

APRIL 9, 2015

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, April 9, 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

**CONTINUATION OF MARCH 12, 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).

Mayor: In proceeding now, you as of our last meeting, your last testimony from
Mr. John Sumas, and I believe you have completed testimony with him at that time. So
is that the sum of the case on Shop Rite's side at this point?

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Mr. Scrivo: It is.

Mr. Semrau: Mayor, if I may, I would like to ask Mr. Scrivo two things, we have already resolved the issue that the Person-To-Person Transfer he's made the request that he wants it to be considered at the same time as the Place-To-Place Transfer, that is one thing that I want to clear up for the record, correct Mr. Scrivo?

Mr. Scrivo: That is, well, the answer is yes, as of now the answer is yes, we would like it to be heard together. That may change in the future but as it relates to, I think I sent an email to the Township Attorney today that if we conclude the hearing tonight, and I don't know if we will, because of some information the Township Attorney informed me, we would like it voted on together, if we conclude the hearing on the 23rd we would like it heard together. If we don't conclude on the 23rd we may have to revisit that.

Mr. Semrau: I indicated that Chief Gallagher who has written the report, we've indicated that he would give testimony regarding this matter, he is physically not able to be here this evening so there is still going to be testimony that is going to be put on according to Mr. King the Township Planner, but the only other thing I just thought would be important to ask, as I'm here to just provide legal input to this governing body to any questions that they may have, Mr. Scrivo under the Plenary Retail Consumption License which is 33:1-12 the law says that the license shall not be permitted to be issued for the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drug store, other mercantile business, except as here in provided and then the Statute, as I'm sure you are familiar with it, goes on to delineate certain types of establishments where the license can be issued in places such as bowling alleys, hotels, where there is sales of cigars and things of that nature, but it appears to be, when you go back and look at the statute, it clearly defines that grocery stores, this type of license is not permitted in a grocery store and the only case that I was able to find on this was Central County's Retail Liquor Stores v. The Municipal Counsel of Edison Township, this goes back to the Appellate Division in 1961, 68 N.J. Super., 35; in that case it was a Bamberger's or Macy's Store that wanted to have a bar to sell liquor consumption type license and the court cited this statute and said you can't have a bar where this type of operation is going on specifically if there is grocery, delicatessen or drug store or any other mercantile business, so I just thought it would be important that I bring this to your attention to see if you had any comments or anything that you want to put in the record regarding this actual statute from the limitations, I don't see, the governing body at some point I would advise them that on it's face it doesn't permit consumption licenses in grocery stores. Anything you want to add?

Mr. Scrivo: Mayor, through you, I would be happy to look at that and look at the case, I haven't seen it, so I would be happy to look at it.

Mayor: You are not familiar with what he just cited.

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Mr. Scrivo: Not the case that he referred to by the Township Attorney, but I will be happy to look at it, I could provide something in writing to the governing body or in a break I could take a look and provide something.

Mr. Semrau: But again, it's right in the actual Statute 33:1-12 which you made the application for, just so.

Mayor: Can I ask, as of this date has anything changed within Shop Rite's request regarding wanting both abilities to serve spirits inside the grocer, I'll describe as inside the grocer portion as the oyster bar and both the patio area which is more of a dining section outside, so your position is still that you wish to use the license in both places?

Mr. Scrivo: Yes Mayor, the application is as the governing body recalls was, I wouldn't say the application, but the plan was amending after the first hearing to put up or to take out the thru-fare in the oyster bar area and to make that completely walled around that oyster bar where the door that would close automatically and we are also seeking to have the consumption license in both the oyster bar area as well as what is commonly referred to as the patio area, so no, that has not changed since, other than the fact that we changed the plan a little bit the request is still the same.

Mayor: Is the same. The characteristics once again, just for some I know some of this might be reiteration, but the patio area to our understanding and I think I personally visited there, and, by the way, your security is very good, they followed me all over the store,

Mr. Scrivo: Not because you're the Mayor.

Mayor: Obviously, and the patio area, indicated to me that the windows of that area are, they were open at the time, so they can be opened and accessed to the outside directly.

Mr. Scrivo: Actually Mayor, it's a complete retractable wall, so the wall moves

Mayor: I'm talking about the outside portion.

Mr. Scrivo: Yes, I think we are talking about the same thing

Mayor: Facing the parking lot?

Mr. Scrivo: Correct.

Mayor: That is a moveable wall?

Mr. Scrivo: That is correct, it's a moveable wall, those are not windows, that is a glass moveable, retractable wall.

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Mayor: Well then, my question goes to the fact that could it be secured in some way that there was no access or window, or anything else from that outside wall?

Mr. Scrivo: I believe there was testimony during the hearing that as a matter of policy practice and custom that Village houses some security person in that area when that wall is open, so that is the number one and number two is the plan as presented to the governing body included, what I will call a portable fence that would be placed in that area, the exhibit is there, Mr. Pavese testified about as you said Mayor when the wall is open this is what it looks like, and this fence is proposed to be also set up a barrier for people to come in along with the security that is located in that area where the wall is open.

Mayor: Would that allow for outdoor table service of anything outside that wall? It is not your intention to use that fence as your perimeter?

Mr. Scrivo: No, the perimeter would be the actual perimeter of the foot print of the building.

Mayor: Before we continue, I would like to know if there are any other questions or any other comments from the Township Committee or is everyone satisfied at this juncture, that we have sufficient testimony?

Mr. Semrau: For the record, Mayor, the applicant has rested their case, except for the fact that we would like to hear from Mr. Scrivo about his legal position with respect to what was raised I think in fairness that's going to be something that I am going to raise to this governing body and I want him to have the opportunity to speak to that, that is from a straight legal argument, from that standpoint, he has rested all of his testimony, so then it would be up to Mr. King if there is any information he wants the governing body to hear.

Mr. King, Counsel: I would advise you I am _____ Chief's testimony, so we are reserving our rights to bring him back _____. However, with regard to the Town's Planner we will be asking some questions

Mayor: Peter do you want to go over your credentials for the Township and the record.

Peter King, I am a licensed attorney for the State of New Jersey, with various certifications State Supreme Court, I've had various awards of work awards, zoning awards, historic commissions.

Mr. Ferramosca: Moved to accept.

Mayor: Peter, thank you.

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Mr. Scrivo: Are we going to swear him in?

Mr. King: Do you swear the testimony you are about to give before this Board is the truth so help you God?

Mr. Brancheau: Yes I do.

Mr. King: Can you give us your background of your experience and who you are employed by?

Mr. Brancheau: I am employed by the Village of Ridgewood and I work with the Township of Hanover as the Municipal Planner under Shared Service Agreement. I have before being employed by the Village of Ridgewood I was a consultant to the Township or working under the Shared Service Agreement for about 25 years. Since about 1990; and basically handle all the Planning Board matters, Board of Adjustment cases, I assist the governing body in the draft team and review board cases.

Mayor: Motion to accept him as the Planner.

No objections.

Mr. King: Sir, you testified that you have been employed by Hanover Township is that correct?

Mr. Brancheau: Yes.

Mr. King: And, how many years have you worked there?

Mr. Brancheau: As a consultant and under the current Shared Service Agreement about 25 years.

Mr. King: And, do you recall an application being made at the Planning Board of Hanover Township regarding Shop Rite.

Mr. Brancheau: Yes I do.

Mr. King: And, that Shop Rite is the property in question is that correct?

Mr. Brancheau: Correct.

Mr. King: And, what was the requested they were approved for at the Planning Board hearing?

Mr. Brancheau: There was actually two separate hearings, one was the main Shop Rite building and site development which involved three separate buildings, one

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was the Shop Rite Building the other was a retail pad and the third building was a drive in bank.

Mr. King: What is the zone?

Mr. Brancheau: IB3.

Mr. King: What are the permitted uses in that zone.

Mr. Brancheau: Generally, the zone permits a variety of industrial office uses and it also permits a retail shopping center under certain circumstances.

Mr. King: And, with regard to a supermarket, is that a permitted use?

Mr. Brancheau: Yes it is.

Mr. King: And was that part of the application?

Mr. Brancheau: Yes it was.

Mr. King: And could you tell us about that?

Mr. Brancheau: Well, yes, the application ran several meetings and hearings, there was testimony by various witnesses, testimony concerning everything from site engineering to traffic to architecture to the use itself, parking issues, environmental issue related to storm water, a variety of subjects were covered and it went several hearings.

Mr. King: With regard to the uses of the proposed use?

Mr. Brancheau: The proposed use was like I said Shop Rite, it was a proposed use, a drive in bank, a specific bank unknown, and various potential retail tenant, again unknown in the retail building.

Mr. King: Was there ever a proposed bar in that location?

Mr. Brancheau: At the time of the application, the applicant was proposing what was called a bistro which is what I think what has been referred to tonight as the patio area.

Mr. King: Is that the café area?

Mr. Brancheau: Yes.

Mr. King: And, there is testimony that that was not going to be a full service kitchen, is that correct?

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Mr. Brancheau: I believe so.

Mr. King: Was there testimony how many tables would be in this area?

Mr. Brancheau: There may have been, I don't remember that specific detail.

Mr. King: Would 130 seats would that number

Mr. Brancheau: I have the floor plan here from the hearing I can check that, but I don't remember.

Mr. King: With regard to having alcohol being served, was that ever a discussion about that?

Mr. Brancheau: Yes there was. I think in the testimony it was first described and there were questions, I myself ask questions about the serving of alcohol at one meeting and at a subsequent meeting there were additional questions about the serving of alcohol by Board Members.

Mr. King: Isn't it a fact that Mr. Pavese testified that liquor would not be served at the Bistro Café?

Mr. Brancheau: I don't remember specifically, where it would be served. I remember there was a bistro café there was some seating inside the building, there was no oyster bar at that time, I do know there was testimony about the serving of alcohol, but I don't remember whether it was fully inside only outside or both.

Mr. King: But that was not permitted action wasn't that correct?

Mr. Brancheau: What was not a permitted action?

Mr. King: Serving alcohol at that time (inaudible)

Mr. Brancheau: The ordinance was silent on that issue from a zoning perspective, so it was I guess it's a debatable question as to whether it was an accessory use to a grocery store, but the ordinance did not throw a hard line in that issue.

Mr. King: With regard to accessory uses, a restaurant would not be an accessory use to a supermarket would it?

Mr. Brancheau: Not normally.

Mr. King: And, with regard to a sitting area, or that bistro area, would that be an accessory use?

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Mr. Brancheau: I would say it could be, we see today supermarkets where fresh food is served, salad bars, soup, bakery goods where you can go and buy then and even eat them at the grocery store, so a certain degree of food service, I would say is accessory to a grocery store.

Mr. King: Is that what the café area was?

Mr. Brancheau: It's not really that; it was more like a restaurant than a salad bar type.

Mr. King: With regard to the café area, that was approved as an accessory use to get prepared food brought in and consumed, is that correct?

Mr. Brancheau: Yes.

Mr. King: It wasn't approved as a full service kitchen, is that correct?

Mr. Brancheau: Not to my recollection. No.

Mr. King: With regard to, are you familiar with the case of _____ decision by Judge Weisenbeck of the Stop and Shop Supermarket vs. The Planning Board of Hanover, Hanover and Horsehill Development LLC?

Mr. Brancheau: Somewhat.

Mr. King: And have you ever read that decision?

Mr. Brancheau: I read it when it first came out.

Mr. King: I'm going to mark the document as H for Hanover 1. Sir, let me show this as marked as "H1", can you tell me what that document is?

Mr. Brancheau: That looks like the Court decision from the case that you just cited.

Mr. King: Is that the document that you testified that you did review?

Mr. Brancheau: I believe so yes.

Mr. King: I want to draw your attention to page 11, the sixth sentence, can you please review that?

Mr. Brancheau: 6 from the bottom? I wasn't at all of the hearings, I was at some of the hearings, and I know I questioned the witness on the subject, but I wasn't at all of

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them, so I don't know whether, I don't remember this statement but it may have been stated when I wasn't there.

Mr. King: What is that statement?

Mr. Brancheau: It is referring to the serving of liquor of the bistro café.

Mr. King: Can you read that?

Mr. Brancheau: It says "Mr. Pavese testified that liquor would not be served at the Bistro Café.

Mr. King: And, that is part of the record is that correct?

Mr. Brancheau: Correct?

Mr. King: And, that is part of a court order, court decision?

Mr. Brancheau: Yes,

Mr. Semrau: Mr. King, is that part of the Court's actual opinion?

Mr. King: Yes it is, it is an opinion in the case of Stop and Shop Supermarket, LLC vs. Planning Board of Hanover July 11, 2013 MRS-L-2480 from Thomas L. Weisman.

Mr. Semrau: So it's actually the decision, not testimony, actual decision of the court.

Mr. King: It's the decision of the court, the zone the transfers of Planning Board hearing.

Mr. Semrau: What page is that statement at?

Mr. King: It will be page 11 and it's the 6 or 7th line up.

Mr. Scrivo: Does Counsel have another copy?

Mr. King: I can get it to you.

Mr. King: From a planning perspective, it is important for the Planning Board to have all of the information about a subject site before it makes a decision?

Mr. Brancheau: Yes it is.

Mr. King: And there was no testimony given with regard to alcohol being served in the center of this grocery store, was there?

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Mr. Brancheau: Not to my knowledge, no.

Mr. King: And with regard to the café area, there was no discussion about alcohol being served there?

Mr. Brancheau: There was a discussion about alcohol being served; I don't remember the precise location.

Mr. King: But we just read a statement where a gentlemen who _____ by the applicant testified that they were not going to serve alcohol.

Mr. Brancheau: Well, I said in the court not in the bistro area, there was a seating area, there is a wall separating the supermarket from the bistro area, there was one in the site plan application, there was a sitting area just inside the wall right next to the patio area, where there was also seating for dining and it could be that the alcohol was intended to be served there.

Mr. King: But it was never intended to be a bar?

Mr. Brancheau: Not to my knowledge, no.

Mr. King: And based upon your experience and training, there is different requirements for a bar with regard to parking, security measures, etc., is that right?

Mr. Brancheau: Yes.

Mr. King: Those items were not presented before or discussed with the Planning Board?

Mr. Brancheau: There were questions about the serving of alcohol and how that was going to be done in a manner that would avoid problems.

Mr. King: But that was never part of the Planning Board resolution was it?

Mr. Brancheau: There is nothing in my knowledge about the serving of alcohol in the resolution.

Mr. King: With regard to the site, are there any other additional uses they have on the site that were not brought up at Planning Board?

Mr. Brancheau: Inside the building, inside the Shop Rite building, because I don't know any other uses yet, at the site that are operating, I believe that since the approval there is like a fitness center and a child care center that I don't recollect from the site plan application inside the building.

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Mr. King: And, where there any applications to the Zoning or Planning Board to have these uses, the day care or the fitness center?

Mr. Brancheau: Not to my knowledge.

Mr. King: And it is important for the Planning Board to have heard that information having to come up with a decision.

Mr. Brancheau: It could be, it could have affected parking requirements, it could have affect use issues and signage.

Mr. King: Would it reduce the need for parking?

Mr. Brancheau: I can't say without really evaluating how the operation would be run, whether it would be attracting people who are not already there shopping or whether it was only intended for the people who are already at the site.

Mr. King: And with regard to serving of alcohol would that effect the number of bathrooms required?

Mr. Brancheau: It could.

Mr. King: And with regard to the parking, but the serving of liquor could potentially affect the number of people coming to the facility?

Mr. Brancheau: It is possible, that I really don't have an opinion.

Mr. King: With regard to the Township's Ordinances is a bar or the consumption of alcohol at that site is there any ordinance that prohibits that?

Mr. Brancheau: Well there is an ordinance that requires that the serving of alcohol for consumption be done at a restaurant, in a bar, which is separate from other uses, either by a solid wall or a separate building.

Mr. King: Are there such places designated at the Planning Board when approvals were obtained for such areas, separate areas for bars, restaurant, etc.

Mr. Brancheau: No

Mr. King: With regard to the approval for this given, was it for a grocery store?

Mr. Brancheau: It was for a supermarket, yes. It was primarily grocery, but also a garden center, there was a delicatessen, there was rental of trailers and so forth, there was (interrupted)

Mr. King: A drug store?

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Mr. Brancheau: I think so, but I don't quite remember that one.

Mr. King: But it wasn't, there was no approvals given for a restaurant was there, where food can be served

Mr. Brancheau: Not specifically, no it was possible that a restaurant could go into one of the retail buildings, but those tenants were not identified at the time of site plan.

Mr. King: And, when you talk about potential restaurant, there are these other buildings in front of the store.

Mr. Brancheau: It's one of those buildings, one was a bank and the other like I said, was what is called a spec building for potential retail tenants.

Mr. King: So your testimony about a potential restaurant, you are giving that in response to a potentially outside of the main supermarket in one of the small pad sites?

Mr. Brancheau: Yes.

Mr. King: Then this area in question wasn't a social club was it?

Mr. Brancheau: No

Mr. King: You have heard, you have been here for the testimony of previous testimony by the applicant and you have heard that there are cooking classes that are being given in this area, is that right?

Mr. Brancheau: I believe so.

Mr. King: Was there any discussion at the Planning Board about that?

Mr. Brancheau: I don't remember, to be honest.

Mr. King: With regard to any types of the facility that serves alcohol is there a requirement to your knowledge about the staffing or the parking calculations taken to the number of persons that would be required to staff that type of operation?

Mr. Scivo: I'm sorry what type of operation?

Mr. King: One that serves alcohol

Mr. Brancheau: I don't believe the parking requirements for a restaurant/bar are based on seating not based upon staff.

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Mr. King: At this time, I have no further questions.

Mayor: Counsel do you want an opportunity of this witness, if not I would like a two minute recess? Or do you want to continue with him.

Mr. Scivo: We can take a brief recess, but he is under oath, and probably shouldn't be questioned.

Mayor: Two minute recess.

Mr. Giorgio: Motion to reconvene, we will note for the record that we are back in session, 8:06pm, motion to reconvene unanimously passed. Meeting is now back in session.

Mayor: Blais you are still under oath and counsel is going to have the opportunity to cross examine.

Mr. Scivo: Thank you Mayor, Mr. Brancheau I think you testified that the Shop Rite is in the IB3 zone correct?

Mr. Brancheau: Yes.

Mr. Scivo: That is contained in Section 166-203.5 of your Code?

Mr. Brancheau: I have to look it up, by I'll take your word for it.

Mr. Scivo: If you'll take my word for it, we could probably go through things quicker. And one of the permitted uses in that zone is industrial uses, correct?

Mr. Brancheau: Yes.

Mr. Scivo: And, another permitted use are retail sales establishments including supermarkets, correct?

Mr. Brancheau: Correct.

Mr. Scivo: Food, beverage and liquor stores are also permitted in that zone, correct?

Mr. Brancheau: Yes.

Mr. Scivo: In addition to that, eating and drinking establishments such as but not limited to restaurants and bars are permitted uses in that zone, correct?

Mr. Brancheau: Yes.

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Mr. Scrivo: Now prohibited uses include drive in restaurants, correct?

Mr. Brancheau: I believe so, I have to look it up.

Mr. Scrivo: I can provide you with a copy

Mr. Brancheau: I have the Code with me, do you want me to look it up? I will.

Mr. Scrivo: If you have any reason to deny what I'm saying.

Mr. Semrau: Mr. Scrivo, would it help if you have a series of questions regarding that section of the Code, maybe he ought to just open to that section of the Code, so he has it in front of him.

Mr. Scrivo: Sure.

Mr. Brancheau: I'm there.

Mr. Scrivo: There are also outdoor business activities are prohibited.

Mr. Brancheau: Yes and no.

Mr. Scrivo: Let's skip that one, because I think where you are going, and why enter into that academic debate.

Mr. Brancheau: I don't think we need to go there.

Mr. Scrivo: Motor vehicle sales are prohibited use in that zone?

Mr. Brancheau: Yes.

Mr. Scrivo: Now, you testified before that there, I believe you said there is an ordinance, I'll get your exact words, "there is an ordinance that prohibits alcohol consumption under certain conditions" in response to Mr. King's question, is that correct?

Mr. Brancheau: Yes.

Mr. Scrivo: Now let's go back in a little bit of time prior to October 9th, 2014 at the time Village filed its application, was there an ordinance that prohibited what you say is prohibited which is the sale or consumption of alcoholic beverages in that zone at all.

Mr. Brancheau: Not at that time no

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Mr. Scrivo: And in connection with other zones is there an ordinance in the town that prohibits the serving of alcoholic beverages in consumption in any other zone in town?

Mr. Brancheau: Not to my knowledge.

Mr. Scrivo: Now you did however testify that there is an ordinance that prohibits the sale or the service of alcoholic beverage for consumption in the IB3 zone, correct?

Mr. Brancheau: Yes.

Mr. Scrivo: And that Ordinance, you didn't identify in response to questions from Mr. King, but do you know what that ordinance is?

Mr. Brancheau: Ordinance 29-13.

Mr. Scrivo: 39-14 I think?

Mr. Brancheau: There were two amendments of that zone. You are right, its 39-14. 29-13 was the other one.

Mr. Scrivo: Now that ordinance, it adds to the schedule of prohibited uses in the IB3 zone, correct?

Mr. Brancheau: Yes.

Mr. Scrivo: It adds letter K, correct?

Mr. Brancheau: Yes.

Mr. Scrivo: And previously there had been up to K but the Township added an addition prohibition, correct?

Mr. Brancheau: Yes.

Mr. Scrivo: Now do you have that language in front of you?

Mr. Brancheau: Yes I do.

Mr. Scrivo: And so, if you would read along with me, it prohibits the serving of alcoholic beverages for consumption on the premises, unless as an accessory to an eating or drinking establishment that is a separate use. Did I read that correctly?

Mr. Brancheau: Yes.

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Mr. Scrivo: Then it has two provisions, and A is located in a separate building from any other business establishment on the same premise or B is separated from any other business establishment on the same premises by a continuous wall that does not allow access between such business establishments. Did I read that correctly?

Mr. Brancheau: Yes you did.

Mr. Scrivo: Now would you agree with me that this addition to the schedule of prohibited uses by the Township really prohibits an activity as opposed to what I will call the first series of uses that are prohibited which are actual uses, for example, storage yards, fuel oil dealers, residential construction, or conversation, would you agree with me that this deals with a specific aspect of a use as opposed to an overall use, in normal planner concepts?

Mr. Brancheau: There is not a clear line between a use and an activity or another way of putting it, there is not a clear line between a use and how a certain use is operated or conducted, it is not prohibiting the serving of alcohol at all, it's prohibiting the serving of alcohol under certain circumstances. For example, retail uses prohibit unless it is on 10 acres. So retail use is not prohibited, but there are certain conditions that go with that retail use, so it's sort of same type of thing, its' not the use per say but it's the circumstances under which the use is allowed.

Mr. Scrivo: You would agree with me that prohibiting a retail use unless it is 10 acres is kind of a normal bulk type of criteria right? I wouldn't say the exact same dimensions, but conditioning certain activities to the size of the property, is a standard bulk.

Mr. Brancheau: I would say lot size is a bulk standard.

Mr. Scrivo: The serving of alcoholic beverage for consumption and the language that is now contained in Section K is not a standard bulk criteria, you would agree?

Mr. Brancheau: I would agree.

Mr. Scrivo: Now, this ordinance was introduced by the governing body on September 11, 2014, are you aware of that?

Mr. Brancheau: Yes, I am.

Mr. Scrivo: And, are you aware that was sixteen days after Village filed its' application here for the consumption license.

Mr. Brancheau: I am aware it was after, I didn't count.

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Mr. Scrivo: Now had this been a topic of discussion within the Township to limit the service of alcoholic beverages in the IB3 zone for some time leading up to the filing of Villages application?

Mayor: I think that is an unfair question for the Planner.

Mr. Scrivo: Well you are involved with changes to the Zoning Code, are you not?

Mr. Brancheau: I'm not aware of all discussions that are held, I was aware there were some concerns like I said before the site plan hearing, when it was learned that alcohol was being served and there was concern that there could have some potential problems within the Town, and they wanted to make sure it would be done without those problems. So in essence, yes, there was discussion and there was concern even before the project was built. But, as far as to what discussions and how many I don't know, but I do know there were some concerns.

Mr. Scrivo: As it relates to changes to the Zoning Code or Bulk Standards, are you typically involved in some aspect at some point?

Mr. Brancheau: Yes, I am.

Mr. Scrivo: And, prior to Village's filing of the application, had been involved in any drafting of an ordinance like 39-14 that would prohibit such activity?

Mr. Brancheau: No, I was not.

Mr. Scrivo: And, is part of your role as the Township Planner do you typically engage in on an ongoing review of the Township Code and the zoning standards to determine whether any amendments should be made to?

Mr. Brancheau: To some degree yes.

Mr. Scrivo: And, prior to Village filing this application had you taken any activity with respect to Ordinance 39-14?

Mr. Brancheau: No, I had not.

Mr. Scrivo: Had you made any recommendations to the governing body?

Mr. Brancheau: No, I had not.

Mr. Scrivo: Had you made any recommendations to the Planning Board?

Mr. Brancheau: No, I had not.

Mr. Scrivo: Had you even thought about a concept such as 39-14?

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Mr. Brancheau: Um, I had only as I said, questioned the applicant on the serving of alcohol at a grocery store during the site plan, that was the extent of my questions and discussion.

Mr. Scrivo: And after you questioned the applicant at the Planning Board level there was nothing that caused you to raise the issue of an Ordinance like 39-14 with the governing body, right?

Mr. Brancheau: Can you repeat the question?

Mr. Scrivo: Sure, you testified just before that you did raise questions at the Planning Board level with regard to the service of alcoholic beverages, correct?

Mr. Brancheau: Yes.

Mr. Scrivo: And, you received responses to those questions, correct?

Mr. Brancheau: Yes.

Mr. Scrivo: And, after you received responses to those questions and the Planning Board approved the shopping center, you didn't take any action within the Township to create Ordinance 39-14 up until the time Village filed the application, is that correct?

Mr. Brancheau: That is correct.

Mr. Scrivo: Now, did you prepare Ordinance 39-14?

Mr. Brancheau: Yes, it did.

Mr. Scrivo: And, when did you prepare that?

Mr. Brancheau: It was shortly before that hearing or meeting where it was introduced.

Mr. Scrivo: So it was introduced on September 11th, you testified previously that you had no knowledge or understanding or activity with respect to 39-14 or anything like it prior to the Village filing it's application which I will tell you was August 25th. How long after August 25th were you requested to prepare the Ordinance?

Mr. Brancheau: I don't remember the exact timing, it was shortly before the hearing.

Mr. Scrivo: And, who requested you to prepare this?

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Mr. Brancheau: The Township Administration.

Mr. Scrivo: And were there any parameters that were provided to you with respect to the preparation of 39-14?

Mr. Brancheau: There were concerns about the serving of alcohol in an environment that one would not normally expect it to be served.

Mr. Scrivo: Were you given any more information than to address a concern regarding a service of alcohol in a circumstance where it wouldn't otherwise ordinarily require to be served?

Mr. Brancheau: Well I was aware of Shop Rite's application.

Mr. Scrivo: How did you become aware of Shop Rite's application?

Mr. Brancheau: I don't remember the exact circumstances where I became aware.

Mr. Scrivo: So, when you say circumstances that don't normally require or aren't normally associated with the service of alcoholic beverages, what are you referring to?

Mr. Brancheau: I'm referring to an Oyster Bar in the middle of a grocery store for example.

Mr. Scrivo: So, is it fair to say then the preparation of 39-14 was created to address the concerns that were being raised with respect to the Oyster Bar and the patio and what we are addressing here?

Mr. Brancheau: I can't say the patio for sure, but certainly I think the internal service of liquor inside the grocery store.

Mr. Scrivo: At the time you prepared 39-14 did you have a copy of Village's application for the transfer?

Mr. Brancheau: I don't remember.

Mr. Scrivo: At the time you prepared 39-14 did you understand generally what Village was applying for with respect to the service of alcoholic beverages?

Mr. Brancheau: Generally, yes.

Mr. Scrivo: Did you understand that there were generally two areas where Village was seeking to serve alcohol on the premises?

Mr. Brancheau: I don't have recollection of how many areas.

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Mr. Scrivo: Other than getting this information from the Township Administrator had you spoken to anyone else with in the Township, not the Attorney.

Mr. Brancheau: No I didn't speak to other staff.

Mr. Scrivo: Now, when the amendment to the Zoning Code IB3 District is made is there a requirement that this go to the Planning Board?

Mr. Brancheau: It has to be referred to the Planning Board under the law.

Mr. Scrivo: And, this was referred to the Planning Board, correct?

Mr. Brancheau: Yes, it was.

Mr. Scrivo: And, the Planning Chairman actually issued a letter dated September 23, 2014 is that correct?

Mr. Brancheau: I don't remember the date.

Mr. Scrivo: Would you like to see a copy of it?

Mr. Brancheau: I may have it.

Mr. Scrivo: If you do, maybe it would be good to just pull it out.

Mr. Brancheau: I don't have a copy actually. I do have one in my office.

Mr. Scrivo: I will mark this,

Mr. Semrau: What number are you up to, Mr. Scrivo?

Mr. Scrivo: Mr. Brancheau, do you see that letter dated September 23, 2014 from Mr. Nardone?

Mr. Brancheau: Yes, I do.

Mr. Scrivo: And that letter was provided to the Township Administrator?

Mr. Brancheau: Yes, it was.

Mr. Scrivo: Now in that letter it says that the Planning Board has determined that the Master Plan does not contain specific recommendations on the manner of serving and consumption of alcoholic beverages, do you see that?

Mr. Brancheau: Yes I do.

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Mr. Scrivo: Is it fair to say that Master Plan don't typically address those issues?

Mr. Brancheau: I would say that is correct.

Mr. Scrivo: The Planning Board noted that the IB3 Zone permits beverage and liquor stores, is that correct?

Mr. Brancheau: Yes.

Mr. Scrivo: And, it permits eating and drinking establishments, correct?

Mr. Brancheau: Yes, it does.

Mr. Scrivo: Including but not limited to restaurants and bars, correct.

Mr. Brancheau: Yes.

Mr. Scrivo: And, all as a part of large scale retail development correct.

Mr. Brancheau: Yes.

Mr. Scrivo: And, that is what Shop Rite is, a large scale retail development, correct?

Mr. Brancheau: Yes.

Mayor: Are you defining your use as a eating or drinking establishment?

Mr. Scrivo: I'm asking the questions, I'm not defining anything, so I'm not here to testify I'm just asking the witness questions.

Mr. Brancheau: Shop Rite is part of the larger retail development. I wouldn't say that Shop Rite itself is necessarily the entire larger retailer development, what I'm saying is that the only time that eating and drinking establishments are permitted is when they are part of a larger scale retail development. You can't just have a restaurant or bar by itself, it has to be part of a larger retail project.

Mr. Scrivo: So this site is a larger retail project?

Mr. Brancheau: Yes, it is.

Mr. Scrivo: And, therefore the Chairman writes, anticipates larger scale retail development. It is anticipates that alcoholic beverages will be sold and consumes in the district. Do you see that?

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Mr. Brancheau: Yes.

Mr. Scivo: Now, there is no prohibition to similar to 39-14 in either the OBDS or the DS Districts, is that correct?

Mr. Brancheau: No, there is not.

Mr. Scivo: Yet, there are similar permitted and prohibited uses in both of those districts, correct?

Mr. Brancheau: Yes, there are.

Mr. Scivo: And, in fact, the OBDS District this would permit supermarkets, correct?

Mr. Brancheau: Yes, it would.

Mr. Scivo: And, large retail establishments?

Mr. Brancheau: As would the DS, correct.

Mr. Scivo: So, as I understand it the Wegman's proposed site is in the OBDS district correct?

Mr. Brancheau: Yes

Mr. Scivo: And, there is no similar prohibition with regard to the service of or sale of consumption beverages in that district, correct?

Mr. Brancheau: No, there is not.

Mr. Scivo: So, the 39-14 would not apply to the Wegman's is that correct?

Mr. Brancheau: No, it would not.

Mr. Scivo: And, as I understand it the DS zone has retail establishment in that as well?

Mr. Brancheau: Yes.

Mr. Scivo: And, it has Cedar Knolls Plaza, is that correct?

Mr. Brancheau: Yes, it does.

Mr. Scivo: And in that Cedar Knolls Plaza there is a Walmart, is that correct?

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Mr. Brancheau: I believe so, yes.

Mr. Scivo: And, the Ordinance 39-14 would not apply to the Walmart is that correct?

Mr. Brancheau: Yes.

Mr. Scivo: And, the DS Zone also has Pine Plaza, correct?

Mr. Brancheau: Yes.

Mr. Scivo: That used to have a Pathmark in it, correct?

Mr. Brancheau: Yes.

Mr. Scivo: Now it has a Farmtastic supermarket, correct?

Mr. Brancheau: Yes.

Mr. Scivo: And, Ordinance 39-14 would not apply to that, correct?

Mr. Brancheau: Correct.

Mr. Scivo: Even though there is a supermarket in there, correct.

Mr. Brancheau: Correct.

Mr. Scivo: Did you make any determination as the Township Planner to the consistency of 39-14 with regard to only imposing it only on the IB3 zone as to the other zones with similar prohibited and permitted uses?

Mr. Semrau: If I may just say Mayor, I understand that you have a certain line of questioning about this zone change, Mr. Scivo, but keep in mind too the bottom line is this is the zone that presently exists. The witness testified that the change was made after the application was filed, anything further you start to drift into a zoning type of challenge and you have a separate action that you filed, challenging that ordinance. But this governing body will make no determination as to the validity of that ordinance. I mean that's what's in front of them, but you already established and the witness has testified that you know the application was made and you know what I drafted an ordinance amendment that in many ways may speak to the application, so I don't know if it is really relevant or good resource of time at this point to go any further on that, cause I would advise the governing body that how the ordinance the validity of the ordinance that is going to be heard by the Superior Court.

Mayor: Well as a comment, that I understand that counsel is still cross examining here, it is the prerogative of the Township to amend, create, or any ordinance

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ahead of a final action, by resolution, etc., it has to accept the ordinance that is in place at the time the action is taken.

Mr. Semrau: Well, that's more for like land use applications, so this particular matter what I think at this point we are hearing is the ordinance was not in place before the application was filed. This ordinance amendment, and yet it was adopted by the Township Committee subsequent to the filing of this and at some point we will have to address the legalities of how it plays into the application and perhaps there will be more testimony, I know I have some questions for Mr. Brancheau regarding that, that may help clear this manner up.

Mr. Scrivo: Is the witness going to be able to answer the question that, is he going to be permitted to answer the question that was proposed to him?

Mr. Semrau: Why don't you read it back for Mr. Brancheau?

Mr. Scrivo: I'll ask the court reporter to do that.

Court Reporter: Did you make any determination as the Township Planner to the consistency of 39-14 with regard to only imposing it only on the IB3 zone as to the other zones with similar prohibited and permitted uses?

Mr. Brancheau: My review was on the consistency of 39-14 with the Master Plan as it pertained to the IB3 zone. I advised that I did see it as inconsistent with the Policy and Plan concerning the IB3 zone but I did not, it doesn't apply to the other zones, so I didn't look for a consistency issue elsewhere.

Mr. Scrivo: Now, Mr. Brancheau you had testified earlier about the use of this and whether the service of the alcoholic beverages and I think the questions from Mr. King were along the lines of whether it was going to change this to an accessory use or not. I believe, I just wanted to point you to when we had the first hearing back in December, there were preliminary questions of you by the Mayor and other Committee persons with regard to whether there were going to be an additional parking requirement and other requirements as a result of this application for the service of alcoholic beverages, and I think the Mayor had asked you and I can show you the transcript whether this was going to trigger additional parking requirements, etc., and your response to the Mayor's question was what it will do to the already approved parking requirements on the site, what does this additional, shall I call it, what is this additional business do to the parking regulations on the site? I'll read what you said and I'm just going to ask you if that is still consistent because you weren't under oath at that time, so I would like to get that at least under oath. "I don't, I don't think it does anything, when this came to the Planning Board, there was discussion of the Bistro use there and the parking was addressed as part of that. The expectation was is that people who would be using it would already be coming to the site parking there shopping there using the food." So it wasn't, the expectation not that people coming there specifically to

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eat or drink in this location, so that I think that's why the parking didn't have a significant effect," do you agree with that answer that you gave the Mayor at that time?

Mr. Brancheau: Yes.

Mr. Scrivo: And you write, and the Mayor asks you again, "So would you see no impact?" And you answer was, "there might be a small amount, obviously I think Shop Rite wants it because it's wants to be popular, but I don't see, I think it's part of the overall experience of it, and I don't see this being something that people are coming to as a destination." Would you agree with that statement that you gave to the Mayor on December 11th?

Mr. Brancheau: Yes, and what I meant by it could be a small affect in that more products the more services that are available at a site, to some extent that attracts more customers. I think that's why businesses do it. They want more customers, so yes it could make it a more popular supermarket, but the testimony as I understood it at the hearing that it was intended not as something that you would go to just to go to a restaurant, you might, let me rephrase that, you wouldn't go just to the restaurant but you might go to the Shop Rite, you would more likely go to the Shop Rite if it had a food service.

Mayor: Then the Mayor asked pointedly, and he says "It's not that it is a destination, they are going to come to it for the alcohol," and you responded "yeah, I don't see that." So you would agree that the service of alcohol would not transform a supermarket into a destination where people go to to consume alcohol?

Mr. Brancheau: I don't but,

Mr. King: I don't know if he is appropriate to answer that question.

Mr. Scrivo: Well he testified with regard to the testimony at the hearing, and I'm done with questioning so, as it relates to the parking.

Mr. Brancheau: I'm referring to parking.

Mr. Scrivo: The parking, as it relates to the parking correct. Would it increase that?

Mr. King: I wasn't here, but I don't know if there was testimony, by traffic expert or _____ with regard to how the increase of this establishment that sells alcohol will affect this site.

Mr. Scrivo: There would not be because there isn't any, and you were asking him questions with regard to whether there was any testimony with regard to this service of alcohol and what that might impact on parking, so I just wanted to close the loop that this is not a parking triggering issue.

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Mr. King: But that was _____ Planning Board hearing which gave them the grant to your client, that where my question was.

Mr. Scrivo: What?

Mr. King: At that time when Planning Board heard this application was there testimony given with regard to the impact that the serving of alcohol would have, that's where my line of questioning way, not the subsequent

Mr. Scrivo: I know you haven't been here but you obviously had few other testimony with regard to that since we've been here. I just wanted to clear that up Mr. Brancheau from things that you said previously and how you weren't under oath at the time and I think that was more precatory than anything else but I wanted to make sure that we had that on the record. You were asked by Mr. King about the number of seats that were approved and whether that triggers the use that is contemplated here would trigger any additional parking as a result to those numbers, are you aware that the applicant's application here contemplates the same number of seats that are on the approved plan?

Mr. Brancheau: I did not do a count.

Mr. Scrivo: And, if it were the case that the applicant was not seeking any additional seats on this plan within the supermarket would that lead you to believe that this does not trigger any additional parking requirements?

Mr. Brancheau: At this time I can't fully answer that without going back into the analysis that was done when we checked the parking requirements, to a certain extent it depends on large part upon the use, I would like to say yes, but without, I don't want definitively say so without really going back and looking at it, but I will say that if the seating was comparable to the seating that was approved then yes there would be no change in the parking requirements, however if the seating was of a different nature or use then what was originally discussed it could possibly change to a small amount but it would take some analysis to give you a real answer.

Mr. Scrivo: But you didn't hear any testimony from Mr. Pavese that there was an additional seating that was contemplated by this application?

Mr. Brancheau: No I did not hear that,

Mr. Scrivo: And, would you take my word for it, that we and represent to the Mayor and the Committee we are not seeking to put an additional seats that were approved.

Mr. Brancheau: Again, I didn't do a count so I have to take your word for it, because I don't know.

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Mr. Scrivo: You did testify that there was testimony at the Planning Board with regard to the service or consumption of alcoholic beverages at some point, you do recall that generally?

Mr. Brancheau: Yes, two meetings, yes.

Mr. Scrivo: To meetings of discussion?

Mr. Brancheau: Questions and answers yes.

Mr. Scrivo: And, I believe Mr. King asked you that, he pointed out to you that Mr. Pavese testified that liquor would not be served in the supermarket.

Mr. Brancheau: That is what I read from the court decision.

Mr. Scrivo: It hasn't been served in the supermarket to your knowledge correct?

Mr. Brancheau: I don't know.

Mr. Scrivo: That's why we are here seeking approval for it.

Mr. Brancheau: I would assume.

Mr. Scrivo: Now, I know you didn't read the entirety of Judge Weisenbeck's opinion and I'm not going to quiz you on it but your understanding is that this was the site approved as a shopping center, correct?

Mr. Brancheau: Yes

Mr. Scrivo: And that included in the shopping center is a supermarket, the Shop Rite correct?

Mr. Brancheau: Yes..... that very issue was debated question in the traffic testimony and that was one of the items in the court decision, whether it was a supermarket or a shopping center because they have different traffic characteristics, so (Court reporter: Can you repeat that) I said there is different traffic characteristic through trip generation figures for one verses the other, so that was when you asked that question it sort of a fine point, generally speaking the mix of uses includes a supermarket but the overall development is a shopping center.

Mr. Scrivo: And as an accessory use to that shopping center there was going to be food, that would be for sale, prepared food that would be for sale on the site, correct?

Mr. Brancheau: Yes.

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Mr. Scrivo: And, that was approved by the Planning Board, correct?

Mr. Brancheau: Yes.

Mr. Scrivo: And, upheld by Judge Weisenbeck?

Mr. Brancheau: Yes, I believe so.

Mr. Scrivo: Now you have been the Planner for how many years?

Mr. Brancheau: About 25.

Mr. Scrivo: Have you ever testified at a application for the transfer of an ABC License before the governing body?

Mr. Brancheau: No, I have not.

Mr. Scrivo: This is a first.

Mr. Brancheau: Yes it is.

Mr. Scrivo: I believe you were asked by Mr. King that about the area, the Bistro or the patio area you were asked if that was approved as a full service kitchen, do you recall that question?

Mr. Brancheau: I recall, yes, that it wasn't approved as a full service kitchen.

Mr. Scrivo: You have an understanding if whether that is a full service kitchen now?

Mr. Brancheau: It is my understanding that it is not, a full service kitchen.

Mr. Scrivo: Have you seen any of the reports of the Township officials with respect to this application?

Mr. Brancheau: No I have not.

Mr. Scrivo: I don't believe I have any additional questions for Mr. Brancheau I may have a few after Mr. Semrau.

Mr. Semrau: If I may Mayor just for clarification Mr. Brancheau you testified that you never, well you may have thought about, and you certainly asked questions about alcohol being served at this particular facility, but at the same time, through the fact that you, I just want to make sure I'm correct, because they said that they did not intend to

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serve alcohol at the facility there wasn't any type of ordinance amendment that you drafted, is that a fair statement?

Mr. Brancheau: I'm a little confused by the question.

Mr. Semrau: You testified that you were asked a question if you ever considered an amendment to this ordinance prior to the filing of this application?

Mr. Brancheau: Correct.

Mr. Semrau: And, you said something along the lines of well you thought about alcohol being served at a grocery store, but you were also told at the hearings, the Planning Board hearings the answer is no, it wasn't going to be served at the grocery store, because you asked the question.

Mr. Brancheau: No, I think the testimony was that it would be served, and that is why the question was asked.

Mr. Semrau: Well what about at the oyster bar?

Mr. Brancheau: There was no oyster bar at the time of the site plan.

Mr. Semrau: So, what was your understanding after the Planning Board application as far as alcohol at this facility?

Mr. Brancheau: That and I don't remember exactly the location where it was to be served, based upon what I read in the court decision that it was not to be served in the bistro the only other area where it could have been served was right next to the bistro inside the building in that corner of the building not in the middle where the Oyster Bar was proposed, but in the other corner.

Mr. Semrau: Prior to this application, as a Professional Planner, have you ever been involved or been familiar with or even heard about a supermarket that would serve alcohol to the extent of this application?

Mr. Brancheau: This is the first.

Mr. Semrau: And therefore this is also the first time that you testify that you have ever prepared an amendment to an ordinance to address this type of activity?

Mr. Brancheau: Yes.

Mr. Semrau: Now, this zoning amendment that you were asked questions about to the I3 zone, if we were to put that zoning amendment aside for a moment, and if this application were approved would the activity in itself violate the I3 zone?

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Mr. Scrivo: The IB3 zone?

Mr. Semrau: The IB3, the current zone.

Mr. Brancheau: Yes it would.

Mr. Semrau: I would, and so after this amendment that you have discussed with Mr. Scrivo which is the amendment to the IB3 zone or Ordinance 39-14 after that was adopted,

Mr. Brancheau: I'm sorry, can you restate the prior question.

Mr. Semrau: What I'm asking you is prior to the amendment for the IB3 zone,

Mr. Scrivo: When you say the amendment, just so we understand 39-14.

Mr. Brancheau: 39-14?

Mr. Semrau: Yes, prior to the adoption of that ordinance, if this application were to go forward and be approved would this type of activity violate to the best of your knowledge, would it violate the existing zone prior to the amendment?

Mr. Brancheau: I would say, no.

Mr. Semrau: No, but would it require, in your opinion any other approvals from the Planning Board?

Mr. Brancheau: If it were considered to be a change of use, then it would be, or if it were considered to be a change of use for that raised new issues not already dealt with by the Planning Board in it's part of its original decision it would require amended approval from the Planning Board.

Mr. Semrau: So, is it fair to state that if in fact that this application was approved under the prior zone, it would not be compliant with the Hanover Township Code unless there was...

Mr. Brancheau: Procedurally or substantively?

Mr. Semrau: Both.

Mr. Brancheau: Procedurally, if and I didn't review any application for the addition of the oyster bar or the addition of a yoga or child care or other facilities in the building, but if reviewing those I felt that they raised issues that were not considered by the Planning Board or encompassed by the Planning Board's decision and then I would have said you have to go back to the Planning Board to get amended approval.

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Mr. Semrau: Who would make that determination?

Mr. Brancheau: I assume that what be the construction official/zoning officer when he reviews permit plans for whatever permits we need.

Mr. Semrau: Okay, and now the ordinance as it stands today, the amended ordinance if this application were approved would this activity be permitted under the Township code?

Mr. Brancheau: No.

Mr. Semrau: It would be, would it be considered a violation of the Township Code?

Mr. Brancheau: Ordinance 39-14 would make it a violation, I will say that to the extent there was testimony of alcohol being served at the hearing there may be an element of Grandfathering where that was approved by the board would be grandfathered and not affected by the new ordinance.

Mr. Semrau: Let's say for example, the Oyster Bar.

Mr. Brancheau: That was not approved by the Board, so that would probably be considered a violation of the Ordinance.

Mr. Semrau: And would this application, I think you may have already answered this, but I want to make sure the Governing body understands the application if approved would it violate the existing plans that were approved by the Planning Board?

Mr. Brancheau: The floor plan is different.

Mr. Semrau: Okay, so what would that necessitate?

Mr. Brancheau: Well, when you say violate, I guess it's one of the those gray areas that it is a matter of degree. Very often when plans are approved there are often floor plan modifications that are not considered significant enough to require return to the Board, if someone moves a wall, someone uses a space slightly differently than what was represented to the Board, but overall it's the same it doesn't raise any new issues. So it's not sent back to the board, that's why I said before if there are changes made to the floor plan that raise new issues or new uses that were not considered at the time of site plan then it would need to go back, if it fits within the overall all the issues that were considered at the time it is just a minor modification of that then typically it doesn't go back.

Mr. Semrau: For an example, I know there is testimony that you gave to Mr. King regarding a gym, a daycare, I know earlier there was testimony early on in this application that a private event that goes on in the restaurant, if you were to look at the

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actual uses now, as well as the proposed use for the Oyster Bar would that in your opinion require a new site plan application to the Planning Board?

Mr. Brancheau: Without more information it is hard to answer, but I might.

Mr. Semrau: How can you get that information?

Mr. Brancheau: Well when plans were filed, I would ask about issues such as hours of operation, the staffing, how it worked with the existing use, whether they are doing special security measures, special access issues, special licensing or permitted requirements that went with that to make sure they were all dealt with and did it effect parking needs in any significant way, overall circulation in the stores as far as location of exits and that sort of thing, need for deliveries, signage, those kinds of things I would ask about before I can make that determination.

Mr. Semrau: And why would the activity that is presented be in violation of the Township Code, if it were approved at this point in time?

Mr. Brancheau: Ordinance 39-14 prohibits the serving of alcoholic beverages for consumption unless it is separate, the Oyster Bar is not separate from the grocery store.

Mr. Semrau: You testified that you wrote that ordinance and do you is it in your opinion that you find that ordinance was based on sound planning principals?

Mr. Brancheau: I think so, I think the concerns that have been expressed throughout this hearing about potential adverse effects of the serving of alcoholic beverages in the middle of a grocery store are valid concerns.

Mr. Semrau: Thank you Mayor, I hope I clarified some things for the record.

Mayor: Does my board have any questions of the Planner; if you do I'll open it up for any comment or questions that you might have.

Mr. Coppola: I am curious as to when all of these plans put together was this consumption issue raised or did this just come up at the time when the gentlemen who were here in the past that he commented that he had a hair brain idea, was this consumption part of the original process for the Shop Rite?

Mr. Scrivo: Is this question for the witness?

Mr. Brancheau: There was some testimony about alcohol being served, I don't remember all the details, and I do know that there was no oyster bar at the time. That the seating, when I say the lower left portion of the space was more extensive than it is today in the current site plan, the current floor plan. But there was some discussion about the serving of alcohol in the lower left area of Village. There were some concerns raised about that at the Planning Board level.

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Mr. Coppola: But that came up in August, actually did it not come up on August 25th when the request came for the issuance of consumption, shortly thereafter 39-14 was....

Mr. Brancheau: I think 39-14 was in response to those concerns at the time from the committee.

Mr. Coppola: Wouldn't that be something that the Committee would have to consider, if in fact that this came up as a real request and whether or not that consumption was something that they would like to see inside of a supermarket?

Mr. Brancheau: I think so.

Mr. Coppola: The other thing I want to ask too is we talk about parking and seating, if you have consumption that is allowed in the oyster bar that is going to take up "X" number of seats, people may very well be situated there and the taking up spaces, when normally in a supermarket traffic goes in and out as people shop go and they leave, not really with intention on spending the day, with the issue of daycare, cooking classes, yoga classes all part of the original play?

Mr. Brancheau: No not to my knowledge.

Mr. Coppola: So in event that these, again are taking up issues of parking, if someone decided to have a party, they have a consumption license especially where the food court is they want to have a party, utilizing consumption, obviously, if you say you're going to have 50-75 people or more, parking is going to become an issue.

Mr. Brancheau: I think it would, if what your, parking standards are typically based studies of other supermarkets and how much parking those supermarkets need and they do various studies and see what the actual usage is and then they basically determine a ratio of parking based upon floor area based upon experience elsewhere. If what you are suggesting is that those activities depart from the norm of grocery stores, supermarkets and they encourage a longer stay and fewer turnovers of parking spaces, it could affect parking, yes.

Mr. Coppola: That is what I'm referring to, longer than a normal supermarket under, I go to the supermarket, go to Stop and Shop and a lot of different places people go in and most of the time I'm waiting for my wife, have a cup of coffee and I can see people go in and go out. But if you start this type of usage which we didn't plan on day, this is all said as a "Hair-brained ideas" (inaudible) _____ now we have stationary activities taken place, stationary activities that are not moving parking in and out, so they do increase parking and okay it's a matter of semantics, but seating gets increase also, if someone occupied a whole area?

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Mr. Brancheau: If someone is already there for grocery shopping, and they then go to get something to eat either at the salad bar or the bistro it's not additional vehicles so in that sense it doesn't increase the need for vehicles, it's more of the turnover that becomes the issue.

Mr. Coppola: I'm referring to having an actual function, if they have a consumption license and you have a function, you come there as a destination, you have a wonderful food court to service you, so now parking does become

Mr. Brancheau: Well that is what I said before, as long as the food service was incidental an accessory to the shopping experience then I don't think it will have except for the turnover issue, much of an impact on the parking, but if you were going there specifically for "an event" and the food than that is no longer accessory to the shopping experience it's a separate use, this is that whole gray area when you look at these uses and the change of the floor plan do they effect parking or not, we need answers to those questions before you can make that decision.

Mr. Coppola: I would think so, because adding all of these other destination usages I would think, I'm not the expert here, so I would think when the parking was determined it was determined in traffic in and traffic out, nobody is making it an event for, whether it's an hour or two hours or whatever.

Mr. Brancheau: That is correct.

Mr. Gallagher: Just one question Blais, was it prior to 39-14 that we discussed the fact that if we had a portion or area serving alcohol there would have to be a closed off wall and not gain access from a business like a supermarket? Was it prior to 39-14?

Mr. Brancheau: I don't remember a discussion that I know that when I was asked to write the ordinance that was a concern as the inter-mingling of the uses and that the closing off would help to avoid that, but I don't remember a discussion before the ordinance.

Mr. Gallagher: So with our zoning we can basically have two businesses like that connected like they are proposing to be connected? Or would it have to be a separate dwelling?

Mr. Brancheau: Before the ordinance there was no specific language that dealt with that issue, because this is a new concept. We never considered that, we never had a grocery store that served alcoholic beverages for consumption on site; it was never considered needed to be done.

Mr. Semrau: Follow up to Blais, Mr. Brancheau, like you just said there is no specific language in the ordinance to address this?

Mr. Brancheau: Correct.

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Mr. Semrau: So, I just want to discuss this very technical aspect you said that you did believe it to be a violation the activity be a violation under the prior ordinance, but there was no specific language, wouldn't it really be an interpretation of the Zoning Board to come up with a definitive determination or it is clear to you?

Mr. Brancheau: Well if someone requested an interpretation from the Zoning Board,

Mr. Semrau: Can you really make that statement, if the ordinance is silent?

Mr. Brancheau: Obviously all boards, planning board and zoning boards have to interpret the ordinance as well as the zoning officer and the planner. And so when we are presented with an application for a use or activity or structure we look at the ordinance and we try to ascertain facts to make the determination is this use A) permitted and B) is it an accessory use or is it a separate principal use? And there are a whole lot of different factors that go into answering that. The feeling was as I said before, the time of the hearing was that this was ancillary to the grocery function, it was novel and new granted but it was an ancillary function in that it was not a separate use that people would go to as a separate destination from the grocery. They would only go there because they were going to the grocery store.

Mr. Semrau: So prior to the amendment of the ordinance 39-14 my question before, there is no specific language with respect to the Oyster Bar proposed use?

Mr. Brancheau: No.

Mr. Semrau: So I asked you is that a violation, would that be a violation or wouldn't it? And you said at the time, I thought you said to me, "it would not." But if the ordinance is silent, can you really make that determination?

Mr. Brancheau: I think you have to make a determination one way or another, you might, one might interpret it as not permitted and others might interpret as permitted.

Mr. Semrau: So how do you get a definitive answer?

Mr. Brancheau: For example, the Planning Board did not grant a variance for it at the time of site plan approval which you would have had too if it was interpreted as a violation,

Mr. Semrau: Mr. Brancheau how do you get a definitive determination when the ordinance is silent?

Mr. Brancheau: A definitive determination? The only definitive way of getting a definitive determination is if there is an open question, when I say definitive the board

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can certainly interpret the ordinance it's not a binding interpretation but it's their understanding of what they think the ordinance means, the only way you can get a binding interpretation is from the board of adjustments.

Mr. Semrau: That would be a binding interpretation?

Mr. Brancheau: On the Planning Board,

Mr. Semrau: Whether or not the, so in this case if this activity were permitted and the ordinance had not been amended, the only way the applicant can get a determination if it was a valid use, would be a Zoning Board determination, is that a fair statement?

Mr. Brancheau: Yes. If you wanted a definitive binding interpretation then yes that's the only way.

Mr. Semrau: Okay, thank you.

Mayor: John.

Mr. Ferramosca: Let's go back to the original application for the shopping center and I want you to think about, did you recall during that review an objector's case of pretty long duration?

Mr. Brancheau: Yes, I believe the Stop and Shop that there was an objection to the case.

Mr. Ferramosca: During the questioning that objector had was there any discussion related to what specific items would be placed where in this store?

Mr. Brancheau: I remember that, again I wasn't at all of the hearings but I do remember the attorney for the objector asking about what shelves would contain what goods and that sort of thing.

Mr. Ferramosca: Was there any discussion at that time of where alcohol would be served in the store?

Mr. Brancheau: To be honest I don't remember that, I'm not saying it didn't happen I just don't remember.

Mr. Ferramosca: If absent from that discussion, which was pretty lengthily and given the fact that Mr. Pavese's statement that was submitted earlier, I don't have that piece of paper in front of me, I just want to ask my question very clearly. In Mr. Pavese's statement from the court action, page 11, "Mr. Pavese testified that liquor would not be served in the bistro café." If absent from discussion, Mr. Pavese's statement about

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alcohol being served in the bistro café, would it then lead you to believe now that there was no intention to serve alcohol in this supermarket?

Mr. Brancheau: I'm trying to understand why there would have been, there has been serving alcohol and there were answers saying that it would comply with ABC regulations, at the hearing, so I wasn't at, I was at one hearing when I questioned the serving of alcohol and how it would be done, and what the nature of the operation that was doing that and there was a second hearing that I wasn't at where additional questions were asked and the answer based upon my reading in the minutes, that it would be compliant with the ABC requirement, so I wasn't there, so I really can't.

Mr. Ferramosca: You do recall there was lengthy discussion about specific items, categories where they would actually be placed in the store?

Mr. Brancheau: yes.

Mr. Ferramosca: You do recall there was not mention of alcohol during that discussion about the specific items being placed.

Mr. Brancheau: I wish I could give you an answer but I don't really remember that.

Mr. Ferramosca: You do affirm that the statement of Mr. Pavese was accurate and do you believe that it would lead you to believe that there was no intention to serve alcohol in this supermarket.

Mr. Brancheau: I can't say there was no intention from my reading of the minutes regarding my questioning of the serving of alcohol, I don't believe I would have asked, I wouldn't normally ask a grocery store if they were serving alcohol, it's not something that is typically done. So I can't imagine myself asking, I would have to check the minutes again to see where my question came from it may have been a response to an item of testimony, but without looking back at that, I don't know.

Mr. Coppola: I would think Mr. Ferramosca that Blais is correct that in fact that throughout the 13 month that this all took place, there wasn't that type of dialogue and yet when we had that on the 28th when we had prior hearing the gentlemen that testified after the fact said "he had a hair brain idea" and decided he would like to put a consumption license in it, so I would think it would be correct, I'm not saying there are right, but it would not aware of anyone looking for that type of operation of a consumption license.

Mr. Brancheau: I think, obviously there has been somewhat of a change since the approval in the nature of alcohol services, particularly the oyster bar and apparently the bistro area, now serving alcohol which wasn't before. But again, without doing a detailed search which I did not do for this meeting, as to what was said and not said at

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the hearing, I know I looked at the minutes, I looked at my report that I prepared for the board on the application, my report said nothing about alcohol in it, the resolution says nothing about alcohol in it, but the minutes do. And without understanding where that line of questioning and answers came from, it is hard for me to answer. It probably wouldn't appear out of nowhere. Very odd question to ask for a grocery store, since this is the first one I have ever seen.

Mr. Coppola: It is the first one and the first time I heard that statement when the gentleman was here testifying for the consumption license that they came up with this idea.

Mr. Brancheau: I took that to mean the oyster bar, myself.

Mr. Coppola: They oyster bar was there, but just the consumption itself.

Mr. Brancheau: The oyster bar was not on the site plan, I know that. It was not on floor plan.

Mr. Gallagher: Blais just in your defense you said it two or three different times and I understand it now, I understand why you didn't think that they would be serving alcohol in a grocery store, because based on the testimony that we've heard, they don't do it anywhere in New Jersey, so for you to assume that they would probably not be consuming alcohol in this grocery store is a pretty safe assumption, because they don't do it anywhere else in New Jersey. So in your defense and understanding your testimony, so the fact that we did go back and revisit it once we realized it was it could be a probability.

Mr. Scrivo: Is there a question?

Mr. Brancheau: I didn't take that as a question?

Mr. Gallagher: I was just starting from the question from before, understanding Blais' answer that he gave three different times.

Mayor: We are into planning and zoning 101; I can see that. While planning and zoning is critical to this case, I'm hearing through testimony and by the way, as the Deputy Mayor said this was a lengthy case before the Planning Board several years. Very contentious and long case, I can't image that somewhere in the course of that case that testimony would not have come up from the applicant on the manner of serving spirits and alcohol.

Mr. Brancheau: It may have.

Mayor: It may have, that is not sufficient.

Mr. Brancheau: I wasn't expecting

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Mayor: There is or isn't testimony to the fact that Shop Rite wishes to dispense alcohol within the store.

Mr. Brancheau: I did not do an in depth review, I did review the minutes and I did find that I have the excerpts of the minutes here, I can look at it right now and tell you where my questioning came from, but I did not do a detailed.

Mayor: My personal comment, again, I'm at a somewhat of a disadvantage and by the way, this is a comment in that I came in on this case in planning probably half way through in change of administration, but nowhere in the time that I sat did I hear testimony regarding the serving of spirits, alcohol etc., within the store. You just commented that there was not even comment regarding the oyster bar internally in the store?

Mr. Brancheau: I'm looking at my minutes.

Mayor: The floor plans, the layouts, didn't show an oyster bar that provokes some question

Mr. Brancheau: There was no oyster bar on the floor plan. I'm reading from the minutes of November 22, 2011.

Mayor: Issues of parking, issues of it being a destination etc., I appreciate all of that, but I think the feeling Blais from we on the Board and it has nothing to do with your testimony and planning and zoning, is that the Board has serious concerns and it came up in testimony from the applicant here about this being unique within a grocery environment I think had it been presented to the Planning Board at the time, I can't imagine the Hanover Township Planning Board not questioning in depth how this would be used in the store and then finally recommending some manner within the store that it would be used in keeping within the regulations, etc.

Having said all of that, I think our primary concern here and we probably will here this with continuation with the Chief's comments is the safe proper use within the grocery store environment, and I think that is what we would like to separate out here and we can sit here and talk about planning and zoning for the rest of the evening.

Mr. Semrau: Mayor, I think because we are going to come back and have the Chief's testimony and because the questions have been raised, it's really one of fact whether it was presented or not. I think what we ought to do is have Mr. King and Mr. Scrivo take a look at the record and just give us a determination whether it was or wasn't presented to the Planning Board, so whatever decision you make, although it may not be a primary factor it's still one that this governing body has asked about, so before the next hearing I think it would be best if both parties had an opportunity to just address that fact, I don't think it would take much more testimony.

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Mayor: Fully agree, that's fine. There is an opportunity we did set a limit to 9:30 this evening and there is still a bit of time. Mr. King do you want to open up comment from the Chief on this, do you want to continue?

Mr. King: I think Mr. Scrivo has some follow up questions.

Mr. Scrivo: Just a couple of follow up questions for Mr. Brancheau based on your questions.

Mr. Scrivo: Mr. Brancheau I think this all started so we talk about this issue whether alcohol was going to be served and it started when Mr. King asked you to read page 11 of Judge Weisenbeck's opinion and said Mr. Pavese testified that liquor would not be served at the Bistro Café,

Mr. Brancheau: that is what I read.

Mr. Scrivo: that is what jumpstarted this whole discussion, right. Now you've been questioned by 5 people after you expressed your recollection as the planner that there was a discussion of the service of alcoholic beverages in the supermarket during the planning board hearings.

Mr. Brancheau: Yes.

Mr. Scrivo: I'm not going to belabor it anymore, I know Mr. Semrau raised a possible exercise that Mr. King and I would take on later, I will just comment on that later as to whether it is a relevant exercise or not, but we can agree to disagree down the road. But just getting back to some of the questions that Mr. Semrau asked you which was previous to the adoption of 39-14. He asked you whether the proposed use with regard to this application would have been prohibited under the zoning ordinances prior to the adoption of 39-14 and I believe you testified that you didn't think it would be, is that correct?

Mr. Brancheau: Correct.

Mr. Scrivo: Then I believe Mr. Semrau questioned you with regard to how would you really know, or words or questions to that effect, do you recall that?

Mr. Brancheau: Yes.

Mr. Scrivo: Now, you can't point to anything that within the IB3 zone that existed prior to 39-14, that would lead you to conclude that that activity would be prohibited, correct?

Mr. Brancheau: I did not, I admittedly it was an interpretive question and my interpretation is that it was not prohibited.

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Mr. Scivo: Now, you also testified at 39-14 would in fact make the use that is proposed prohibited at least as it relates to the Oyster Bar?

Mr. Brancheau: Well, I think the entire serving of alcohol as I understand it to be would be prohibited but there might be an element of grandfathering if in fact it was placed on the record at the part of the site plan approval and it was approved by the board. Then it probably been grandfathered, but the Oyster Bar was not at that time, so that use will be prohibited.

Mr. Scivo: And the patio bar was part of the, the patio area was on the approved plan?

Mr. Brancheau: Well it was on the plan, obviously Judge Weisenbeck's decision said it wouldn't be served there, the minutes say otherwise, and obviously there is some factual question out there.

Mr. Scivo: Now, Shop Rite is the only current eating and drinking establishment in the IB3 zone, correct?

Mr. Brancheau: Yes.

Mr. Scivo: Now, just following up with Mr. Semrau's questions (interrupted)

Mr. Brancheau: I wouldn't call it an eating and drinking establishment, per say that involves the consumption of food and beverages yes.

Mr. Scivo: It would be the only thing that comes close to involving the consumption of food, correct?

Mr. Brancheau: Yes, there are no other retail uses in that zone.

Mr. Scivo: No other retail uses in the zone, everything else is either industrial or vacant correct?

Mr. Brancheau: Or office.

Mr. Scivo: Or office. Now in order to comply with 39-14 would Shop Rite have to close off the doors or have to erect walls, is that correct?

Mr. Brancheau: Yes, for example, Shop Rite wishes to serve alcoholic beverages in the Bistro Area, it would have to close the door separating that area from the main store, then it would comply.

Mr. Scivo: So the only access would then would be from the outside, correct?

Mr. Brancheau: Separate entrance, yes.

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Mr. Scrivo: So you would actually be creating a destination, right?

Mr. King: I don't think he has to answer that?

Mr. Scrivo: I think he can.

Mr. Brancheau: I don't know that you would, I don't, let's put it this way, and I think a destination is a lot more to whether the use is a destination or not then merely its access points. How it is marketed, how it is operated, people that go to the Shop Rite supermarket or the Shop Rite shopping center, can go there not as a destination just because they are shopping, just like a restaurant in a shopping center. A shopping center typically involve multi-use stops, where going shopping you might as well get a cup of coffee or a bagel or whatever it is while you are out shopping. People do that all the time, that doesn't mean they are going to that restaurant as a destination, they are just doing that while they are out shopping at the other stores in the center, and that is part of the whole testimony related to traffic, whether it's a supermarket or shopping center, because obviously certain uses that are destinations generate more traffic than the ones that have a different operational characterizes so just because it has a separate door doesn't mean it's a destination.

Mr. Scrivo: Did you say it would still be part of the shopping center?

Mr. Brancheau: Yes.

Mr. Scrivo: Similar to Pine Plaza for that matter correct? That's a shopping center correct?

Mr. Brancheau: People might go to a food establishment in Pine Plaza, just to go to the food stuff, but they might also go to it because they are already at Farmtastic, or the gym or whatever that's in that shopping center and they say while I'm here I might as well grab a bite to eat; that is not a destination

Mr. Scrivo: And there are two consumption licenses in that Pine Plaza correct?

Mr. Brancheau: I don' know.

Mr. Scrivo: The Melting Pot has a liquor license

Mr. Brancheau: I just don't know the licenses.

Mr. Scrivo: So but as it relates to the Shop Rite; have you been in the store?

Mr. Brancheau: No I have not.

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Mr. Scrivo: So you understand that there are prepared foods that someone can get and make a container of and sit in the bistro area, you've been to supermarkets that have that?

Mr. Brancheau: I've been to supermarkets where there is a salad bar or a deli or something like that where you can get prepared foods.

Mr. Scrivo: So as it relates to what you are proposing under 39-14 in order for it to come into compliance you have an understanding whether someone was at the salad bar getting a prepared food and then wanting to go into the bistro area would then have to exit outdoor the supermarket and then walk back into it through the patio area, is that your understanding it would then comply with 39-14.

Mr. Brancheau: Yes.

Mr. Ferramosca: Mr. Brancheau, giving the lengthy duration of broad area of questions raised by the Board and the objector during that thirteen month period on the application process, would you expect that there would have been significant discussion about serving alcohol, if had been raised since alcohol consumption is not approved in supermarkets in New Jersey?

Mr. Brancheau: To be honest, I did not know that law that Mr. Semrau just cited tonight I had not read that law, all I can say that the minutes reflect that on two separate meetings it was discussed by the board with the applicant.

Mr. Ferramosca: My question relates to the fact that knowing the nature of the work and the objector and giving the significant deration of ordinary question if the discussion of alcohol consumption had been raised during those Planning Board sessions would you believe that that would necessitate in significant discussion within the approval process?

Mr. Brancheau: I think it would have _____, I don't know how significant significant is but yes I think it would have necessitated a fair amount of discussion.

Mr. Ferramosca: Thank you.

Mr. Semrau: Mayor, if I may, only because this will lend itself to the record, I think it is important that I understand the distinction. Mr. Brancheau, when you spoke to Mr. Scrivo and testified and myself regarding the ordinance amendment that is in place now, it is clear, I just want to make sure I'm correct so when I advise this governing body it is clear that the ordinance as it stands now would prohibit what we call the oyster bar and the consumption of alcohol?

Mr. Brancheau: Yes.

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Mr. Semrau: But with respect to how the ordinance existed prior to the amendment, it's a matter of your interpretation, it's not clear, the only way it would be clear based on your testimony would be to get an interpretation from the zoning board of adjustment is that a fair statement?

Mr. Brancheau: Yes.

Mr. Semrau: Ok, and my last question, after all of this testimony tonight as the Planner for the Township for 25 years do you have an opinion as to whether or not this application is consistent with the Planning principals, and the planning of the township?

Mr. Brancheau: The application for the liquor license?

Mr. Semrau: Yes, this proposed use is this consistent with the development and the applications that you have seen and the planning documents that you have drafted over the years do you see this as a consistent fit for the municipality?

Mr. Brancheau: I would have to say no.

Mr. Semrau: Based on what?

Mr. Brancheau: The prohibition in 39-14 is one that is driven by public health, safety and welfare concerns related to the serving of alcohol in a food shopping environment, and all the various questions which have been raised and discussed during the course of the hearing on the license.

Mr. Semrau: Thank you.

Mayor: Gentlemen at this point, if there is no other questions of this witness, what I would like to do is request a motion to open to the public and in doing so if there are any members of the public who has heard our expert planners testimony would like to ask a question directly about the testimony that he gave tonight you may do so from the podium, giving us your name and address for the record.

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

OPEN TO THE PUBLIC

Bill Kuehner, 26 Hamilton, Whippany: With the discussion of parking, the planner indicated that there would be variations based on whether a person is shopping verses a person who went in for a meal, I'm wondering if there are enough restrooms in the facility to handle long term eating as compared to shoppers who come and go and very rarely use the restrooms. Are there enough restrooms in the facility to handle large groups?

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Mr. Brancheau: I don't know, that is something that normally would be dealt with by the Building Department.

Mr. Kuehner: I'm just surprised that this kind of an answer is not readily available, but I think it should be pursued, because that is another indication and more usage that I think of what I have heard as far as complete planning for the facility, it hasn't been entirely taken into account of all of the additional usages that were indicated. I also understand that this daycare center and so forth, was not on the original plan?

Mr. Brancheau: Correct

Mr. Kuehner: And that is not a violation of the original approval?

Mr. Brancheau: I have not reviewed an application for a day care center.

Mayor: It is conceivable.

Mr. Brancheau: That would be, like I said earlier handled by the zoning officer/construction official, it's part of a permit application, I don't know what the status of that review is.

Mr. Kuehner: If by chance they did apply for a child care center would that go through the planning board for approval?

Mr. Brancheau: That would be up to the zoning officer/construction official to make that determination. It's not my role, I'm sorry.

Mr. Kuehner: Thank you very much.

Mayor: Anyone else from the public like to be heard at this time?

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

Mayor: Just a side bar comment here, as I didn't see it on any of the site plan work are there any restrooms, toilet facilities in the patio area in itself?

Mr. Scrivo: They are immediately outside the patio area right where that door opens, if you have been in the supermarket as you walk into and out of the patio area they are on the supermarket side of the patio area.

Mayor: I have to go into the supermarket area to use the facilities.

Given the hour, counsel do you want to agree on another date and time?

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Mr. Scrivo: We have spoken about the 23rd at the last meeting.

Mayor: We will continue with that. Is the same hour appropriate for everyone?
7:30?

Mr. Semrau: Mr. King, Chief Gallagher. I think at this point perhaps you want to reserve whether or not you want to bring back this witness and the same goes for, because of the fact that we want to get those answers as to the planning board, just factual answers about the types of uses as well as information that what asked with respect to the services of alcohol.

_____ (inaudible)

Mayor: They could be provided copies of those minutes if they are specific to that dialogue on the subject of service and experience, if they could be provided to members of the township committee that would be helpful.

Mayor: Adjourn this hearing until April 23, 2015.

Mr. Semrau: And for the record Mayor, I don't know how much faster this Governing body can go, I know the applicant wants us to continue to proceed, but it has taken up considerable time and I think the Governing body does all it could now your scheduling this at consecutive meetings, so just for the record.

Ladies and Gentleman we are going to continue with the regular portion of our meeting.

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

OPEN TO THE PUBLIC:

Barbara Eames, 6 Cove Lane Road, Whippany: I wanted to apprise the board that a couple of days ago we got a copy of a document that was put together by Together North Jersey, this is the document it is about 150 page long, it is a result of a grant that was given to the State of New Jersey by HUD about three years ago to develop a regional planning document across 14 counties in North Jersey, and I attended one of those hearings it was a visioning meeting, very briefly it was one of those sessions where frankly those who ran the meeting had a mission and goals all set up and they conducted a hearing so that they think they make you feel that you are contributing to the process but the outcome are already preselected you get to put the dots on whatever station you like which priority you have but if you asked any questions, they were adversarial you got shot down pretty fast if you get my drift here, so anyway we have this document in hand, I confess I have not read it, I only had it for less than 48 hours and personal time does not allow me to look through 150 pages of rather small type, I intend to do that, however it is very similar to the State Plan that was being

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trotted out a couple of years ago which got deep sixth after Hurricane Sandy and I think they went back to revisit it.

Mayor: Blais did we get an official copy of that document?

Mr. Brancheau: I have not seen it.

Ms. Eames: I sent you all a copy, actually I believe I sent one this morning intending to send it to all of you, but yours Mr. Francioli bounced back and Mr. Brueno and I usually get emails through to you satisfactorily, so I don't know why they bounces, unless you have some filter on your email.

Mayor: I got it, my recommendation was that I wanted to forward that email to counsel for overview.

Ms. Eames: Was it the document that had a statement from us at the top and a bunch of links?

Mayor: It did.

Ms. Eames: It came back to me that it bounced back, so anyway, this is it, you can print it out from that document. I just want to read some comments that were actually put together, I am very familiar with the previous plan, State plan, it's all the same idea, so let me just read to you several pieces that she picked out of here and reading them I totally get where they are coming from and they are coming from and they co-berate everything that I've known, so let me just read as an example:

“One of the focus areas is expand and diversified the region housing supply to meet current and future demand, these strategies include, removing regulatory or other barriers to housing production providing incentives to encourage production of needed housing types including housing affordable to arrange of income levels and protecting the affordability of deed restricted affordable units and fostering an innovation in the housing sector through pilot programs and demonstration projects.”

“Strategy Two: Target financial and other incentives to increase production of housing options not well supplied in the region.”

“Strategy Three: Increase the supply of housing of affordable to a range of household sizes and income especially in areas that are well served by public transit. Municipalities should change local ordinance to require that all new housing developments constructed in locations served by or planned to be served by public transit included a minimum of 20% affordable units and take other steps necessary to comply with other obligation under the Fair Housing Act, the legislator should amend the Municipal Land Use Law to identify new housing developments that include at least 40% affordable units as an apparently beneficial use that fundamentally serves the public good and promotes the general welfare.” (We know what those terms mean)

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“Finally, municipalities should use a wide range of tools in a sense to encourage developers to build affordable housing including land banking relief from parking requirements and transit accessible location, expedited review, fee waivers and tax credits.” Focus areas 9 creative system of public education that prepares all students for the 21 century economy. Strategy Three, improve access for pre-K and early childhood education, funding pre-K education for all low income students in the region is mandated by School Funding Reform Act would contribute significantly to reducing the regions performance disparities between districts. So if you read that, if we increase affordable housing we are going to have more children who follow into that category so we are going to have to provide Pre-K funding.

Transition to a clean energy economy: New Jersey’s Global Warming Response Act sets a goal of 80% of CO2 reduction.

Mayor: I’m going to try and ask you to get to the point, I’m not going to pull a Freeholder on you, but I do want you to get to the point. We have two sides of an agenda and last meeting we went home at 2:00 in the morning, so please be sympathetic to my Committee.

Ms. Eames: Yup, yup, yup; okay, let me read you this last portion: Regarding Counsels, our region should also include a fatuous counsel and an independent non-profit organization dedicated to studying improving regions long term economic competitive. This counsel should employ professional staff and be guided by prominent North Jersey Private Sector and Institutional Leaders to promote regional planning coordination and fair housing policy our region should explore the creation of a North Jersey Fair Housing Council similar to those that exist in other regions such a counsel could help to coordinate fair housing assessments support investigations of housing discrimination complaints and examine enforcement of fair housing laws and help coordinate regional issues of such as mobility counseling and efforts to enhance voucher cordialities.

So, I mean you get the drift of

Mayor: OH YEAH, it sounds like a nice extension of phase three COAH, but go ahead.

Ms. Eames: Well it is, so at last night’s Freeholder Meeting I was successful, we have been ringing the bell about this for a while but I guess it helps to actually see it in black and white and have the report in front of you. I am also pleased to report that I think the freeholder board well what I know they were drafting today a letter to send to North Jersey Together to express concern and to state that they would not go along with any policies being forced upon the county and also to force to pay any costs related to the creation of these policies. So that is the good news, this testimony is due if you wish to comment by Monday, I don’t know how long this has been out, I just got it two days ago.

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Mayor: Not much time.

Ms. Eames: If you were inclined to want to make a statement you have until Monday to make some sort of statement, I have this document if it would help for you to look at it, and get it back to me.

Mayor: I would like our Planner to have that document and I can't understand why the Township officially didn't get these documents or any municipality for that matter.

Ms. Eames: Well that is interesting, were you notified that this plan was out?

Mr. Brancheau: No,

Mayor: No we got no official notification, it strikes me that someone is trying to work a very expeditious manner, I think we would have a position on that there is no doubt in my mind about that, but I think we would want to give in the short period of time a cursory review of the document in order to prepare something and then see who the proper agency is to receive such a document.

Ms. Eames: I'd be glad to, this is our copy but I could probably be deprived of reading it for the next couple of days, if you would like to take it we printed it the other day, it would cost about \$40.00 in ink cause of all these glossy pictures, but if you would like to borrow it for a couple of days, I'd be glad to lend it and then you can give it back,

Mayor: Blais would like to take that and take a look, it's going to be a document that you are going to be seeing in a lot of other municipalities.

Mr. Brancheau: I'm sorry.

Mayor: If you would like to see what this.

Mr. Brancheau: I would like to see it, I think getting a response by Monday is going to be hard.

Mayor: I think it will be very easy for us to respond to it, so I'm not suggesting that you pour over, it seems like Barbara summed up.

Mr. Brancheau: I know the gist; COAH can't get out of it's own way and yet this is somehow happening?

Mr. Ferramosca: From a Planning stand point, that the fact that we were not given notification of any of this information that a letter is due to this grand group, this whole time table which they put forward is ridiculous.

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Mayor: It's bogus.

Mr. Ferramosca: You need to have 6 months of review on our side to look at it and to intelligently comment about it, I think it is ridiculous of some Master Plan from North Jersey Together to influence the future of a little old Morris County or Hanover Township and we need to take the advantage in terms of expressing our perspective on it, so minimally see a letter going out saying failure to notify us of this we are interested in reviewing this document we need 6 months to comment.

Mr. Brancheau: I would like to see it more before commenting more it may not have any effect, it may just be wishful thinking on the part of some group, my inclination is that the State not only doing nothing the state appears to be doing everything possible within it's power to not do anything, so this strikes me as sort of incongruous with what the Governor and COAH and the legislature have been doing in regarding to affordable housing which is zero over the last 5 years, so to hear this now, right after a Supreme Court ruling says that the State hasn't been doing anything on this, seems strange.

Ms. Eames: This is _____ that ran about three years ago, so our tax _____ is going to be paying a lots of folks to write all of this stuff with regardless of the political or whatever climate and trust me, if we think this is going to be optional how optional has COAH been?

Mr. Brancheau: Over the last four years pretty optional.

Mr. Eames: Inaudible.

Mr. Brancheau: I don't think they could. We could question whether it was against their will I mean, it was adopted by the legislature and signed by the Governor.

Ms. Eames: That doesn't mean, it still for the people of many towns who have this. I will leave this with you, also I will send you a document that has some responses to it, I will leave you has a complete copy, I will send it to you tomorrow and then you can forward that on to. If you want to make a copy of that and just get it back to me.

Mayor: If we have to as John also commented at the very least any comment from our Township would be that there is insufficient time to review the document number one but beyond that if we can get any other overview from Blais on the document I can tell you that just from the what I heard about it our position would be not affirmative or supportive of that.

Ms. Eames: I guarantee if each of us went out and knocked on 50 doors of neighbors around us you would be hard-pressed to find anybody knows this is going on. This is the way this works it's not brought before the legislature the legislature doesn't have to vote on it, the freeholders don't have to vote on it, you don't have to vote on it,

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nobody who we elect is accountable to the voters get the opportunity to vote on it. Nobody even knows this is happening.

Mr. Ferramosca: Thank you, for raising the awareness.

Mayor: Government at its work, very good.

Jim Neidhardt, 3414 Appleton Way, Whippany: I didn't know Barbara was going to be here tonight speaking about this, I also uncovered this a few days ago, and I'm going to try not to repeat anything that Barbara said, just to add to to maybe add a little perspective to it. The fact that you didn't hear about it is not a surprise, I think that was extremely deliberate and I think the announcement was done with a very short fuse so that this could just be adopted. I didn't read all 156 pages but I did have the opportunity to scan it to get a sense of what it going on and where this all came from.

This is a whole lot bigger than COAH, COAH elements are just one small part of it, there are a number of interest groups all in the progressive side of the equation that like to control the people's lives and tell them what they can't do and what they can't do separate groups but they all have one thing in common they like to control people, and one thing that is common is they don't like something that we like which is home rule. We like to decide what is right for us; and sometimes we get very upset when the county tells us what to do, or worse when the State tells us something to do, the Federal Government, we have a significant number of levels and I don't think Barbara mentioned is what this will effectively do is establish another level of Government between the County and the State, and when that happens that will make what goes on the Municipal level and the county level less important.

Mayor: Absolutely.

Mr. Neidhardt: What is really scary about it is this new level of Government is not answerable to the people it's a board of appointed bureaucrats, that have no answer to the public to the voters, so they can pretty much can do whatever they want while they are in their particular position. The groups that are driving this, these progressive local groups, are the people that get to a point who are on these counsels, so even though it's a short amount of time to the extent that somebody can take a cursory review of this to get the big picture and send some type of letter or a proclamation to say that for the time being until we understand more we are dead against this I think it is really really important.

Mayor: I think that would be our immediate reaction to it is to say given the short amount of time that we can't possibly give it the attention that it needs to make a proper decision, but given the comments that Barbara made and by the way I only seen only portions of these document as an email I got about 12 hours ago, so given that, I can confidently say that if it's everything that is been spoken about here tonight it is defiantly an erosion of home brew at its finest, that Hanover would take a very hard line.

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Mr. Neidhardt: It's all related to planning and zoning and all that. They want to keep all the trees and have no development and keep everyone real stacked real close together, if you think the 15 in the A10 these people want it tighter, higher and closer and lots of everything in between. Let me just address one thing that Blais said that like COAH this might be just a bunch of stuff that never gets implemented, the funding mechanism is what is driving this, the I hate to use the word agenda 21 and the united nations and all of that stuff, but it really starts with that, and they convinced people at the Federal level to provide grants to the state to do certain things and the State cannot say no, then the State provides grants at the local level for you guys to do things, and we say we really can't say no to it, and that's how they get these things implemented. So if we get a regional level of government that has money from the state and it's coming down from the Federal Government and the State, they are going to be dangling it at the county level and the municipal levels and it's going to be so big, getting the money from us and then they redistribute it so they can have control over what we are doing, so that's all I'm going to say, it's more important than most people know. I know not everybody here doesn't have time to find out about stuff like that, so that's why we bring it to your attention.

Mayor: It's great you brought it to our attention that's for sure.

Mr. Brancheau: I'm trying to find in the document Barbara you gave me, where it talks about the deadline about comments or to even who to comment to.

Mr. Neidhardt: _____ is one of the people on the Steering Committee and the director of planning, Dena Leyrey.

Mr. Brancheau: Can you send Joe or me an email about this.

Ms. Eames: It might also be appropriate to send something to North Jersey Together also and I just included a link to their contact page, that might not be the best place, Joe tomorrow I can make a phone call and find out the best place, I'm not sure it's in there either.

Mr. Brancheau: I don't see anything in here about a hearing, a comment period or anything, I don't know how you write a letter without that information.

Mr. Neidhardt: The County's and the Municipalities it says in there that they were supposed to be given opportunity to comment on this, and if you didn't get it is a violation.

Mayor: There is some time period for comment?

Mr. Neidhardt: April 13th, this Monday is the deadline for all comments to be submitted.

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Ms. Eames: It might out longer than that, I just know I got it 2 days ago, and I actually get their mailings, so I haven't seen it.

Mr. Neidhardt: Something funny going on.

Mayor: Thank you, Blais you got that.

Mr. Brancheau: Once I get that information, I'll know more, there is a lot to go through here, but I get the general gist of it.

Mayor: Oh ok, the floor is still open, if anyone else from the public would like to be heard. Hearing none, seeing none.

Oh I'm sorry, go ahead.

Pete Gethins, 54 Woodland Ave, Whippany: Just following up with you guys in reference to the Ukrainian Church and what is going on. I consulted with an attorney to move forward I have to plot down \$12,000.00 and I really don't feel like doing that. I came here in November and it did stop for about 5 or 6 weekends and it was nothing and then we got two nights in a row and I got nothing but resistance from the Police Department and they told me that there is nothing they can do, their hands are tied. How are their hands tied at 1:10 am when there is music playing, how can they, how is it possible they can't tell them to turn the music down? Or even at 11:05 or 12:07 or 12:30 or 1:00 how is it the Police Department can't tell them to turn the music down? And additionally how are they allowed to do this stuff, because originally had spoken about this your exact words were that these parties were to be adjunct to the church and not for outside people. Mr. Giorgio who has been extremely helpful in this situation more so with calming my wife down than anything and we have my son two Saturdays ago at 11:00 kid was screaming and shaking he is 6 years old, Daddy are the police going to arrest you are they going to take you in the police car, Pete why would say that, well the police officer said that when he was here a couple of months ago. He said do you want to go for a ride in the police car, maybe you should shut your mouth. So my 6 year old son (interrupted)

Mayor: I have to take that comment for the record as hearsay, but go ahead.

Mr. Gethins: Well whatever, I can tell you for a fact that my son is very very effected by this, and my wife has spoken to Mr. Giorgio and I believe that Mr. Giorgio believes that she didn't call him to waste her time and tell her this is really having an effect on our lives.

Mayor: It's been the subject of discussion between members of Township Committee for some time, probably I think there was a meeting that took place with Church officials and the Administrator etc., was.

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Mr. Giorgio: Mr. Gethins was there on December 4th and we made it very clear to the church that they had to cooperate and I think for a while Mr. Gethins they did, but then in December late December and again last week, and the end of March the music was very loud, it was supposed to stop at 1:00; they also promised that they would stop moving recyclables at 2:00am and I don't know if that happened.

Mr. Gethins: And loading DJ equipment and I have video of them loading a trailer at 2:20 in the morning.

Mr. Giorgio: I did receive a letter from their attorney pledging cooperation but apparently based on Mr. Gethins represents they have not done so, Mr. Gethins represented to the Township Committee and I spoke to your wife and yourself that my recommendation was I think the Mayor now and another member of the Township Committee need to speak with the officials of the church so we can resolve this quickly.

Mr. Gethins: Now something that was brought up, a comment that was made in a meeting from Marc from the Church his suggestion and Mr. Giorgio can back this up, was that maybe I should sell my house and the problem will go away. Okay, that was in front of Mr. Giorgio that is not hearsay that is a fact. So that is what we are dealing with.

Mayor: It is a very contentious situation and I'm sure a lot of comments between the neighbors and the church go back and forth.

Mr. Gethins: Mike Mihalko has called the Police and complained,

Mayor: I understand.

Mr. Gethins: His house is 1800 feet away and he hears it just as much as I do.

Mayor: I think at this particular point it is on our Township agenda for this evenings discussion, there are aspects of this that I will take up with the Township Committee regarding the Township's enforcement aspect of this thing I want more information from our departments and our officials as to what is going on there or what has not been going on there. I have been on the site myself, I've gone to the back I've seen where the dumpsters are exposed, they should all be enclosed and the sound proofing aspects where the dumpsters should have been taken care of.

Mr. Gethins: Would that be a violation?

Mayor: It would be a violation of the sound ordinance and we are going to do something about that. So your next question is, so what are you going to about that, I have to take this up with our Director of Public Safety, it may involve some aspects of sound monitoring, I would rather not go into it at an open session it is more of a legal aspect at this point, but I can tell you affirmatively it is on our agenda for tonight and it will be discussed in depth and it is not something that the committeemen take lightly we appreciate the fact that your family is entitled to its peace and tranquility at all hours of

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the night and you shouldn't be disturbed at all, and we are going to do our very best to find out why certain things are not happening. The best answer I can give you at this particular point until we discuss it further the Administrator will be glad to get back to you with the results of that discussion and let you know precisely what is going to happen next. It's not something we are going to push aside, it is not something we are taking lightly, we understand it. I apologize if your children are intimidated in any way by our Police showing up, I ask my own question as to under a complaint why the police show up at your home and not where the complaint is taking place. But those are questions that I have that I will get answers to.

Mr. Gethins: They ask me if I want an officer to come by and now we have obviously decided when we call not to.

Mayor: There should be some procedure and protocol where protection of yourself and confidentiality etc., is involved and you should not have to be directly brought in to a complaint like that. We will take that under account.

Mr. Gethins: We are coming up to about 90 complaints, this is not like 3 or 4, and the other thing I wanted to mention to you is on and I just have to be thumbing through NJ.com earlier and there is a situation on there with a bar which happens to be a go-go bar in Weehawken but with that being said there would be a certain expectation of usage and noise etc etc., from that's generated from a go-go bar or from a nightclub facility in the Weehawken area which is a city area; the Town closed them down for 100 days, and if you read the article it talks about loud DJ's fights in the parking lot, sounds familiar so.

Mayor: I would say, that this church hall was not created to be of such a public entity like a regular club, et seq. it was to be associated with the Ukrainian Church for religious order etc, and for events that would be related to that, we have to discuss this further and see what limits they have.

Mr. Gethins: The meeting that we had in December, the Priest, I'm up to here and a \$4 million dollars' worth of mortgages and I have no choice but to rent this place out to whoever gives me money, those were his words.

Mayor: That's not your concern or mine,

Mr. Gethins: It affects my quality of life.

Mayor: That's what our concern, it's not an economic concern to us what his issues are or how he has to fund his church, he elected to do that, to building that etc.,

Mr. Gethins: But if the Ukrainian Church is having a Latino Club dance party on a Saturday night how many Latino Ukrainian's do you have their number one and how many Latino's do we have in the township that have a driver's license, there are plenty of them that walk up and down Route 10 here, but how many have a driver's license

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that could make it over there is there 130 Latino's in Whippany going there on a Saturday night?

Mayor: I can't comment on that At All.

Mr. Semrau: As the Town Attorney this issue is now been brought to my attention because the Administration maybe like yourself thought this was going to be resolved in December, I'm not going to say anything that there is any violations at this point, maybe another property owner like the entity you are mentioning that says we are prejudging anything, but the bottom line is that I have received calls from members of this Township Committee I have received emails from the Administration saying now we need to take a different look to see what we could do to address this concern.

Mr. Gethins: I appreciate that.

Mr. Semrau: I just want you to know that I did received calls to say "Fred, got to take a look at this,"

Mr. Gethins: Mr. Gallagher has approached me around the Community and said he can't talk much about it but they are trying to come up with some kind of a resolution.

Mr. Semrau: You are always entitled to have your own legal counsel, you can file your own complaints if you want against another property owner, but what I would say to you at the moment, along with the Mayor just said, I think there are some things now we are looking at to say that you know you are trying to do these things in a good natured way, and hope that you just get cooperation from everybody and once that doesn't work, we are going back through the Township Code and things like that to see how we can address the concerns that are out there. I just want you to know that we can personally received calls from this Governing body with all the things that are going on and how busy they are in this Town and they said Fred we really have to take a look at this.

Mr. Giorgio: Following your call and that of Mrs. Gethins I spoke with Mr. Semrau directly about this issue, so he has been fully apprised.

Mr. Gallagher: Pete, like the Mayor and Fred has said we have been spending a lot of time lately on this, and like I told you I can't get into very much detail with you, but I want you to know that these complaints are not falling on deaf ears, we are concerned we want to do the right thing, and we understand your concerns and they are our concerns too. So I just want you to know leaving here tonight the Mayor couldn't have been more honest and Fred we have been talking about this quite a bit, and we are looking into everything we can do, Fred already has a little bit of a plan worked out and hopefully it gets better and we are going to give everything we got.

Mr. Gethins: I think a really big concern is when these houses are completed behind there, 17 or 18 houses?

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Mr. Giorgio: 16

Mr. Gethins: You have to figure 2 or 3 of them are going to complain. I can't speak for them. But it's getting old, when it starts to affect my kids it's not fair.

Mayor: I tell you we are going to do our utmost to see what we can do to remedy this situation for all parties, we are going to discuss, it is on our discussion, we will be going into conference shortly and it's a point of our discussion, if it gets into legal aspects the Administrator will be limited to what he could tell you that we are going to do but he will share with you what actions we can take but I assure you there will be some action taken, after we get done with our discussion. We don't want you to have to live in an environment like that and we don't want the church to constantly be accused of being the offender either, if this is something that we find that has a pattern with them or that they are misusing the church hall in manners that they are being reported to us then it is our obligation to take charge and do something about it, what can we do about it? That's the point of our discussion. We are going to try and help you.

Mr. Gethins: Can I make one quick comment, take a comment about Shop Rite or is that closed out?

Mayor: Oh, go ahead.

Mr. Gethins: Who in their right mind is going to go in there and have a martini while they are shopping?

Mayor: If I can answer that tonight for you they probably throw me out. There are pros and cons and that is why you have these hearings, but it is very unusual, they say that it is unusual and they know they are going to be unique in the State in doing this but I think you heard Township Committee and what the Committees concerns are how much of this was divulged through the Planning Board and to the Township in their planning application and we will sort that out and find out, but the bottom line that this governing body has to make a decision as to whether or not they feel it is appropriate for the serving of alcohol and spirits in a grocery store environment where you go with your children and shop and I think Shop Rite knows that there are pluses and minus to what they are suggesting they're going to be some customers that openly have said to me that they won't shop there anymore and there are others customers that say you know what I'd love a glass of wine and relax after I do my shopping. That's fine, but that's why we have hearings.

Mr. Gethins: My wife bought up an out there comment when I was leaving the house to come here, you know what's going to happen when you have a woman or man that has a substance problem and they drop the kids off in that daycare and then they go sit in the bar for an hour, nobody knows if they were shopping or they if they were at the bar, they go grab the kids and off they go, they can go and do it anywhere but it's

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just that much more convenient, I know it's a crazy way of thinking and I'm sure it ran through someone else's mind on the board here, but I don't understand the concept,

Mayor: I'm sure these gentlemen will sort it out. Thank you.

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

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of March 12 and 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 March 12 and 26, 2015 be accepted and approved as presented by the Township Clerk. The motion was seconded by Member Coppola and was unanimously passed.

ORDINANCE FOR CONSIDERATION

ORDINANCE NO. 12-15

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 125-5. ENTITLED "CODE ENFORCEMENT FEES" UNDER CHAPTER 125 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED FEES WITH THE INCLUSION OF AN ENTIRELY NEW FEE SCHEDULE FOR THE BUILDING DEPARTMENT

WHEREAS, in a memorandum dated March 24, 2015 to the Township Committee, the Construction Official recommended that the Building Department Fee Schedule as set forth under Section 125-5. under Chapter 125 of the Code of the Township of Hanover entitled Fees be amended and supplemented with the inclusion of an entirely new Fee Schedule; and

WHEREAS, the Township Committee concurs with the recommendation of the Construction Official that the entire Fee Schedule for the Building Department be amended and supplemented.

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. CODE ENFORCEMENT FEES: Section 125-5. entitled "Code Enforcement Fees" under Chapter 125 of the Code of the Township of Hanover entitled

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Fees is hereby amended and supplemented with the deletion of the existing permit fees and the inclusion of an entirely new fee schedule as set forth below: The Code Enforcement Fee shall be the sum of the following Subcode Fees: Building, Electrical, Plumbing, Fire and Elevator, and the Certificate of Occupancy, Zoning, Certificate of Habitability, Certificate of Approval, Certificate of Continued Occupancy, Zoning Permit, Certificate of Compliance, and any fines imposed by the Construction Official.

A. CONSTRUCTION CODE FEES:

PLAN REVIEW FEE:

- (1) The fee for plan review shall be twenty-five percent (25%) of the amount to be charged for the construction permit. Plan review fees are not refundable and may be required to be paid upon application.
- (2) The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and devices, the number of sprinklers, standpipes, and detectors (smoke and heat), specialty equipment at the unit rate provided herein. The minimum fee for a basic construction permit covering any or all of the building, plumbing, electrical or fire protection work shall be \$ 50.
- (3) All construction permit fees and the State of New Jersey Training Surcharge Fees for the construction, reconstruction, alteration or improvements of any building owned and operated by the following government entities and agencies listed below and designed to solely promote accessibility shall be waived:
 - A. List of entities and agencies:
 - a. Township of Hanover
 - b. County of Morris
 - c. State of New Jersey
 - d. Federal Government
 - e. Hanover Township Board of Education
 - f. Hanover Park Regional High School District
 - g. Hanover Sewerage Authority
 - h. Hanover Township Fire District No. 2
 - i. Hanover Township Fire District No. 3

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- B. Designs taken to solely promote accessibility by the disabled person, or a parent or sibling of a disabled person to an existing structure to which they own and live in.

B. BUILDING SUBCODE FEES:

- (1) The fees for new construction shall be based upon volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$.035 per cubic foot of volume for buildings and structures of all use groups as classified in the Building Subcode. The minimum for new construction shall be two hundred dollars (\$200.)
 - a. Foundations for modular homes and relocated homes shall be one hundred dollars (\$100) per thousand of estimated cost of construction.
- (2) Fees for renovation, alterations and repairs, shall be based upon the cost of the work. The fee shall be in the amount of thirty five (\$35) dollars per thousand dollars (\$1,000) up to \$ 50,000. From \$ 50,001 and up, the fee shall be \$20 per thousand of the estimated cost. For the purpose of determining estimated cost, the applicant shall submit to the Construction Official such cost data as may be available produced the architect or engineer of record or by a recognized estimating firm or by the contractor. A contractor's bid or contract, if available shall be submitted. The construction official shall make the final decision regarding estimated cost. Minimum fee shall be one hundred dollars (\$150).
- (3) Fees for additions shall be computed on the same basis as for new construction for the added portion, except that the minimum fee shall be two hundred dollars (\$200).
- (4) Fees for combination renovation and additions shall be computed as the sum of the fees computed separately in accordance with Section B(1) and B(2) above.
- (5) Roofing and Siding:
 - 1. Group R-5, Flat Fee \$100.
 - 2. Group R-2, R-3, R-4, Flat Fee \$250.
 - 3. All other groups, Cost of Construction per \$1,000.
See Section B(2)
- (6) Sheds:
 - 1. 0 to 100 Square Feet Zoning Permit Only
 - 2. Over 100 Square Feet \$ 75.
- (7) Fences greater than six feet in Height (other than pool barriers):
 - 1. Group R-5, Flat Fee \$ 75.

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2. All other groups Cost of Construction per each \$ 1,000
See Section B(2)

Note: Fences less than 6' in height with no pool Zoning Permit Only

Fences less than 6' in height with pool See Pools, #17 Below

(8) Retaining walls less than 4' in height Zoning Permit Only

Retaining walls greater than 4' in height as follows:

1. Walls less than 550 square feet, flat fee (Group R-5) \$ 85.

2. Walls more than 550 square feet, flat fee (Group R-5) \$175.

3. All other groups Per Cost of Construction, per \$ 1,000
See Section B(2)

(9) Fees for Demolition of (per structure):

1. Group R-5, flat fee \$200.

2. All Other Groups \$500.

3. Group R-5, fuel tanks (per tank) \$150.

4. All other Groups, fuel tanks (per tank) \$400.

5. Accessory/Miscellaneous structures, pools, sheds, etc. \$ 75.

(10) Fee for removal of a building or a structure from one lot to another or to a new location on the same lot shall be \$ 200 for demolition of original foundation.

New foundation and for placement in a completed condition in the new location shall be computed as in B(1)(a) above. Mechanical, plumbing electrical and fire subcode fees shall be computed separately.

(11) Fees for the installation of storage tanks are as follows:

1. 0 to 550 gallons \$125.

2. 551 to 1,000 gallons \$400.

3. 1,001 to 4,999 gallons \$600.

4. Over 5,000 gallons \$1,000.

(12) Signs (Ground & Wall):

Minimum fee is \$ 100. The fee shall be \$ 2.50 per square feet of the surface area of the sign. In the case of a double-faced sign, the area of the surface of only one side of the sign is used for purposed of the fee computation.

(13) Radon Mitigation (exclusive of electric); flat fee (all groups) \$100.

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(14)	Asbestos Abatement, flat fee (all groups)	\$100.
(15)	Lead Abatement, flat fee (all groups)	\$150.
(16)	Towers and Monopoles:	
	(1) Group R-5, flat fee	\$100.
	(2) All other Groups, flat fee	\$800.
	(3) Cellular, antenna, radio antennas, satellite dishes or similar devices, per device regardless of group, per device	\$ 60.
(17)	Fees for installing swimming pools, hot tubs, spas (including the required barrier):	
	(1) Group R-5, Above ground pool, flat fee	\$100.
	(2) Group R-5, Inground pool, flat fee	\$250.
	(3) All other groups	\$500.
(18)	Flag poles, greater than 12' Feet in height:	
	(1) Group R-5, flat fee	\$ 50.
	(2) All other groups, flat fee	\$100.
(19)	Fireplace, stove & furnaces and other specific appliances:	
	(1) Group R-5	\$ 50.
	(2) All other Groups	Per Cost of Construction per \$ 1,000 See Section B(2)
(20)	Temporary Structures, tents, trailers, air supported structures, etc.:	
	(1) Group R-5, flat fee	\$100.
	(2) All other groups	\$250.
(21)	Permits based on approved PROTOTYPE shall have the fee reduced by 20%. Permits based on an approved state-wide PROTOTYPE shall have the fee reduced by 15%.	
(22)	<u>Fees not listed.</u> Any fee not mentioned herein shall be changed in accordance with N.J.A.C. 5.23-4.18 through 4.20.	
(23)	Application for variation, fees per structure:	
	(1) R.C.S. Structures	\$250.
	(2) I.C.S. Structures	\$700.

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(3)	H.H.S Structures	\$1,000.
(24)	Fee for certifications and other miscellaneous items:	
(1)	Certificate of Occupancy:	
	a. Group R-5	\$ 50.
	b. All other groups	\$150.
(2)	Certification of Continued Occupancy	
	a. Group R-5	\$100.
	b. All other groups	\$200.
(3)	Temporary Certificate of Occupancy and for each renewal ("R"):	
	a. Group R-5	\$ 50. R/25.
	b. All other groups	\$150. R/50.
(4)	Certificate of Approval	No Charge
(5)	Certificate of Compliance	No Charge
(6)	Certificate of occupancy at completion of asbestos abatement	\$ 39.
(7)	Certificate of occupancy at completion of lead abatement	\$ 39.
(8)	Change of Contractor, per subcode	\$ 30.

C. STATE PERMIT SURCHARGE

In order to provide for the training, certification and technical support programs required by the State Uniform Construction Code Act N.J.S.A. 52:27D-119 et seq. an enforcing agency, including the Department when acting as the local agency, shall collect a Surcharge Fee to be based upon the volume of new construction with the municipality. Said fee shall be accounted for and forwarded to the Bureau of Regulatory Affairs. This fee shall be in conformance with N.J.A.C. 5:23-4.19.

D. THIRD PARTY ADMINISTRATIVE FEE

In the event the Township is required to call upon a third party agency, the Township shall have the authority to add 15% to the appropriate subcode fee to cover administrative costs.

E. ELEVATORS

Inspections for elevators, escalators and dumbwaiters shall be in compliance with N.J.A.C. 5:23-12.6. The fees for witnessing acceptance tests and performing inspections shall be as follows.

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(1) The basic fees for elevator devices in structures not in Use Group R-3 or R-4, or in an exempted R-2 structure, shall be as follows:

(a) Traction and winding drum elevators:

[1] One to 10 floors: \$330.

[2] Over 10 floors: \$550.

(b) Hydraulic elevators: \$ 95.

(c) Roped hydraulic elevators: \$ 30.

(d) Escalators, moving walks: \$295.

(e) Dumbwaiters: \$ 75.

(f) Stairway chairlifts, inclined and vertical wheelchair lifts/manlifts: \$ 75.

(2) Additional charges for devices equipped with the following features shall be as follows:

(a) Oil buffers (charge per oil buffer): \$ 60.

(b) Counterweight governor and safeties: \$150.

(c) Auxiliary power generator: \$110.

(3) Elevator devices:

(a) The fee for elevator devices in structures in Use Group R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be \$220. This fee shall be waived when signed statements and supportive inspection and acceptance test reports are filed by an approved qualified agent or agency in accordance with N.J.A.C. 5:23-2.19 and 5:23-2.20.

(b) The fee for plan review for elevator devices in structures in Use Group R-3 and R-4 and for elevator devices wholly within dwelling units in R-2 structures shall be \$ 60.

(c) The fee for plan review in structures in use groups other than R-3 and R-4, and devices in the R-2's exempted by N.J.A.C. 5:23-4.20©6, shall be, for each device, \$310.

(4) The fee for witnessing acceptance tests of and performing inspections of minor work shall be \$ 75.

(5) The fees for routine and periodic tests and inspections for elevator devices in structures not in Use Group R-3 or R-4, or otherwise exempt devices in R-2 structures, shall be as follows:

(a) The fee for six-month routine inspections are as follows:

[1] Traction and drum elevators:

[a] One to 10 floors: \$205.

[b] Over 10 floors: \$265.

[2] Hydraulic elevators: \$150.

[3] Roped hydraulic: \$205.

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[4] Escalators, moving walks: \$205.

(b) The fees for one-year periodic inspection and witnessing of tests of elevator devices, which shall include a six-month routine inspection, shall be as follows.

[1] Traction and drum elevators:
 [a] One to 10 floors: \$295.
 [b] Ten plus floors: \$350.
[2] Hydraulic elevators: \$220.
[3] Roped hydraulic elevators: \$255.
[4] Escalators, moving walks: \$470.
[5] Dumbwaiters: \$120.
[6] Manlifts, stairway chairlifts, inclined and vertical wheelchair lifts: \$180.

(c) Additional yearly periodic inspection charges for elevator devices equipped with the following features shall be as follows:

[1] Oil buffers (charge per oil buffer): \$ 60.
[2] Counterweight governor and safeties: \$120.
[3] Auxiliary power generator: \$ 75.

(d) The fee for the three-year or five-year inspection of elevator devices shall be as follows:

[1] Traction and winding drum elevators:
 [a] One to 10 floors five-year inspection): \$500.
 [b] Over 10 floors five-year inspection): \$555.

[2] Hydraulic and roped hydraulic elevators:
 [a] Three-year inspection: \$375.
 [b] Five-year inspection: \$220.

F. ELECTRICAL SUBCODE FEES:

Minimum Fee \$ 50.

1. For all fixtures, receptacles, switches, fractional motors, air conditioners, dishwasher, water heaters, communication points, detectors, alarm devices, FAC panels, bells, horns/strobes, water flow or tamper switch, pull stations, security items such as security points for door/window, alarm points, card readers, magnetic locks, etc.
 - a. 1 to 20 devices \$ 50.
 - b. For each additional 20 devices \$ 20.

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2. Solar/Photovoltaic Systems (Number of Kilowatts)	
a. Zero to 50	\$ 60.
b. Fifty one to 100	\$115.
c. Over One Hundred +	\$575.
d. Micro-inverters, 1-20	\$ 50.
For each additional 20 devices	\$ 20.
e. Inverters	\$ 75.
f. Meter	\$ 25.
3. Services, Subpanels & Disconnects	
a. Amperage	
i. Up to 200	\$ 75.
ii. 201 to 500	\$150.
iii. 501 to 1000	\$225.
iv. Over one thousand	\$650.
b. Replacement of services exceeding three meters	
i. Each additional meter	\$ 25.
4. Generator/Transformers/Vaults/Enclosures/Substations (Number of Kilowatts)	
a. One to 10	\$ 20.
b. 10.1 to 45	\$ 75.
c. 45.1 to 112.5	\$125.
d. Over 112.5	\$600 .
5. Heat Pumps	
a. For the first ten pumps	\$ 50.
b. Each additional pump	\$ 20.
6. Motors (Horsepower)	
a. 1 to 10	\$ 20.
b. 10.1 to 50	\$ 75.
c. 50.1 to 112.5	\$ 125.
d. Over 112.5	\$ 600.
7. Signs: Free standing or on a structure, flat fee of	\$ 75.

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8. Inspection of Elevator (per)	\$ 100.
9. Light Poles	
a. Under eight feet in height	Regular/Fixture/Device
b. Over eight feet in height, each	\$ 25.
10. Swimming Pools	
a. Residential Above Ground Pool	\$ 75.
b. Residential Inground Pool	\$100.
c. Residential Spa/Hot Tub*	\$ 50.
d. Public Spa/Hot Tub*	\$150.
e. Annual pool, spa, hot tub inspection*	\$150.
*Each additional pool, spa or hot tub on site	\$ 50.

G. FIRE SUBCODE FEES:

Minimum Fee	\$ 50.
1. Sprinkler system, each new installation and/or relocation; relocation; fire alarm systems; (horns, strobes, bells, smoke/carbon monoxide, heat, pulls, duct smoke detectors, electronic door locks).	
Note: In computing the fee for heads or devices, the number of each shall be counted separately and two fees, one for heads, and one for devices, shall be charged.	
a. One to 20 heads and devices	\$ 75.
b. 21 to 100 heads and devices	\$175.
c. 101 to 200 heads and devices	\$300.
d. 201 to 400 heads and devices	\$800.
e. 401 to 1000 heads and devices	\$1,400.
f. Over 1000 heads and devices	\$1,800.
2. Standpipe systems, each new installation, relocation and/or repair, each.	\$ 250.
3. Pre-action valves, dry pipe valve each.	\$ 150.
4. Yard hydrants or underground piping, per loop.	\$ 200.
5. Central Control Station, per each station.	\$ 200.
6. Central Fire Control Center, each.	\$1,000.

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7.	Fire Pump, each:	\$ 500.
8.	Installation of hazardous or smoke exhaust systems:	
	a. Atriums exhaust system, each:	\$ 400.
	b. Commercial kitchen hood system, each:	\$ 200.
	c. Hazardous exhaust system, each:	\$ 200.
	d. Commercial kitchen hood suppression, each:	\$ 200.
9.	Pre-engineered system including carbon dioxide foam, dry or wet chemical, inert gas, FM200 or other chemical or special systems (except commercial kitchen hood systems), each:	\$ 200.
10.	Installation of emergency generator, each:	
	a. Group R-5:	\$ 75.
	b. All other groups:	\$200.
11.	Fire Water Storage Tank, each:	\$ 300.
12.	Crematorium Fee, each:	\$ 500.
13.	Incinerator Fee, each:	\$ 500.
14.	Heating and cooling equipment (furnaces, air handlers, dryers, ovens, space heaters, pool heaters, boilers, fuel-burning appliances, fireplaces, chimney liner and metal vents):	
	a. First device, each:	\$ 60.
	b. Additional device, each:	\$ 15.
15.	Flammable/Combustible storage tanks:	
	a. Each tank, 0 to 999 gallons	\$ 100.
	b. Each tank, 1000 to 4999 gallons	\$ 300.
	c. Each tank, 5000 gallons or more	\$ 400.
16.	Field Inspection/Location of sprinkler heads and/or fire extinguisher placement,	\$ 100.

H. PLUMBING SUBCODE FEES:

Minimum Fee \$ 50.

1. For all fixtures or devices, except those listed in Subsection H2 hereafter, including but not limited to backflow preventers up to one inch, backwater valves, bathtubs, bidets, clothes washers, dishwashers, drinking fountains, floor drains, garbage disposals, floor sinks, hose bibs, soda dispensing equipment, ice cream or yogurt makers, ice making equipment, kitchen sinks, laundry tubs, lavatories, shower stalls, slop sinks, vent stacks, roof/overflow drains, urinals, utensil washers, vacuum breakers, water closets and whirlpools shall be (each): \$ 25.

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2. For special devices, including backflow preventers, 1 1/4 inches and up, condensate pumps, dental chairs and related dental equipment, eye washers, fixture ejector or pump, garbage can washers, grease traps, neutralizing devices, water softeners, humidifiers, oil recovery tanks, oil and sand interceptors, sewer ejectors, sump pumps, emergency showers, spas, hot tubs, tank less heater, drip or safe pans, hose reels and indirect waste receptors, pool drains, solar systems or other specialty device shall be (each): \$ 75.
3. Each oil or gas appliance, including but not limited to broilers, clothes dryers, coffee and tea urns, deep fryers, grills, ovens, radiant heater, steam tables or kettles, log lighters and/or fireplaces, each device or fixture shall be: \$ 20.
4. Water heater, furnace, rooftop units, steam/hot water boiler, heat pumps, pool heaters:
 - a. Group R-5: \$ 75.
 - b. All other groups: \$ 100.
5. Replacement, repair, removal or new installation of a building water service shall be: \$ 75.
6. Replacement, repair, removal or new installation of a building sewer service shall be: \$ 75.
7. Air conditioning, refrigeration and condensate systems, each unit shall be: \$ 75.
8. Required inspection and certificate of compliance for the annual backflow preventer, each device shall be: \$ 75.
9. Each abandoned septic tank and/or pit shall be: \$150.
10. Installation of each liquefied petroleum (propane) gas tank/cylinder shall be as follows:
 - a. Each tank 0 to 999 gallons \$100.
 - b. Each tank 1000 to 4999 gallons \$500.
 - c. Each tank 5000 gallons or more \$800.

(I) MECHANICAL INSPECTIONS:

Minimum fee \$ 75.

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1. Performed by mechanical/plumbing inspector for the installation and replacement of mechanical equipment in existing buildings, group R-5, R-4, R-3:
 - a. First piece of equipment each. \$ 75.
 - b. Additional equipment, each. \$ 20.

No separate fee shall be charged for gas, fuel oil or water connections associated with the mechanical equipment.

(J) ANNUAL PERMIT FEES:

1. Fees to be charge for an annual construction permit shall be charged on an annual basis. This fee shall be per maintenance worker primarily employed in an appropriate subcode.
 - a. From 1 to 25 workers, each \$ 933.
 - b. Over 25 workers, each additional worker \$ 329.

1. Prior to the issuance of an annual permit, a training registration fee of \$196 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the Township's Construction Code Official who shall forward the fee to the Department of Community Affairs, Bureau of Construction Code Enforcement, Training Section, along with copies of the Construction Permit (form F-170). Checks shall be made payable to Treasurer, State of New Jersey.

Note: Annual permit fees are not refundable.

(K) MISCELLANIOUS FEES:

Miscellaneous Fees: Special inspections not enumerated above shall be performed by the appropriate subcode official at an hourly rate of \$ 100 with a minimum of four hours. (Example: inspections requested to be performed after hours)

(L) ZONING FEES:

Zoning fees enumerated as follows:

- (1) The fee for an application to be processed through the Site Plan Exemption Committee shall be \$ 250.
- (2) Fee for temporary residential real estate sign shall be \$ 25.
- (3) Fee for temporary commercial real estate sign shall be \$ 50.
- (4) Fee for temporary construction/contractor sign shall be \$ 25.
- (5) Certificate of Habitability for sale of a residential property \$ 100.

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|-----|------------------------------------------------------------------|---------|
| (6) | Certificate of Habitability for rental of a residential property | \$ 100. |
| (7) | Zoning letter of compliance | \$ 50. |
| (8) | Zoning permit NOT requiring construction permit | \$ 50. |

NOTE:

Except as numerated above, all checks shall be made payable to the Township of Hanover.

All fees collected pursuant to this ordinance are nonrefundable.

(M) SEARCH EXAMINATION:

Search, examination and reproduction of code enforcement records. The Construction Official is designated as the deputy custodian of all Building Department and building subcode records. Duplicating costs and special service charges related to the reproduction of any Building Department records and documents shall be in accordance with provisions of the Open Public Records Act as specified under § 125-9, entitled "Open Public Records Act," under Chapter 125 of the Code of the Township, entitled "Fees."

Section 2. In case for any reason, any license or permit fee, or any Section or provision of this ordinance shall be declared unconstitutional or invalid, the same shall not affect any other license or permit fee, or any section or provision of this ordinance except so are as the license or permit fee so declared unconstitutional or invalid shall be severed from the remainder of this ordinance or any portion thereof.

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

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

Further Considered for a Public Hearing and Final Passage at the Township Committee Meeting on 23rd of April, 2015 after 8:30 because we have the liquor license application continuation, soon thereafter and the Notice of the Introduction and the Ordinance itself will be published in the Daily Record in accordance with the law.

Motion for introduction made by Member Brueno and seconded by Member Gallagher and unanimously passed.

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 66-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PROBATIONARY EMPLOYMENT OF RICHARD P. ALLOWAY AS THE

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TOWNSHIP'S REPLACEMENT PART-TIME ELECTRICAL SUB-CODE OFFICIAL/ELECTRICAL INSPECTOR AND ASSISTANT ZONING OFFICER/ASSISTANT PROPERTY MAINTENANCE INSPECTOR IN THE BUILDING DEPARTMENT EFFECTIVE APRIL 13, 2015, AND ESTABLISHING HIS COMPENSATION AT \$35.00 PER HOUR UNDER JOB GROUP IX, SALARY GUIDE "C" OF SALARY ORDINANCE NO. 10-15 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY INFORMATION RECORD CHECK)

WHEREAS, Michael Wallace was appointed by resolution of the Township Committee on May 23, 2013 to serve as the Township's Part-Time Electrical Sub-Code Official/Electrical Inspector/Assistant Zoning Officer/Assistant Property Maintenance Inspector effective June 3, 2013; and

WHEREAS, by letter dated January 7, 2015 to the Construction Official, Mr. Wallace advised the Township that he was resigning from his position effective January 27, 2015; and

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

WHEREAS, through the job application process, the Building Department received a total of five (5) applications for the position of part-time Electrical Sub-Code Official/Electrical Inspector; and

WHEREAS, in accordance with the Township's job application process, the five (5) applicants were initially interviewed by the Construction Official and the Human Resource Specialist in January and March, 2015; and

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

WHEREAS, subsequently, the Business Administrator and Human Resource Specialist conducted a second interview with the finalist on March 30, 2015; and

WHEREAS, as a result of the second interview with the final candidate, the Business Administrator and Construction Official believe that **Richard P. Alloway** residing at 4 Ebersbach Lane in Roseland, New Jersey 07068 possesses the necessary experience, skills and expertise to assume the job duties and responsibilities of part-time Electrical Sub-Code Official/Electrical Inspector/Assistant Zoning Officer/ Assistant Property Maintenance Inspector; and

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WHEREAS, depending on the needs of the Building Department, the Construction Official estimates that **Mr. Alloway** will be required to work approximately twenty-five (25) hours a week up to a maximum of twenty-eight (28) hours in any week; and

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

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

1. That **Richard P. Alloway** residing at 4 Ebersbach Lane in Roseland, New Jersey 07068 is hereby appointed to serve as the Township's replacement part-time Electrical Sub- Code Official/Electrical Inspector/Assistant Zoning Officer/Assistant Property Maintenance Inspector, commencing Monday, April 13, 2015. **Mr. Alloway** shall work approximately twenty-five (25) hours a week in any week and up to a maximum of twenty-eight (28) hours in any week depending on the Department's workload.
2. In accordance with Salary Range Guide "C" of Salary Ordinance No. 10-2015, **Mr. Alloway** shall be compensated at \$35.00 per hour under Job Group IX. The \$35.00 hourly rate is equivalent to \$50,960.00 for a part-time employee working a 28 hour work week. Pursuant to Township Policy, **Mr. Alloway** shall not be entitled to receive any other remuneration such as compensatory time other than the annual cost of living adjustments that may be granted to non-union civilian employees by the Township Committee, and subject to receiving a satisfactory Job Performance Evaluation performed by the Business Administrator or his designee.
3. Pursuant to the requirements of the Township's Employee Job Performance Evaluation System, as described in full under Section 61-18 of Chapter 61 of the Code of the Township entitled Salaries and Compensation, **Mr. Alloway** shall serve a six (6) month probationary period commencing April 13, 2015 and ending October 13, 2015. At least twenty (20) working days prior to the expiration of the six (6) month probationary period, the Construction Official shall prepare a written job evaluation of **Mr. Alloway's** performance. In the event that **Mr. Alloway** receives an unsatisfactory job performance evaluation at any time during his probationary period, **Mr. Alloway** may be terminated at the

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conclusion of the probationary period or sooner, whichever case is applicable.

4. Pursuant to Township policy, **Mr. Alloway** shall not be eligible to receive any prior service credit or receive or accrue any paid vacations, sick leave and health and dental benefits of any kind whatsoever. However, as a permanent part-time employee, **Mr. Alloway** shall be eligible to receive holiday pay provided he works a consistent schedule each week in accordance with Ordinance No. 1-13 and Chapter 61 of the Code of the Township.
5. This offer of employment is conditional and subject to **Mr. Alloway** receiving a satisfactory medical examination, negative drug test and negative criminal history record information check, all in accordance with the Township's hiring practices as set forth in the Township's Personnel Policies and Procedures Manual and Section 61-29.N.(1) through (4) entitled "Alcohol and Drug Testing Policy for Civilian Employees".
6. That a certified copy of this resolution shall be transmitted to the Construction Official, Chief Municipal Finance Officer and **Mr. Alloway** for reference and information purposes.

RESOLUTION NO. 67-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PURCHASE OF THREE (3) YEAR 2015 CHEVROLET TAHOE SPORT UTILITY POLICE PURSUIT VEHICLES INCLUDING OPTIONS FROM HERTRICH FLEET SERVICES INCORPORATED IN AN AMOUNT NOT TO EXCEED \$83,966.85 PURSUANT TO STATE CONTRACT NO. A-88729 (1-NJCP)

WHEREAS, the Township Committee approved the appropriation of funds in the 2015 Current Fund Budget for the purchase of three (3) new police patrol vehicles to be assigned to the Police Department in replacing three (3) older patrol cars which have outlived their useful purpose; and

WHEREAS, under regulations promulgated by the Division of Local Government Services, any purchases made under the New Jersey Cooperative Purchasing System, which individually or cumulatively exceed Thirty Six Thousand (\$36,000.00) Dollars requires that the Township Committee authorizes a resolution approving the purchase; and

WHEREAS, in order to minimize maintenance and repair costs to patrol vehicles as much as possible, the Police Department follows a plan on an annual basis to replace vehicles that have outlived their useful purpose; and

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WHEREAS, it is the desire of the Chief of Police to purchase three (3) new sport utility police pursuit vehicles; and

WHEREAS, the Chief of Police has requested that the governing body approve a resolution authorizing the purchase of three (3) new 2015 Chevrolet Tahoe Sport Utility police pursuit vehicles including options as follows:

Three (3) 2015 Chevrolet Tahoe Sport Utility Police Pursuit Vehicles.....	\$87,616.85
Trade-In Allowance for a 2008 Ford Crown Victoria..	
A 1998 Jeep Grand Cherokee.....	<u>- 3,650.00</u>
Total Purchase Price Not to Exceed.....	\$83,966.85

WHEREAS, the three (3) year 2015 Chevrolet Tahoe Sport Utility Police Pursuit vehicles are available under a current and valid New Jersey State Contract, Contract No. A-88729 (1-NJCP); and

WHEREAS, the Township's Chief Municipal Finance Officer, has certified that sufficient funds were appropriated and are available in the year 2015 Current Fund Budget, Purchase of Police Cars, Line Item No. 125-0019-527 (\$81,750.00) and Line Item Nos. 125-0315-900 (\$1,000.00), 125-0315-909 (\$1,000.00) and 125-0315-916 (\$216.85) for the purchase authorized herein.

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 Chief of Police is hereby authorized to issue a Purchase Order in the acquisition of three (3) new 2015 Chevrolet Tahoe Sport Utility police pursuit vehicles including options (less trade-in allowances) to be purchased from **Hertrich Fleet Services Incorporated** located at 1427 Bay Road in Milford, Delaware 19963 pursuant to a current and valid New Jersey State Contract No. A-88729 (1-NJCP). The March 31, 2015 e-mail from the Chief of Police requesting permission to purchase the three (3) replacement patrol vehicles along with a description of the vehicles and options are attached hereto and made a part of this resolution as if set forth in full.
2. That the total cost to the Township for the three (3) new 2015 Chevrolet Tahoe Sport Utility police pursuit vehicles including options, shall not exceed Eighty-Three Thousand Nine Hundred Sixty Six (\$83,966.85) Dollars and Eighty Five Cents.
3. That a certified copy of this resolution shall be filed with the Township's Chief Municipal Finance Officer and Chief of Police for reference and action purposes.

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RESOLUTION NO. 68-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PURCHASE OF ONE (1) 2015, 37-CUBIC YARD INTERNATIONAL MODEL NO. 7400-39,000 LB. GVWR DUMP TRUCK FROM BUCKS COUNTY INTERNATIONAL, INC. IN AN AMOUNT NOT TO EXCEED \$121,037.00 PURSUANT TO STATE CONTRACT NO. A-79123 (1-NJCP)

WHEREAS, the Township Committee approved the appropriation of funds in the 20154 Current Fund Budget for the purchase of one (1) 2015, 37-Cubic Yard International 7400-39,000 lb. GVWR Dump Truck in replacing a 1991 GMC Dump Truck with 41, 668 miles which truck has outlived its useful purpose; and

WHEREAS, under regulations promulgated by the Division of Local Government Services, any purchases made under the New Jersey Cooperative Purchasing System, which individually or cumulatively exceed Thirty Six Thousand (\$36,000.00) Dollars requires that the Township Committee authorizes a resolution approving the purchase; and

WHEREAS, in order to minimize maintenance and repair costs vehicles as much as possible, the Public Works Department follows a plan on an annual basis to replace vehicles that have outlived their useful purpose; and

WHEREAS, at this time, it is the desire of the Superintendent to purchase one (1) new 2015, 37-cubic yard International 7400 dump truck; and

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department has requested that the governing body approve a resolution authorizing the purchase of one (1) new 2015, 37-cubic yard International 7400 dump truck; and

WHEREAS, the one (1) 2015, 37-cubic yard International 7400 dump truck is available under a current and valid New Jersey State Contract, Contract No. A-79123 (1-NJCP); and

WHEREAS, the Township's Chief Municipal Finance Officer, has certified that sufficient funds were appropriated and are available in the year 2015 Current Fund Budget, Purchase of Vehicles, Line Item No. 125-0070-653 for the purchase authorized herein.

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 Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department is hereby authorized to issue a

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Purchase Order in the acquisition of one (1) new 2015, 37-cubic yard dump truck, 7400-39,000 lbs. GVWR to be purchased from **Bucks County International, Inc.** located at 134 Old Oxford Valley Road in Langhorne, Pennsylvania 19047 pursuant to a current and valid New Jersey State Contract No. A-79123 (1-NJCP). The March 17, 2015 memorandum of the Superintendent requesting permission to purchase the new dump truck is attached hereto and made a part of this resolution as if set forth in full.

2. That the total cost to the Township for the one (1) new 2015, 37-cubic yard International dump truck shall not exceed One Hundred Twenty One Thousand Thirty Seven (\$121,037.00) Dollars.
3. That a certified copy of this resolution shall be filed with the Township's Chief Municipal Finance Officer and Superintendent of Public Works for reference and action purposes.

RESOLUTION NO. 69-2015

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PURCHASE, INSTALLATION AND REPLACEMENT OF TWO (2) DUMP TRUCK BODIES AND RELATED EQUIPMENT FOR A 1995 AND 1996 GMC DUMP TRUCK FROM CLIFFSIDE BODY CORPORATION IN AN AMOUNT NOT TO EXCEED \$37,888.00 PURSUANT TO STATE CONTRACT NO. A-73499 (1-NJCP)

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department needs to replace the dump truck bodies including other related equipment and appurtenances for a 1995 and a 1996 GMC dump truck which truck bodies have rusted and rotted; and

WHEREAS, the Township Committee approved the appropriation of funds in the 2015 Current Fund Budget for the purchase, installation, and replacement of the two (2) dump truck bodies and necessary related equipment ; and

WHEREAS, under regulations promulgated by the Division of Local Government Services, any purchases made under the New Jersey Cooperative Purchasing System, which individually or cumulatively exceed Thirty Six Thousand (\$36,000.00) Dollars requires that the Township Committee authorizes a resolution approving the purchase; and

WHEREAS, the purchase, replacement and installation of the truck bodies and the related appurtenances and equipment is cost practical and efficient rather than purchasing two (2) new dump trucks; and

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department has requested that the governing body approve a resolution authorizing the purchase, replacement and installation of two (2)

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new truck bodies and related equipment pursuant to a current and valid New Jersey State Contract, Contract No. A-73499 (1-NJCP); and

WHEREAS, the Township's Chief Municipal Finance Officer, has certified that sufficient funds were appropriated and are available in the year 2015 Current Fund Budget, Purchase of Road Equipment, Line Item No. 125-0047-653 for the purchase authorized herein.

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 Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department is hereby authorized to issue a Purchase Order for the purchase, replacement and installation of two (2) new truck bodies for a 1995 and a 1996 GMC Dump truck including all related equipment and appurtenances from **Cliffside Body Corporation, Inc.** located at 130 Broad Avenue, P.O. Box 206 in Fairview, New Jersey 07022 pursuant to a current and valid New Jersey State Contract No. A-73499 (1-NJCP). The March 17, 2015 memorandum of the Superintendent requesting permission to purchase the new dump truck bodies and related equipment is attached hereto and made a part of this resolution as if set forth in full.
2. That the total cost to the Township for the purchase, replacement and installation of the two (2) new truck bodies and related equipment shall not exceed Thirty Seven Thousand Eight Hundred Eighty Eight (\$37,888.00) Dollars.
3. That a certified copy of this resolution shall be filed with the Township's Chief Municipal Finance Officer and Superintendent of Public Works for reference and action purposes.

RESOLUTION NO. 70-2015

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$18,598.55 WITH GARDEN STATE FIREWORKS, INCORPORATED FOR AN INDEPENDENCE DAY CELEBRATION OF FIREWORKS ON THE EVENING OF JULY 1, 2015 WITH A RAIN DATE OF JULY 2, 2015 OR THE NEXT CLEAR NIGHT IN CASE OF INCLEMENT WEATHER AT THE VETERANS MEMORIAL PARK ATHLETIC FIELD, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(ii) AND (3) AND N.J.S.A. 40A:11-6.1 OF THE LOCAL PUBLIC CONTRACTS LAW

WHEREAS, the Township of Hanover intends to provide a fireworks display for the 2015 Independence Day Celebration on July 1, 2015 with a rain date of

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July 2, 2015 or the next clear night in case of inclement weather at the Veterans Memorial Park Athletic Field; and

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

WHEREAS, the Township has determined that the performance of a fireworks display requires an expertise and extensive training in this field of endeavor and involves the additional problem that if the displays are not properly furnished in the first instance, there is no opportunity for correction of any errors or omissions on the part of those providing said displays; and

WHEREAS, on March 17, 2015, the Township sent a Request for Proposal and Quotation to seven (7) fireworks display vendors requesting the submission of proposals and quotations to be submitted to the Township's Bid Reception Committee on Tuesday, April 7, 2015; and

WHEREAS, only one (1) proposal and quotation was received by the Bid Reception Committee on April 7, 2015 from **Garden State Fireworks, Inc.** in the amount of \$18,598.55; and

WHEREAS, the Township's Business Administrator reviewed the proposal and quotation by **Garden State Fireworks, Inc.** and determined that the proposal and quotation was submitted in accordance with the Township's Request for Proposal and does not include any exceptions, deviations or deficiencies, and, is therefore considered the only responsible and responsive bidder; and

WHEREAS, the Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available for this expenditure through the year 2015 Current Fund Budget - Line Item Number 125-0038-304; and

WHEREAS, the Township Committee of the Township of Hanover conclude that the providing of fireworks displays should be classified as an "Extraordinary, Unspecifiable Service" as defined by N.J.S.A. 40A:11-5.(1)(a)(ii) and N.J.S.A. 40A:11-6.1.

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

1. In accordance with N.J.S.A. 40A:11-5.(1)(a)(ii) and (3) and N.J.S.A. 40A:11-6.1, the governing body hereby authorizes the performance of an Independence Day Fourth of July Fireworks Display to be held on Wednesday evening, July 1, 2015 with a rain date of Thursday, July 2,

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2015 or the next clear night in case of inclement weather which fireworks display shall be held at the Veterans Memorial Park Athletic Field.

2. That the Mayor and Township Clerk are further authorized to execute an Extraordinary, Unspecificable Services Agreement with **Garden State Fireworks, Inc.** located at P.O. Box 403, 383 Carlton Road, in Millington, New Jersey 07946 at a cost not to exceed \$18,598.55 for a fireworks program to be displayed at the Veterans Memorial Park Athletic Field on Wednesday, July 1, 2015, with a rain date of Thursday, July 2, 2015 or in the event of inclement weather, on the next clear night.
3. This contract is awarded without competitive bidding as an Extraordinary, Unspecifiable Service in accordance with N.J.S.A. 40A:11-5.(1)(a)(ii) and N.J.S.A. 40A:11-6.1 of the Local Public Contracts Law guidelines and regulations.
4. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated in the year 2015 Current Fund Budget, Patriotic Celebration Account, Line Item No. 125-0038-304 and are available for the purpose set forth in this resolution.
5. The contract be awarded without competitive bidding in accordance with N.J.S.A. 40A:11-5.(1)(a)(ii) and (3) because providing Fireworks Displays requires an expertise and extensive training in this field of endeavor and involves the additional problem that if the displays are not properly furnished in the first instance, there is no opportunity for correction of any errors or omissions on the part of those providing said displays.
6. A brief notice of the action taken in this resolution shall be published once in the Daily Record within ten (10) days of its passage.
7. The resolution and contract are on file in the office of the Business Administrator/Township Clerk and are available for public inspection.
8. A certified copy of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer, Acting Superintendent of Recreation and Park Administration, and **Garden State Fireworks, Inc.** for their reference and information.

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RESOLUTION NO. 71-2015

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

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

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL. #</u>	<u>NAME</u>	<u>AMOUNT</u>
4301	2	C0701	Jeffrey & Lillian Dollinger 701 Dawson Place Whippany, NJ 07981	\$1,399.88
7901	6		Thomas & Eduarda Sebolao 10 Woodcrest Road Whippany, NJ 07981	\$206.82
8901	11		Michael Schneck, Esq. Attorney for River Park Business Center Inc 301 South Livingston Ave – Suite 105 Livingston, NJ 07039 Location: 143 Parsippany Road Reserve for Tax Appeal	\$17,000.00
9999	15		Alcatel-Lucent Managing Corporated Counsel Operations 600-700 Mountain Ave Room 3A204 Murray Hill, NJ 07974 Attn: Cindi Smith Location: 17 Airport Road Reserve for Tax Appeals	\$23,890.00

Motion to approve as consent agenda and also to approve all Resolutions made by Member Coppola and seconded by Member Ferramosca and unanimously passed.

RAFFLE APPLICATIONS:

RL-2833 – Notre Dame of Mt. Carmel/Operations – 50/50 on premise
RL-2834 – Notre Dame of Mt. Carmel/Operation – Tricky Tray

Motion made to approve the Raffle Applications made by Member Coppola and seconded by Member Ferramosca and unanimously passed.

PAYMENT OF BILLS:

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The governing body approved a grand total disbursement of \$4,894,171.08 for the payment of all bills as of this Regular Township Committee Meeting. A copy of the "Bills Payment List – by Vendor" is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

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

OTHER BUSINESS:

Mr. Brueno: I've been shortening my list over the last few weeks because of all these other issues, but we do have an event coming up on Sunday, which is touch a truck, at the Brickyard Field we invite all the children, and perhaps Grandparents to bring your grandchildren between one and three o'clock to come out and touch a truck, climb on the trucks, not necessarily drive the trucks, but that event will take place rain or shine.

Fireworks, the bid is to be awarded tonight to be approved, July 1 that will take place at Veteran's Field for the first time, so we do have a new location in place. The senior golf outing is back after a five year hiatus Monday June 1st get the clubs out, maybe it will be warm by then. One member of the group must be a minimum of 50 years of age. We do have a Broadway trip upcoming up to see GiGi; there still a few tickets remaining, contact the Recreation Department if interested. Dinner at Carmine's the bus and the fun begins at 3:00 then there is also a trip to the Papermill to see a play on June 10th if you don't want to do the NY City Broadway version, the other play is Ever After.

Yankee Baseball Game which will include the Old Timer's Day Game, June 21st the bus will leave Rec Center at 3:00.

Opening Day Little League, next Saturday April 18 parade will begin at 9:30, ceremony begins at 10:00 at Veteran's Field and last but not least our Cultural Arts Committee is having a Cabaret Night, they had it for the first time last year, it was a resounding success and that will take place on Saturday, April 25 from 6-8 at the Community Center, reservations are required so please contact them and get a table together at Cabaret Night.

Mr. Coppola: Little league opening day, the Knights of Columbus does hot dogs, if anyone wants to watch 900 hot dogs disappear in about 5 minutes.

May 3rd the Landmark Commission is having their dedication of the Burial Yard, it is important program and additional information can be found on the website.

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Mr. Gallagher: There is so much they do at the DPW and I told Brian Foran that I would feature two or three things at each meeting, the one thing that I realized this week is with my job in sometimes 5 or 6 towns a day and I said to Brian Foran why are there so many cones on so many drain sewers and why are so many rain sewers collapsed, we are seeing that all over Morris County, and Brian said because the cinder block rots from all the salt and then I asked him why don't we have that problem in Hanover Township, and I'm very thankful that we don't. He said that in the last few years we replaced every one of them, that's another thing that the DPW does that most people don't realize. So as preventative maintenance they fix it as it goes bad and right now we are ahead of the game in that department and most people don't think very much about rain sewers.

I also want to report that all the salt and the sand and anything else on the sides of the roads will be getting removed everyday by our street sweepers, our streets are in really good shape and that means a lot for our kids and families walking, kids on skateboards, riding bikes, any other recreational activities around our streets are a lot safer because of our guys in the DPW. And the last thing I will say tonight and I will continue every two weeks is that working with Bob our fields are already to go, our Baseball fields look great, they are ready to go, our guys are on them all the time, the grass looks good, now we just need it to warm up.

Mayor: Thank you ~ I just want to piggy back on something that Ace said and it is very important, we are getting phone calls about the conditions of the streets in Hanover Township, it's been terrible winter it's taking it's toll as things begin to thaw, the streets are being undermined and the roads are in desperate need of care and we are trying to get to them as fast as we can, major intersections that we have gotten out to we've done patches, we are going to have to contract out for a lot of work, the Township Committee is going to talk about this a little bit more tonight, but not unlike any other municipality we got a great deal of damage, we hope I know that we are trying to stay on top of it to keep the roads safe, at least for temporary patches potholes of that nature where it is greater work we are going to have to be contracting out, have pieces of streets absolutely removed and replaced that we have done along the way. But we are on top of it it's unfortunate that these things do take a little time so we are just hoping that the public will be considerate and work with us, we are going to put Hanover Township together again that's for sure on the roads, so having said that, you know that we know streets have to be fixed.

Health Department wanted me to bring something to your attention very quickly, the second and fourth Wednesday's of every month is something called "Brown Bag Day" no it doesn't mean bring your lunch, it means that if you have medications at home put them all in a brown bag bring them into our Health Department they are going to review them for you. What we are finding out now, is that many people who are going to various different physicians are getting medications, there are duplications in the medications that you should know about through generic names and we will identify that for you, you might be taking one medication for heart, that duplicate themselves in their ingredients in the medication you want to know that, and you want your pharmacist to

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know that, so in any event if you have medications at home that you are not sure about and want to learn more about them second and forth Wednesday here at Town Hall Health Department, help you sort it out.

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

OPEN TO THE PUBLIC:

Jim Neidhardt, 3414 Appleton Way, Whippany: When I was at a County meeting of the Freeholders a couple of weeks ago, some member of the public who is an expert on this particular thing got up and spoke about the fixing of potholes, but there is some technology that some towns have been experimenting, like we experimented with the one on trucks, I think it involves lasers

Mayor: Really

Mr. Neidhardt: And some type of liquid, and you can google it; new method of filling potholes, but it's definitely on the county record from two meetings ago, I think that was, and the fellow talking sounded like an expert and he was talking where they basically just pull the truck up near the whole they spray this stuff, it's an asphalt and hot tar mixture, they spray it out there and then seal it with a laser.

Mayor: It's cured by laser or no?

Mr. Neidhardt: It was something new, like remember how we decided to mix the salt with some wet solution to make it more effective, like you just spray it, you don't have to have men get out and shovel and pound it and, maybe Tom that's something you take up with Brian.

Mayor: Quick seal, faster from a labor standpoint and pretty economical from just squirting it out, I'm not an expert but this gentleman talked about it at the county.

Mr. Giorgio: We will look into it.

Thank you.

Barbara Eames: The Improvement Authority meeting that they had last Wednesday accepted the resignation of Gable and Associates the Energy Consultants and also Steve Pearlman the Attorney and it was a very lengthy discussion about an hour and a half with public about 8 of us from two counties were able to ask questions and get a lot of answers, they did present some facts that they put together, responses to something that I had to ask to try to determine where the money came from, where it

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was and how much was left how much was spent, etc., and the bottom line was that if we complete the remaining solar projects that would include potentially Hanover Township unless they don't if we completed that the deficit in the bonding cost of the debt payment for the bonds would be 6 million dollars if we don't complete that project it's \$21 million. I don't think that is the total cost that can't be a total cost where they originally offer us \$34 million they spent \$24 million I believe that is not 50% of 34, so we are only about half way built out. So there are a lot of cost overruns and whatever, so they have that decision to make, but I will forward you that document that show some financial information on it and they are seeking to replace those folks and they need to make a decision and they are discussing a time line for making a decision as to whether they proceed, they are also proceeding to explore whether they might have some company come in and buy, they don't want to be in the solar business, that can be buy the panels and manage it and buy it.

Mayor: Thank you Barbara.

Mr. Gallagher: Jim I just want you to know once again that the Government at work here in Hanover Township, I just texted Brian Foran and we will be talking about it tomorrow and I will share your information you gave to the Committee.

Mayor: Isn't that great, we got the Administrator on texting now, so known when I'm sitting at a Board of Health Meeting at 10:00 at night he is getting orders.

Mr. Giorgio: Three times last night!

Mr. Ferramosca: From a Planning standpoint, Whippany Road we are seeing Bayer doing well, we also have MetLife that is underway and the suggestion of Mr. Coppola he worked along with Engineering and Planning, Mr. Brancheau we are going to develop a series of exhibits that will be in Town Hall that will allow members of our public if they want to see what that will actually look like when it is completed with all the proper landscaping in place we encourage people to come up and take a look at it, learn about what is going on within your town, which is a primary area of Town, Whippany Road. We want it to be an area that we can all feel proud of when it's completed. Thank you Mr. Coppola working along with Mr. Brancheau and Mr. Maceira to make that happen and you will be seeing early next week those boards up in Town Hall.

Mayor: It's not to belabor it, John brings up a very important point, we all want to move forward here in Hanover we all want the best of the quality of the corporates that we have coming into Hanover and I don't think there is anybody disputing the caliber of the corporates that we do have coming into town, but with it comes disruption and I must tell you personally having gone out on that site many many times, George and I were out there a couple of days ago trying to preserve the old pump house and the old stone areas there, there are some ways that we came up with that we might be able to do it, but meanwhile it is an incredible amount of construction, the street is being widened, the telephone poles are being pulled back, burbs are being put in, sidewalks

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and trails are going to be put in and I described it last night at one of my departments, it's in the middle of open heart surgery, it's God awful, and I agree, but the end result and I think George had a wonderful suggestion let's get some renderings out there to the people let's see if we can get some in the weekly regional news, Jim will be happy to print the renderings as well, and tell people what is going on regarding it so they don't panic and have all the issues and come forward here uninformed. Having said that, no further comments.

ADJOURNMENT:

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