promote the oyster bar within the store or around the store?

Mr. Sumas: You know we do use our PA system. We have some specials and I think for a while we had a lobster bake on Friday's that was like a \$25 two lobster kind of thing, I'm not sure exactly where we ended up with that, but you know it's really more one of those things where a customer would see it or hear it through word of mouth that kind of thing and use it, I don't really think we're looking to do any type of promotion relative to any of the consumption, it's really not one of those things, we just want it to flow naturally.

Mayor: Nothing in regard to outside to print media or anything, inviting customers to come to the oyster bar?

Mr. Sumas: I hope not, you know, I hope that the concept sort of just creates interest based on the feedback that we have gotten, and I hope we don't have to do any kind of promotion. Again, you know, we are just looking at this being something that broadens our brand a little bit and takes that concept of making supermarket shopping fun.

Mr. Coppola: But if you did that wouldn't it make it a destination?

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Mr. Sumas: I mean, I personally don't, I really would love for it be a place that hey the food there is so good I want to go there, and maybe we will meet that goal, we haven't gotten there yet, relative to our food, we are not looking to do anything there from the standpoint of drink specials from price point where it would make people want to go there instead of a local bar and that kind of stuff

Mayor: We, honestly, we wouldn't have any control over that in any event.

Mr. Sumas: Okay, but the thought is that we really want to stick to, I don't know if you have been in the store, but it is a very upscale and very appropriate sort of environment and I don't think, maybe we can do something with fancy martini or something like that, we really wouldn't want to do anything to sort of promote it, like Grasshopper in Morristown type.

Mr. Gallagher: I just have one question for you. Quickly, you said before about this would make it the shopping experience a little more fun, well I have young children, and basically up until 5th grade, children wanted to go to the supermarket with their families. When we go we have a lot of fun, my daughter and her friends get lost, they get food they go sit by the fake fireplace and they

Mr. Sumas: It's a real fireplace.

Mr. Gallagher: There is fire, but

Mr. Sumas: No wood

Mr. Gallagher: No wood, but you did a great job creating a nice family shopping experience, but do you think serving alcohol will change the family experience that you worked so hard to create?

Mr. Sumas: That is a great question, I think that we are, if you go into our store, you do feel like it's like being at the mall, sort of speak, there is a lot of individual shopping sort of feel, like the diner, the pizzeria and that kind of stuff, and the kids love going to the mall and, you know most malls now have restaurants that serve alcohol, like Joe's in Short Hills is really a popular spot, but it's just an atmosphere that isn't one that people are going to and rabble rouse and drink and I think Joe's does a good job policing that and I'm sure we put on testimony that we would do a good job and make sure that wasn't the case, so ultimately, if this thing somehow scares your family away from coming in the store it is a fail for us, that's not how we are going to want to run the place, clearly we expect to profit from having the liquor, but we do a significant amount of business in our traditional supermarket we don't want to risk that, and I know that I feel really confident in the company that we are and how we operate and I don't think we had any issues with package license since we have been in town and that will continue to make sure we maintain that among other establishments. We have trained security on the site; we went through how we are going to be TIPP Certified and those kinds of things to ensure that there is proper service of alcohol in those types of questions get answered to that process. But we have a vested stake in close to

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\$30,000,000.00 on operating a supermarket, there is no way we are going to risk that to make people like you feel uncomfortable from the alcohol side, so that is just something that

Mayor: Why would you need the two locations at the facility to serve from. Why would you need both an internal oyster bar within the grocery store itself, I'm calling it grocery store is there different words these days for

Mr. Scrivo: Supermarket

Mayor: Supermarket, Super, and you need that facility as well as the patio facility is my question?

Mr. Sumas: Yes, I think to be honest one of the "hair brained" ideas was the oyster bar

Mayor: We are backed to that word George.

Mr. Sumas: Without the alcohol because unfortunately we aren't able to make it work, we haven't made it a destination spot, and we've had a hard time sort of getting the image across because a lot of people come over and assume that there is alcohol to be served there, and that's a challenge for us. So, we think the main purpose of the oyster bar is to show off our talents from the seafood, food service and package goods it a different license and a different business, but the idea of paring wines with certain foods and those types of things a lot more of you know, like I said before, it's an upscale intimate idea, and I think the patio area would be more of your traditional sort of like Applebee's type, Friday's type, you know we have good food, we have Chinese food we have diner food, that kind of stuff and if you wanted to get a beer or something to go along with that, there's TVs in that area, it's much more quiet, much more intimate than the oyster bar area so I think there are several different customers. There is a customer that I said before that hopefully is going shopping with their spouse and want to stop in the oyster bar and grab something quick to eat, a glass of wine. Then, I think there are customers like a lot of people that work next door to us that might walk in and you know get lunch and say hey let's have a beer. There are eight guys and we are going to talk about our boss today and whatever decision he made and you know that's more conducive for that kind of area, so the question to me is an interesting one those are the uses I think for those two places.

Mr. Scrivo: Not to interrupt any questioning but I just want to make sure Mr. Sumas confirms that there wouldn't be any table service in the patio area correct?

Mr. Sumas: Correct, it's much more casual again that intimate thing going on in the oyster bar wouldn't be going on so much in the patio area.

Mayor: I saw some earlier sketches of how you would perimeter the area with partisans etc., etc., but one of the concerns the Township Committee had and, I think it was answered but still a concern on our minds is the fact that you are going to have a mixed audience in there and coming to your shopping facility, your supermarket, with

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my children during the day maybe 10:30 in the morning or something like that, you know before lunch and your bar service is operating in the middle of the store, that doesn't seem to be an issue, or concern or image matter to you, it's more of a marketing matter?

Mr. Sumas: I'm not sure what the hours are, I think we were initially lying it out without the alcohol are hours for bartenders to just service is just 11:00, so I don't know if they were contemplating doing any business on the alcohol 10:30, I haven't reviewed the Township Ordinance for consumption, but again we wouldn't want to do anything to risk our core business, and we are going to be very sensitive to that. I think it would be an area that would probably be open from 11:30, and expecting to be doing business from noon on. And, I think the main concept here is to be an added amenity for the consumer, so that they can enjoy a drink with some food and

Mayor: You think the use of the Oyster Bar the internal bar would enhance your marketability inside the supermarket itself over selling food product?

Mr. Sumas: I think a lot of the studies that I have read are that you know, the reason why Starbucks for an example has Wi-Fi, because they want to come to Starbucks as often and to stay and that increases their ability to maybe buy another cup of coffee. I think by having the pouring alcohol there it gives somebody the opportunity to say I got to kill two birds with one stone, maybe I'll meet Becky

Mayor: Have a nip and go buy my Rice Krispies at the same time

Mr. Sumas: Well, you know it's a multitasking kind of world, I know I met my mom at the Short Hills Mall and we go to Joe's and we

Mayor: Ditto, leave one facility and I go to another,

Mr. Sumas: Well it's all under one roof. So the whole idea there is in some aspects that you might argue it's safer because if I have one drink I'm not getting into my car and going to the next place. I'm going to go do my shopping and again, I think we are going to do a very thorough job of making sure that everybody feels comfortable.

Mr. Gallagher: Just a quick follow up; you know we asked quite a bit of questions of your guys and we got some satisfactory answers, so we don't want to ask the same questions over and over, but you referred to TGIF, and we have gone there with our young ones, but there is one area where it is largely adults. It's pretty much like a bar. The rest of it is like a restaurant that serves liquor. To one of your other witnesses, we asked that if they believe, as an expert in working with alcohol, that people act different after two or three drinks, and most people believe they do. And, as adults we expect people to behave differently when they are drinking alcohol. The one thing that I referred to before is going to a supermarket with children up to 5th grade. I wouldn't take those people into a place where there will be people that I would be concerned that would be intoxicated especially in the middle of the building not in an a detached section of the bar. That is the key word we refer to also before as mingling. So, not to repeat the questions that I've asked or our Committee has asked before, but I'm just looking to

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deal with the theme of the store, the overall family experience and how it would affect my family and every other family in Hanover Township and probably Morristown and surrounding areas, that is the concern and we want to touch on that.

Mr. Sumas: I think it is a great concern, from what I've read and what the experts in this sort of field of supermarkets say, that supermarkets is an environment that promotes moderate drinking and it's not a place where people feel comfortable, or sort of letting loose, and I think on top of that, if you have an organization that is committee to protect the core of this business, and I don't know what was testified previous to that but clearly we are not going to be happy if that sort of environment, like TGIF at 2:00 in the morning on a Saturday when you go into the Shop Rite at 6:00 in the afternoon on Friday. We have complete control over that, unlike a traditional bar the only place they are going to generate their revenue from is the sale of alcohol. You know, we have other aspects that., trust me, clearly out way the interest of the sale of the alcohol,

Mr. Gallagher: And, just to conclude when I say we were satisfied with the answers I didn't mean that we felt good in support of the answers. We just, I just meant simply that you answered the question that I asked and we have the information there to look at and not to make a decision on, just to clear that up.

Mr. Sumas: I think in any of these consumption license issues it is really in the hands of the operator as to how well they follow the founding fathers would want to see out of that business. All I can say is we have a 76 year history in this State, we are part of the largest employer in the State. We are not going to go out there and risk our reputational values so we can make an extra couple of bucks on serving somebody an extra drink.

Mr. Ferramosca: Mr. Sumas Village Shop Rite is clearly a world class supermarket. It's a great addition to Hanover Township, we are proud that you are here. I considerate it really could be that Shop Rite store which you put on Hanover Avenue is the premiere main stream supermarket, what I would like to know, cause you are an expert in the industry, how would you classify other retailers like A&P, what would you classify those, if I classify you as a Premiere main stream supermarket

Mr. Sumas: I would classify A&P as Shop Rite that didn't evolve. I think we are very fortunate that generationally we've sort of changed. We are part of a co-op so we have Lakefirm food cooperative that helps us, that tries to bring in trends. A&P 50 years ago was the gold standard of supermarkets and really the challenge in any business probably even in politics is to stay close to your customers and understand what they are looking for and don't rest on your morals.

Mayor: Well our customers differ with that but that's okay.

Mr. Sumas: All of our customers have their opinions and it's hard to satisfy 100% of the people 100% of the time but that's what I would say, A&P and Shop Rite were very similar and A&P had some of their issues for other reasons, but A&P and Pathmark part of the Shop Rite family grew into the Pathmark group some 40-50 years ago, so I think we are all in the same pocket, just some guys look to evolve and some guys either

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were afraid of it or couldn't financially afford to take a risk.

Mr. Ferramosca: So Pathmark is similar to A&P?

Mr. Sumas: Yes,

Mr. Ferramosca: So in your opinion Wegman's where are they, in terms of the pie?

Mr. Sumas: Wegmans' is very unique, a lot of space to operate their store, traditional supermarkets are 60,000 square feet and go up to 80,000 and Wegman's is like 140,000 square foot store, so they start getting into like a Walmart Target type of space, they sell a lot of different items than we sell, they are heavily laden in nonfoods products and cooking pots and pans and all that kind of stuff, but you know it's another type of evolution sort of like, did you see Walmart now adding food and that kind of stuff, Wegman's really grew out of the food side of it but just grew up to be a really big format.

Mr. Ferramosca: Then I see these others stores, smaller stores, like Trader Joe's and Whole Foods, what are they?

Mr. Sumas: Basically, I think you can make an argument that those supermarket that we all grew up with is sort of like stuck in the middle. The low end, you got the Targets and Walmart's that sort of hammer people on price and then the high end you got Trader Joe's and the Whole Foods that try to do things in like a notchy kind of unique way and the guy in the middle got to figure what he wants to be, I think Wegmans does a lot of trying to be price, trying to be high end we are sort of in the same sort of space, unfortunately guys like A&P, and Grand Union is one that couldn't, they didn't have the time to figure it out, it wasn't successful.

Mr. Ferramosca: Thank you.

Mr. Coppola: How many people did you say were in your store at any given time? Over 50,000 square feet, how many people would you estimate?

Mr. Sumas: Well, I'm not sure, the best figure I could have for you, is I think we probably have 25,000 transactions a week. At any given time, we really don't use those statistics for anything so.

Mr. Coppola: I'm just trying to compare it with Houlihans or TGIF that maybe have 4,000 square feet, that family type restaurant, so I'm just trying to get in my mind the control, and what would be required.

Mr. Sumas: I'm sure there was testimony on this stuff, but I mean the oyster bar area, I'm talking about not more than 15 seats and one bartender so it's a lot smaller than, in fact one of the first attorneys we had on the consumption license told me it was the dumb business idea he ever heard of. Why would you want to do this? And, I was sort of like what do you mean. He said you don't have enough seats to make any money, you aren't going to make any money here with alcohol, I was like well

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don't you want to represent us in getting this liquor license, just we have a different business model, clearly that's part of it, but the bigger piece of it is that overall brand.

Mr. Coppola: You understand where I'm coming from with that? The number of people gives a lot of density of you know as a destination, and, you said dumbest and I didn't, remember that.

Mr. Sumas: The lawyer said I was the dumbest guy, yes.

Mr. Coppola: I'm just looking at the destination, as far as an analogy between a TGIF and Houlihans, Applebee's verses 85,000 square foot with a lot of people coming into that facility, shopping specifically just shopping period.

Mr. Sumas: No, I think it is a great point and I think the one thing to mention about the oyster bar that there is no TV's in that space, it is really meant to be more of a private space, you got one guy watching 15 seats and so like Saturday there are going to be a lot of people that are going there because it is not conducive and watch a football game and have a drink while my wife shops. Sunday same sort of situation, I think it is more of an area we are talking about supermarkets, that supermarket is a little busier than most in the evening hour but we aren't particularly busy in the evening hours especially during the week. And, I think it is a very localized area over there and I think your fears or your concerns are great ones to have out there I just think that we are coming out of the supermarket running a consumption license we aren't coming out of it as hey we own the Grasshopper and we want to turn this into that kind of environment, I think that is really important to try and get there arms around.

Mr. Brueno: A question if I may, regarding the parking lot, it seems to have been designed for cars to travel at maybe 2 to 3 miles an hours safely and I'm sure whoever designed it wanted to maximize the number of spots and that makes a lot of sense and it seems like whenever I go, it's always crowed, good for you, but now there is going to be a bank in the parking lot and I think a three bay drive-in bank and I asked one of your employees during one of our previous hearings about perhaps increase safety. Right now we have somebody going out into the parking lot which seems like it could be a little bit dangerous at times, for lack of a better term I don't want to overdramatize it but and I don't know the statistics on accidents or anything else there, but now the parking lot which is relatively tight again for a lack of better term we add a bank and now we have to add people coming out who have been drinking alcohol. Do you see any need for increased security or have you thought of any way to make that parking lot as safe as possible?

Mr. Sumas: I don't know that the parking lot is not safe, I'm not, _____ (inaudible) I know that we are proud of it and early on during our grand opening we were overcrowded, for a bunch of different reasons, we still had a lot of extra staff in the store, so they bring extra cars, the bank status we still haven't gotten confirmation on the bank going there so that is still a little bit up in the air, they are going through their internal process and haven't confirmed that. The bank is also on the far end of the parking lot, I think that obviously with anything we can do we are going to monitor it closely, we have stores that we put in speed bumps as an example, we have stores that

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we put in sort of lighted cross walks in those kinds of things. Sometimes in the existing store a location near an outdoor exit, especially when we open the patio doors we will have a guard there watching that, I think the one good thing about us, not only do we have an interest to make sure we keep all of guests safe but we also have the ability to do whatever it takes to keep that promise and hope families live better idea, we don't want to do anything that causes a heart break, people getting into accidents, or getting hurt in our parking lot, we are going to take that really seriously.

Mayor: In the supermarket in the shopping center you are going to have a serious of other retailers in the front, I think you are completing those stores now, up to five units in there?

Mr. Sumas: It matters how much space each needs.

Mayor: Somebody might take the entire building; I think my question is if you did have an Applebee's or a Friday's or somebody that wanted to come onto that location, what would Village opinion be of that since you are the landlord of that site?

Mr. Sumas: We actually have it in a lot of our leases where we are not landlord restrictions on restaurants like that, for most biggest purposes it the parking fact that they are going to stay for an hour and hour and half, and a lot of our sites unfortunately landlords are looking to maximize their revenue so they plop somebody of your parking lot and that is really what shuts down your customers visibility to get in and out of the store, so internally are fighting over whether we want to have a coffee shop in our area for that same idea, it wouldn't be the square footage of an Applebee's or one of those kind of places and you know we would like to think there would probably be more business in the morning than it would in the night, we might not be the busiest store in the morning so clearly again to protecting our brand we are looking to try to find the best fit for those stores.

Mayor: The nature of my question was only my concern over having another facility on the site that also potentially can serve alcohol.

Mr. Sumas: Yeah, I don't think we would like to, we are making a sizeable investment in serving of alcohol and I don't see us looking at giving ourselves any competition on our site for that, there is only person...

Mayor: (interrupted) In the course of your let's go back a little bit, I don't want to blather when other people are going to have additional questions and I want to give the floor an opportunity to ask questions as well, but I do want to go back a little bit to a point as to the historyonics where we are and at one point the hearings were taking place and it was a very long process as we know, with the grocery wars that are going on and the Stop and Shop coming after you and Shop Rite coming after somebody else, this poor Mayor had to sit through three full meetings on the depth retention basin, so it's well thought out, but I guess where I'm going with my questions is that we went through a very laborious period of hearings, well over a year,

Mr. Ferramosca: I think about 13 months.

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Mayor: Any time during those hearings did the idea of the dispensing of liquor or spirits ever come up in the course of the hearings, I presume as a supermarket that you were going to have packaged goods and sell those, and you would obtain a license thereby, but in any of those hearings was the oyster bar mentioned?

Mr. Sumas: Like I said earlier I wasn't part of those hearings, you know, I can tell you that there was a lot of certainty that the oyster bar exists because of my thoughts and creation, and as I said earlier my initial thought was hey, we will throw something there as to bridge the gap between, the reason why it's an oyster bar is because the seafood department is right next to it, so you are used to seeing sort of an ice table with

Mayor: Well in Morristown there are bars, there are other types, I can define your oyster bar as an extension of that too; for that matter, I'm talking about how it is going to be used and whether or not there was ever a thought that you would be serving liquor at that oyster bar at any point?

Mr. Sumas: Yeah, I mean, again, the thought was we hadn't gotten the consumption license for this it was we had this space in between the liquor space and the seafood space,

Mayor: Physically it all sounds great, let me cut to the quick, the issue is before this board on this license and the license defines the state physical things, doors in doors out, walls, protection, etc., it doesn't make distinctions in that as to how it is going to be used and in what environments, grocery store, inside another type of "mixed used" in side of any other type of retail establishment.

Mr. Sumas: Like a J&R

Mayor: You are unique, and that is what we are looking at, that is what we contracted with. If it were a matter of a license to be used and a particular location or a particular building dwelling etc., that's one thing, then you are known as a tavern, club, you are known whatever you want to call yourself, but here Planning Board went ahead and approved a supermarket, and a supermarket center and they did so, and they asked questions relative too and they followed along asking questions set forth what needs would service that use of the supermarket in consistent with our zoning codes and I understand why it's changed. You have another creative way another way to bring interest to bring people to your market. But that is what we are wanting to hear more about, since we are going to be the poster child, the first one to have something like this in the area of New Jersey, to start to set the tempo, then you are right, what is going to say that Wegman's isn't going to want to come in and start serving in the same fashion, or anybody else in that matter, like Farmtastic, do they have an oyster bar? Do they have a license?

Mr. Ferramosca: No.

Mayor: But my point here is we need some help here,

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Mr. Sumas: I understand.

Mayor: We don't want to be unique, not Hanover. So you got to give me some more reason, rational, let me get my arms around something here that says that this is a benefit, and it is beneficial even to the public that you are serving because as Committeeman Gallagher said, I'm coming to your store with my children and that's a plus and a minus, mom has me in daycare while she's having a couple of wines, that's very nice if she is doing her shopping and drive home. (Laughter) Sorry Pete, but that is a concern

Mr. Sumas: I understand.

Mayor: You have to get us to set that concern aside; now you testified that you are going to have security, you testified that you had a bartender who is well trained in knowing the limits of a person, whether a person is inebriated or not; my question comes back to you is when they finally determine that the person is inebriated, is the horse out of the barn?

Mr. Sumas: Well I mean, if I can answer the question, I think my answer has been consistent though the whole thing, and what would implore the Committeeman to think about here, is that we have a truly strong vested interest in the operating

Mayor: I appreciate that.

Mr. Sumas: That supermarket and the success of the supermarket is what pays my salary and pays the bills to have these hearings, right. So, the way we look at it is that there is nothing that we are going to do with the consumption license or the package good license that is going to put at risk anything about what we are as a supermarket. And, for the gentleman voting on this, all I would say is that you got a company that has been in business for 76 years and part of a brand that employs more people than anybody in the State of New Jersey, there is no way we are going to play fast and loose with serving people alcohol and I didn't say that he is necessarily tell when people are going to be inebriated he is going to be TIPP Certified and trained to make sure that is not going to happen. And that is going to be our standard because unlike most people that are in this business, they look at this business as core part of their revenue, I don't know about previous license holders, I don't know about the other bars, I don't know about J&R tobacco and I don't know how they look at their business, but as far how we look at our business this is a piece, hopefully a successful piece that no way shape of form is going to jeopardize the bigger piece.

Mayor: I do appreciate that answer, but now help me with the two areas on the site. You have a patio area which I can really define as a separate restaurant area, and sure you want to go have some chicken wings and a cold beer and I'm in a patio area like that, separate security area, doors in doors out all of that, and why what is the distinction between that and the oyster bar inside this store premises?

Mr. Sumas: I think that is a great point, we have talked about the Short Hill Mall earlier, and I know you look at that as different establishments, but they are all under

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the same roof, people that walk out of Joe's or Legal Seafood's can very easily walk out they are in, I think both places might have exterior doors, but it is very easy for them to walk out into the mall and to walk through the mall where there are lots of young kids that might even be unsupervised in an environment like that. Those places survive there are a bunch of places in more urban areas and we are talking about supermarket establishment whether in California or Texas or even in New York State that allow for this environment, I think we responded to the Committee's request to segregate this space and keep people safe, not because it was the Committees' request, but also again trying to protect our core business and we did that in the very interim of the space, I mean if you look at it, it is a very intimate upscale kind of spot, there are no dart boards, so it's really a spot where you are going to have one person staring at you hopefully he will be able to stare at 10 other people while he is working back there, but you are going to get very personalized service, you are going to get sort of a feel of almost like a hotel lobby, when you are there meeting somebody and you are going to a show or go to dinner or something like that; here it is an environment where the hotel,

Mayor: You are not again Punctuate this, you are not concerned that the rest of your customer base will be offended by this or not?

Mr. Sumas: From the polls that we have done with the people, the feedback that we have gotten has been overwhelmingly positive. We have gotten people that don't understand why we need to serve liquor in a supermarket and I think that goes to Mr. Ferramosca's point, business now is about evolving and paying attention to what is going on and you know as you said earlier you are never going to please 100% of the constituencies, you have to look at it strategically and say, when you have the guys that are shrinking aren't evolving and you have the A&P's and the Pathmark's and you have the guys that are growing are the guys that are doing this stuff, you say you don't want to be the first in New Jersey to do, or in this area to do it, that could be a concern of yours but all I can say is that it is happening in Pennsylvania, across the border it's happening, I don't know if you gone to Little Italy in New York, I think you can actually walk around with a drink, there isn't a defined area, so this is sort of how we are going

Mayor: Is it like my shopping carts, you know I can put my coffee in my shopping cart and I have a cooler?

Mr. Sumas: They don't really have shopping carts, they basically have seating tables

Mayor: if you don't add some levity to this, sorry for the record I had to ask

Mr. Gallagher: I just want to ask one question and it goes nicely what the Mayor asked you. You referred before about leaving Joe's and walking in the mall freely, and again it goes to what a good job you did at Shop Rite, I would not let me daughter and her friends walk freely in the mall, but I do let them walk freely in the Shop Rite, which you created and it is a great family atmosphere. So what the Mayor just pointed out too, for us to be comfortable we are looking at your Shop Rite in Hanover Township, and again just to reiterate, I would not let my 10 year old and her friends walk freely in the mall but I would let them walk freely in Shop Rite. So again, the mingling and the good

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job you did setting up a family environment and that is what I'm concerned about and that goes nicely to what the Mayor asked you.

Mayor: With no doubt, it's a premier store, I don't think there is any discussion about that, it's a premier store, and a wonderful addition and I think our community appreciates it and all the benefits that come out of it, again which makes it even more difficult to us to make any decision for you on this.

Mr. Sumas: The same trust you given us without the alcohol we are going to be the same people with the alcohol we are going to have the same goals, with serving alcohol, our goals are not going to change, we aren't all of a sudden to become the most popular bar in Morris County, we are just trying to sort of build on that helping families live better idea, affording people an opportunity to socialize in an environment that is not intimidating that's friendly and inviting they are going two three times a week hopefully as it is, that is really what the goal here and Whole Foods, who has a better image than Whole Foods with the standpoint of being wholesome and good and right for your family and those kind of things, it pains me to say it from a standpoint of a supermarket thing but when you pick up any magazine some craze about Whole Foods whether its they don't sell Lobster because they are

Mayor: We are going to be blazing some new trails, sir. We have other supermarkets you are aware, we have Farmtastic was one of them, Foodtown was there for quite a while, but in any event what I'm saying is what decision we make here will affect as probably aware too other potential uses like this with in the Township, with groceries.

Mr. Sumas: All I could tell you is if it was bad for supermarkets, Farmtastic isn't going to do it, Wegman's isn't going to do it, and ultimately from you guys guiding the town I would think that somebody like a Shoprite having a liquor license would probably be safer than the benefit to the people in the town than more of a tiny bar kind of environment or fraternity kind of environment and when you make your decision I would waive that into the mix because again, we are not looking to turn a dime on selling shots, we are not looking

Mayor: No, it's an enhancement of your selling environment; we have a couple of guys on this panel that are marketing guys too, so they know. Alright, look, if you want to continue with testimony or you want to open for questions.

Mr. Scrivo: You are the Mayor, but I have some I think it would be helpful to the Governing Body because there are a number of questions that came up about supermarkets around, we have a lot of articles that we can just pass up and you can review it in your leisure that we can provide, they are out there they are in the internet but at least we compiled them for you and they exist, they are from a whole different sources some of you can get through Cranes and CNN and others and other supermarket news that are subscription based but at least you will have them; they just discuss the trend generally and a lot of support to what Mr. Sumas says so I would make the application that the Committee would at least receive and make a determination on whether to admit or not.

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Mr. Semrau: I could take a look, but I would generally say in this type of hearing we try to accommodate and relax the rules but we would have to take that into consideration that it is just simply articles in the paper; no one here is to testify as to it I think that is what Mr. Scrivo is saying, so I will take a look while the hearing continues. And, if I may Mayor, I just had a few questions along the evidentiary line. There are a number of references to polling the customers. Do you have the actual form of the polling that you did and the result because you testified to that, is there anything you would like to submit into evidence relevant to the polling of the customers?

Mr. Sumas: I would have to ask my business development if she has any documentation with her, she has talked to customers from our opening to certain time periods.

Mr. Semrau: I will leave that to you and your attorney, I'm just asking for the record, also you mentioned studies about the success or reaction to consumption licenses in supermarkets, and do you have that study or the name of that study just for the record?

Mr. Sumas: I think it is in the package of articles that you have in front of you; I don't know if it is a formal study, like an academic study, but it is some sort of expert articles that talk about this,

Mr. Semrau: So there wasn't a study specifically for your store, just an article.

Mr. Sumas: No

Mr. Semrau: You were asked a question by your attorney is the bar a destination and then there was quite a bit of testimony and there were even some question, but is there an answer to that? Is that a yes it is a destination, you want it to be a destination or no you don't want it to be a destination, I don't think it was ever really clear, not a clear answer?

Mr. Sumas: I think we are looking at it as maybe as an added amenity to what we are offering, we don't have first person experience in the bar area but our goal wasn't to make it a destination.

Mr. Semrau: And then also, Mr. Coppola asked you about the number of people in the store along those lines you gave a number, can you break that out further for the number of employees in the store at any given time just generally.

Mr. Sumas: The 25,000 transactions that I gave mix the associates transactions with consumer; I don't have any data that I can point to.

Mr. Semrau: No data about approximately how many employees you have under the age of 21 years of age.

Mr. Sumas: I don't know exactly.

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Mr. Semrau: Can you give an estimate? 50 employees under 21?

Mr. Sumas: I don't know.

Mr. Semrau: And finally, just so the record has this information, you testified about the various uses, and I tried to keep up with you, you mentioned there were parties at the store, a gym, of course the oyster bar, Chinese food, diner food, bakery, there is a pharmacy, packaged goods, food service, are there any other uses?

Mr. Sumas: There is a juice bar, a pizzeria, also have a cosmetologist who does makeup and beauty Thursdays – Sundays on site; we also have the merchandising areas now too, jewelry, etc., daycare,

Mayor: Is the daycare located in a separate area of, a separate secured area of the store? Notice how many times I've been in the store...

Mr. Sumas: It's secured. It's by the front end of the register, so when customers can walk in they drop their child off right there and when they leave there is another door on the other side in the hallway where they can pick them up.

Mr. Semrau: And just again to clarify for the record the parties, are you referencing that the parties you will also serve alcohol at those parties.

Mr. Sumas: We haven't looked at that, but I think if somebody was interested in having alcohol than we would just like at any other restaurant.

Mr. Semrau: Where would you have the parties? In the restaurant?

Mr. Sumas: I would think, the patio area, as an example that is where our culinary station is so if we did our culinary cooking classes and we gotten many requests from the members of those classes saying it would be great to have glass of wine (inaudible)

Mr. Semrau: And before you answer, I would ask your attorney's advice on this, have you thought of any type of restrictions as part of your application to assure the governing body about the concerns that have been raised, such as for an example, the hours of operation, would the serving of alcohol go beyond the hours that the store is open, or is there certain hour that you would apply for to say, look we are not going to serve alcohol after a certain hour because we are not going to be essentially a bar, to give another example, about access to the restaurant, have you thought about perhaps limiting just as you mentioned about the Short Hills Mall and the restaurants there that the access is outside of the mall and then back inside the actual mall entrance, you can't go right into the mall from Legal Seafood's, for example, so same thing here, have you thought about perhaps restricting the access back into the supermarket from the restaurant so you would have to go outside, I'm just giving some examples of any ideas or anything in the application that which you would represent as a condition in the approval to perhaps assure the governing body about the concerns as to for example

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the families and the children that are in the store, and again I ask just to confer with Mr. Scrivo before you answer.

Mr. Scrivo: And I think with respect to the first topic of hours of operation I think there was already testimony that the hours of operation for any consumption would not exceed the supermarket, so if the supermarket closed at 10:00pm, the consumption license would similarly end at that time,

Mr. Semrau: What if the supermarket went 24 hours? I'm trying to ask is there going to be; would you represent a certain there wouldn't be any more service of alcohol, that's what I'm really trying to get, I think that the witness had testified along the lines, we would open at noon and then until the store closed, but what if the store closes at 1:00 in the morning.

Mr. Scrivo: He can answer this, are there any plans to have the store opening

Mr. Sumas: We haven't really contemplated that, if your question to see what our thoughts were on that, we are looking at it as being a service for adding to the supermarket experience so the question is (inaudible)

Mr. Scrivo: And then, on the other issue, there was a question Mr. Mayor from the Town Attorney, whether there was a thought of restricting access to I guess the patio area and to only allow it to be from the outside, is that what your question was?

Mr. Semrau: You can only exit from the outside you can't exit the patio or restaurant area and go back into the store directly; you would have to go back out

Mayor: you can enter from the store but then you would have to exit and then come back into the store from an outside exit.

Mr. Scrivo: Even for people that don't consume alcohol?

Mr. Semrau: I don't think there is going to be a magic door, right, you can access it or you can't.

Mr. Sumas: I don't think we would have a problem with that, all of the supermarket applications that I have seen have entrances that come through the general entrance, in a lot of cases you walk passed registers and you walk into a beverage area that doesn't have a door on it or coming into the _____ in the far back corner of the (inaudible) _____,

Mr. Semrau: So there is no amendments so to speak to your application, where you want to address anything to that nature.

Mr. Scrivo: On the second point?

Mr. Semrau: On any of these, if there is anything that you want to add at this point, I know you are getting towards the end of your testimony so before you close out,

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I'm just trying to make sure that if there is anything else that you can represent whether it be about the hours, the access, the restrictions, I think it would be important to know.

Mr. Scrivo: I think from the hours of operation we would not keep it open beyond the store hours, and obviously if the store hours are at some point later certainly we would comply with all Municipal Ordinances, with respect to the closing of the facility but I think the witness testimony that it is to be an amenity of the supermarket experience not a standalone bar, is the answer. I think the access is just that he has not contemplated that and believes that the access in and out from the store is what the application is.

Mr. Semrau: Thank you for that; and the last question is you testified that in the restaurant it would be essentially, it wouldn't be table type service, waiter and waitress it would be come up to the bar and order your alcoholic beverages if you so choose, were there any studies or did you get any advice or guidance as to why it is a preferable way to serve the alcohol?

Mr. Sumas: When you say restaurant what space are you referring?

Mr. Semrau: Well either one. It sounds as though either the Oyster Bar or the restaurant you go up to the bar to get a drink correct.

Mr. Sumas: That's how I would see the relationship started, I think in either space the server of the alcohol could bring it to you instead of you waiting for it and taking it with you. There is that, I don't want to make that it's only get your drink and stand there.

Mr. Semrau: Okay, I appreciate that, and I'm trying to see which article that you referred to because we were just handed these articles, but as far as the study is concerned would you be able just to point out to me that way I could let the record reflect that. I could also show the governing body.

Mr. Scrivo: We have copies for all the governing body and the Mayor choose, I can also have someone look for it, while we continue.

Mr. Semrau: Looks like 30 article here, so I don't know which one it is.

Mr. Sumas: Of the three I have here, there is small movement of socialization is about the experiments,

Mr. Semrau: Somewhere in here, that's the only real study that you are referring to, it is one of these articles correct?

Mr. Sumas: Could you repeat the original question please

Mr. Semrau: You had mentioned that part of the determination to make this application was based on some studies, you said there were studies that talk about the success for the reaction to consumption license.

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Mr. Sumas: All of these articles have references of the composer, and an article from our letter of Phil Liper who is the supermarket guru who talks about that in consumption of alcohol and in a favorable trend in the industry and a profitable....

Mr. Semrau: Is that a letter to your attention you mean, or just like a letter to the editor or?

Mr. Sumas: That was something we asked Phil to write relative to the proceeding here, as his opinion as the supermarket guru on the service of alcohol. Some of these articles are obviously written by news people, CNN as one example, there is even an article about Starbucks serving alcohol in locations. I mean I think they are in rife with the testimony about how this is a growing trend and a successful one.

Mr. Scrivo: Mayor just for a point of clarification, I do have the letter that the witness was referencing and I could provide that to the Township Attorney.

Mayor: It refers to the writer of the letter as a supermarket guru, can you give me a little more elaboration as to what the qualifications are of a supermarket guru?

Mr. Sumas: He actually speaks at many supermarket convention. I've been to a couple of them. He also authored articles in the Supermarket News, a very affordable trade publication.

Mayor: Can you establish him as an authority on this market place?

Mr. Sumas: In supermarkets in general, I actually think he is a resident of somewhere of this area so he probably has more experience in the tristate area.

Mr. Scrivo: He actually calls himself "Supermarket Guru." I gave some to the Township Attorney, but I also have copies.

Mayor: Do you want to distribute that at some point.

Mr. Semrau: I think I am going to reserve for a minute, because if Mr. Lemper, if it is represented that he recommends for this particular entity, he is not here to offer that testimony, there isn't a report explaining whether he's even been to the store, his address is Santa Monica, California so, one thing about news articles.

Mayor: That's close to the Tri-State area.

Mr. Semrau: One thing about news articles to give some type of background and you can waive that accordingly, if the witness is testifying on that he is relied upon Mr. Lempert's report, one page letter dated March 2, 2015 so I don't know, that's subsequent to the application which was filed in 2014.

Mayor: And, he is not here to answer any questions.

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Mr. Semrau: This is a little different than a news article.

Mayor: In what way do we accept this letter.

Mr. Semrau: I don't believe that that is a report, unless they want to present him to testify and come and explain exactly what he studied and how he is familiar with the applicant itself. The articles I think for what they represent there are various news articles I think you can weigh that accordingly understanding they are from newspapers and things of that nature and that is the selection made by the applicant so I will pass those along.

Mr. Scrivo: We have copies for everybody, I don't know if you want me to pass them out now for the members of the governing body.

Mayor: Your preference,

Mr. Scrivo: It would lighten our load a little bit.

Mayor: Fred are you going to have any other questions. Okay, so what I would like to do, Counselor are you going to continue,

Mr. Scrivo: I have no more questions.

Mayor: I would like to open so that we can give the public an opportunity to comment, Ladies and Gentleman I am going to ask the Committee to open the floor so that you can ask questions or comment on the testimony on this witness only. We will probably have additional testimony both from the Municipal side.

Mr. Ferramosca: Prior to opening Committeeman Gallagher has an additional question for the witness.

Mr. Gallagher: I'm sorry Mayor, this question might just as much for you as it would the witness, just because of the planning, and all the time that went into the planning. With listening to the Shop Rite model and I've seen it, I've been to a lot of your stores and I think they are wonderful. But we do see how things evolved, you get an idea it goes to something else it grows a little bit and you always evaluate and maybe pivot and do something that might be a little bit better, my concern is going from a lounge to a restaurant possibly adding table service, possibly adding waitress service and then if the store extends their hours having the liquor served with the extension of the hours until like 1:30-2:00; would each one of those approvals have to come to the Township Committee to adjust it or would this just be granting them the ability to serve?

Mayor: Planning and the Township Committee's concerns are going to be on the use of the site, as far as the hours are concerned.

Mr. Semrau: There is going to be an area, for example the restaurant or oyster bar that is the area where the activities are going to take place, and per the Township Code, Joe Giorgio will tell you that alcohol can be served until 1:00

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Mr. Giorgio: Weekdays it is prohibited from 2:00am and 7:00

Mr. Semrau: So that is where it is.

Mayor: They can serve up until 2:00

Mr. Gallagher: So then from going from a lounge to a restaurant and no table service to table service that is something Village can do internally without us?

Mr. Semrau: I would say so, yes.

Mr. Gallagher: Ok, thank you.

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

Jim Neidhart, 34-14 Appleton Way, Whippany: I think as a general comment I think a lot of the questions tonight have been in two areas, one in terms of what is the benefit of this unique concept and concerns of some of the negatives that could potentially happen. I personally think that the uniqueness, things that are unique, different aren't necessarily bad just different, and concepts that have been tried in other places that have worked, you know, I don't think we should be against it just for that reason. The marketing questions, is this a good concept, I think that's really the applicants concern. I think we should be more focused on the concerns of negative impact on the community. So the question I have of Mr. Sumas is if the worst concerns of the Township Committee happen that there are more than one incident regular or semi frequent instances of people being noticeable inebriated or a significant increase of accidents in the parking lot or customers that have consumed alcohol in either one of the two proposed locations, if they are disparaging or causing any kind of issues with the public and those items get observed and recorded, what steps will you take to ruminate that and if you cannot what actions will you take as a result in that. I think this is what this all comes down to, because your family has a very strong reputation, I know someone who has worked at your head quarters before you even had headquarters there, and know someone who worked in your store, when you opened and now in Bernardsville, I know someone who knows your elders, I know the family very well, they run great operations, I just want to know specifics to this store, if some of the worse concerns that are being questioned here happened what are you prepared to do?

Mr. Sumas: That is a great question, it is a little bit of a hypothetical, I think it depends upon the issue may or may not have created that problem. Ultimately, all I can say is when we have an issue when we initially opened and someone thought they got pickpocketed, so they immediately went to the cameras and put on extra staff for the following day, obviously we don't want anybody to think there is criminal activity going on in our store, we also refunded that guy whatever he thought he had in his wallet and gave him a shop rite gift card. The next day, we got a phone call back from his wife, that he has some issues and we think he didn't lose his wallet, we just wanted to let you

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guys know, so what I would definitely feel comfortable saying, is that any incident whether what it is we are absolutely be investigating and making sure we resolve it and prevent it from happening. If it gets to the point where we can't prevent it then there must be something esthetically wrong with what we are doing and something to really think about posturing and same goes with the consumption of liquor, that's how confident I am that we will resolve the problem, just cause at the end of day, it wasn't just posturing, we got a supermarket business that we need _____, and that's the most important to us, and this liquor business is not going to put us out. If we can't figure it out, then maybe the liquor business...

Mayor: If they can't figure it out and there is an event then the Township will intervene as it can, and the ABC License is at stake. That's what that comes down to,

Mr. Neidhart: Okay

Mr. Semrau: If I may, just to add to Mr. Neidhart comment about the line of questioning, keep in mind, I know you are a familiar face at a number of Township meetings, but there has been testimony already and questions of one of the witnesses was a, going to be the beverage manager and there were questions about security and serving there was an architect about the structure and the layout, and there was a line of questioning to what you are referencing to that had already taken place, and that is part of the record.

Mr. Neidhart: Yes, I was at that meeting. My second question is if the Township Committee were to approve this for a pour license in both of your locations, given that the testimony of the expert witness the beverage manager was that everybody was going to be TIPP Certified and everyone was going through great lengths to make sure that nobody reaches that point of inebriation or that could cause some of the problems, if the Township Committee approved it with the condition that no patron would be served more than 2 beverages, no more than 2 alcoholic beverages on any single visit.

Mayor: I don't think we can enforce that.

Mr. Semrau: Good question, but it's not

Mayor: It's a good idea, but

Mr. Neidhart: Could you be able to enforce that at the store level not the Township Committee, would the store be able to enforce that? If that was the only way you can get the license would that be something you would be willing to agree to?

Mr. Coppola: You wouldn't know if someone was buying something to drink for someone else, I think trying to say one person two drinks is difficult if you know someone is in the bar with you they buy one for you someone else buys one, I think we wouldn't be able to enforce it.

Mr. Scrivo: Just to clarify Mayor, there was testimony that there would not what Committeeman Coppola is just expressing. Only one drink per ID, so you wouldn't be

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able to buy two drinks for someone and pass it, just to clarify that, it doesn't answer the question, but I just wanted to say that.

Mr. Coppola: I understand that, even the one drink by ID if I buy a drink with my ID does that mean I could not give it to someone else.

Mayor: I don't think you can, you might not want to advertise that.

Mr. Scrivo: I think there was some testimony about the TIPP Certification.

Mr. Coppola: Alright.

Mr. Neidhart: Would the store level be able to enforce something like that, is that something that is absolutely controllable if that was a condition to their license?

Mr. Sumas: I think during this day and age, with computers and technology and all that kind of stuff there would be absolutely something that we can limit the number of drinks that you know licenses can be scanned and those types of things can help see. I'm sure there is a way that someone can do that, the only thing I would say is that I don't want to go into this business giving the people the idea that we are different than a regular establishment in the standpoint.

Mr. Neidhart: Well you are, you are, that's to the point the Mayor's point, this is unique and this is different, this is not your standalone bar and grill location, this is a special instance, so I'm saying because it is very unique instance if perhaps the Township Committee were willing to go along with this approval but with that strong condition that you can demonstrate one that you control it, and two you would be willing to do that, in order to get the license, would that be something you would consider.

Mr. Sumas: I think it something we can do, and would it be something we could consider, I think so.

Mr. Neidhart: I mean how many people for an amenity really need more than 2 drinks.

Mr. Sumas: No, I agree with you.

Mr. Neidhart: I'm not saying they would approve it based on this, I have no idea with they are thinking, I'm just saying that would overcome that one objection of people are going to be crashing into cars, people abusing children, that they are going to be doing all these things because they are inebriated, not too many people are going to get inebriated on two standard size beverages, if that could overcome that objection, I think you put off the shelf and deal with the other things, Wegman's and Farmtastic and if everyone else wants it, and we can't control this, and we have all those other issues, but at least that would potentially could negate that objection, I just wanted to know if that would be something that you would consider as a condition and you could you absolutely positively say that we could control that, and they demonstrate to them how you would do that subject to your approval.

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Mr. Sumas: The only thing I would be concerned about again, understanding that we are different, most places that have those kinds of restrictions are mostly a party scene, where they have those restrictions, I remember being on Cape Cod they had those restrictions, summers in Cape Cod, that kind of crazy atmosphere, I wouldn't want to have that stigma associated with us, not the best citizens would come to follow our license, because we are the only team in town that has that restriction, with all respect to the uniqueness of this

Mayor: Counsel I don't want to interrupt and I don't want to interrupt the answer but I am watching the clock and we still have a full agenda

Mr. Neidhart: The only reason I ask that question is because if that was a condition put on this applicant, any future applicants that came then you can say that this is our policy, and that's what we do if you want the license that's what you get, and then that would be a cap across the board and that could solve some other problems.

Mayor: We've made similar arrangements with other businesses in town, I can use JR as an example, while their license certainly would let them operate until 2:00 as you know the last drink is 9:00 because they shut the bar at 10:00, but that was from an agreement within the Town, when push comes to shove, can the Township hold them to that, I can't comment on that if they wanted to challenge it, but agreements like that are made. They are made.

Mary Kakos, 1502 River Edge Lane, Whippany: The gentlemen before me ask some of the questions that I wanted to know, but mine will just be a statement to Mr. Sumas, I have had nothing but great experience at your facility, I have used a lot of your amenities, I think this would be an amenity, the only thing I'm going to ask and I know that your family would do, is to keep those policies and procedures in place, to keep everyone safe, there is no doubt in my mind that that won't happen.

John Johnson: Although these comments are not directed towards the witness, I represent the vested interest of the parties, I represent Fenway, we have not participated in it because I wanted Mr. Scrivo to present his application and I appreciate you allowing me to speak out of order. But for the record, this matter has been pending before the Mayor and Town Council since October of last year. It is my understanding that there are no impediments at least to my understanding relative to the person to person transfer, from Fenway Inc., to Village Supermarket.

Mayor: That's right.

Mr. Johnson: And, this matter has been the subject matter of several extensive hearings and of which I appreciate the Mayor and Counsel listening to the testimony of the various witnesses, In no way do I wish to jeopardize the merits of the application put forth by Mr. Scrivo on behalf of his clients, but all I say is that my clients are two simple businessmen who have run an operation here in town and any further delays on a decision relative to their application in the Person to Person is a financial detriment to them, so therefore in any event before the ending of tonight's meeting I would at least

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ask to have a decision in its totality on both the Person to Person and place to place, but if at least we can get a resolution as to the person to person that would not only help me but it would dramatically help my clients, and that's all I'm going to say.

Mayor: Understood. You were here on the onset of the meeting?

Mr. Johnson: Yes

Mayor: The applicant wanted his decision to be joined with Person-to-Person and he wanted to treat this as one approval.

Mr. Johnson: _____inaudible

Mayor: I'm not saying the decision of the committee, that's what the applicant requested.

Mr. Johnson: Right, and I understand that, and in relation to that I noted that you said that we would have testimony tonight, I did not understand that the application, nor did I anticipate that the applicant would almost speak for almost two hours therefore, I thought all of the testimony would be wrapped up tonight and I would be patient and put my comments at the end, and as it is, I am putting my comments at the end but I don't think the testimony is going to be complete tonight, so therefore if nothing else I would ask that the Township Committee at least vote on the Person-to-Person relative to my clients aspect and if they desire to vote on the Place to Place that's fine, if not I defer to your decision on that.

Mr. Semrau: I think that is something we can address Mayor when we conclude tonight one way or the other.

Mayor: When you say you want to address that, the request is for an action on it tonight, we

Mr. Semrau: I think we will have that dialogue with Mr. Scrivo

Mayor: It's contrary to what the applicant is saying

Mr. Semrau: We didn't expect to go this route this evening, but on the other hand, Mr. Scrivo's client wanted to do a thorough job, and attorneys always tell you it's going to be quick, and that means we have a lot to say, it certainly is helpful and he is entitled to put it that on as part of the record, but with that being said, when the public hearing is over, and the governing body decides how it wants to proceed, maybe we should revisit that issue again.

Mayor: The floor is still open,

Mark Leibowitz, 52 Manger Road, Cedar Knolls: First question is for the Township Committee, Mr. Sumas obviously has changed the application that he originally submitted with the bar opening up on the outside patio area, that area seems

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to be seats between 100 and 130 people if that was a standing free business how many parking spots would that need, compare to what it has right now? He has 8 doors on the building's going up where Mr. Brueno has mentioned in the parking lot there on the new stores, and when you go there in the morning, about 40% of the lot is taken up by the new building and the other half is taken up by employees of Shop Rite and when those stores open up that lot will be completely filled. If the bank goes in on the other side, you are going to have a shortage of parking on that side, so my question is so when the application was first brought in was this bar included, if the bar holds 100 -120 people there and they have parties and have 100 cars show up for it, is there enough parking especially for the holidays, especially for holidays when people have parties, they had an officer on Hanover Avenue and Horsehill Road this year directing traffic in and out, they cut the parking lot about 40 45% it's not going to be large enough.

One more comment, last Saturday we were at the store, there was a guard directing the traffic in front of the store for the entrance and we went over and asked why are you here and he said the cars are going through so fast that they are not stopping to let the pedestrians cross, it's like a 35 foot area, and this is a Saturday morning around 11, so it's a problem, there are problems when you come into the center and come in off of Horse Hill you have to make a right hand turn then a left and it's a very narrow area, and it's a problem, it just has to be monitored.

Mayor: I'm going to defer that question to Deputy Mayor Ferramosca he is also the director of Planning and who is on the full case before the Planning Board when this approval took place.

Mr. Ferramosca: You are asking a very good question, and you are asking us the question as to do we consider the ultimate parking needs of what we are going to see soon as that area? And the answer to that question is yes because we did not approve a supermarket what we did approve was a shopping center. So when the applicant came and did testimony and the testimony went on for over 13 months what was actually stated and requirements of the parking was built upon that of a shopping center and the additional stores and the bank were calculated into that parking lot.

Mr. Leibowitz: How about the bar? That they are speaking about now, it has 100 130 seats.

Mr. Ferramosca: I will check with Mr. Brancheau on that aspect, the bar was not envisioned.

Mr. Brancheau: I don't remember to be honest; we often, secondary accessory uses are kind of racked into the overall use of parking when a secondary use however becomes so significant in its nature that it takes on, so to speak, a parking demand of its own, then we calculate it that way. If however, the oyster bar wasn't part of the plan site, it's a 10 seat thing, if it were included at the time of the site plan we probably wouldn't have calculated that separately because it was so minor in nature that is, just like we didn't calculate the cosmetologist separately or the daycare separately or the gym separately, we didn't do all these, a) cause they weren't on the site plan; b) if they are essentially serving shoppers that are coming already to go grocery shopping it's sort

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of like charging them double to count the parking twice if it's just the same people who are shopping there are also going to these things. Now if you're coming there, if those are truly separate destinations, not something you go to while you're doing your grocery shopping then we look at that and we can calculate the parking separately, but as to what was actually done at the time of the site plan, I would have to look that up and get back to you on that.

Mr. Leibowitz: So they may be short parking spots?

Mr. Brancheau: That is possible, but again, I have to

Mr. Leibowitz: If they have happy hour in the afternoon and 50 people show up for happy hour, which you can't stop,

Mr. Brancheau: I know the bistro was part of the site plan alright, so but as to everything else I can't speak to that and I don't know how the parking calculation was done at the time, we can certainly check in to that.

Mayor: That is very relevant, what is the municipalities' option at this particular point? Fred, if the amount of uses within the Shop Rite, different uses have increased or we are not aware of relevant to the parking calculations, what is the recourse of the municipality to do?

Mr. Semrau: Technically that would be something that would require an application for an amended site plan, but I would say that the Township Planner is going to be a witness, so at that point in time, I think either the governing body could ask that question or it may come up in the testimony as to what that means and what the implications are, I am sure Mr. Brancheau who is the planner, he is very familiar with the application, so I defer to him when the time comes during his testimony. That is a good question.

Mr. Leibowitz: Another question would be, the outside patio area, when you walk into that area the bar is on the right hand side, the room is a rectangular room, if the bartender is on the right hand side he cannot see what is going on in the left hand side, because the room is too far over. There is a fire place in there, there are beams in there it just impossible for him to monitor what is happening on the other side of the room, and you are talking about a Bennigan's or something like that, if it's a self-serve anyone can walk up to the bar and get as many drinks as you want and bring them back, you are not going to settle on two drinks or anything like that, and also if you are going into there at the moment, it is probably not going to change you can't bring a cart into that room, so if you are going to drink and you have been shopping you are going to have an area where you can check your cart and get a little slip and go back and get it. They are not going to have a cart, they are going to have a door going in and out of it into the parking lot which would probably be better, not having anyone coming in from the inside, when you go to Wegman's in Woodbridge, I think Wood Bridge Township had them put their liquor store separate, alongside where their grocery store is, if you go into Bridgewater you will see wines throughout the store but you won't see any hard liquor on the floor in the store, you have to go to the end of the store, and through a

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door where the hard liquor is and they have cash registers. In this particular store, you have hard liquor, going down the aisles, last night we were there and I was very happy that they had little peeps for Easter next to a beer display; I thought that was very nice, you get the kids and you get the adults, something for each one of them. The way it is set up right now with the oyster bar, they are going to have walls going up you have maybe 15 chairs, people come in and have a cart, a shopping cart are they going to be able to check that when they go in there? You are setting up situation that are very difficult to monitor, and you know, before Shop Rite came in Amanda came over to our breakfast and said she we are going to work with you as a group anything you need shop rite is here to work with you. When Shop Rite was in Morris Plains they worked with service organizations, we went a few times to ask and Mr. Sumas has turned us down every time. They are not working with local organizations in town, and I would just like to recommend whatever you put down put it in writing because it is going to be extended.

Mayor: Thank you Mark.

Tracy Simon, 26 East Fairchild Place, Whippany: I just have a question and a comment, is there a limited number of licenses in Hanover Township.

Mayor: Yes

Tracy Simon: So we have one that is available from Half Point that is up for sale to one person?

Mayor: This is a transaction between those two entities, yes.

Ms. Simon: So there are no others that are available, it's a limited number, so if someone else wants one in town someone has to give one up? Is that correct?

Mayor: That is correct.

Ms. Simon: So there is one on the table right now?

Mr. Brueno: My understanding is that if we were to build a hotel somewhere that's a separate entity otherwise there are

Ms. Simon: So for bar restaurants,

Mayor: We can't create any new licenses, other than if it's a facility like a hotel, based upon a certain amount of rooms a license comes with it.

Ms. Simon: So this is like bar restaurant level, so here is my read on this, this is a very feeble attempt to compete with Wegman's, it's a last minute, second thought, first of all they can never compete with Wegman's, I've been to many Wegman's I've been to Wegman's pub and the way it is designed is that it is a strip mall and the Wegman's Pub is like strip mall like and they have their own separate entrance and exit parking area, excellent restaurants, yes its table service, full menu, it's a planned out ahead of

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time. This to me, see to be very

Mayor: This is a Wegman's in New Jersey with a full menu

Ms. Simon: I've been to the one in Pennsylvania, to be honest with you.

Mayor: I'm sorry, I'm sticking to New Jersey.

Ms. Simon: Okay, I don't know if there is a Wegman's Pub in Bridgewater

Mayor: I'm not sure there is,

Ms. Simon: But the Corner Table at Millburn Wholefoods is a separate thing as well, with entrances and exits separate liquor, selling that kind of thing it's separated, this is like it really does seem like a last ditch effort to try to compete or take from that and I think we should save the license for the Wegman's Pub that is going to be built, not on Route 10 off of 287 I think it would be better for our town, we can use another to replace the pub restaurant, we don't have very many of those and I think that would be a better idea, I think this is just a last ditch feeble effort in my opinion.

Mayor: Thank you, I understand.

Bill Cater, 26 Hamilton Court, Whippany: No questions, I just have an observation, a few years ago I was at the University and every Friday the cigarette manufactures used to come and pass out free cigarettes, okay, and everyone thought that was a great idea. Several years later currently we know how no smoking here no smoking there, we have second hand smoke and no smoking places, I believe, and I'm not sure because I don't smoke, but I would suspect you can buy cigarettes but you can't smoke in the store, I think we don't want to have second hand smoke, we don't want to have second hand alcoholics in the same store where you can buy it but you can't drink it there. So my comment is the comparison between smoking, 50 years ago, verses this alcohol on premise with other particularly with children, I don't have to worry about my children they are old enough to take care of themselves, but my grandchildren I am concerned about and I do not want to see alcohol being served where they are predominantly there. I mean we do take kids to restaurants and so forth and it is under my supervision, and it's not just for the observable. So my comment is if we can do this for cigarettes, why we can't do this for alcohol.

Mayor: Thank you Bill.

Carol Fomchenko, Malapardis Road, Whippany: I am just going to read my little statement here, Mr. Sumas used expressions like wouldn't it be fun, relating to the idea of serving alcoholic beverages and hair brained idea. My opinion, wouldn't it be fun is not a justified reason to approve the sale of alcoholic beverages at Shop Rite. The definition of Hair Brained, is gitty, and reckless. Serving alcohol at a superfood store, only adds to the growing culture of substance abuse. We see it everywhere, marijuana is being approved for sale in many of the states in this country, and they want it to be sold in New Jersey. I think alcohol is part of substance abuse, as well as marijuana and

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I personally don't think it would be a good idea. If approved it would set persistence for other entities to entertain the idea of serving alcohol to its customers. Businesses like gyms, tanning salons, Walmart, etc., so my opinion is this should not be approved I think it is not a great idea, it's a hair brained idea. It wouldn't be fun for anyone who is hurt related to someone walks out of that store that may have had a little bit too much to drink. Thank you.

Mayor: Thank you Carol.

Pete Berkenkamp, 24 Kearney Avenue, and Whippany: My question to the applicant would be how do you plan to enhance security on site? We had layoffs where we lost two police officers, we are trying desperately one back, I want that next police officer to be our next SRO Whippany Park High School, and I don't want him to be cleaning up the mess in your parking lot. So how do you plan to address safety within the store, once you include the consumption of alcohol and safety in the parking lot once those people have consumed that alcohol are going to get into the parking lot which I think everyone here says it's a little tight, so how do you look to mediate that problem for us in Hanover Township.

Mr. Sumas: I think there has been testimony on the schedule of security currently, I think we have two security guards there pretty much through opening to closing and we have a car in the parking lot currently, I would challenge any other establishment in Town that serving alcohol and has that kind of security anywhere. Obviously you were here for our previous testimony; if there are issues we will address those issues. We have some stores that we actually pay off duty police, municipal police whether they are County Police or who is available.

Mayor: You pay their fee, you don't pay them off. But go ahead.

Mr. Sumas: I didn't want the tax payers to think that they were going to think they would lose police, because we were using them. So, if there were issues, we can go to that extend, regular neighborhood stores, we will deal with whatever the security issues are, I would just say, not to prejudge anything, most establishments in town who serve alcohol don't have any security at all.

Mr. Berkenkamp: True, but they are also not co-mingling with parents with small children and they are not trying to get back and forth, the assumption that when you go food shopping, that you have likeminded people doing likeminded things, i.e., shopping for food, now we are going to add likeminded people who are also consuming alcohol, so my concern is as Mr. & Mrs. Jones are trying to get four kids back into the vehicle and some of us had a couple of drinks at home, because let's be realistic, the worst thing is what goes wrong. It's not the best case scenario, I can survive the best case scenario forever, I've coached kids here for 20 years, I buried three, the worst case is what we are concerned with. Chief Gallagher is here, my concern is will you supplement with arm security in addition to the two officers that you have now.

Mr. Sumas: One of the officers we have now is armed currently, so if there is a need we will adjust to the need.

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Mr. Berkenkamp: Ok, I'll hold you to that.

Mayor: Thank you, anyone else. I'm just going to let it go a little further, because I know public is here.

Karen Perry, 18 Sunset Drive, Whippany: I have a couple of quick comments and a question. On a lighter note, anymore reference to my husband or men going to this supermarket because they will have a chance to drink, just tightens my backbone a little bit (laughter). On a serious note, the quality of life in Hanover Township is wonderful, and I think that is because we have always held something to a higher standard and I'm very proud of that. I have to say that when I first saw the oyster bar, I thought it looked like a bar and to me, but I'm sorry but a long time ago I thought, what looks like a bar is going to be a bar. I was there again today, to see if it changed any, there were 9 bar stools, nicely padded, two tables and two seats at each table, so I assumed that was 13 capacity. I was concerned, and these are some of my questions Mr. Sumas, in the kiosk area that you have, I can take my supermarket cart and someone can pass me, and on the other side, but when I narrowed down towards to the bar area, its one way or the other way, so I always think that it's a jam. If there are only 13 seats available, can I expect a waiting line outside the little doors that are going to be there and that's would go through the produce? How will that be effective?

Mr. Sumas: We would anticipate the customer, whether wait on line to go into that space, I think we only have 13 seats, that's our full capacity, if somebody wanted to _____ that space, it would be like being in a restaurant you could sit down and wait,

Ms. Perry: There isn't a lobby; you would have to go past the produce again,

Mr. Sumas: Well, ultimately what would happen would be to go into the patio area, in which case they could, sit down there, or continue shopping and try to come back. (Inaudible)

Ms. Perry: See, that brings me to, I can't predict whether they would they would go to the patio bar, I assume they would just will wait until someone else leaves so they could go in, and there will be a little bit of a left over. I have to be honest, I avoid the supermarket like the plague, but I'm forced to go for produce, bread, meat and milk. It takes me pass that oyster bar, I can make a choice not to go Applebee's, and my grandchild someday not to submit to that environment, but I go to the supermarket, I don't have that choice anymore because I have to pass the patio bar, or the oyster bar whatever it is. So I am just veimately opposed to the bar within the supermarket, I'm not interested in what is done in Colorado, California, anywhere else. I like the quality of life here.

The other thing is to the Committee, we will have Wegman's and so if we have an oyster bar in the middle of Shop Rite, maybe we will have a bigger one at Wegman's. I don't want to be the town that has two oyster bars now serving liquor in the middle of the produce and that area, that I don't have a choice when I go into that store to avoid. That's basically it, and I thank this lady over here for making a comment

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about substance abuse, cause we all know it does start with alcohol and we have to model better for our children. That's a very serious consideration I hope you take it.

Mayor: Thank you.

Barbara Eames, Cove Lane Road, Whippany: I just ask the witness, I assume that you understand that you are the only, I believe this is true, believe you are the only grocery store in Hanover Township that even sells liquor?

Mayor: Of this size and scope?

Mr. Brueno: Yes, packaged goods

Barbara Eames: Well, I don't think there is another grocery store that sells liquor is there?

Mr. Ferramosca: No.

Ms. Eames: Okay, so it's already the only grocery store that sells liquor and it's not just wine it is hard liquor, I've been in there. I'm just curious, when you designed this store, that large area, which really could have been a rather small restaurant, what you designed it for since you did not come before this body, when you sort your original approval, and the Mayor spoke about that at length. So what, so can you answer me, what was that space was designed for?

Mr. Sumas: Yes, basically what I was trying to say earlier was because the space was located next to the seafood and by the liquor area we were trying to get something that sort of transitioned it, behind that space is actually our kitchen, so we were going to do service food and what we have been doing since we opened, relatively successfully serve food without alcohol, and the thought was if it failed we would then have a decision to think about alcohol potentially or just close it and use it as like a store front for the liquor store.

Ms. Eames: Okay, I'm really talking about the patio area, though, that's the large space that I'm referring to. If you didn't foresee alcohol or parties, I'm just asking what you designed that for; it's not a grocery area.

Mr. Sumas: The patio area was really our dining room, it was designed to be a dining room and at the last minute we decided to put in different piping in case we wanted to put a bar in the corner of that area, so from conception to actually after it was built, but prior to the floor being poured it was just a seating area we liked the idea of all of the windows so that customers can see that we were truly a food business, and sort of got an upscale look to it as well just to make it more inviting than a traditional supermarket food area, seating area, and try to make it better

Ms. Eames: So you are saying if I understood you, you put in the piping whatever that means for alcohol I don't know what you mean by that, but

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Mr. Sumas: I'm saying every design that we had in that space, was for it to be a seating area, right, and at some point, after we had built this, we were sort of like

Ms. Eames: After it opened?

Mr. Sumas: I'm not sure if it was after it opened, probably wasn't open in different stages of digress in that area, I'm not sure if the patio area was opened or not, but it was the last minute there were changes, alterations made.

Ms. Eames: So what you are saying then it wasn't originally approved for any alcohol by this body, but then at some point opened totally you had, you went ahead and included some arrangements for it to have alcohol there.

Mr. Sumas: It is just underground,

Ms. Eames: Okay, so it seems to me, what we are trying to mix here is two uses, where that's probably large enough to be a not too tiny restaurant, actually it a lot bigger than pizza places that I've been in. I think that's what we are struggling with and then you are saying that while, then you thought about this liquor, but you didn't apply for that upfront, I think that's what's making a lot of us uncomfortable, and it is, it would be the only, it is the only store that sells alcohol, it feels to me a little bit that we are peeling an onion, we started with a grocery store and then you got the Oyster bar and then you put the piping so maybe it could be alcohol without getting approval, then you want parties there, and cooking and maybe have wine with that, it begins to sound like my teenage son, well not my teenage son, he was a good kid, but some teenagers might say ok mom, can I have this, sure it's okay, can I have that, well I don't know, oh please mom, okay, you can have that; how about this mom; it's just like one thing after another.... And I'm just wondering if you can appreciate from our point of view, being the only store in town that sells alcohol at all and now come back and asked for this, and being concerned about us getting a Wegman's and what are the implications of that, and the effect of other stores, I just ask you to speak, can you put yourselves in our shoes a little bit and understand why we might be concerned with all the implications of all of this?

Mr. Sumas: I understand the thoughts and concerns you know, the challenge that I have as a businessman, that I have confidence in our ability to run things in a way that you would all feel very comfortable and I don't consider myself a teenage kid and I don't consider the people that work for me in that class either. This thing is a serious endeavor for us, that store is a serious investment for us, and like I tried to say earlier, it is going to be difficult to keep everybody happy and I understand everybody's concerns and the weight of them will be carried with me hopefully...

Ms. Eames: I believe you. I believe you are concerned with your business model, I'm just asking if you can empathize with our concern, and it's a little bit like asking to put the genie back in the bottle, because once the genie is out of the bottle and we allow that then there are implications for other stores in town and lots of other things that this town didn't anticipate and so I'm just asking you to understand that a little bit. I am, I think I'm concerned about the alcohol, and you know, so much of our society is, this is the argument, it won't be a problem, let's just do this it's not a problem,

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I would point to the marijuana thing that Carol talked about, yeah we were never told, when it was legalized someplace for medical uses that it was going to look like a candy store with candies, oh they didn't tell us that, so once you do this, what's the next thing that's going to fall and then you want to have cooking parties there and then maybe have 200 people and you can have a big party there, and there are more implications there for alcohol and you know, I just think it's like peeling an onion and we are never sure where the end of it is going to be.

Mayor: Thank you

Mr. Ferramosca: I can't speak for the witness, but I do want to answer your question. Question about the planning stand point, the patio area what was the patio area, from planning standpoint when it was presented to Planning Board that was going to be a restaurant/dining area, and that area has functioned very well, has a restaurant has a dining area, I personally have gone there for lunch and I have taken clients there for lunch, people enjoy it, it's a buzz it's a nice uplifting different experience I've seen families taking dinner in there on evening with pizza and things, going to the Lavaza area and grabbing a coffee, sitting down having a piece of pastry, so its functioning very well as what was first presented to us from a planning standards. I just wanted to clarify.

Ms. Eames: So essentially it works very well for the purpose for which you approved it, you're saying...

Mr. Ferramosca: It's working well for the purpose which we originally approved, yes.

Ms. Eames: Thank you very much.

Mayor: Thank you Barbara. I am closing this portion of the meeting, and we are going to break for the Township Committees deliberation and taking up the question that whether or not the Township Committee wishes to move forward or not on the Person-To-Person.

Mr. Semrau: Mayor, I think clearly we are passed the allotted time and I think we are going to have to come back,

Mayor: Motion to close this portion of this meeting is made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

Mr. Semrau: We are going to have to come back and with respect to the Person-To-Person transfer I sense here that the applicant and the license holder may have a different position at this point in time, relevant to this issue, so what I would like to do is discuss this in closed session with the governing body, this particular aspect of the application, just to go over this, it's my hope that perhaps there could be a consensus by the applicant and the license holder about that issue, because I can see that there may be a concern here, because everyone has acted in good faith to try to move the application along, but

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Mayor: Is there a reason for the phone light, or are you just keep hitting your flashlight,

Mayor: I thought you were lasering us....

Mr. Semrau: But I think I would like to ask the governing body if we can confer about that and the legal issues pertaining to that question before we present that to the applicant this evening and through the regular agenda and just add it to the closed session later on, which means we really won't have an answer about that particular issue until a little bit later in the evening, but still I think it is worthy that we have that discussion about the legal implications with respect to the person-to-person aspect. But then Mayor I think we are going to need to schedule the next hearing for this.

Mayor: Yes, Joe what do you want to do with dates here?

Mr. Semrau: Don't we have the final adoption land use ordinance at the next meeting.

Mr. Giorgio: On the 26th of March.

Mr. Semrau: That's going to be, it could be potentially, and it's a public hearing,

Mr. Ferramosca: It's going to be lengthy.

Mr. Giorgio: The next meeting is going to be April 9th.

Mr. Semrau: For introduction that meeting almost went to almost 12:30 at night, so you might want to go with the meeting that follows, which the first is meeting in April

Mayor: April 9th?

Mayor: Councilor?

Mr. Scrivo: Would there be a consideration, I know the 26th is out, but would there be a consideration for a special meeting, just so we can help, it could help work out issues with the seller possibly, if there is an appetite for that?

Mr. Semrau: I don't know what the governing body would like to do with that?

Mayor: I don't have a problem with that, if that's what the Committee would like.

Mr. Ferramosca: We have a tough holiday season coming up, we have Easter, Passover,

Mayor: The answer is April 9th is our next date.

Mr. Scrivo: It might even possible as we did this evening, if considering April 9th is the only day, might it be possible to do what we did this evening, this is obviously

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going on for a while, so would it be possible to do the early start timeline.

Mayor: Once again, I am more than willing to accommodate you, so if we can do 7:30 again, gentlemen?

Committee: Absolutely, yes,

Mayor: 7:30 April 9th we will continue.

Mr. Scrivo: That would be, and obviously then there would be subject to discussion from the governing body, but that would be the next hearing date for this.

Mayor: I am going to adjourn this portion of this meeting, do you want to take a five minute break or do you want to continue?

5 minute break.

Motion to adjourn made by Member Coppola and seconded by Member Gallagher and unanimously passed. 9:57:50

2nd STARTED AT 10:04PM Reconvene:

Mr. Semrau: I would like to ask the governing body if we can go into executive session, it's attorney client privilege regarding the Person-To-Person transfer application and the legal implications, it is not about the Place-To-Place transfer or the testimony, it's just about the implications of the Person-To-Person.

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

Governing body is going into executive session and this hearing will continue.

Mr. Giorgio: This is just a recess.

3rd Start 10:24 p.m. Motion made to reconvene made by Member Coppola and seconded Member Brueno and unanimously passed.

OPEN TO THE PUBLIC

Motion to open to the public made by Member Coppola and seconded by Member Ferramosca and unanimously passed.

Len Fariello, Whippany: Two weeks ago, the Township Committee introduced the R-10A Ordinance for the

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Mr. Giorgio: Mr. Fariello if you are going to talk about the R10A, you would be out of order because tonight is not the public hearing for that.

Mr. Fariello: I understand,

Mr. Giorgio: I have to defer to Mr. Semrau whether or not that can be entered into the record because this is not the Public Hearing for that.

Mr. Semrau: It's not the Public Hearing, he can be heard this evening, but when it comes time, if there is ever a record to deliberate regarding the Ordinance the record would be at public hearing. But this evening you can speak about any matter pertaining to Township business, but Administrator Giorgio is correct if you are speaking in terms of having a record with respect to the Ordinance for final adoption that would not.

Mr. Fariello: I'm not, the Ordinance hasn't even been noticed yet, or given out, but I am here to speak about the R10, and two weeks ago the Township Committee introduced the R10 Ordinance for the corner of Whippany Road and Park Avenue, and this afternoon I sent the Township Committee an email about some suggestions I was making about the corner of Whippany Road and Park Avenue. This evening, I would just like to put those suggestions on the record and ask for your consideration. And my suggestions are to introduce a new ordinance for the Emmanuel Presbyterian Church property, call it whatever you want, R10B R10 Cluster anything but trying to retro fit the existing R10A zone into this piece of property just doesn't seem to fit. At this point, the Township hasn't sent any notices or spent any money for postage, so all it would do is lose two weeks and we gain a better housing plan to fit this location. The R10A allows for 25 large 2 ½ story four bedroom, four bathhouses, 16 feet apart, much too dense for the visible location. I was at the Planning Board meeting and the R10 concept plan and I understand you can work with that and change that at planning but the concept plan showed a loop road 20 feet from Whippany Road and Park Avenue,

Mayor: You do know that was site plan and that is nothing that...

Mr. Fariello: I do know that... I'm really focused on what is allowed in the zone, but I'm just stating that you had the external loop road and there is nothing in the ordinance that prevents that. I'm just saying that we can write an ordinance to fit that and maybe even in that instance just say the houses have to be accessed from an internal road way. There was also guest parking, at the corner of the entrance to Hanover Township, there is no provision in the zone to maintain adequate lawn or landscaping area at the corner of Whippany Road and Park Avenue, and I think that should be an intricate part of any zone on that corner because that is the entrance to Hanover, we have a welcome to Hanover sign and to have a parking lot there,

Mayor: I don't think anyone disagreed with you,

Mr. Fariello: Okay, but it's not a provision in the zoning ordinance, there is no provision to prohibit exterior roads, and there is no provision to limit the size of the house, so I think this is unacceptable and I believe if a developer comes in with a site plan that conforms to the zone specifications the planning board would have to accept

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it. That is what I'm getting at, when I say, please consider reintroducing another ordinance because I think if you take the time to discuss it here even right now or in the work session and introduce an R10B or C or whatever, by title and then you can write the ordinance that the committee, the contract purchaser the land owner and all the neighbors would love to have in the neighborhood, but at this point what it looks like to me is that it went from multi-family housing, but now there is still a lot, I mean that's really crowding a lot of homes and a lot of large homes into a 6 acre area and so I'm just asking you to consider, I mean we all care about Hanover Township and you have to visualize what that is going to look like if this zone passes and there are all those houses there, it's just not going to fit there.

Mayor: I for one and I don't speak for the other four colleagues I for one realize that in conforming to the R10A that this developer may not be able to get the amount of units that he wants, why? Because the site plan that he showed us that we all looked at with the outside road is not acceptable, and by the way, it wasn't even officially talked about because he has not submitted a site plan yet, but I will tell you this and I think I might even speak for the director of planning that if he submits an exterior roadway like he did, that parallels Whippany Road and Park Avenue I'll laugh him out of the Planning Board, it's a concept.

Mr. Fariello: I appreciate it.

Mayor: Now, something was drawn, I drew something that evening that I think had some mirth and I circulated it around but it does call of a bisected roadway that goes through with an internal cul-de-sac where the corner could be protected and I don't disagree with you that the parking on the corner if not beneficial it's an incoming area of the Township. It should be landscaped. It should still have our sign on it, and in conjunction one of the comments that you heard was that the houses should not have driveways out to the street, that the front yards of these houses, should face the streets, but the rear yards would be the driveway access and the garages to come in from the back off of the internal street network, but all of this is, Len, all this is is a site plan, you and I know this, but if I'm going to modify that with an R10B and I'm going to give him and the R10B consideration for more units, I'm going that route. The R10A best I can see with an internal driveway system he may be able to squeeze in 21 maybe 22 but he isn't going to get 25. That's my opinion, if anyone else on the Board has an opinion I welcome it. But what is what you heard from me that night.

Mr. Fariello: Yes, and I agree with you I drew a similar concept plan

Mayor: Please note the minutes that Mr. Fariello and I agree on something
(Laughter)

Mr. Fariello: But what I'm saying, it's some sort of a tradeoff and you have heard me say this at Planning, when you give a developer more density, it was testified here originally that he could build 14 single family homes as it's zoned, you giving him more homes even if he went to 24 it's 10 more homes, there should be a trade off, and what I think should have been written in this ordinance but couldn't have been because it's an R10A, is that kind of consideration actually restricting or saying something like there has

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to be a common area at the corner to accommodate you know the entrance to Hanover Township, it's things like that, there is no provision about an external road and if this developer sold the project to someone else and they really came in with a conforming site plan I think you would be forced to have

Mayor: Len, you know he would have to get the votes to get the site plan approved and I know your feeling on that and I won't go there but I doubt very very much that that would succeed. It's was an atrocious plan

Mr. Fariello: It really was

Mayor: I think it was an attempt on the developer's part how he could fit his 25 or so units without regard to the esthetics of the whole site plan, I would say in a New York minute that thing wouldn't fly.

Mr. Fariello: Well we haven't seen what is going to be built on North Jefferson Road yet, but they are going to be similar homes, they are large homes, hardly any space between them, and I just think for that area you could actually design a zone that would fit, and I wouldn't recommend 16 foot between large homes anywhere, you even have to consider the families that are going to move there, 4 bedrooms 4 baths, these large home you are going to have a greater impact on the

Mayor: I have another point of view on that and I was going for age 55 and older restricted

Mr. Fariello: You can even write it that way, a single family age restricted, but you know, that's my point, we can do better.

Mayor: You don't build 4 bedroom homes, with 3 baths without having children, or maybe you do, but I haven't seen it.

Mr. Brueno: He can build them, but nobody is going to buy them,

Mr. Fariello: Right, but if you redid the ordinance to maybe cut down on the size of the home and the setbacks or it's not really setbacks because the way I understand it it's just one big zone, one big lot, the distance between the homes and you know you could probably even say it age restricted single family, but what I'm getting at is that I just feel that if you wouldn't really lose too much and I think you will get a lot of people coming here and saying positive things about the development, I was thinking about it and I actually really think it would really be better than what is zoned there now, with 14 individual driveways going out, I just think it's too crowded and it doesn't have enough provisions in it to protect the site itself.

Mayor: I think we are on the same page I think our concerns the amount of units still, even though, hypothetically it went from age 55 age restricted which were 40 something odd units now down to this, I think we are still not happy, I think with an internal road system with a cul-de-sec, with v-shaped lots to go out we are going to create more yards, because he is not working with parallel lots, he's almost forced to

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some degree that's what we are trying to do, we are trying to force a design that is going to take away some of the visibility to build, because like I said, the one you and I saw Tuesday night, I'm saying it on the record, it was abomination.

Mr. Fariello: Yes it was,

Mayor: I couldn't possibly see that, but in any event, the gentlemen might want to consider a modification, we will discuss it, if you want to make a recommendation to the planning board to, it went to planning for consideration, so if they want to modify that it's their call.

Mr. Fariello: I would appreciate that.

Mr. Gallagher: Can I address something, Len, I just want to let you know with the corner coming into Hanover Township, I spent quite a bit of time talking to Ron and John about that and for three or four years now, on the green team and environmental commission we have been looking at all the entrances into Hanover Township and we are looking at that as an opportunity even to work with the environmental commission we already went back and forth with some plant material to make it look really really nice. So what you mentioned there with that corner, we are well aware of it. We are well aware of a couple other entrances to Hanover Township too, and we are going to be trying over the next year or two to work on those with the environmental commission and the Green Team and private companies and I just want you to know we have spent quite a bit of time talking about that one corner, in the last 5 - 6 days, because that's our big entrance into Hanover Township

Mr. Fariello: That's important, well I'm not sure you can prevent it, if under this R10 ordinance, this R10 ordinance was really designed for there, so that why I'm saying if you modify it I think you just have to call it by a different name then you have total freedom to create an ordinance that's made for this particular site with that entrance with what you want, what we all want to see at that corner with the number of houses with the size of the house, with the distance between the houses, and right not you don't have that and I just think you know a lot of neighbors

Mayor: The other thing we need to modify is bulk standards, because we have to dictate how many, which we haven't done, we have to dictate how many bedrooms and how many baths, because all of a sudden we found that on the R10A up there on Jefferson, that we woke up one morning and there are 5 bedrooms 5 baths,

Mr. Fariello: Yup

Mayor: That's a tandem amount to an apartment house, so I mean we manage to intercept that, I will use that word, and the builder cooperated to the point where he pulled back the permits on that, but that's what could happen. So the standards have to be changed on that, too.

Mr. Fariello: I did appreciate your, I didn't know it was going to be on there, but the regulation of religious institutions too, because that was a big fear of the people of

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how these religious institutions are becoming big businesses and so I mean even on that corner if that were to occur, you really needs some regulations there. But I would ask you to consider, you are going to have a work session I just think it would be a good idea and we could make this a win win situation for everybody.

Mayor: We will make sure that these gentlemen discuss it and some of the discussion with make it to Planning that's for sure. I know you are nervous about this particular application, but I tell you the Township Committee is on the same page with what we want to do here, we are not entirely emorded about our options, but given the cards that we got we are just going to maximize what, no we are going to minimize the impact

Mr. Fariello: I appreciate that and I know that to be true, but I just think you might be tying your hands by calling it an R10A then something other than and if you have introduced it as something other than I think you would have had a lot more leeway into designing what you want on the corner, so that's what I'm asking I think it's a good suggestion and I just hope you think it's a good suggestion and it's something you can do, I think it could happen and I think everybody could be happy with it, like I said I think it could turn out better than what it's zoned for there because you can have these internal roadways and it could really be a positive thing for Hanover Township, so please consider that.

Mayor: Thank you Len, I mean the idea of when it was single family homes and having that many curb cuts come out onto Park Avenue and Whippany Road, that was insanity, it's a bad enough corner as it is,

Barbara Eames: I sent you all an email yesterday about what is going on with the Freeholder Board and relative to the solar plan, it's really a big deal, we had a nice turnout of citizens there last night, about 12 of us, 8 of us spoke expressing concerns and there is a lot of issues here from the viability of the solo plan and the improvement authority and who is making deals with who and who's benefiting and it isn't the taxpayers let me just say.

Mayor: It's the bonds I'm worried about

Ms. Eames: Who knows who and so if this investigation goes to the state comptroller's office is that really going to be a legitimate investigation, there is just a lot of stuff going on here, and I know that probably Township Officials, maybe you don't want to stick your nose in someone else's governess level, but it effects the taxpayers of Hanover Township, just like every other town. We don't have any solar panels on any of our schools?

Mayor: We prepared for them but we didn't take them on, no.

Ms. Eames: I thought I heard it discussed but I don't remember seeing them anyway, so we don't have any

Mayor: We allocated a zone for it, but that's all we did, that's as far as we got.

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Mr. Giorgio: It was a plan for this building,

Ms. Eames: Yes, I remember it being talked about at one point

Mayor: We allocated a ground zone for it, but we, nothing happened.

Ms. Eames: Were you part of the 50% buildup that hasn't happened yet?

Mr. Giorgio: Correct,

Ms. Eames: Okay, okay, so this is the next part of the plan to go forward, now the bonding at the meeting, two weeks ago, well Monday, a week ago, they authorized Sussex County to go ahead, now we are already losing a million dollars a year on solar one, which is totally built out and should be making money, it isn't. It's going to cost us \$9,000,000.00 over 9 years, a million dollars a year starting next year. Then, we have solar two, which is only 50% built out and now we have to decide whether we are going to throw more money after bad or is this going to be another Borgata whatever it is at Atlantic City, we just keep throwing money at it or whether we are not. Our position is, hey we need to figure out what went wrong the first time before we go and spend money obligates, so that's what we are pushing for and a lot of folks spoke and made some very good comments last night and they seem to be receptive but what they actually wind up doing, we really don't know for sure, so it might be helpful to have a further conversation about this, but this will impact taxpayers. It will impact the taxpayers what we have already done, and if they decide to go ahead and do more, without figuring out what went wrong here, or worse yet, using the advisors that got them into this situation in the first place, who then advised them to settle and you know that non-disparagement clause where they didn't have to put that in there, but they did, so they can't talk about it negatively, that could have been left out, just a lot of stuff that we want to see resolved before they go forth and finish the rest of this, which might be Hanover Township.

But, I was talking to someone today, and I guess there is some control, I would assume, over zoning at the Town level, I was talking to a gentlemen from Sussex County who says you drive into some of his schools and then they have all of these solar panels 30 feet on canopies and all these poles and you kind of have to see the buildings through the canopies, I can't image us doing that here, and maybe that is poor planning at the local level, but none the less, you know they were collapsing over Mennen. They collapsed over at the County College, we had to pay for that, there were over runs in the beginning because they didn't get the right standards approved upfront, I mean talk about problems and so we don't want to see it proceed until they figure out what they have done and what they have done wrong. So I'm just suggesting that since Hanover Township taxpayers are going to have to pay for it, like everybody else, that maybe some Township Officials might like to think about, I don't know whether you would entertain the the idea of writing some letter to the Freeholder,

Mayor: We would weigh in on it, sure.

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Ms. Eames: If other than

Mayor: There are implications. If it goes badly it's called the trickle valve, who is going to pay for it you and me, we would definitely weigh in on it and see.

Ms. Eames: And, you know those of us who sat there last night, are kind of conservative activists and were saying where are the rest of the republicans in this county who other than the fact that there are never any reporters there so they really don't know that it's going on because it's not in the papers, where are the rest of the people in the county. Why is it just us 16 or so folks sitting here and where are the republicans and the other elected officials in the other towns that are going to get impacted, this is just going to let them do whatever they want or are they going to chime in and offer their thoughts. So, if you would like to have a little further discussion about some of the goings on, which I'm kind of privy too and the concerns we have I'd be glad to have that discussion.

Mayor: What I would like to do probably is, and I understand what took place, but I will probably reach out to John Bonanni and get a briefing as to what their direction is on this before we take a position. But we will get a hold of the Administrator and find out exactly, Mame, I'm watching this on Facebook, I'm seeing side comments all over and

Ms. Eames: Just know he is restrained by that non-disparagement clause, he is a partner to the litigation, I'm not. So he can't disparage, maybe he can't tell you the truth, just saying...

Mayor: Well, I think what we just want to know a little more about is what course of action formally the Freeholders are taking at this juncture so we can take a position, it doesn't mean we have to agree with it or not agree with it, you know Hanover is conservative in a sense that we are not going to pay an extra dime for something that we don't have to.

Ms. Eames: We would love some of your inclination to rub off them as to bonding, spending, cause their budget is going up this year and we are trying to understand why it's going up about \$12,000,000.00

Mayor: Well, they are boosting that their budget is flat again

Ms. Eames: Yeah how do you do that when you have 30 employees and your budget goes up \$12,000,000.00 that is not sustainable

Mayor: Pretty good,

Ms. Eames: That's the word they are using to describe it, it's sustainable, sounds to me

Mayor: I think my good friend Art Ondish, who is the Mayor of Mount Arlington....

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Ms. Eames: We've met

Mayor: Made a very good comment about them, and it says just watch out because while every expense is growing around you when you are not moving your budget forward with it you got to come back and get it in the back of the head.

Ms. Eames: We think it's going to get us in the back of the head maybe next year or the year after that

Mayor: He's not getting the ratable base that Hanover is getting and meanwhile his costs don't stand still,

Ms. Eames: If you guys can do it maybe you can teach them

Mayor: It's fourth grade math, you and I know that.

Ms. Eames: Thank you

Mayor: We will monitor and watch that and we will weigh in on that.

Tracy Simon, 26 East Fairchild Place, Whippany: It's nice to meet you Mayor, I just want to set for the record and just let you know how upset I am on the trees all being leveled at the South Campus.

Mayor: The trees, the large trees?

Ms. Simon: All the trees that I can see, I haven't driven on the property, but all the trees on Whippany Road, on the South Campus, what we discussed today.

Mayor: You and I had quite a back and forth dialogue on that

Ms. Simon: I just wanted to say it for the record, I don't know how to make it official, but it is very very upsetting. I thought I know I'm late to the party, but I thought I had followed this not here but through various other ways and people who sent plans and sent notes, the development of that, but the last I knew retail and a hotel was tabled that was going to be on Whippany Road, I just had no idea and I know I'm not alone in this, the level of demolition that is going to happen.

Mayor: Excuse me, if you are willing to listen to an explanation, I am going to try and give you one,

Ms. Simon: I was just going to say, that I'm going to do...

Mayor: Because there are several things taking place out there at once, number one we are abandoning the old driveway,

Ms. Simon: Got it

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Mayor: Number 2, we are realigning that driveway with Whippany Road and Parsippany Road to Bayer Boulevard you'll have one traffic signal to make that safe

Ms. Simon: Right

Mayor: So the entire frontage right there is in turmoil and number 3 is the fact that MetLife, a 200,000 square foot facility was approved by the Planning Board to come in on that front portion which is allowed by zone, it's called the OBRL zone, we never touched it, we never touched it, so that's construction under way, you are seeing a massive piece of construction

Ms. Simon: I'm not disputing that or arguing that, I'm talking about there are and I know the intersection is down it's where the two homes are being flattened

Mayor: That's right

Ms. Simon: I'm not talking about that, I'm going toward the nursing home area,

Mayor: That's where MetLife is

Ms. Simon: Right, right to the sidewalk? There were trees that were taken down ten and I'm gonna go tomorrow and count them and foot it all out, because I'm going to do what you told me to do, to go to the Engineering Department,

Mayor: You are welcome to go look at the site plans

Ms. Simon: Yes, I just want to understand it more, cause I just find it hard to believe that we would just let them go, I'm not antidevelopment and do all that, but we okayed a plan to just go level a whole trees down like that without, the building is not going to come to the sidewalk...

Mayor: There are several large trees there, and I agree, I was on the site and I agree, I've been on the site walking around the site and people taking pictures, etc., there are, you are talking as though there was a forest there, I was never a forest

Ms. Simon: No but still,

Mayor: But there are large 300, 400 year old trees there,

Ms. Simon: But they are ten feet from the sidewalk, I don't think but I will verify when I see the plans that the building is going to go to the sidewalk,

Mr. Ferramosca: I understand your concern,

Mayor: I can't, John I spent half of the afternoon with this women, I'm not going to spend any more time.

Ms. Simon: That's not nice, that's rude.

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Mr. Ferramosca: Those trees, the trees near the sidewalk have come down is because what is going to happen is the road is going to be widened

Ms. Simon: I see that, they are

Mr. Ferramosca: No, no from the nursing home, from the point of the nursing home there is going to be an additional lane,

Ms. Simon: I see that because the poles are already up, I see that.

Mr. Ferramosca: From the point, from Eden to Bayer Boulevard and that's the function to relieve some of the stress on Whippany Road, and that will allow us in addition to that there is going to be a significant amount of planting of new trees on that.

Ms. Simon: I know, my point is that it was sad to see and upsetting to see the trees just pummeled in my mind and disregard, because the poles are up these are trees that are on the other side of the pole the trees were I doubt the building, MetLife is coming that close to the sidewalk

Mr. Ferramosca: It is going to be set back 250 feet,

Ms. Simon: Right, so my point is with a little bit of more planning, thought, I'm not saying you didn't plan or whatever, but we could have been there, tag these trees, there are aesthetics we should be trying to keep the aesthetics, I'm not antidevelopment or all that, but just plan a little more

Mayor: Dave Are you familiar with the site plan on that

Mr. Ferramosca: We are very careful, in a planning standpoint, we don't like to see a tree taken down, and if a tree were to come down, it comes down because of several reasons, number 1 it's a widening of the road issue, number 2 with the trees root system be challenged as a result of what is happening, would we be left with a dead tree?

Ms. Simon: Fair, fair enough, I don't know all the details

Mr. Ferramosca: I think your concern is genuine, I think it is real, but I can assure you that we painstakingly look at these plans by tree by tree

Mayor: Nobody was happy with the taken of those trees, they were massive,

Ms. Simon: I will research it more and have a better understand, so thank you in all fairness, the other concern that I had was you know those small historical structures, the stone, well the small one is crumbling

Mayor: Right

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Ms. Simon: So is there, I know Mayor you told me that they would probably be gone, because the road is going to be there, why don't we try to do the road around that or keep them, I don't even know what those are, but I'm sure they are historical in nature

Mayor: They were examined along the house by the way, they are not on anything that are historic landmark commission has, we have 19 sites that we have classified as landmark, that is not one of them

Ms. Simon: So we are just going to let it go,

Mayor: There will be a turning loop coming in if I can describe that, I don't have a black board,

Ms. Simon: That's okay, because I'm going to go see the plans

Mayor: There is going to be a right hand turn off Whippany Road that comes into Bayer Boulevard and the radius of the right hand is

Ms. Simon: that is sad, but okay

Mayor: It is going to implicate, and they are going to take it, if there is a way to save those buildings as some sort of monument area I'm all for it, I don't know

Ms. Simon: It hasn't even been planned yet

Mr. Ferramosca: They have explored,

Mayor: It's a 55 foot

Mr. Ferramosca: with the terms of the slope,

Ms. Simon: Again, I'm late to the party, I'm late whatever, you say to come out and voice, and then I do, and then I really don't appreciate what the exchange you just had with me, because that is intimidating,

Mayor: We haven't ignored it, and George will tell you that our Landmark commission was, I'm going to use the word dogmatic for trying to save those building, etc., and we looked at it at an engineering standpoint

Ms. Simon: It's upsetting and I know a lot of people are upset, the way that was just, it just looks like it was just plowed through, and again I thought I followed the plan a lot

Mayor: Well you know what, we could tell some of these companies not to come in

Ms. Simon: I'm not saying that

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Mayor: What are you saying?

Ms. Simon: I'm saying to design the footprint and the building to save some of the aesthetics as to what seen from the road way, just like you are doing on that corner, saving the greenery, the aesthetics, it's not antidevelopment, it's just take a better look and think of

Mayor: Do you have some suggestions as to what we can do?

Ms. Simon: I'm not an engineer, so I don't know about root systems and whatever, I'm just saying when we do projects to kind of take into account saving some of the greenery shrubbery the esthetics of the town, I'm not antidevelopment, I'm saying

Mayor: We design sidewalks to go around trees,

Ms. Simon: um, that's great, keep doing that, but in this case

Mr. Ferramosca: We share your concerns, understand them

Ms. Simon: It's just upsetting and very stunning to see that, I thought it was going to be set back.

Mr. Coppola: The Whippany Village the same thing occurred, I had the same feeling, but when they lay out the site plans what they removed you'll see all of a sudden around whole plan all kinds of shrubbery

Ms. Simon: I know it's gonna be years George before the trees

Mr. Coppola: Not really years, that it's a matter of the esthetics of the whole program of the whole planning, okay, when you do come look at the site plan, this is what they want, they want to see this, and this will benefit the community, alright, if you look at what they did at the Whippany Village and CVS and the bank and all, these places are all landscaped, they will conform to what we wanted as a Township.

Ms. Simon: I'm not disagreeing, I'm asking for consideration of trees and things,

Mayor: Trees

Ms. Simon: I'm not a tree hugger, but I'm just saying saving some of the aesthetics to keep the Township ambiance, I don't know how to say it.

Mayor: As I said to you earlier, we are not out to clear cut; we

Ms. Simon: That is not what that site looks like and I'm going to look at the plan more and understand because I do not believe that the trees had to be taken down that were close to the sidewalks, cause the sidewalks not being redone and the poles are already in

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Mayor: The sidewalk is going to be redone,

Mr. Ferramosca: They are going to all new

Ms. Simon: These are beyond the poles

Mayor: The street is going to be widen and it's called an excel lane and an de-cell lane, it's going to go all the way out the Bayer Boulevard it's going to allow three lanes on that street

Ms. Simon: What I'm talking about the poles are already moved, I assume there aren't going to be new poles, the poles are already moved and these trees are about 20 25 feet from the newer poles that were put in. The poles are in place for the street widening already, right? The poles have already been moved and the trees are on the other side

Mayor: Did Lorraine approve the, did the Arborist approve

Mr. Ferramosca: Yes, our arborist did

Mayor: And she made a decision and she marked the trees that had to go

Ms. Simon: Every tree is down, there are none that are marked or not marked

Mayor: Pardon me

Ms. Simon: There are none that are marked or not marked, they are all down, and there are some that are on the other side

Mayor: They could not have come down with the approval, I'm not going to argue with you, I will not argue with

Ms. Simon: I'm not arguing, I'm just asking for an explanation

Mayor: We have a Forester, we have an Arborist that went out and made determinations as to what had to be taken down, for maybe various reasons as Mr. Ferramosca said, could have been the health of the tree, or not the health of the tree

Ms. Simon: I'll talk to the Arborist, and I'll ~ Dave are you the Engineer that will show me the site plan

Mayor: We don't make these decisions on our own,

Ms. Simon: I'm just trying to understand, don't, if you encourage everyone to come out and talk, but if you are going to be attacking me like that, I won't be here again.

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Mr. Ferramosca: No, thank you, thank you for coming out and expressing your thoughts,

Mayor: You were not attacked madam, we are looking, do you have some solution or resolve with us we are very happy to hear it but nobody is attacking you, we are listening to you on how to save this tree and we are trying to tell you all the ways, well thank you, you don't want to hear anything about it.

Anyone like to be heard at this time?

Bill Cane, Hamilton Court: Just a question, you are redoing that intersection, are you taking down all the old poles.

Mayor: The signals are going to be moved,

Mr. Cane: No, the ones like in front of the Chapel and so forth are they coming down.

Mr. Ferramosca: The lighting?

Mr. Cane: The signal lights

Mr. Ferramosca: Yes

Mr. Cane: There is also a pole there with a light on it for the cop to use to stand there is that going to come down

Mr. Ferramosca: The intersection is being realigned so there will not have a need anymore

Mr. Cane: There's been no need for that pole on the light on it for the last 30 years.

Mr. Ferramosca: We understand that, and the county would not allow us to remove it, we took it down 6 years ago, we took down the light and the County

Mr. Cane: I understand you are taking down the poles for the lights, that's the signal lights, I'm talking about a wooden pole that's been there for as long as I can remember 50 years with a light on it to shine on the cop

Mr. Giorgio: The flood light

Mr. Cane: Yes, the flood light, great terminology, is that coming down too? That's been without being used for the past 50 years.

Mr. Ferramosca: We will look into that because there will be no reason for it, nobody will be standing there, so why have a flood light on a pole for no reason.

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Mr. Cane: I think it's been disconnected for 40 years anyway, I just bringing it to your attention so it comes down. Another question, I heard there was going to be homes on the South Campus?

Mr. Ferramosca: No, we were very clear that the Township Committee from an ordinance affirmed that we will uphold what's called OBRL,

Mr. Cane: Okay, somebody asked me, I

Mr. Ferramosca: There was a request of this Committee to change the ordinance to allow for 350 homes but unanimously this Committee decided that we believe in the integrity of OBRL and we want to see it maintained.

Mr. Cane: I knew what you were going to say, but somebody came _____
Inaudible

Mayor: There are plans, there are longer ranged plans now, between Bayer and MetLife for what's known as an extended stay hotel, we favor that and it's probably allowable in the OBRL, there would be no residential units

Mr. Cane: That's what I heard,

Mayor: There is going to be dispersion on the other side of the street, because by the Quick Chek on the other side by the bank, the realignment of the intersection is going to be a widening of that road, so there will be some disruption that you will see there as well.

Mr. Gallagher: Tracy, I just want to answer your one question, I don't know much about the actual plan that is taken place in the area that you are concerned with, I have noticed it too, I've pass it everyday, I live by Salem Drive School, but I will get with John who is involved with Engineering and take a better look at it but I'm going to assure you something about Arborist, Lorraine Konopka, she left about three weeks ago, but this site plan was worked on obviously much longer before she left. I dealt with Lorraine Konopka quite a bit, even at my own house, I had to beg her to let me cut trees down to put a pool in. So the one thing I will tell you and I'm going to take a good look at it too, with a tree they have a drip line, the furthest out lenses straight is where the roots can be compromised if you dig, that's why a lot of time when you do construction it looks beautiful for a year and then the tree is dead and then it cost a lot more money to take the tree down because it's close to a new structure, so I don't really know that project that much, but I can assure you that if you do get with Dave and you do look at the plan Lorraine will have some explanation on why so many trees were cut down I was curious as to why they cut all the trees down also, but I know Lorraine and she was so by the book she used to drive me crazy some times, but I know her heart was in the right place and she is smart, but you know we are all here available to work with you and you can call anytime and if you are not satisfied from what you get in engineering any of the guys will talk to you further, but I know as a project it has to be done to widen Whippany Road and we all sit on Whippany Road, and I know a structure is going in there, but I'm

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sure if you get with Dave you will see why Lorraine recommended all of those to be removed, and there is some kind of answer.

Mayor: Floor is still open, anyone else likes to discuss?

Hearing None, Seeing None.

Motion made by Mayor Francioli to close the open portion of the meeting and was seconded by Member Coppola and unanimously passed.

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of February 26, 2015 had been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Ferramosca moved that the Minutes of the Regular Meeting of February 26, 2015 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Coppola and was unanimously passed.

ORDINANCES FOR PUBLIC HEARING AND CONSIDERATION OF ADOPTION:

ORDINANCE NO. 4-15

**NEW RESIDENT AND NON-RESIDENT POOL MEMBERSHIP
FEES FOR THE 2015 BEE MEADOW SWIMMING POOL SEASON**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 4-15 appeared in full in the March 5, 2015 issue of the Daily Record in accordance with the law.

Motion to convene a public hearing was made by Member Brueno and seconded by Member Gallagher and unanimously passed.

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

Now on Adoption, Be it resolved, that an Ordinance entitled, "NEW RESIDENT AND NON-RESIDENT POOL MEMBERSHIP FEES FOR THE 2015 BEE MEADOW SWIMMING POOL SEASON," be passed on final reading and that a Notice of the final passage of the Ordinance be published in the March 19th, 2015 issue of the Daily Record in accordance with the Law.

Motion on Adoption made by Member Brueno and seconded by Member Gallagher and unanimously passed.

So Adopted.

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ORDINANCE NO. 7-15

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE HANOVER TOWNSHIP LITTLE LEAGUE, INCORPORATED FOR THE OPERATION OF THE BLACK BROOK PARK CONCESSION STAND COMMENCING APRIL 18, 2015 THROUGH AUGUST 31, 2015

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 7-15 appeared in full in the March 5, 2015 issue of the Daily Record in accordance with the law.

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

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

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE HANOVER TOWNSHIP LITTLE LEAGUE, INC. FOR THE OPERATION OF THE BLACK BROOK PARK CONCESSION STAND COMMENCING APRIL 18, 2015 THROUGH AUGUST 31, 2015,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the March 19th, 2015 issue of the Daily Record.

Motion on Adoption made by Member Ferramosca and seconded by Member Brueno and unanimously passed.

So Adopted.

Motion/Request made by Member Coppola if we can do Ordinance for Introduction as a consent agenda and the answer is yes because all three ordinances are slated for public hearing at the Township Committee Meeting on 26th of March at 8:30 and at time any person present will be given the opportunity to address the Township Committee on any one of the three ordinances and all three ordinances and the notices of introduction will be published in full in the March 19th issue of the Daily Record in accordance with Law.

Member Coppola made the motion and seconded by Member Gallagher and unanimously passed.

Motion/Request made by Member Coppola if we can do Ordinance for Introduction as a consent agenda and the answer is yes because all three ordinances are slated for public hearing at the Township Committee Meeting on 26th of March at 8:30 and at time any person present will be given the opportunity to address the Township Committee on any one of the three ordinances and all three ordinances and the notices of introduction will be published in full in the March 19th issue of the Daily Record in accordance with Law.

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Member Coppola made the motion and seconded by Member Gallagher and unanimously passed.

INTRODUCTION OF ORDINANCE:

ORDINANCE NO. 9-15

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 82-3. ENTITLED "HOURS" UNDER CHAPTER 82 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED ALCOHOLIC BEVERAGES WITH THE INCLUSION OF NEW HOURS FOR THE SALE, SERVICE OR DELIVERY OF ANY ALCOHOLIC BEVERAGES ON LICENSED PREMISES BY THE HOLDERS OF PLENARY RETAIL DISTRIBUTION LICENSES PURSUANT TO A NEW SECTION 82.3.B.

WHEREAS, it is the intention of the Township Committee to clarify the provisions setting forth the hours of operation for the sale, service or delivery of alcoholic beverages by those entities issued a Plenary Retail Consumption License, Plenary Retail Distribution License or Club License by the Township of Hanover.

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

Section 1. Section 82-3.A. entitled "Hours" under Chapter 82 of the Code of the Township entitled Alcoholic Beverages is hereby deleted in its entirety and a new Section 82-3.A. entitled "Hours of Sale and Service for Plenary Retail Consumption and Club Licenses" is added as follows:

"Section 82-3.A. The holders of a Plenary Retail Consumption License or Club License shall not permit the sale, service and consumption on licensed premises of any alcoholic beverages, including but not limited to wine, beer and spirituous liquors during the times set forth below:

<u>Days</u>	<u>Prohibited Hours</u>
Weekdays	Between 2:00 a.m. and 7:00 a.m.
Sundays	Between 2:00 a.m. and 1:00 p.m.
New Year's Day (when it is a weekday)	Between 5:00 a.m. and 7:00 a.m.
New Year's Day (when it is a Sunday)	Between 5:00 a.m. and 1:00 p.m."

Section 2. A new Section 82-3.B. is added to Section 82-3 entitled "Hours" as set forth below:

"Section 82-3.B. The holders of a Plenary Retail Distribution License shall not permit the sale, service or delivery of any alcoholic beverages on licensed premises, including but not limited to wine, beer, packaged goods in original containers and spirituous liquors during the times set forth below:

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<u>Days</u>	<u>Prohibited Hours</u>
Saturday	10:00 p.m. to Sunday 1:00 p.m.
Sunday	10:00 p.m. to Monday 9:00 a.m.
Monday	10:00 p.m. to Tuesday 9:00 a.m.
Tuesday	10:00 p.m. to Wednesday 9:00 a.m.
Wednesday	10:00 p.m. to Thursday 9:00 a.m.
Thursday	10:00 p.m. to Friday 9:00 a.m.
Friday	10:00 p.m. to Saturday 9:00 a.m.

Section 3. The current Section 82-3.B. shall become Section 82-3.C.

Section 4. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 6. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the February 26th, 2015 meeting of the governing body and at time any person wishing to be heard will be given the opportunity to speak. The Ordinance and the Notice of Introduction will be published in full in the March 19th, 2015 issue of the Daily Record.

So Introduced.

ORDINANCE NO. 10-2015

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING ORDINANCE NO. 23-2014 AND CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES WHICH CHAPTER ESTABLISHES REGULATIONS AND RATES OF COMPENSATION FOR THE OFFICERS AND FULL-TIME AND PART-TIME CIVILIAN NON-UNION EMPLOYEES OF THE TOWNSHIP OF HANOVER

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

SECTION 1. Section 1 of the above entitled Ordinance is hereby amended and supplemented to read as follows:

"Section 1. Effective January 1, 2015, the following officers and employees shall be compensated on an annual basis and shall be paid quarterly in March, June, September and December of each year as follows:

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2015

1. Township Committee.....	\$ 6,367.00
2. Municipal Judge.....	34,338.00
3. Municipal Prosecutor.....	22,832.00
4. Director-Office of Emergency Management.....	6,012.00

SECTION 2. Effective January 1, 2015, the following officers and employees shall be compensated on an annual basis and shall be paid monthly of each year as follows:

1. Elevator Sub-Code Official/Elevator Inspector, H.H.S.	30,704.00
2. Municipal Public Defender.....	5,882.00

SECTION 3. Effective January 1, 2015, the following officers and employees shall be compensated on an annual basis and shall be paid twice monthly (24 pays) of each year as follows:

1. Tax Assessor	\$46,371.00
(Based on a work week of twenty-one (21) hrs. per/wk.)	
2. Chairman, Site Plan Exemption Committee	2,500.00
3. Building Facilities Coordinator	2,500.00
4. Open Public Records Act Coordinator.....	2,500.00
5. Community Affairs/Public Policy Coordinator.....	5,000.00

SECTION 4. Section 2 of Ordinance No. 23-2014 is hereby amended and supplemented as a new Section 5. to read as follows:

"EMPLOYEE PERFORMANCE EVALUATION"

RELATING TO SALARY INCREMENTS

SECTION 5. Any non-union civilian employee who has reached the maximum step on any Schedule "A" or "A-1" adopted by way of a prior Ordinance or under Schedule "A" or "A-1" as set forth herein, shall only receive an increase, if he/she receives a satisfactory Job Performance Evaluation in accordance with the Township's Employee Evaluation System, otherwise, said employee shall remain at his/her existing salary.

The following serves as an example of what is intended by this paragraph concerning the application of the job performance evaluation as it relates to salary increments for those employees covered by either Schedule "A" or Schedule "A-1" for the year 2015: Individual Y was in Group X of Schedule "A" at the Maximum Step under the 2014 Salary Ordinance and was receiving a salary of \$75,373.00. Upon the adoption of this Ordinance, this individual shall not receive any increase in salary unless he/she shall receive a satisfactory performance evaluation in which case his/her salary

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will be that provided for in the 2015 Schedule "A", Group X, Maximum \$76,881.00, effective January 1, 2015. In the event that the individual shall receive an unsatisfactory performance evaluation, his/her salary shall remain at \$75,373.00, the same as in 2014."

SECTION 6. Section 2, Schedule "A" of Ordinance No. 23-2014 is hereby deleted in its entirety and the following new Guide is inserted in its place and stead:

**TOWNSHIP OF HANOVER
2015 SALARY RANGE GUIDE "A"**

<u>Group</u>	<u>Step 5</u>
I	46,108
II	49,841
III	54,137
IV	58,794
V	63,672
VI	68,534
VII	72,452
VIII	78,491
IX	84,921
X	92,316
XI	99,073
XII	106,736
XIII	115,358
XIV	124,059

**TOWNSHIP OF HANOVER
2015 SALARY RANGE GUIDE "A-1"**

<u>Group</u>	<u>Step A</u>	<u>Step B</u>	<u>Step C</u>	<u>Step 1</u>	<u>Step 2</u>	<u>Step 3</u>	<u>Step 4</u>	<u>Step 5</u>	<u>Increment</u>
I	29,171	31,772	34,373	36,974	39,575	42,176	44,777	47,378	2,601
II	-	-	-	-	-	-	-	51,173	-
III	-	-	-	-	-	-	-	55,582	-
IV	-	-	-	-	-	-	-	60,438	-
V	-	-	-	-	-	-	-	65,396	-
VI	-	-	-	-	-	-	-	70,734	-
VII	-	-	-	-	-	-	-	74,446	-
VIII	-	-	-	-	-	-	-	80,615	-
IX	-	-	-	-	-	-	-	87,290	-

SECTION 7. For the Department Heads listed below, there is hereby established the following salary ranges:

2015 Business Administrator/Township Clerk Salary Range:

During calendar year 2015, the following salary range shall apply to this dual position of Business Administrator/Township Clerk:

\$100,000.00 to \$153,635.00

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2015 Chief of Police Salary Range:

During calendar year 2015, the following salary range shall apply to this position of Chief of Police:

\$125,000.00 to \$151,296.00

2015 Chief Finance Officer/Certified Tax Collector/Treasurer Salary Range:

During calendar year 2015, the following salary range shall apply to the multiple position of Chief Municipal Finance Officer/Certified Tax Collector/Treasurer:

\$72,000.00 to \$128,923

2015 Construction Official / Building Sub-Code Official / Zoning Officer Salary Range:

During calendar year 2015, the following salary range shall apply to the multiple position of Construction Official & Building Sub-Code Official/Zoning Officer:

\$64,000.00 to \$110,920.00

2015 Superintendent of Public Works, Buildings and Grounds and Park Maintenance Salary Range:

During calendar year 2015, the following salary range shall apply to the position of Superintendent of Public Works, Buildings and Grounds and Park Maintenance:

\$64,000.00 to \$110,920.00

SECTION 8. In any instance, in connection with this Salary Ordinance and the Schedules set forth above, that an employee shall have his or her Job Classification altered, said employee shall receive compensation at a rate not less than that received by the employee in the year prior to the change of Classification and, in addition, shall not receive the annual increment which is provided for in the Salary Guide except for an adjustment which shall be determined by the Business Administrator/Township Clerk and recommended to the Township Committee. "All individuals employed by the Township in either a management or non-management civilian position, may be hired and classified within the minimum Step Ranges of A, A-1, B, C or D as set forth with the approval of the Township Committee".

SECTION 9. The following schedule represents the job position titles and applicable salary ranges for the Township's management and non-management civilian employees:

SCHEDULE "B"

APPLICABLE
UNDER SALARY SCHEDULE **SALARY RANGES**

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JOB GROUP I	Clerk Typist	A or C
	P/T Dial-A-Ride Dispatcher	A-1 or D
	P/T Dial-A-Ride Driver	A-1 or D
	P/T Custodian	A-1 or D
	P/T Assistant to Custodian	A-1 or D
	P/T Park Maintenance Worker	A-1 or D
JOB GROUP II	Support Services Secretary/Senior Clerk Typist in Police Department	A or C
	Junior Account Clerk	A or C
	P/T Clerk/Support Services	A or C
	Senior Clerk Typist	A or C
	P/T Floater/Clerical Support Services OPRA/Other Assignments	A or C
	P/T Violations Bureau Clerk	A or C
JOB GROUP III	Account Clerk	A or C
	Assistant Control Person/Account Clerk To the Construction Official/ Zoning Officer/Property Maintenance Officer	A or C
	Engineering Aide I	A or C
	General Secretary	A or C
	P/T Assistant to Superintendent of Recreation & Park Admin. Department	A or C
	P/T Municipal Recycling Enforcement Coord.	A or C
JOB GROUP IV	P/T Municipal Housing Liaison Recreation & Park Administration Program Coordinator	A or C
	Senior Account Clerk	A or C
	F/T Deputy Municipal Court Administrator	A or C
	P/T Deputy Municipal Court Administrator	A or C
	Secretary to Chief of Police	A or C
	Technical Assistant to the Construction Official/Zoning Officer/Property Maintenance Officer	A or C
	Recreation & Park Administration Department Program Coordinator	A or C
	Recreation & Park Admin. Department Senior Account Clerk/Board Secretary	A or C
	Secretary to the Health Department/ Deputy Registrar of Vital Statistics	A or C
	Assistant to Superintendent of Public Works/Recycling Coordinator	A or C
JOB GROUP V	Senior Account Clerk/Payroll Clerk	A or C
	Administrative Secretary	A or C
	Certified Municipal Court Administrator	A or C

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	Engineering Aide II	A or C
	Management Analyst/Project Coordinator	A or C
JOB GROUP VI	Secretary to the Planning Board And Board of Adjustment/Land Use Administrator	A or C
	Public Health Nurse	A or C
	Executive Secretary I	A or C
	Police Dispatcher	A-1 or D
JOB GROUP VII	Assistant to Chief Financial Officer/ Tax Collector	A or C
	Executive Assistant	A or C
	Executive Secretary II	A or C
	P/T Human Resource Specialist	A or C
	DPW Division Supervisor Of Buildings and Grounds	A-1 or D
	DPW Sanitation Division Supervisor	A-1 or D
	DPW Road Division Supervisor	A-1 or D
JOB GROUP VIII	Registered Environmental Health Specialist	A or C
JOB GROUP IX	General Office Supervisor/ Deputy Township Clerk	A or C
	DPW Operations Manager	A-1 or D
	DPW Park Maintenance Division Supervisor	A-1 or D
	P/T Junior Engineer	A or C
	Assistant Business Administrator	A or C
	Public Health Nurse Supervisor	A or C
	Registered Environmental Health Inspector 2 (Senior Registered Environmental Health Specialist)	A or C
	Assistant Building Inspector/Assistant Zoning Officer/Assistant Property/ Maintenance Officer	A or C
	P/T Electrical Sub-Code Official/Electrical Inspector & Assistant Zoning Officer/ Property Maintenance Inspector	A or C
	P/T Fire Protection Sub-Code Officer/ Assistant Property Maintenance Officer	A or C
	P/T Plumbing Sub-Code Official/Plumbing Inspector	A or C
JOB GROUP X	Health Administrator – Registered Environmental Health Specialist	A or C
	Recreation & Park Administration Department Superintendent	A or C

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JOB GROUP XI	Health Administrator - Health Officer	A or C
JOB GROUP XII	Assistant Township Engineer	A or C
JOB GROUP XIII		A or C or D
JOB GROUP XIV	Township Engineer Health Officer/Environmental Specialist	A or C A or C

SECTION 10. Individuals hired for the first time in any of the job position classifications set forth in Section 5. Entitled "Schedule "B" listed above, or any current employee promoted to a higher job group classification, shall be compensated within their respective job group range as set forth below in Salary Guide "C" or "D" at a salary to be determined by the Township Committee. A person hired or promoted within their respective job group range shall only be eligible to receive the annual cost of living adjustment when such adjustment is determined and authorized by the governing body. In order to be eligible to receive a cost of living adjustment, an employee must receive a satisfactory job performance evaluation from his/her department head.

Any new, replacement full-time or permanent part-time non-union civilian employee hired by the Township on or after January 1, 2015 up to and including the date of adoption of this ordinance, must first complete his/her six (6) month probationary period of service and receive a satisfactory job performance evaluation in order to qualify for the 2% cost of living adjustment retroactive to the first date of employment.

**TOWNSHIP OF HANOVER
2015 SALARY RANGE GUIDE "C"**

<u>Group</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>	<u>Minimum Hourly Rate</u>	<u>Maximum Hourly Rate</u>
I	25,000	44,748	13.74	24.59
II	26,990	48,370	14.83	26.58
III	29,330	52,565	16.12	28.88
IV	31,800	57,081	17.47	31.36
V	34,400	61,807	18.90	33.96
VI	36,940	66,543	20.30	36.56
VII	38,980	70,341	21.42	38.65
VIII	42,170	76,203	23.17	41.87
IX	45,580	82,442	25.04	45.30
X	49,510	89,629	27.20	49.25
XI	53,030	96,198	29.14	52.86
XII	57,100	103,629	31.37	56.94
XIII	61,610	111,998	33.85	61.54
XIV	66,160	120,456	36.35	66.18

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TOWNSHIP OF HANOVER
2015 SALARY RANGE GUIDE "D"

<u>Group</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>	<u>Minimum Hourly Rate</u>	<u>Maximum Hourly Rate</u>
I	25,650	45,996	12.33	22.11
II	27,710	49,683	13.32	23.89
III	30,110	53,967	14.48	25.95
IV	32,650	58,671	15.70	28.21
V	35,330	63,484	16.99	30.52
VI	37,950	68,388	18.25	32.88
VII	40,030	72,284	19.25	34.75
VIII	43,320	78,269	20.83	37.63
IX	46,830	84,749	22.51	40.74

SECTION 11. The rates of pay and/or salary ranges for the following part-time employees shall be as follows during calendar year 2015:

1. School Crossing Guard:
(In Charge)..... \$ 17.67 per hr.

2. School Crossing Guards:
First Full Year..... \$15.49 per hr.
Second Full Year..... 16.16 per hr.
Third Full Year..... 16.82 per hr.

3. Office/Clerical:
Step 1..... \$15.61 per hr.
Step 2..... 17.00 per hr.
Step 3..... 18.39 per hr.
Step 4..... 19.78 per hr.

4. Substitute Part-Time Construction Code Inspectors.....\$30.00 to \$33.12 per hr.

5. Part-time Registered Environmental Health Inspector \$24.00 to \$38.38 per hr.

6. Per Diem Police Dispatchers..... 20.75 Per hr.

7. Police Matrons - At the lump sum rate of \$59.92 for the first three (3) hours of service and at the rate of \$19.84 per hour pro-rated for actual time worked after the first three (3) hours.

8. Part-Time Senior Assistant Property Maintenance/
Zoning Officer..... \$20.00 to \$33.12/hr.

9. Part-Time Assistant to Property Maintenance Officer/
Zoning Officer..... No Compensation

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- 10. Part-Time Professional Arborist/Forester
(Funded by Township's Tree Fund).....\$25.00 to 39.81/hr.
- 11. Substance Awareness Coordinator.....\$11.30/hr.
- 12. Municipal Housing Liaison.....\$24.30/hr.

SECTION 12. The following rates of pay shall apply to Special Municipal Court sessions, DWI Court sessions and the off duty employment of police officers performing side jobs:

- 1. For additional special Municipal Court sessions including DWI Court sessions, the Municipal Court Judge, the Municipal Prosecutor and the Public Defender shall be paid at the rate of \$125.00 per hour but not to exceed following amounts:
 - A. Municipal Court Judge not to exceed \$800.00 per session.
 - B. Municipal Prosecutor not to exceed \$600.00 per session.
 - C. Public Defender not to exceed \$600.00 per session.
- 2. Outside Employment of Police Officers in the Performance of
 - Extra-Duty Side-Jobs.....\$70.00/hr.
 - Extra-Duty Side-Jobs Overtime.....105.00/hr.
 - Extra-Duty Side-Jobs Ravine/Met Life.....100.00/day
 - Administrative Fee Paid to Township..... 10.00/hr.
 - Cost for Use of a Township Police Vehicle.....\$25.00/hr. to Maximum of \$125.00

All payments to police officers for off-duty outside employment shall be processed through the Township's Finance Department.

SECTION 13. The rates of pay and/or salary ranges shall apply to the following temporary, seasonal and summer employees of the Recreation and Park Administration Department during calendar year 2015:

- 1. Part-Time Recreation Department Office Staff... ..\$7.50 to \$11.41/hr.
- 2. Swim Team Coach..... \$400-\$1,850/Season
- 3. Swimming Pool Manager..... \$3,500-\$10,600/Season
- 4. Asst. Pool Manager..... \$3,000-\$8,425/Season
- 5. Lifeguards..... \$ 7.50-\$15.92/hr.
- 6. Director/Summer Playground Program.....\$21.00-\$24.41/hr.
- 7. Assistant Directors/
Summer Playground Program..... \$10.00-\$18.04/hr.
- 8. Adult Counselors for Summer Playground Program..... \$12.23/hr. to \$21.68/hr.
- 9. Summer Plus Camp Program – Camp Counselor..... \$7.50/hr. to \$11.22/hr.
- 10. Custodian/Fourth of July..... \$25.00 to \$60.00/hr.
- 11. Swim Instruction by Certified Lifeguards:
 - a. Group Lessons.....\$46.50/per Person* per Course
 - b. Individual Lessons.....\$17.50/per Lesson*

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c. Lifesaving Instruction..... \$46.50/per Person* per Course

* In addition, a 10% administrative fee shall be charged to each participant to cover Township costs.

- 11. Community Center Proctors..... \$ 10.61/hr.
- 12. Badge Checkers – Bee Meadow Pool..... \$ 6.00 to \$12.73/hr.
- 13. Bee Meadow Pool Office Staff..... \$ 6.00 to \$12.73/hr.
- 14. Pool Activities Coordinator.....\$ 10.00 to \$15.30/hr.
- 15. Individuals hired as lifeguards who receive an Instructor’s Water Safety Instruction Certification, a Lifeguard Water Safety Instruction Certification and/or a Certified Pool Operator Certification shall be eligible to receive a \$.50 hourly increment upon attainment for either or both during the pool season in which the Certification(s) is/are received.

SECTION 14. During calendar year 2015, all temporary, seasonal and summer employees employed or re-employed as park maintenance workers, public works laborers and administrative and clerical personnel shall receive the following compensation:

- A. Individuals hired for the first time shall receive an hourly rate of \$8.75 an hour.
- B. Individuals rehired as seasonal and summer employees during calendar year 2015 shall receive an increment up to \$.25 per hour for each previous year of service.

SECTION 15. All salaries and rates of compensation for the job position classifications described under Job Position Classification Schedule “B”, in conformance with the above described Salary Guides, shall be effective and retroactive to January 1, 2015. Only those non-union full-time and permanent part-time civilian employees whose positions are classified under Schedule “B” and the Salary Guides listed above, and currently on the payroll of the Township of Hanover at the time of adoption of this Ordinance shall receive retroactive salary adjustments, except those employees who have retired from service on or after January 1, 2015, but prior to the adoption of this Ordinance shall receive retroactive salary adjustments effective January 1, 2015 through the date of retirement. No other exceptions shall be made."

SECTION 16. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

SECTION 17. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 18. This Ordinance shall take effect in accordance with law.

The Ordinance will be further considered for Public Hearing and Final Passage at the March 26th, 2015 meeting of the governing body and at time any person wishing to be heard will be given the opportunity to speak. The Ordinance and the Notice of Introduction will be published in full in the March 19th, 2015 issue of the Daily Record.

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So Introduced.

ORDINANCE NO. 11-2015

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ESTABLISHING THE SALARIES OF THE FULL-TIME BLUE COLLAR EMPLOYEES OF THE PUBLIC WORKS, BUILDINGS AND GROUNDS AND PARK MAINTENANCE DEPARTMENT REPRESENTED BY IBT LOCAL NO. 97 OF NEW JERSEY, IBT, FOR CALENDAR YEAR 2015

WHEREAS, through the mediation process, the Township of Hanover and Teamsters Local No. 97 of New Jersey, IBT, representing the full-time employees of the Public Works, Buildings and Grounds and Park Maintenance Department (hereinafter referred to as the “Department”) entered into a Memorandum of Agreement on February 4, 2014 setting forth amendments to the terms and conditions of employment covered under the Collective Negotiations Agreement that expired on December 31, 2012; and

WHEREAS, in accordance with the Memorandum of Agreement, the Township of Hanover and Teamsters Local No. 97 of New Jersey, IBT, entered into a new Agreement on August 12, 2014 covering a three (3) year period commencing January 1, 2013 through December 31, 2015; and

WHEREAS, in accordance with the August 12, 2014 Agreement, it is necessary to authorize the increases in salary for calendar year 2015 for those members of the Department represented by Teamsters Local No. 97 of New Jersey, IBT.

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

Section 1. The following annual wage schedule by job classification of union employees in the Public Works, Buildings and Grounds and Park Maintenance Department for the current full-time employees shall be as hereinafter specified and shall be payable on an annual basis over twenty-four (24) pay periods:

**TOWNSHIP OF HANOVER
2015 SALARY GUIDE “IBT A-1”**

<u>Group</u>	<u>Step 5</u>
I	46,933
II	50,678
III	55,049
IV	59,847
V	64,770
VI	69,760
VII	73,724
VIII	79,839
IX	86,437

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Hourly rates based upon 40 hour week

<u>Group</u>	<u>Step 5</u>
I	22.56
II	24.36
III	26.47
IV	28.77
V	31.14
VI	33.54
VII	35.44
VIII	38.38
IX	41.56

**TOWNSHIP OF HANOVER
2015 SALARY RANGE GUIDE "IBT D-1"**

<u>Group</u>	<u>Minimum Salary</u>	<u>Maximum Salary</u>	<u>Minimum Hourly Rate</u>	<u>Maximum Hourly Rate</u>
I	25,650	45,551	12.33	21.90
II	27,710	49,204	13.32	23.66
III	30,110	53,445	14.48	25.69
IV	32,650	58,102	15.70	27.93
V	35,330	62,871	16.99	30.23
VI	37,950	67,725	18.25	32.56
VII	40,030	71,585	19.25	34.42
VIII	43,320	77,511	20.83	37.26
IX	46,830	83,929	22.51	40.35

Section 2. The following Schedule "B" represents the job position titles and applicable salary ranges in conformance with the Salary Guides set forth above for the full-time blue collar employees of the Public Works, Buildings and Grounds and Park Maintenance Department represented by Teamsters Local No. 97 of New Jersey, IBT, except the managers, supervisors and part-time employees of the Department:

SCHEDULE "B"

	<u>JOB POSITION TITLES</u>	<u>APPLICABLE SALARY RANGES</u>
GROUP I	Custodian	IBT A-1
GROUP III	Laborer I/Sanitation Collector/ Custodian	IBT D-1
GROUP III	Laborer I/Sanitation Collector I	IBT A-1 or IBT D-1
GROUP IV	Laborer II/Sanitation Collector II/ Truck Driver I	IBT A-1
GROUP IV	Park Maintenance Worker	IBT A-1
GROUP V	Truck Driver II/ Equipment Operator	IBT A-1
GROUP VI	Senior Park Maintenance Man	IBT A-1
GROUP VII	Mechanic	IBT A-1

Section 3. All salaries and rates of compensation as herein stated shall be effective January 1, 2015.

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Only those full-time employees represented by IBT Local No. 197 on the payroll of the Township of Hanover on January 1, 2015 shall be entitled to receive the salary adjustments as set forth above.

Section 4. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 6. This ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing and Final Passage at the March 26th, 2015 meeting of the governing body and at time any person wishing to be heard will be given the opportunity to speak. The Ordinance and the Notice of Introduction will be published in full in the March 19th, 2015 issue of the Daily Record.

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

So Introduced.

CONSIDERATION OF ADOPTION OF THE 2015 CURRENT FUND BUDGET

Proof of Publication that the synopsis of the budget was published in full in the Wednesday, February 25, 2015 issue of the Daily Record and at this time the total amount of the budget which does not have a tax increase for the Municipal Portion total amount of the appropriation \$25,085,704.06. Motion to convene the public hearing made by Mayor Francioli and seconded by Member Brueno and unanimously passed.

Is there anyone in chambers wishing to be heard concerning the 2015 Municipal Budget please give your name and address for the record.

Bill Gaiter, 26 Highland Whippany: Is the budget final or does the State have to approve it?

Mayor: Well the State still has to approve it, yes.

Mr. Gaiter: The State already has approved it and gave us authorization to adopt it?

Mayor: I'm sorry,

Mr. Gaiter: The State has already approved before we approved it?

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Mr. Esposito: The State has to review it before we are allowed to approve it.

Mr. Gaiter: Oh sorry, try again

Mr. Esposito: The State has reviewed it and they have given us authorization to approve it.

Mr. Giorgio: In certain years, there is a known bill that is something like a self-examination, but this year we had to submit the full budget for approval by the State, Division of Local Government Services and as Mr. Esposito pointed out we did get approval.

Mr. Esposito: Two out of three years I can approve it, the third year the State has to approve it and this is the third year.

Mr. Giorgio: However, we have one little quirk this year, which we didn't anticipate on and that is before we the Township Committee takes action to adopt the budget the State Division of Local Government Services advised Mr. Esposito that because the change in State Aid for the school district we have to do a change on Introduction to Adoption for \$576.00 I believe, so

Mr. Esposito: Yes, three one thousandths of a percent of our budget is being changed.

Mr. Giorgio: And because of that the bureaucracy in Trenton has spoken so after the Township Committee closes the Public Hearing, before adoption we have to approve this resolution of \$576.00.

Mr. Gaiter: _____ (Inaudible)

Mr. Esposito: It's because we have to figure out reserve fund for uncollected taxes and it's a straight percentage of our budget, and whatever that rolls out to be we have to keep it as it is, so our reserve is 95% of our budget so that is how the change comes about.

Mr. Gaiter: When I was an auditor I started to see _____ (inaudible)

Mr. Esposito: There is one line in the budget that has change and it always stays that way.

Anyone else wishing to be heard, hearing none and seeing none.

Motion made by Member Coppola to close the public hearing and seconded by Member Brueno and unanimously passed.

RESOLUTION NO. 50-15

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**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER APPROVING BUDGET AMENDMENTS TO THE TOWNSHIP'S 2015
CURRENT FUND BUDGET**

WHEREAS, the local Municipal Budget for calendar year 2015 was approved on the 12th day of February, 2015; and

WHEREAS, the public hearing on said budget was advertised in the February 25, 2015 issue of The Daily Record; and

WHEREAS, it is the desire of the governing body to amend the approved budget.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Hanover in the County of Morris, State of New Jersey, that the following amendments to the approved budget of 2015 are hereby authorized and made:

	<u>From</u> <u>Introduced/Approved</u>	<u>To</u> <u>Introduced/Approved</u>
<u>Anticipated Revenues</u>		
3. Miscellaneous Revenues		
Consolidated Municipal		
Property Tax Relief Aid	\$ 260,029.00	\$ 165,456.00
Energy Receipts Tax	2,033,201.00	2,127,774.00
Total Miscellaneous Revenues	\$ 4,345,664.00	\$ 4,345,664.00
5. Subtotal General		
Revenues (Items 1,2,3 and 4)	\$ 9,120,664.00	\$ 9,120,664.00
6. Amount to be Raised by Taxes		
(a) Local Tax for Municipal		
Purposes Including	\$ 15,965,040.06	\$ 15,965,616.06
Reserve for Uncollected Taxes		
7. Total General Revenues	\$ 25,085,704.06	\$ 25,086,280.06
<u>General Appropriations</u>		
(A) Operations - Within "CAPS"		
Employee Group Health	\$ 2,816,000.00	\$ 2,731,040.00
Total General Appropriations – Within "CAPS"	\$ 18,841,186.00	\$ 18,756,226.00
(A) Operations – Excluded from "CAPS"		
Employee Group Health	-	
Other Expenses	\$ 0.00	\$ 84,960.00
Total Operations – Excluded from "CAPS"	\$ 731,381.00	\$ 816,341.00
(N) Transferred to Board of		

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Education for Use of Local Schools (NJSA 40:48-17.1 & 17.3)	\$ 147,709.00	\$ 148,285.00
Total General Appropriations – Excluded from “CAPS”	\$ 3,118,190.00	\$ 3,203,926.00
Total General Operations	\$ 25,085,704.06	\$ 25,086,280.06

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith with the Director of the Division of Local Government Services for approval.

Motion to approve the amendment of the Budget made by Mayor Francioli and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Motion made by Member Coppola and seconded by Member Gallagher and unanimously passed.

So Adopted.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 51-15

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REINSTATING WILLIAM EANNUCCI FROM PART-TIME TO FULL-TIME EMPLOYMENT AS A JUNIOR ENGINEER AT STEP 5 OF JOB GROUP CLASSIFICATION IX UNDER SCHEDULE “B” OF SALARY ORDINANCE 23-14 AT A SALARY OF \$83,254.00 PER ANNUM EFFECTIVE APRIL 1, 2015

WHEREAS, William Eannucci was appointed by the Township Committee as a Junior Engineer in the Engineering Department effective December 1, 1980; and

WHEREAS, because of budgetary constraints, due in part to the 2% property tax levy cap, as well as other significant financial problems, including the loss of a major commercial ratable, the Township Committee, for reasons of economy and efficiency, was forced to lay off ten (10) full-time employees and reclassify five (5) other full-time employees to part-time employment on January 21 and 24, 2011 respectively; and

WHEREAS, Junior Engineer William Eannucci was one of the five (5) full-time employees reclassified from thirty-five (35) hours a week as a full-time employee to thirty (30) hours a week as a part-time employee without benefits; and

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WHEREAS, during the layoff and reclassification public hearings, the Township Committee stated that if the Township's economic and financial picture improved, it would consider, based on the needs of the Township, the reclassification back to full-time of any part-time employee affected by the January 24, 2011 reclassification plan; and

WHEREAS, as a result of the layoff and reclassification plan, the Engineering Department's staffing level was reduced from six (6) full-time employees to three (3) full-time employees and two (2) part-time employees; and

WHEREAS, in order to keep pace with new and outstanding capital projects and the need to provide inspections of both public and private sector developments, the Township Engineer has requested the reinstatement of Junior Engineer **William Eannucci** to full-time status as a thirty-five (35) hour a week employee; and

WHEREAS, in view of the Township's improved financial position and the availability of sufficient funds in the Township's 2015 Current Fund Salary and Wages Budget, the Township Committee, in consideration of the Engineering Department's significant workload, has agreed to reclassify **William Eannucci** from a thirty (30) hour a week employee to thirty-five (35) hours a week effective April 1, 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. The governing body hereby reinstates Junior Engineer **William Eannucci** as a full-time, thirty-five (35) hour a week employee assigned to the Engineering Department effective Wednesday, April 1, 2015.
2. As a full-time employee, **Mr. Eannucci** shall receive an annual salary of \$83,254.00 at Step 5 under Job Group Classification IX of Schedule "B" of Salary Ordinance No. 23-14.
3. At the time of his reclassification on January 24, 2011, **Mr. Eannucci's** 202 earned and accrued sick leave days were frozen. With his reinstatement to full-time employment, **Mr. Eannucci** is eligible to utilize the 202 sick leave days and begin earning and accruing additional sick leave days in accordance with Section 61-11.A.(1) under Chapter 61 of the Code of the Township entitled "Sick Leave".
4. Pursuant to Section 61-10. Entitled "Vacations" under Chapter 61 of the Code of the Township, **Mr. Eannucci**, as a thirty-four (34) year employee, shall also be entitled to receive twenty-five (25) vacation days during calendar year 2015 and each year thereafter, and the one (1) paid personal leave day granted to all full-time, civilian, non-union employees.

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5. In accordance with the New Jersey Pension & Health Benefits Reform Act, P.L. 2011, c.78, **Mr. Eannucci** shall be eligible to receive health benefits coverage commencing June 1, 2015. Pursuant to the provisions of Chapter 78, **Mr. Eannucci** shall be required to pay a percentage of the health benefits coverage cost.
6. Pursuant to the policy requirements of the North Jersey Health Benefits Fund, **Mr. Eannucci** shall be eligible to receive dental benefits coverage after six (6) months of full-time employment.
7. As a reinstated full-time employee, **Mr. Eannucci** shall be entitled to receive all other economic and non-economic benefits prospectively upon reinstatement on April 1, 2015 in accordance with Chapter 61 of the Code of the Township, the Township's Personnel Policies and Procedures Manual and consistent with controlling law currently in effect pertaining to such economic and non-economic benefits.
8. That certified copies of this resolution shall be transmitted to **Mr. Eannucci**, the Township Engineer and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 52-15

A RESOLUTION OF THE TOWNSHIP COMMITTEE ENDORSING THE SUBMISSION OF A MORRIS COUNTY HISTORIC PRESERVATION TRUST FUND 2015 CONSTRUCTION GRANT APPLICATION IN THE AMOUNT OF \$20,000.00 FOR THE PURPOSE OF PRESERVING HEADSTONES AT THE TOWNSHIP'S HISTORIC WHIPPANY BURYING YARD AND FURTHER PLEDGING A \$5,000.00 CASH MATCH

WHEREAS, the Township of Hanover is the owner of the historic Whippany Burying Yard, (hereinafter referred to as the "Burying Yard") also known as the Whippany Cemetery, located on the southerly side of New Jersey State Highway Route 10 eastbound, is the earliest colonial graveyard in northwest New Jersey; and

WHEREAS, the establishment of the Burying Yard in 1718 predates the founding of Hanover Township and Morris County, and is the site of the first school and church in the County of Morris; and

WHEREAS, the Township's Landmark Commission, in keeping with the purpose and intent of its creation to protect, enhance and preserve sites and structures which exhibit historical, architectural or cultural significance, serves as the "caretaker organization" over the Burying Yard; and

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WHEREAS, age and weather conditions have taken their toll on many of the gravestone monuments/markers at the Burying Yard; and

WHEREAS, as a result of the deterioration and disintegration of various headstones, the Landmark Commission proposed a long term plan to stabilize, restore and preserve various interment monuments, gravestones and markers; and

WHEREAS, to achieve the goals and objectives of preserving and restoring various headstones at the Whippany Burying Yard, the Township retained the services of artisans having experience and expertise in the repair, rehabilitation and restoration of gravestones; and

WHEREAS, since 2002, the Township has completed five (5) phases of successfully preserving and restoring forty (40) headstones at the Cemetery; and

WHEREAS, the Landmark Commission is interested in continuing work to restore and preserve additional gravestones at the Cemetery; and

WHEREAS, the Landmark Commission has selected twenty-five (25) "top priority" gravestones in need of restoration as identified in the Whippany Burying Yard Historic Preservation Plan; and

WHEREAS, the Landmark Commission, with the support and endorsement of the Township Committee, is applying to the County of Morris for a 2015 Construction Grant in the amount of \$20,000.00 to be applied toward the \$25,000.00 project cost to continue its work in protecting and preserving the artifacts of an important historical Township and County landmark; and

WHEREAS, in support of the Township's application for a \$20,000.00 grant through the Morris County Historic Preservation Trust Fund, the Township Committee commits to a match of \$5,000.00 in cash, or 20% of the total project cost of \$25,000.00.

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

1. The governing body hereby endorses and supports the submission of a 2015 Construction Grant Application in the amount of \$20,000.00 to the County of Morris' Historic Preservation Trust Fund. The purpose and intent of the Grant Application is to assist the Township in continuing its work to restore and preserve additional gravestones at the Township's historic Whippany Burying Yard.
2. To support the work to be performed under the Grant Project, the governing body commits and guarantees a \$5,000.00 cash match, or 20% of the \$25,000.00 project cost.

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3. That a certified copy of this resolution shall be submitted to the County of Morris along with the Grant Application, to the Landmark Commission, Acting Township Engineer and Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 52-15

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>
701	14.01		Michael I. Schneck Esq. Attorney for Saddle Rose LLC 301 South Livingston Ave, Suite 105 Livingston, NJ 07039 Location: 8 Saddle Road Reserve for Tax Appeals	\$4,335.00
1302	5		Banghvar Luor & Shu Chun 40 Summit Ave Cedar Knolls, NJ 07927	\$1837.14
1702	12.02		Burns & Schaffer Attorney Trust Account 17 Hanover Road, Suite 230 Florham Park, NJ 07932 Location: 220 Ridgedale Ave Reserve for Tax Appeals	\$18,511.00
2104	4		Michael A Vespasiano Attorney Trust Account 331 Main Street Chatham, NJ 07928 Location: 7 East Frederick Place Reserve for Tax Appeals	\$19,435.00
2905	2		Nelson & Christine Cantor 9 Boulevard Road Cedar Knolls, NJ 07927	\$1425.43
3901	31		Nicole A. Bayman, Esq. At Drinker, Biddle & Reath 105 College Road East PO Box 627	

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Princeton, NJ 08542-0627
Location: 35 South Jefferson Road
Reserve for Tax Appeals \$64,346.00

5901 16

Michael I Schneck, Esq.
Attorney for Lewis Irving Rothman 1998 Trust
301 South Livingston Ave, Suite 105
Livingston, NJ 07039
Location: 301 Route 10
Reserve for Tax Appeals \$24,868.00

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

RAFFLE APPLICATIONS:

RL – 2827 – Morris Plains Home & School Assoc. – 50/50 on premise
RL – 2828 – Morris Plains Home & School Assoc. – Tricky Tray Casino Night

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

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of \$5,129,190.29 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 Gallagher and unanimously passed.

A copy of the bill Payment List – by Vendor has been incorporated in the Supplemental Minute Book – Payment of Bills which is on file in the Township Clerk’s

OTHER BUSINESS

Mr. Brueno: One brief item regarding the fireworks, we are going to be moving the venue because the turf field is going to be installed at the High School and construction going on and so forth, so we settled at Veteran’s Field which is right across the street on July 1, 2015, hopefully everybody will be able to make it. We have some work to do on the logistics but we look forward to the fireworks continuing as always here in Hanover.

Mr. Gallagher: First of all it looks like I think the winter might be coming to a close, I’m not going to say any more than that, I think we are in pretty good shape,

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maybe one more storm, but listen I said last year, I sat up here and listen to Bob Brueno refer to the polar vortex and I don't know what this winter would be classified as but it was long and I just want to say the DPW once again was fantastic. We had a lot of ice, more ice than we did snow and our town we had a lot of black top, the guys did a great job and we all appreciate everything they did.

The only other thing I want to report, is Tuesday, School and Park Traffic Safety Advisory Committee had a public hearing at Mountview Road School, we all got together and we listened to a number of concerned residents and got some very good suggestions and some feedback on the improvements that we already made and I just want to thank the township committee once again cause it feels pretty good to stand in force with a bunch of people trying to achieve the same thing and we really feel we are making an impact and so does the residents, so thank you everybody on the Committee and thank you Mayor. We laid out the goals for 2015 you will see those improvements shortly.

OPEN TO THE PUBLIC

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

_____: Inaudible

Mr. Brueno: We are going to be meeting next Friday, Mr. Kemer and that could become somewhat a challenge we are going to be looking some combination of the Birchwood, Stoney Brook, maybe run some shuttle vans, we have a little work to do there but we determined that the event will go on.

_____: Inaudible

Mr. Brueno: We are anticipating that there is going to be some planning that has to go into it, but we are determined to make it work, we need to maintain out patriotism.

Mayor: I just want to make one comment before we close, I'm always upset when we have a resident that leaves and may not feel that they got satisfactory answer by being here, but I encourage everybody to be here and to comment etc., the young lady, the women that just spoke on behalf of the trees that they are being taken down has been on social network for most of the afternoon, two hours maybe more three and is now here, I guess what I'm trying to say is in our best explanation to some of our citizenry is not going to be accepted, and that's certainly her prerogative and anyone's prerogative, but I'm not happy that the individual did not come away feeling that she got a satisfactory answer, it is not though the Township Committee is out to destroy our environment, all of these aspects of the tree life and I believe me I was out on the site there this afternoon, as I even commented to Tracy, and looked at trees that could make you cry that had to come down. So, again, I'm disturbed by that, nothing I can do about that, come with the territory what can I say, I'm sure she will not be happy in event, so having said that

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Motion to adjourn made by Member Ferramosca and seconded by Member Gallagher.

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

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

Joseph A. Giorgio, Township Clerk