

NOVEMBER 20, 2017

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Monday, November 20, 2017, at 8:30 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

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

ABSENT:

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**STATEMENT BY PRESIDING OFFICER:**

Adequate notice of this meeting has been provided in accordance with the Open Public Meetings Act by posting written notices and agenda of the meeting on the bulletin board in the Municipal Building, 1000 Route 10, Township of Hanover and by hand delivering, mailing or faxing such notice and agenda to the following newspapers:

**HANOVER EAGLE  
MORRIS COUNTY'S DAILY RECORD  
THE STAR LEDGER**

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

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**PLEDGE OF ALLEGIANCE TO THE FLAG**

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**OPENING PRAYER**

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

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**RECOGNITION OF GRADES 5 AND 6 FOOTBALL TEAM MEMBERS IN WINNING THE 2017 MORRIS COUNTY YOUTH FOOTBALL LEAGUE CONFERENCE PEE WEE CHAMPIONSHIP AND RECOGNITION OF THE CHEERLEADING SQUAD IN SUPPORTING THE PEE WEES.**

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**OPEN TO THE PUBLIC:**

Motion made by Member Brueno to Open to the Public and seconded by Member Ferramosca and unanimously passed.

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**APPROVAL OF TOWNSHIP COMMITTEE MINUTES:**

The Minutes of the Regular Meeting of November 10, 2017 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Ferramosca moved that the Minutes of the Regular Meeting of November 10, 2017 minutes have been accepted and approved as presented by the Township Clerk. The motion was seconded by Member Gallagher and was unanimously passed.  
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**PUBLIC HEARING AND ADOPTION OF THE FOLLOWING ORDINANCE:**

**ORDINANCE NO. 23-2017**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF NEW LETTERING FOR THE FACADES OF THE MUNICIPAL BUILDING AND POLICE HEADQUARTERS, EXTERIOR AND INTERIOR MUNICIPAL BUILDING DIRECTIONAL SIGNAGE AND A NEW FREESTANDING, LED DIGITAL MESSAGE BOARD AND FURTHER APPROPRIATING THE SUM OF \$150,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2017 AND ALL PRIOR YEARS FOR THE FINANCING OF THE IMPROVEMENTS DESCRIBED HEREIN**

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 23-17 appeared in full in the November 1<sup>st</sup>, 2017 issue of the Daily Record in accordance with the law.

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

Is there anyone present wishing to be heard concerning Ordinance No. 23-2017?

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

Now on Adoption, Be it resolved, that an Ordinance entitled "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF NEW LETTERING FOR THE FACADES OF THE MUNICIPAL BUILDING AND POLICE HEADQUARTERS, EXTERIOR AND INTERIOR MUNICIPAL BUILDING DIRECTIONAL SIGNAGE AND A NEW FREESTANDING, LED DIGITAL MESSAGE BOARD AND FURTHER APPROPRIATING THE SUM OF \$150,000.00 FROM THE CAPITAL IMPROVEMENT FUND OF 2017 AND ALL PRIOR YEARS FOR THE FINANCING OF THE IMPROVEMENTS DESCRIBED HEREIN,**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the November 27<sup>th</sup>, 2017 issue of the Daily Record.

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

**So Adopted.**

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**INTRODUCTION OF ORDINANCES:**

**ORDINANCE NO. 27-2017**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AUTHORIZING THE FURNISHING AND INSTALLATION OF TWO PEDESTRIAN GATES AND OTHER RELATED IMPROVEMENTS BY THE MORRISTOWN AND ERIE RAILWAY FOR THE PEDESTRIAN AT-GRADE RAIL CROSSING AT THE INTERSECTION OF THE WESTERLY SIDE OF SOUTH JEFFERSON ROAD AND THE MORRISTOWN & ERIE RAILWAY MAIN LINE AND FURTHER APPROPRIATING THE SUM OF \$30,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP'S 2017 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE IMPROVEMENTS DESCRIBED HEREIN**

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**WHEREAS**, during calendar year 2016, the Township of Hanover constructed new sidewalks along the westerly side of South Jefferson Road for the purpose of pedestrian access with the exception of that portion of the right-of-way which crosses the **Morristown & Erie Railway's** main line; and

**WHEREAS**, there is an existing gated vehicular at-grade crossing of the **Morristown & Erie Railway** main line with South Jefferson Road in the Township of Hanover; and

**WHEREAS**, although the Township has jurisdiction over the roadway where the at-grade crossing exists, the railroad track falls under the jurisdiction of the **Morristown & Erie Railway**; and

**WHEREAS**, the Township desires to cross the railroad main line to complete the pedestrian sidewalks; and

**WHEREAS**, in accordance with New Jersey Department of Transportation regulations, it will be necessary for the **Morristown & Erie Railway** to furnish and install pedestrian gates so that the Township can then complete the installation of sidewalks.

**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.** The governing body hereby authorizes the Township to enter into an agreement with the **Morristown & Erie Railway** whereby the **Railway** will furnish and install two (2) pedestrian gates and other related improvements for the pedestrian at-grade rail crossing at the intersection of the westerly side of South Jefferson Road and the **Morristown & Erie Railway** main line. Although the Township has jurisdiction over the roadway where the at-grade crossing exists, the railroad track falls under the jurisdiction of the **Morristown & Erie Railway**, and therefore, the installation of the two (2) pedestrian gates must be erected by the M&E Railway.

**Section 2.** As the Township of Hanover will be responsible for the payment of the installation of the two (2) pedestrian gates and any related improvements, there is hereby appropriated the sum of \$30,000.00 from the unallocated portion of the Township's 2017 Capital Improvement Fund and all prior years for the purpose of reimbursing the **Morristown & Erie Railway**.

**Section 3.** This Ordinance shall take effect in accordance with the law.

The Ordinance will be further considered for Public Hearing on December 14<sup>th</sup> at 8:30 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

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

So Introduced

**ORDINANCE NO. 28-17**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING SECTION 255-7. ENTITLED "RATE SCHEDULE" UNDER CHAPTER 255 OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED TOWING AND ROAD SERVICE AS IT RELATES TO TOWING AND ROAD SERVICE CHARGES FOR CALENDAR YEARS 2018 AND 2019**

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**WHEREAS**, the maximum permitted towing and road service charges that towing operators may charge owners of vehicles under Section 255-7. Entitled “Rate Schedule” For Calendar Years 2014, 2015, 2016 and 2017 is set to expire on December 31, 2017; and

**WHEREAS**, with the forthcoming expiration of the Rate Schedule, it is necessary to adopt a new Rate Schedule for calendar years 2018 and 2019.

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

**Section 1.** Section 255-7. entitled “Rate Schedule”. under Chapter 255 of the Code of the Township entitled Towing and Road Service is hereby amended and supplemented with the inclusion of new maximum permitted rates that may be charged the owners of vehicles for towing and road service for calendar years 2018 and 2019:

**RATE SCHEDULE**

The following constitutes the maximum permitted rates that may be charged.

<b>Conventional Tow</b>	<b>2018</b>	<b>2019</b>
Tow	<b>\$107.00</b>	<b>\$109.00</b>
Mileage – Per Mile	<b>\$ 4.56</b>	<b>\$ 4.65</b>
<b>Flatbed</b>		
Tow	<b>\$119.00</b>	<b>\$121.00</b>
Mileage – Per Mile	<b>\$ 4.56</b>	<b>\$ 4.65</b>
<b>Heavy Duty</b>	<b>2018</b>	<b>2019</b>
Conventional Tow	<b>\$331. p/h</b>	<b>\$337.p/h</b>
<b>Storage</b>	<b>2018</b>	<b>2019</b>
Inside Secure	<b>\$47.</b>	<b>\$48.</b>
Outside Secure	<b>\$37</b>	<b>\$38.</b>
Outside Un-secure	<b>\$31.</b>	<b>\$32.</b>
<b>Recovery/Winching</b>	<b>2018</b>	<b>2019</b>
Passenger vehicles/pickups Minor-return to road	<b>Not to exceed \$131.</b>	<b>Not to Exceed \$134.</b>
Heavy duty-Minor	<b>\$146. plus \$99./hr</b>	<b>\$149. Plus \$101./hr</b>
Passenger vehicles/pickups Major-rollover, downhill...	<b>\$71. plus \$164./hr</b>	<b>\$72. Plus \$167./hr</b>
Heavy duty-major	<b>\$148. plus \$164./hr</b>	<b>\$151. Plus \$167./hr</b>
<b>Road Service</b>	<b>2018</b>	<b>2019</b>
Gasoline	<b>\$80.00 plus gasoline</b>	<b>\$82. Plus Gasoline</b>
Tire Change – Flat Fee	<b>\$71.00</b>	<b>\$72.</b>
Jump start – Flat Fee	<b>\$78.00</b>	<b>\$80.</b>

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

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

**Section 4.** This ordinance shall take effect in accordance with the law.  
The Ordinance will be further considered for Public Hearing on December 14<sup>th</sup> at 8:30 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

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

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**ORDINANCE NO. 29-2017**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER ESTABLISHING A NEW ARTICLE IV ENTITLED “COLLEGE INTERNSHIP PROGRAM” UNDER CHAPTER 61 OF THE CODE OF THE TOWNSHIP ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES**

**WHEREAS**, the Township Committee believes that a need exists to provide college students who are interested in pursuing a career in government with an opportunity to serve as an intern in a department or bureau of the Township to gain practical experience in the field of government.

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

**Section 1.**

**Section 61-43.** There is hereby established a new Article IV entitled “College Internship Program” under Chapter 61 of the Code of the Township entitled SALARIES AND COMPENSATION; PERSONNEL POLICIES.

**Purpose and Intent.** It is the intention of the Township Committee to establish an Internship Program for college students interested in pursuing a career in government. The Internship Program (hereinafter referred to as the “Program”) will provide individuals with an opportunity to work in a government environment to obtain firsthand knowledge and experience in the administration of government operations and the delivery of services similar to a teaching practicum.

The regulations and guidelines set forth in this new Chapter shall not supersede or override the Hanover Township Police Department’s Internship Program Guidelines which are described in the Department’s Policies and Procedures Manual at Chapter 10 of Volume 12. Rather, this Ordinance shall serve as a supplement to the Police Department’s Internship Program.

**Section 61-44. Administration of the Internship Program.**

- A. The Business Administrator/Township Clerk shall designate a member of the Department of Administration to serve as the Program Coordinator who will be responsible for administering all aspects of the Program such as, but not limited to, the recruitment of candidates and assessing the progress of interns as they complete their internships.
- B. The Program will provide college students to intern in any one of the Township’s departments or bureaus based on their college curriculum or major. Depending on college or university requirements, the length of an internship may be six (6) to eight (8) weeks.
- C. The procedures set forth in this policy are in addition to any requirements mandated by the intern’s respective college or university.

**Section 61-45. Qualification Requirements.**

- A. Internship applicants should be enrolled in either a two (2) year county college degree program, or a four (4) year college or university program. Ideally, candidates selected for internship should be in the second year of a county college program or a junior or senior enrolled in a four (4) year college or university. Applicants in a post-graduate program will also be considered for internship.
- B. Qualified applicants who are Hanover Township residents will take

precedent over non-residents.

**Section 61-46. Application Process.**

- A. Applicants must complete an application on a form approved by the Business Administrator/Township Clerk.
- B. A letter of interest must be submitted along with a completed application form giving the reason or reasons why he/she is interested in completing an internship in one of the Township's departments or bureaus.
- C. Applicants must also submit a current resume which includes a description of skills and abilities and the intended course of study.
- D. Applicants must provide a current grade transcript from their respective college or university.
- E. Applicants shall be required to undergo a thorough background check including but not limited to driver's record, computer criminal history check and personal and/or employee reference check. The background check will be performed by the Hanover Township Police Department.
- F. The Intern Coordinator will schedule a personal interview with the prospective student upon completion of items A. through E. described above.
- G. The Intern Coordinator shall submit all documentation along with recommendation(s) to the Business Administrator/Township Clerk in the selection of intern candidates to participate in the program.

**Section 61-47. Orientation and Training.**

- A. All interns will be required to participate in orientation and training to acquaint them with the rules and regulations governing the Township and the conduct of business. Interns will be expected to conduct themselves as professionals as they will represent both a department or bureau and their respective college or university. Orientation and training sessions may take place on an individual basis with the department or bureau head. Orientation will also include office business practices including the proper handling of telephone calls and welcoming members of the public who arrive at the office.
- B. Interns shall also receive position-specific training to ensure they have adequate knowledge and skills to complete tasks and assignments required for the position.
- C. Interns shall conform to the Township's approved dress code.
- D. Failure to comply with any Township ordinances, rules, regulations or policies will result in the immediate dismissal of an intern from the program with a report of the intern's conduct submitted to the intern's respective college or university.

**Section 61-48. Other Program Requirements.**

- A. The internship will dovetail with the student's curriculum schedule on a weekly basis so as not to interfere with an intern's classes.
- B. Interns will be expected to complete a minimum of six (6) weeks of service or the minimum number of hours required by their respective

college or university whichever is greater.

- C. Interns will be evaluated on their ability to perform tasks and assignments independently, or in coordination with Township employees.
- D. Upon completion of the internship, the intern will participate in an exit interview with the Intern Coordinator.
- E. Interns will be asked to submit their written evaluation of the Township's Internship Program in order to provide department and bureau heads with an assessment as to how the Program can be improved or modified in the future.

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

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

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

The Ordinance will be further considered for Public Hearing on December 14<sup>th</sup> at 8:30 pm and at that time any person wishing to be heard concerning the Ordinance will be given the opportunity to be heard. The Ordinance and Notice of Introduction will be published in full in the Daily Record in accordance with the law.

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

So Introduced

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**RESOLUTIONS AS A CONSENT AGENDA:**

**RESOLUTION NO. 206-2017**

**A RESOLUTION PROVIDING FOR THE ADVANCEMENT IN GRADE AND COMPENSATION FOR PATROLMAN JOSHUA WILLIAMS IN THE POLICE DEPARTMENT HAVING RECEIVED A SATISFACTORY JOB PERFORMANCE EVALUATION**

**WHEREAS**, in accordance with the Police Department's Job Performance Evaluation System, the employee named below has received a satisfactory job performance evaluation from the Chief of Police, and subject to Township policy, is entitled to advance in grade and compensation based on his anniversary date as described below; and

**WHEREAS**, the Township's Chief Municipal Finance Officer has certified that the advancement in grade and compensation for the officer mentioned below is correct.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Hanover in the County of Morris that the individual named below, in accordance with the current Collective Negotiations Agreement with the Policeman's Benevolent Association, PBA Local No. 128 and Salary Ordinance No. 21-14 shall be advanced in grade and compensation on his anniversary date as follows:

**POLICE:**

<b>Patrolman Joshua Williams</b>	\$63,199.00 per annum
PBA – Patrolman 2	Effective Date: 12/01/17

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be transmitted to the Township's Chief Municipal Finance Officer and Chief of Police for their

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reference and action.

**RESOLUTION NO. 207-2017**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING DENISE BUOYE AS THE TOWNSHIP'S REPLACEMENT FULL-TIME DEPUTY MUNICIPAL COURT ADMINISTRATOR FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING TUESDAY, JANUARY 2, 2018 AND ENDING MONDAY, JULY 2, 2018 AND ESTABLISHING HER COMPENSATION AT \$32.95 PER HOUR, OR, IF ANNUALIZED A SALARY OF \$59,969.00 UNDER JOB GROUP VI IN SCHEDULE "B" AND SALARY RANGE GUIDE "C" OF SALARY ORDINANCE NO. 8-2017 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY RECORD CHECK)**

**WHEREAS**, with the appointment and promotion of Lauren Dalgauer to the position of full-time Certified Municipal Court Administrator effective July 1, 2017, Ms. Dalgauer's full-time Deputy Municipal Court position became available; and

**WHEREAS**, the position of full-time Deputy Municipal Court Administrator is classified under Job Group VI of Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 8- 17; and

**WHEREAS**, in accordance with the Township job search process, the Township posted notice of the vacancy internally, on the Township's web site and the Morris-Sussex Vicinage web site; and

**WHEREAS**, a total of eight (8) applications were received by the Township's Human Resource Specialist; and

**WHEREAS**, of the eight (8) applications received, four (4) candidates were interviewed by the Interview Committee consisting of the Municipal Court Administrator, the Hanover and East Hanover Municipal Court Judges, the Manager of the Morris-Sussex Vicinage and the Township's Human Resource Specialist; and

**WHEREAS**, the applicants were rated on their prior employment experience and expertise, and their overall skills and abilities to perform the duties and responsibilities of full-time Deputy Municipal Court Administrator; and

**WHEREAS**, subsequently, the Interview Committee recommended that one (1) finalist whose background and experience closely matched the job requirements of the Deputy Municipal Court position be interviewed by the Business Administrator/ Township Clerk; and

**WHEREAS**, on Tuesday, November 7, 2017, the Business Administrator/ Township Clerk, Municipal Court Administrator and Human Resource Specialist conducted an interview with **Denise Buoye**, the candidate recommended for a second interview by the Interview Committee; and

**WHEREAS**, as the result of the interview, the Business Administrator/ Township Clerk recommends that **Denise Buoye**, a former part-time Deputy Municipal Court Administrator with the Township, possesses the necessary administrative skills and work experience to perform all of the duties and responsibilities of full-time Deputy Municipal Court Administrator; and

**WHEREAS**, **Ms. Buoye** had been employed by the Township in the Violations Bureau since October, 2006 through mid-October 2016; and

**WHEREAS**, **Ms. Buoye** shall serve as the full-time Deputy Municipal Court Administrator for a six (6) month probationary period commencing Tuesday, January 2, 2018 and ending on Monday, July 2, 2018; and



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**WHEREAS**, in accordance with the Township's Personnel Policies and Procedures, and Section 61-29.N.(1) through (4). Entitled "Alcohol and Drug Testing Policy for Civilian Employees" under Chapter 61 of the Code of the Township, **Ms. bUOYE** shall be subject to receiving a satisfactory medical examination, a negative drug test and a negative criminal history record check conducted by the New Jersey Division of State Police.

**WHEREAS, Ms. Buoye** shall be subject to the requirements of the 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.

**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 **Denise Buoye** residing at 39 Adams Drive in Whippany, New Jersey 07981 is hereby appointed as the full-time replacement Deputy Municipal Court Administrator for a six (6) month probationary period commencing Tuesday, January 2, 2018 and ending on Monday, July 2, 2018.
2. In accordance with Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 8-2017, **Ms. Buoye** shall be compensated at the rate of \$32.95 per hour, or if annualized, a salary of \$59,969.00 under Job Group VI. Pursuant to Township policy, **Ms. Buoye** shall not be entitled to receive any other salary increases 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 Municipal Court Administrator.
3. **Ms. Buoye** shall be subject to the requirements of the Employee Job Performance Evaluation System as described in full under Section 6118. Of Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies. At least twenty (20) working days prior to the end of the probationary period, it shall be the responsibility of the Municipal Court Administrator to complete a written job performance evaluation. In the event that **Ms. Buoye** receives an unsatisfactory job performance evaluation during her probationary period, **Ms. Buoye** may be terminated at the conclusion of the probationary period or sooner, whichever case is applicable.
4. **Ms. Buoye** shall be entitled to 6 vacation days during calendar year 2018 in accordance with Section 61-10.C. and D. of Chapter 61 of the Code of the Township but shall not be permitted to utilize the 6 vacation days until she has completed her six (6) month probationary period and received a satisfactory job performance evaluation. In addition, **Ms. Buoye** shall be eligible to earn and accrue .5 sick leave days per month up to six (6) sick leave days in each calendar year of service pursuant to Section 61-11.A.(3) of Chapter 61. Here again, **Ms. Buoye** is not permitted to take any paid sick leave until she has satisfactorily completed her probationary period.
5. **Ms. Buoye** shall be eligible for the Township's medical benefits waiver effective January 2, 2018 in view of the fact that she does not require medical benefits coverage through the Township.
6. That a certified copy of this resolution shall be transmitted to the Municipal Court Administrator, the Chief Municipal Finance Officer, Human Resource Specialist and **Ms. Buoye** for reference and information purposes.

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**RESOLUTION NO. 208-2017**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING A PERSON-TO-PERSON AND PLACE-TO-PLACE TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1412-33-006-004 PRESENTLY HELD BY VILLAGE SUPER MARKET OF NJ, LP AND TRADING AS "THE VILLAGE LIQUOR STORE" TO GREATER MORRISTOWN RESTAURANT, LLC, TRADING AS "BIN 37" WITH THE INCLUSION OF SPECIAL CONDITIONS DURING THE 2017-2018 LICENSE TERM**

**WHEREAS**, **Greater Morristown Restaurant, LLC**, a Limited Liability Company, has applied to the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, for a Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License Number 1412-33-006-004 held by Village Super Market of NJ, LP, and trading as "The Village Liquor Store" located at 178 East Hanover Avenue in the Cedar Knolls Section of the Township; and

**WHEREAS**, the applicant, **Greater Morristown Restaurant, LLC**, has deposited along with the application, a Person-to-Person and Place-to-Place transfer fee of \$406.00 (representing 10% for each of the annual license fees) payable to the Township of Hanover and one (1) check in the amount of \$200.00 made payable to the New Jersey Division of Alcoholic Beverage Control to cover the ABC transfer fee; and

**WHEREAS**, in accordance with N.J.A.C. 13:2-2.5, **Greater Morristown Restaurant, LLC** submitted an Affidavit of Publication stating that the notice of the Person-to-Person and Place-to-Place Transfer application appeared in full in the October 25, 2017 and November 1, 2017 issues of the Daily Record; and

**WHEREAS**, the New Jersey Division of Taxation has issued a Clearance Certificate for transfer purposes to **Greater Morristown Restaurant, LLC** which Certificate is on file in the Township Clerk's Office; and

**WHEREAS**, N.J.A.C. 13:2-7.7 states in pertinent part that if no written objection is received by the Township, the governing body is not required to hold a public hearing concerning the Person-to-Person and Place-to-Place Transfer application however, it does not relieve the issuing authority from the responsibility of making a thorough investigation of the application on its own initiative; and

**WHEREAS**, no objections have been filed with the Township Clerk concerning the application of **Greater Morristown Restaurant, LLC**; and

**WHEREAS**, in a memorandum dated October 26, 2017, Detective Earle Seely of the Hanover Township Police Department advised the Business Administrator/Township Clerk that a background investigation of the principal of both Village Super Market of NJ, LP and **Greater Morristown Restaurant, LLC** were one and the same and since a background investigation had been completed in 2014 when Village Super Market of NJ, LP purchased a Plenary Retail Distribution License, there is no reason to conduct another investigation; and

**WHEREAS**, Detective Seely further indicated that he found no reason to deny the transfer of the Person-to-Person and Place-to-Place transfer from Village Super Market of NJ, LP to **Greater Morristown Restaurant, LLC**; and

**WHEREAS**, the application and all supporting documentation submitted by **Greater Morristown Restaurant, LLC** has been reviewed and deemed complete by the Business Administrator/Township Clerk and has recommended to the Township Committee that the application of **Greater Morristown Restaurant, LLC** for a Person-to-Person and Place-to-Place Transfer of Plenary Retail Consumption License No. 1412-33-006-004 be approved; and

**WHEREAS**, on September 18, 2017, the Township and Village Super Market of NJ, LP entered into a "Settlement Agreement and Release" which contains

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certain temporary conditions and restrictions that shall be attached to the Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License No. 1412-33-006-004 which temporary conditions and restrictions shall expire on June 30, 2018 at the end of the 2017-2018 license term.

**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 Person-to-Person and Place-to-Place transfer of Plenary Retail Consumption License Number 1412-33-006-004 from Village Super Market of NJ, LP and trading as "The Village Liquor Store" to **Greater Morristown Restaurant, LLC**, a Limited Liability Company, trading as "Bin 37" located at 178 East Hanover Avenue in the Cedar Knolls Section of Hanover Township is hereby approved for the 2017-2018 license term.

2. In accordance with paragraph 6. entitled "Conditions on the Consumption License" of the September 18, 2017 "Settlement Agreement and General Release" by and between the Township of Hanover and Village Super Market of NJ, LP, the following temporary conditions and restrictions are placed on Plenary Retail Consumption License No. 1412-33-006-004 as follows:

- A. **Greater Morristown Restaurant, LLC** shall not sell or serve any alcoholic beverages for consumption at the rooftop restaurant or outdoor patio restaurant after 10:00 p.m., seven (7) days a week;
- B. **Greater Morristown Restaurant, LLC** shall not offer or provide any live entertainment at the rooftop restaurant or the outdoor patio restaurant; and
- C. **Greater Morristown Restaurant, LLC** shall adopt and implement at the rooftop restaurant and the outdoor patio restaurant a security plan approved by the Township's Chief of Police.

3. At the time application is made to renew the license for the 2018-2019 license term, the Township reserves the right to continue the conditions described in paragraph 2. above or to impose any new conditions or restrictions on Plenary Retail Consumption License No. 1412-33-006-004. In this regard, the Township and **Greater Morristown Restaurant, LLC** shall conduct good faith discussions concerning the proposed attachment of any conditions.

4. This resolution shall take effect immediately in accordance with law.

5. That a certified copy of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control, **Greater Morristown Restaurant, LLC** and the Hanover Township Police Department for reference and information purposes.

#### **RESOLUTION NO. 209-2017**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A LIMITED SITE IMPROVEMENT CONSTRUCTION AGREEMENT BY AND BETWEEN US REAL ESTATE HOLDINGS NO. 2 LIMITED (C/O BARCLAYS BANK) AND THE TOWNSHIP REGARDING DEMOLITION OF CERTAIN EXISTING IMPROVEMENTS, CLEARANCE AND GRADING OF THE PROPERTY, TREE REMOVAL, INSTALLATION OF ALL BUILDING FOOTINGS AND FOUNDATIONS AND INSTALLATION OF ALL UNDERGROUND UTILITIES ON PROPERTY LOCATED AT 115-120 SOUTH JEFFERSON ROAD, IN WHIPPANY AND DESIGNATED AS LOT 12 IN BLOCK 3601, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF**

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**HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO PRELIMINARY AND FINAL PLANNING BOARD SITE APPROVAL AND THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE AGREEMENT**

**WHEREAS, US Real Estate Holdings No. 2 Limited (c/o Barclays Bank)**, hereinafter referred to as the Developer, made application to the Planning Board (Planning Board Application #17-9-12) of the Township of Hanover for Preliminary and Final Site Plan approval for a two-phase development that would modify the existing office park by eliminating surface parking and constructing in its place two (2) parking garages, expanding the existing amenity buildings and constructing additional accessory amenity buildings and other related site improvements on property located at 115-120 South Jefferson Road and designated s Lot 12 in Block 3601 on the Tax Map of the Township of Hanover (the "Property"), in the OB-RL Office Building and Research Laboratory Zoning District; and

**WHEREAS**, this resolution authorizing a Limited Site Improvement Construction Agreement shall be conditioned upon and subject to the approval of the Planning Board in granting Preliminary and Final Site Plan approval on November 21, 2017; and

**WHEREAS**, the plan, titled: "Phase I & Phase II, Preliminary & Final Site Plan for The Crossings at Jefferson Park, Proposed Barclays Village, dated September 19, 2017", prepared by Bohler Engineering, shall be consistent with the Planning Board approval; and

**WHEREAS**, Schedule "A" of the Limited Site Improvement Construction Agreement is intended to govern and regulate the Developer's site work, as it relates to the Developer's request to commence with the demolition of certain existing improvements, including curb, sidewalk and pavement, clearing and grading of the property, tree removal, installation of all building footings and foundations, and installation of all underground utilities (the "Work"); and

**WHEREAS**, the Developer shall execute a separate Developer's Agreement prior to the commencement of the future construction of buildings and related site improvements; and

**WHEREAS**, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval is contingent upon the Developer having completed all such improvements within and without the Property, in accordance with the terms of the aforesaid approvals or furnishing performance guarantees in lieu thereof to be approved by the Township and conditioned upon satisfactory completion by the Developer of all such improvements as provided in N.J.S.A. 40:55D-53.

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Limited Site Improvement Construction Agreement by and between the Township of Hanover and **US Real Estate Holdings No. 2 Limited (c/o Barclays Bank)**, the Developer, regarding certain aspects of site work which includes the demolition of certain existing improvements, clearing and grading of the property, tree removal, the installation of all building footings and foundations and installation of all underground utilities located at 115-120 South Jefferson Road in the Whippany Section of the Township and also designated as Lot 12 in Block 3601 as set forth on the Tax Map of the Township of Hanover. However, the Mayor and Township Clerk shall not execute the Limited Site Improvement Construction Agreement until the Planning Board has granted Preliminary and Final Site Plan approval, and the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other

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State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given:"

A. The Developer shall be responsible in submitting a total performance guarantee of \$655,934.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$65,593.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 3(a) of the Limited Site Improvement Construction Agreement. And, submission to the Township Clerk of a Performance Bond or an Irrevocable Standby Letter of Credit in the amount of \$590,341.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the limited Site Improvement Construction Agreement, and all in accordance with paragraph 3(a) of said Agreement.

B. In accordance with paragraph 3(a) of the Limited Site Improvement Construction Agreement, and the Township Engineer's Schedule "A", the Developer shall pay the sum of \$32,797.00 to cover the cost of Township engineering review, inspection and supervision of all improvements.

C. The Developer shall also deposit the sum of \$25,000.00 to cover the cost of Hanover Sewerage Authority inspection of the sanitary sewer facilities and improvements required for this project subject to the provisions of N.J.S.A. 40:14A-40.

D. In accordance with the Tree Removal/Preservation Permit Application granted on November 3, 2017, the Developer deposited the sum of \$52,000.00 with the Township to guarantee the planting of required replacement trees within one (1) year. If the trees are not planted by November 7, 2018, the \$52,000.00 cash bond will be considered as payment in lieu of planting and deposited into the Township's Tree Fund.

E. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with Paragraph 10 of the Limited Site Improvement Construction Agreement.

F. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Limited Site Improvement Construction Agreement and Schedule "A".

G. The Limited Site Improvement Construction Agreement shall not be signed by the Mayor and Township Clerk until Preliminary and Final Site Plan approval has been granted by the Planning Board, and the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and, if applicable, the conveyance of any deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any preliminary soil movement and grading activities.

2. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer and **US Real Estate Holdings No. 2 Limited (c/o Barclays Bank)** for reference and action purposes.

#### **RESOLUTION NO. 210-2017**

#### **A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A SETTLEMENT AGREEMENT OF THE MATTERS RELATING TO 53 WHIPPANY ROAD, WHIPPANY**

**WHEREAS**, there is currently pending two (2) litigation matters involving the Township of Hanover and stemming from the property located at 53 Whippany Road; the condemnation action filed before the Superior Court of New Jersey, Morris County, captioned Hanover Township v. JSD Corp., under Docket No. MRS-L-2824-13, and the

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relocation claim before the Office of Administrative Law under OAL, captioned Whippany Family Practice, JSD Corp., Dr. Juaquin Garcia and Miriam Garcia v. Hanover Township, Docket No. CAF 08151-2015N, Agency Reference No, OCA-040-15; and

**WHEREAS**, following discussions and negotiations amongst counsel and the parties, a global settlement of both matters has been agreed upon in the total amount of \$762,500; and

**WHEREAS**, the terms of the settlement are to be reduced to a written Settlement Agreement to be executed by the parties; and

**WHEREAS**, pursuant to this Settlement Agreement, the Township of Hanover will not be required to expend any funds towards this settlement.

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

- 1) The Mayor and Township Clerk are hereby authorized to take whatever steps are necessary to finalize the Settlement Agreement for the two (2) litigation matters noted above.
- 2) A copy of the Settlement Agreement shall be kept on file in the Office of the Business Administrator/Township Clerk and available for public inspection.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

#### **RESOLUTION NO. 211-2017**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN BLANCHARD SECURITIES COMPANY, LLC/FREDERICK HOLDING COMPANY, LLC AND THE TOWNSHIP CONCERNING THE CONSTRUCTION OF A RETAIL CENTER CONSISTING OF THREE (3) BUILDINGS AND OTHER RELATED SITE IMPROVEMENTS LOCATED AT 170 HANOVER AVENUE AND 91-93 HORSE HILL ROAD IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND DESIGNATED AS LOTS 2 AND 3 IN BLOCK 1601, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE DEVELOPER'S AGREEMENT**

**WHEREAS**, on March 21, 2017, the Planning Board granted preliminary and final site plan approval, variances and ultimate parking waiver approval to **Blanchard Securities Company, LLC/Frederick Holding Company, LLC** as Applicant/Property Owner/Developer, for the construction of a retail center consisting of three (3) buildings, parking areas and driveways, storm water management facilities, associated utilities, landscaping, retaining walls and related site improvements, on property located at 170 Hanover Avenue and 91-93 Horse Hill Road in the Cedar Knolls Section of the Township and designated as Lots 2 and 3 in Block 1601 as set forth on the Tax Map of the Township of Hanover and situated in the I-B3 Industrial and Business Zone District; and

**WHEREAS**, under State law, Township Ordinances, and Planning Board rules, regulations and requirements, the granting of final approval to said site plan is contingent upon the Developer having completed all such improvements within and without Block 1601, Lots 2 and 3, in accordance with the requirements of said preliminary and final approvals or furnishing performance guarantees in lieu thereof to be approved by the Township and conditioned upon satisfactory completion by the Developer of all such improvements as provided in N.J.S.A. 40:55D-53 and the execution of this Agreement; and

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

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

1. The Mayor and Township Clerk are hereby authorized and directed to execute a Developer's Agreement by and between the Township of Hanover and **Blanchard Securities, LLC/Frederick Holding Company, LLC**, the Applicant/Property Owner/Developer, for the construction of a retail center consisting of three (3) buildings, parking areas and driveways, storm water management facilities, associated utilities, landscaping retaining walls and related site improvements, on property located at 170 Hanover Avenue and 91-93 Horse Hill Road in the Cedar Knolls Section of the Township and designated as Lots 2 and 3 in Block 1601 as set forth on the Tax Map of the Township of Hanover and situated in the I-B3 Industrial and Business Zone District; However, the Mayor and Township Clerk shall not execute the Developer's Agreement until the following instruments and guarantees are first submitted to the Township, and only after the Township Engineer has reviewed and accepted all of the pertinent documents and plans required for approval before construction activities commence, including but not limited to any other State or County approvals that may be required. In addition, where an approval of a site plan or a variance is subject to certain stated conditions, or where the approval was made subject to the approval of other governmental units, N.J.A.C. 5:23-2.15(a)(5) requires that the applicant for a building permit must furnish a "statement that all required State, County and local prior approvals have been given."

A. The Developer shall be responsible in submitting a total performance guarantee of \$1,039,544.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$103,954.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 4(a) of the Developer's Agreement. And, submission to the Township Clerk of a Surety Performance Bond or Irrevocable Standby Letter of Credit in the amount of \$935,590.00 as a performance guarantee for completion of the improvements provided for in Schedule "A" attached to the Developer's Agreement, and all in accordance with paragraph 4(a) of said Agreement.

B. In accordance with paragraph 4(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$51,977.00 to compensate the Township for all Township engineering review, inspection and supervision of all the improvements as required to be installed by the Developer. However, in accordance with N.J.S.A. 40:55D-53.h. the Developer, has the option to pay the \$51,977.00 in four (4) installments. The first installment will be \$12,944.50, thereafter, when the balance on deposit drops to 10% of the required amount, the Developer shall make an additional installment deposit.

C. The Developer shall also be required to pay to the Township the sum of \$15,000.00 to cover the cost of the Hanover Sewerage Authority's engineering review, inspection and supervision of the sanitary sewer facilities and improvements required for this project subject to the provisions of N.J.S.A. 40:14A-40.

D. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with paragraph 11 of the Developer's Agreement.

E. Furthermore, the Developer shall comply with all the requirements and conditions more specifically outlined in full in the attached Developer's Agreement and Schedule "A".

F. The Developer's Agreement shall not be signed by the Mayor and Township Clerk until the Township Engineer has received all of the cash and surety performance bonds, any other fees as required at the time of signing, and the

conveyance of any applicable deeds of dedication, conservation easements or any other pertinent documents, drawings and plans needed for approval prior to the commencement of any construction activities.

2. That certified copies of this resolution shall be transmitted to the Township Engineer, the Construction Official, the Township's Chief Municipal Finance Officer, the HSA Executive Director and the Executive Director of the **Blanchard Securities Company, LLC/Frederick Holding Company, LLC** for reference and action purposes.

D.\*\*\*\*\*

**RESOLUTION NO. 209-2017**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A LIMITED SITE IMPROVEMENT CONSTRUCTION AGREEMENT BY AND BETWEEN US REAL ESTATE HOLDINGS NO. 2 LIMITED (C/O BARCLAYS BANK) AND THE TOWNSHIP REGARDING DEMOLITION OF CERTAIN EXISTING IMPROVEMENTS, CLEARANCE AND GRADING OF THE PROPERTY, TREE REMOVAL, INSTALLATION OF ALL BUILDING FOOTINGS AND FOUNDATIONS AND INSTALLATION OF ALL UNDERGROUND UTILITIES ON PROPERTY LOCATED AT 115-120 SOUTH JEFFERSON ROAD, IN WHIPPANY AND DESIGNATED AS LOT 12 IN BLOCK 3601, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER WHICH EXECUTION OF THE AGREEMENT IS SUBJECT TO PRELIMINARY AND FINAL PLANNING BOARD SITE APPROVAL AND THE RECEIPT OF THE CASH AND SURETY PERFORMANCE BONDS, AND ANY OTHER INSTRUMENTS AS DESCRIBED IN THE AGREEMENT**

\*Motion made by Member Ferramosca to approve and seconded by Francioli and unanimously passed.

Mayor: that will put a motion on the floor and we will discuss it in a second. Why don't I read this since there is a concern by our neighbors on the ongoing Barclay's bank application before the Planning Board? This authorizes the Mayor and the Township Clerk to extend a limited site improvement construction agreement between US Real Estate Holdings No. 2 Limited known as Barclay's Bank and the Township regarding the demolition of certain existing improvements, clearance and grading of the property, tree removal, installation of all building footings and foundations and installation of all underground utilities on property located at 115-120 South Jefferson Road, in Whippany and designated as Lot 12 in Block 3601, as set forth on the Tax Map of the Township of Hanover which execution of the agreement is subject to preliminary and final Planning Board site approval and the receipt of the cash and surety performance bonds, and any other instruments as described in the agreement. What this is a draft of a Developer's Agreement that would follow suit in the event that Barclay's Bank is approved by the Planning Board. This action is taken in anticipation of any action by the Planning Board. Let me back up to some of the folks here that have followed this site and who live along this site for quite some time. You were there with Bear Sterns; you were there when it was Chase and also ITT as was I and now it seems to be going towards Barclays. Let's first understand one thing, yes Barclay's Bank application is before your Planning Board right now, perhaps the final hearing will be tomorrow evening by the Planning Board at 7:00 p.m. here; this property was purchased by Barclay's Bank already. It was purchased, it was in the Wall Street Journal about 6-7 months ago and Barclay's bought the entire site from Vision Equities who acquired it from Chase Bank so they own all the buildings and the entire site. What is before us right now not to go over the Planning Board's approvals is a matter of an elevated garage and other site improvements on this particular site. This agreement is in preparation for any outcome of the Planning Board, not to mix words, if the Planning Board denies this application this agreement gets torn up. So why have this agreement? In



fairness to Barclay's the owners of the property, they have asked the cooperation of the Township on moving forward in the anticipation that they are approved. They are looking at trying to get this property complete with major renovations by this July, which is rather aggressive. If it is approved, we compliment them and fine we will work along with them, if it is not approved, the agreement is null and void. Counsel do you have anything you can add to this?

Mr. Semrau: The Township has worked with other developers in the past, it's not to put up any structures and it's just a preliminary type of agreement and again as you said Mayor if there is no approval then the agreement does not have any affect if there is an approval this is the next step going forward and as you mentioned there is a time table and it's better to try to honor that time table as opposed to having something stopped in mid-construction from that standpoint. But again it's just to take care of things on the ground not as far as construction is concerned.

What I would like to do gentleman is that I would like to open the meeting ~ Member Ferramosca made the motion to open the meeting. Mr. Giorgio interrupted and asked that we finish the business portion of the meeting before opening up the meeting to the public.

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**RAFFLES:**

**RL- 3076 – Eliz. Ann Seton – Knights of Columbus – 50/50 on premise**  
**RL- 3077 – Eliz. Ann Seton – Knights of Columbus – Tricky Tray**

Motion to be approved made by Member Brueno and by Member Gallagher and unanimously passed. Member Coppola abstained from the vote.

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**OPEN TO THE PUBLIC**

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

Burt Stitt, 40 Warren Street, Whippany: This goes really to the heart of what I really wanted to talk about tonight. But let me ask another question on the time tables as I understand it. It was my impression that even after the Planning Board approves it there is still yet another step a formal step and that is a formal approval by you the Township Committee, is that correct?

Mayor: No, that is not correct, Burt the way it would work is if the Planning Board does approve tomorrow and they have other witnesses as you and I know, then they would motion to memorialize that in a resolution of the Planning Board. Once they do that then this Developer's Agreement would come into play. If they don't do that this Developer's Agreement does not come into play.

Mr. Stitt: I understand the timing, but when does memorialization take place? That can take place tomorrow night also?

Mayor: Memorialization is usually the next Planning Board meeting.

Mr. Semrau: It would be the next Planning Board meeting.

Mayor: The following Planning Board Meeting.

Mr. Stitt: Which is a week from tomorrow.

Mayor: And, that resolution as you and I know, you've heard numerous resolutions of this nature would encompass any and all of the stipulations that the Planning Board would put on the site, whatever came out of that last session.

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Mr. Stitt: And, again, that goes to my whole issue tonight, this project has moved along much quicker than I was led to believe by various people in the Township I've talked to, I thought we were going to take our time with this and make sure we did it right and yet when I looked at the timeline, if I had this correct, the Planning Board first heard from Barclay's on September the 12<sup>th</sup> and two days later this Committee put into authorization or memorialized the increase in the height of the garage from 28 feet to 46 feet and other things so two days later. Three days after that Barclay's had its plans in here in the Township and yet nothing was approved by the Township Committee. It's moved along much too quickly I think and in effect I think there were comments in the board meeting as I read the minutes. I'm concerned because let me ask, any of the Committeemen or all of you, what do you know about 46 foot parking garages? Do we have one anywhere in the area within 15 miles?

Mayor: We do.

Mr. Stitt: We do? Can you tell me where it is?

Mayor: MetLife Corporation.

Mr. Stitt: That's not a 40 foot garage Ron, is it?

Mayor: Yes.

Mr. Stitt: I didn't go on the site, but when I looked at it

Mayor: I might be a liar by a foot or two, but the Ordinance was modified, one of the changes you are referring to was the modification in the Ordinance so that we were consistent within approvals we gave Bayer, MetLife and now any of the incoming approval including Barclay for the same height of a garage.

Mr. Stitt: So you gave at the time, you gave MetLife and Bayer approval for 40 foot garages?

Mayor: That is my understanding.

Mr. Semrau: But it was an Ordinance that was adopted we didn't give it, it was an ordinance to set the standard but from what I understand that ordinance was adopted first for the MetLife site and now for Barclay's but from the standpoint of the purpose of that was that so parking wouldn't become intrusive to the area, it was also to have less intensity development normally developer's don't want to insure the costs, but from an esthetics standpoint it is actually from my understanding it's actually more favorable and it's a better use a less intensive use because you are just building up, so that was some of the basis from it and the Township Engineer is here as well if you want to add anything to that.

Mr. Maceira: I think we heard from Blais Brancheau at the last meeting some of the justifications for that ordinance a good number of them were for environmental reasons why a parking garage is preferred over the surface parking.

Mr. Stitt: Let me address all of these points, was Mr. Brancheau's history incorporated in the minutes that were just approved, if not can we get a copy of that history. I haven't seen the minutes, I just heard approval.

Mr. Maceira: The minutes from the last meeting. Mr. Brancheau's notes.

Mr. Ferramosca: I think the attorney has a copy of the record of Mr. Brancheau's and can read it into the record tonight the information cause he has exactly the copy of Mr. Brancheau's read last meeting into the record.

Mr. Semrau: What is says is from the Township Planner that private garages accessory type of uses to commercial property have been permitted dated back to the 1956 zoning ordinance and then in 1964 and 1976 the maximum height of accessory

buildings including private garages was the same as permitted for principal buildings. Then parking structures appear in the 1985 zoning ordinance which permitted parking structures only they were part of planned industrial development or in the IP Zone districts, and again they were permitted the same height as the principal structure in 1988 the regulations were permitted for planned industrial unit development in the OBRL Zone, parking decks at that point were limited to a height of 28 feet in the OBRL Zone, but the same ordinance permitted parking areas to be located 50 feet from residential zones, that was back in 1988. Then in 2002 the zones were established, the OBRL3 and OBRL Zone which increased the permitted height of the parking decks in the zone from 28 to 46 feet it wasn't until 2017 when officials did meet with perspective suitors for the Bear Sterns JC Morgan site, the developer identified a discrepancy in the permitted height in parking decks between the OBRL3 zone and the OBRL zone and both zones are located on Whippany Road, and they requested the same standards in both zones because there was a discrepancy between the two zones, so that what was already permitted, the 46 feet was already permitted at the MetLife site and they asked for the same parking height with respect to the site where Barclay's is going to be. The Planning Board and the Township Committee reviewed the Master Plan and reviewed the esthetics of the community and with input of the Township Planner agreed to make the amendment to the zoning regulations to permit the parking decks to be 46 foot high in both the same in the RL Zone and the RL3 zones so it's in both zones. I don't want to speak in terms, I really think the Township Committee should speak in terms of the application, we really don't know what is going to happen with the application but if there is an application in a generic sense conforming to the zone and it meets the requirements and it's deemed complete then it will be heard and a decision will be made, it doesn't mean anything gets rushed, there is a record, there is a right of appeal and it's a very diligent Planning Board I've seen some matters take almost two years when there are issues with compliance and things of that nature and it's a very experienced Planning Board, so certainly you are entitled to your opinion but I think we should be careful to recognize that there has been a lot of due diligence when it comes to planning in the Township and the Master Plan and the carefully crafted zoning ordinances and there are volunteers on the Planning Board that are very diligent in what they do. So whatever decision they make is applying the zone and the application. This agreement tonight is only to do what the Township has done with other establishments such as ShopRite and Wegman's and that is to make sure that any work that gets done is monitored by the Engineering Department, there is oversight and there is an agreement because it also calls for is that if they don't comply the Township Engineer can shut them down, if they don't do what they are supposed to do, the Township can pull the Bond, so it's not about anything beyond that but making sure there are oversights so that at the end of the day the development, if it is approved, it will be compliant. I hope that helps with the history and an explanation maybe that will shed some light to some things for you.

Mr. Stitt: Counsel for the record I am not here questioning how this Township is run, this Township is run very well. I'm not even questioning any of the qualifications of the board members, I know a number of them personally, not questioning that at all. I opened it up with questioning the speed with this particular project is done and how much we know about 40 foot parking garages. Before I go back to that, though let me comment on the use of esthetics there is a Federal Supreme Court case on if you will how we judge things and that goes to pornography and I'm not suggesting that this is pornographic but I am suggesting that esthetics are also in the eye of the beholder.

Mr. Semrau: Understood.

Mr. Stitt: For the record. I am concerned even though we have a parking garage do we know in this case that's a roughly a 500 car parking garage in a concentrated area. Do we know what kinds of fumes are emitted from that garage within a certain distance?

Mr. Semrau: Questions like that that is what the Planning Board application is about, that is where there is public comment you can question the applicant things of that nature. This is not within the jurisdiction of the Governing Body to address it, there is a zone, it's to build this, if they so choose this parking garage, but the approval of that

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garage and it being compliant and asking any questions they have their own professionals, the Township has it's professionals that's during the Planning Board process.

Mayor: Fred, I think what Burt is doing is making a statement, he is making a comment. I don't think you are asking for the Township Committee to respond to a question that is either an Engineering related question or something like that I don't think we are qualified for that. But what we do know is that they do plan to present additional experts tomorrow, both architectural and engineering areas and I think that's probably the right forum to ask that question.

Mr. Stitt: I think you are right Ron, I plan to be there tomorrow night, this is more of a statement and if you will rhetorical questions this thing has moved so quickly, I wonder about if this Committee or the Planning Board and we will talk to them tomorrow night, but we will leave it as a rhetorical question right now, what does this Committee know because it approved two days after the Planning Board submitted the suggestion to raise the height of the parking garages, it introduced an ordinance to do that, what do you 5 gentleman know about the performance of 46 foot 500 car parking garages from an emissions standpoint, from the safety standpoint, from the noise standpoint, from the light standpoint and we can go on and on and on but again I go back to my original statement I think this thing has moved much too quickly. We talked, I had conversations with some people I thought that this thing was going to proceed a pace I don't think it has, I think the last, the only Planning Board meeting that we attended on this, there was more time spent on parking arrangement at an automobile dealership than there was on construction on this whole site so far. I think I had made my point, we have moved much too fast without a lot of knowledge and I'm concerned about where we are going to wind up as a result of that.

Joe DeKaser, 36 Warren Street: Previous meeting I asked about wetlands and I was told that the EPA has approved it. Then I was told the EPA approved the original site not what is going on now. My question is...

Mayor: Are you suggesting that the wetlands delineation has changed?

Mr. DeKaser: Yes I am. It's very possible. I don't understand how when the original plan was developed we had some wetland back there, the EPA approved it. Now we are coming up with some new buildings and nobody is suggesting that we go to the EPA again and I don't understand that.

Mayor: Good question, but I'm going to take the position that there cannot encroach on any wetlands areas.

Mr. Maceira: That is correct.

Mr. DeKaser: I want to see a wetland map then when the Engineers come then and you'll see a wetland map and then you will see where the buildings are going; and then they will discuss whether it should... I have a call into the EPA now. Unfortunately I know they are not going to get back to me by tomorrow but I think if it called for the EPA approval for the first time I don't see any reason why it should be called for the second time.

Mr. Maceira: They have submitted a current wetlands illumination and the work they are doing does not disturb anything.

Mayor: When was the last time wetlands delineation was updated.

Mr. Maceira: It's a current one and they are valid for a period of 5 years, so it is current.

Mr. DeKaser: What's the date?

Mr. Maceira: I don't have the exact date.

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Mr. DeKaser: We need to know that don't we? If it's over 5 years they need a new one.

Mr. Maceira: The application has been submitted to the Planning Board and is part of the record and it is current, current wetland delineation.

Mr. DeKaser: Are you sure of that?

Mr. Maceira: Yes sir.

Mayor: His license is at stake.

Mr. DeKaser: Does he have one?

Mayor: Now now.

Gail Brezinski, 39 Warren Street, Whippany: I have a couple of questions, first of all will there be any blasting.

Mr. Maceira: Not anticipating any. There have been plenty of construction done in Hanover Township I don't recall there having to blast anything, there is just not of geology that we have in Hanover Township.

Ms. Brezinski: I would not know that, that is why I'm asking. Also, is there any word if Barclay's are considering moving the location of the two garages where it would be a little less offensive to the residents?

Mayor: I think whether or are you asking if the Planning Board has looked at the location of the garages? What are you suggesting?

Ms. Brezinski: I heard that there were some suggestions possibly to move the location to another part of the site

Mayor: Yes there was and Barclay's people were contacted on the idea of giving consideration to move the garage and it is to my understanding that they will comment to that, I can't comment on that, but it is my understanding that they did take it into consideration but they will have some answer for you at the Planning Board meeting. I personally do not know.

Ms. Brezinski: Now, I know the ordinances for different zones and so forth you have patterned the Barclay's proposal after what MetLife did as far as the height of the parking garages, I'm pretty familiar with the location of the MetLife garage it's not totally surrounded by residents, so I can't see where that is a valid comparison when you are talking about putting parking garages so close to the homes and I just don't see where it is a suitable comparison and I question why and how fast the ordinance was changed.

Mayor: The ordinance did not this is a clarification, the ordinance modification which was done on time of Master Plan was for height, the yard distances from the properties lines were consistent always on the books. The setbacks were not changed.

Ms. Brezinski: No I am talking about the height.

Mayor: The height was just made consistent on the books as you just heard from counsel with both MetLife and Bayer's application.

Ms. Brezinski: Right and both of those sites they are not crowded with residences, so I'm having a hard time understanding that is fine by them they are surrounded by Route 10 and by a lot of land.

Mayor: I think your concern and ours is the impact to you this structure from a standpoint of sound light and emissions, and we don't think we changed our position on

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that some of us sit on the Planning Board, we are certainly going to want to hear tomorrow night more testimony as to what they are going to do to assure us that the residential side of that building emits no light,

Ms. Brezinski: The fumes are more important than the light.

Mayor: We will hear that tomorrow.

Mr. Semrau: Ms. Brezinski the way that this works the Governing Body does not have any say over the actual application but you are right by going to the Planning Board meeting because that's the way the law works, that is where you question about the location, any concerns that you have for the neighborhood things of that nature, that's where you have an opportunity to ask questions directly to the applicant and then the Board can try to work with your concerns and address that in the approval process if they are concerns that they can manage, to the governing body as the Mayor has opened up the meeting and the Governing Body wants to hear the concerns you have they are limited in whatever they can do it's the Planning Board at this point and the decision making process and yet the Planning Board has a certain set of rules that they have to comply with but that is where those types of concerns are very relevant to raise, there is not much this Governing Body can do by the law especially if this application is pending so that you are aware of that. You are right to want to attend the meeting and express any concerns.

Ms. Brezinski: Thank you and I apologize to any of you that will be there tomorrow because I will be repeating. Also, I was looking at a couple of the things that have gone on in the history of the town, maybe this isn't appropriate but I still have four minutes. A few years ago Flavors and Fragrances Company wanted to relocate to the American Road area in Cedar Knolls. Due to the concern about the possibilities of toxic fumes they were opposed by residents I think a couple of you guys even live there, due to the opposition, Flavor and Fragrances decided to move elsewhere. What I'm wondering is why wasn't the same standard applied in the case of the Barclay's 46 foot parking garages they are going to hold hundreds of cars admitting toxic fumes and it's near two neighborhoods and also grammar school.

Mayor: I think you are talking about is a corporation named MANE French Corporation, they did research development and manufacturing of fragrances and flavors and I will tell you that on that application that at one point Hanover Township was looking at that particular company but not at the zone that it went. When you heard about it and we heard about it was going into Morris Plains and it was, I'm going to say that use was probably within a 100 yards of residential neighborhood not like yours. This was a firm, let's be clear, who's product was a manufacturer of fragrances and aromas and our concerns and the neighbors' concerns up there were if there was going to be ventilation systems they would have air handlers etc., that would admit these odors, perfume like odors, into the air. We took our research as far as going to see their facility in Wayne so but that was a manufacturing facility and very unique unlike Barclay's is a bank and its credit cards and banking it's of that nature it's like Chase, it's very quiet and I will tell you that if they get into this facility and operate this facility there are not too pleased about anybody knowing where they are.

Ms. Brezinski: They are going to know where they are.

Mayor: They will have what is known as N5 security that is ultimately the highest so there are not out to advertise in the weekly regional and spread the word that they are .

Ms. Brezinski: The word will get out, but none the less it's not so much of what they do it's the toxic fumes that will come from the parking garage, two very parking garages, so you can do apples and oranges and all with that with perfume aroma's maybe they are not even toxic but I know that car fumes are toxic so that's why I'm so concerned with that. Would any of you guys want two forty six foot garages out your front window? It's esthetically just wrong. They will be blaring in our face, the buildings

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are bad enough right now and I thank you for your time but we are really concerned about this and I will reiterate tomorrow.

Mayor: Please bring your comments forward to them tomorrow and they will have to explain themselves before you and the Planning Board and again the outcome of tomorrow night's meeting may have a different requirement from the Planning Board's point of view on landscape, on lighting, on all of these areas, that we are concerned with noise, security, etc., I assure you that Chairman Pinadella does a rather effective job on getting answers to these. One of the other things that you heard at the last meeting and I will say it again and that is that the Planning Board uses a process of examining property after it is built, what does that mean? That means that if they get their approval and abide by their Developer's Agreement it's all done and there are some issues whether it's lights sounds etc., the Planning Board is going to go back on the site and the builder has to agree to comply with whatever the remedies are, so there is always that option to, but I'm not thinking that far ahead, let's see what tomorrow brings.

Mr. Ferramosca: There is also another point of difference I think just so everyone is aware of with the MANE application that was in the Borough of Morris Plains and the applicant was filing suit against 275 residents, a suit was being filed against 275 residents who some live in Cedar Knolls and some in Morris Plains to remove something called a "Deed Restriction" that these people had in the deed which goes back to the 1950's. So that's what started that whole process.

Ms. Brezinski: I'm just worried there could be some lawsuits as such for this.

Mr. Ferramosca: I think any approval, if there were to be an approval, is subject to certain actions and standards. So the Planning Board, I encourage you to come out and I hope you express your ideas, your thoughts because we live here. We care what goes on to our neighbors, our friends and we do not want to see anything... (interrupted)

Ms. Brezinski: If this goes through I'm moving next to you guys.

Mayor: I look down on the site every morning. I can see the lighting from where I am.

Ms. Brezinski: I appreciate your time.

Joe DeKaser: One more

Mayor: Second time up that's it

Mr. DeKaser: One more question about the EPA again,

Mayor: Before you begin is there anyone else that hasn't been heard that would like to be heard at this time before this gentleman speaks again? Would you be so kind to give up the floor for this young lady here please.

Pam Petrillo, 50 Fieldstone Drive, Whippany: I just want to point out that at the last Planning Board meeting that we were at we had some photographs of lots of trees and they were talking about evergreen trees and how it hides all these buildings and I just want to say that is not the case and that I've taken some photographs and I hope I'll be able to share them tomorrow night. From my house which is directly across the street from the building where the parking garage is going to be I have a clear view of the building, there are still leaves on the trees so it's not bad but in the winter the building is on my front lawn, and my concern is that it's going to be closer and it's going to be higher and there is going to be more lights and I have to think if I want to move and get out of here.

Mayor: We don't agree that there is going to be more lights but that is to be continued. I say that in the sense that if there is going to be more light I don't think the Planning Board, I can't speak for the all of the members if there is going to be light

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emission from this thing it's going to be an issue with the Planning Board members, but go ahead.

Ms. Petrillo: They are already working on this because we can already see construction stuff and we are starting to hear noise already, so it's like it's already happening and it's pretty frightening to me. It really is, I have to worry about my property values, and I'm getting older I'm not going to stay in a colonial for long and am I going to be able to sell my house? Do I have to sell it in the summer, do I have to tell people what it looks like from November through May?

Mayor: Well understood.

Ms. Petrillo: At the last Planning Board meeting when we came up to speak we had to have a question and comments were not welcome?

Mr. Ferramosca: There is a process that the Planning Board follows and what happens is that the applicant comes in and they will sit here and bring up a witness and the witness speaks. About tomorrow night, the architect will be here and he is going to speak and he is an expert in that area, when that architect is done speaking you have every right to ask any question that you want about his testimony and to ask him specifically about line of site issues, to ask about lighting issues, whatever you want to ask. But they have to be questions from a procedural standpoint, after they have presented their case and they are done with their architect and they are done with their traffic engineer who is going to provide you with traffic counts and impact to traffic when they are done and completed the presentation of their case and when the members of the public, our residents, are done asking their questions at that time the Board is open to commentary statements so you can say I think this, I think that, you have every right to do that. But there is a process so I would just ask you to follow that process and you have the opportunity to voice either a question or to voice a statement.

Ms. Petrillo: Thank you. I just have to say about the garages I just don't understand why they couldn't be put like by Jefferson Road, it's commercial from one end to the other why can't these buildings be put on that side or I just feel that they want to keep it real pretty all around so people driving and okay let's just throw it in the back there where the residents are like who cares, it's just feels like it's not being a good neighbor to me. Couldn't they really possibly think that people would be happy about this.

Mayor: I wish we could answer your question for you, that's a question for their architect they will have principals here from the company so you will be able to talk to them and as John said there is a process where you can address every witness that comments that night, you can ask questions relevant questions to that testimony and if that's done and the Planning Board before they vote they will open the floor to comments and statements and that's when every neighbor will have an opportunity to state their position on it and afterward they will either approve or deny and then memorialize it in a resolution.

Ms. Petrillo: If I'm to bring pictures which I'm planning on doing when would I present those?

Mr. Ferramosca: Either portion.

Ms. Petrillo: Just the last thing is the noise; I know there are going to have outside activities. You know we have activities in the cemetery I'm on the Landmark Commission, when you are outside you can hear somebody 15 feet from you I know that we are on Route 10 but I just can't imagine that they are not going to have microphones and there is going to be all type of party noise coming out.

Mr. Ferramosca: Again, I don't want to present their case but I do know I have my notes there will be no audible enhancements to any kind of discussion. They are talking about their outdoor that there is an area that is a depression they gave it a fancy



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description they called it an amp theater, it's a depression in the soil that allows them to put three rows of seats in.

Ms. Petrillo: But there are two areas?

Mr. Ferramosca: He did say specifically because we did ask him the question, would there be any amplifiers or any speakers use and he did say no. So as a result of that if this thing were to get approved there is a condition that would be part of the motion, and part of the motion, would be to prohibit any outside amplification of sound that would be a condition of it.

Ms. Petrillo: I did here that but I

Mr. Ferramosca: I just wanted to clarify that.

Mayor: Matter of fact it did come up and I think I asked that question and it was that they were not going to have any amplified sound, now the other condition the Planning Board can put on is the use of that theater. So in other words, if it's during the normal business hours and I don't care if they run 24-7 but if it's normal business hours and we will determine them to be let's say 8-5 or 9-5 they can use the theater in that period of time but not beyond and again there will be no amplification system as well from what we understand.

Ms. Petrillo: As far as the construction goes cause I think construction goes longer than whatever they say it's going to be upfront, I don't know what the rules are as far as the time they can start and finish?

Mr. Ferramosca: Mr. Maceira who is head of our Engineering Department in Town can advise us.

Mr. Maceira: That is part of the Developer's Agreement that the Mayor talked about certain rules that they have to follow and they would have to follow those hours and they are 7am-7pm.

Ms. Petrillo: And if they don't? Do we call the police?

Mr. Maceira: 6 days a week, no work on Sunday's no work on Holidays. Yes you can call the police.

Ms. Petrillo: What about their snow plowing? You hear this horrible scrapping beeping sound goes on for hours early in the morning. I know they have to clear their lot.

Mr. Semrau: I don't know what to say.

Ms. Petrillo: It hasn't snowed but in the past years.

Mayor: The trucks back up signals

Mr. Ferramosca: After they are done with the presentations and your done asking questions before there is a vote you can make your comments and one of your comments could be would you please be a considerate neighbor and do this this or that. That is a fair thing to do.

Mayor: One of the things that they did agreed to and I can tell you right now because it is on record we are having some trouble from the neighbors hearing them picking up refuse in the middle of the night.

Ms. Petrillo: That was me 3:00am on Sunday nights.

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Mayor: Then you heard one of the conditions and that stopped period and we gave them hours as to when they can operate and they are not going to operate after hours period that's horrible.

Mr. Ferramosca: You shouldn't be subjected to that.

Mayor: These are all of the conditions that ultimately will go into their Developer's Agreement if they are approved they will have to live by it; if they don't live by it then we have other ways of dealing with it like property maintenance and other ways of fining them. And, we have the Police Department we have one particular facility in here that we get complaints whether they are valid or not about noise and music and we have our Police Department is equipped to doing noise evaluations and noise metering and noise study and we send them out there. We get a report back that says you know what there is a basis for this or isn't.

Mr. Ferramosca: So point of clarification we do have from the Township Committee who is an expert with regard to snow plowing and I think he can might be able to tell us what we can ask them to do.

Mr. Gallagher: The one thing I just said to John was that I plow at Fairleigh Dickinson University 15 years with Davey Tree Company and we have a huge fleet that plows sometimes we have done 27 straight hours and none of the vehicles have that back up device on them that might be something you can bring up because you are in reverse and drive so many thousands times I think that would be reasonable to say in the event of a snow storm do you have to use the backup devices because I have never been on a job where they did use and it's right here in New Jersey at a college where safety is paramount and I think that would be a good question because it has been addressed in other towns I'm sure because the only time we have typically seen it is in supermarkets when they are open for business during the day because people are walking by and going to their parked cars to the store and to add my two cents I think that would be good thing to bring up tomorrow night also.

Mayor: Bring all these questions forward please.

Ms. Petrillo: Thank you. I will.

Mr. DeKaser: The EPA approval that has a 5 year okay right that is based on the original buildings now there are new buildings.

Mr. Maceira: Yes sir, well think about it these new parking garages are to be built in the parking lot there is no wetlands in the parking lot on the pavement but the work that they are doing does not encroach into the areas of jurisdiction by the DEP. I just can't say it any clearer. They will not disturb any of the wetlands property.

Mr. DeKaser: Do we still have that map? Can you bring it to the meeting?

Mr. Maceira: They will have it at the meeting it's part of their package.

Mr. DeKaser: It will show the wetlands and the where the buildings are going?

Mr. Maceira: Yes sir.

Mr. Semrau: Sir you have the right to go down to the Planning office and ask to take a look at those at that plan tomorrow before the meeting.

Burt Stitt: Mine is procedural question and Ron you and I talked about this briefly it is possible that Barclay's can vacate this site someday and we hope for their sake that it is not like how Bear Sterns vacated the site but my concern with large parking garages as opposed to buildings that can be very easily secured is that we end up with zombie buildings and what that means from a safety standpoint. So the procedural question is to talk to this Committee or to talk about the Planning Board and I would like to hear some direction about the Township or whoever's authority creating an written

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understand or agreement or directive that if that site is vacated for x period of time whatever it is or if the future owner does not want those garages those garages are deconstructed at somebody's expenses other than the Township's. Now the question is we don't have to talk about it right now but is it this body's obligation to do that or does that start with the Planning Board?

Mr. Ferramosca: Planning Board.

Mayor: It's a Planning Board matter and its similar and I'm not just talking about parking garages in similar area where we need guarantees for the future such as land fill areas or so forth where we think there is additional we need to hold their performance bond or we make them buy insurances in certain cases, I'm not saying parking garages fits the criteria.

Mr. Semrau: I think also Mayor, and Mr. Giorgio can correct me, but I think we also have an ordinance regarding buildings that are vacant. Am I correct Joe? So that is another mechanism as well.

Mr. Ferramosca: Burt I think you can also ask them a question on will you advance public safety by putting cameras in your parking garage? You can ask them that question.

Mayor: They will have a very sophisticated security system, while they are occupying the building.

Mr. Stitt: I think I heard M5 from you Ron and we will get back to that tomorrow night. Mine was simply a procedural question to make sure that this Township can deconstruct those garages under circumstances at someone else's expense than the Township's expense. We have those standing vacant for a couple of years we got two legged and four legged creatures starting to inhabit them. I'm less concerned about the 4 legged creatures than I am of the 2 legged creatures for the record.

Mayor: I can share with you on the lighting aspect which we exchanged with the Barclay's folks was our very big concern over lighting in the area, aside from what I anticipate what we expect to see tomorrow night and the way they intend to shield it. I was also told by their COO that in any event and they would have a dimming system after certain hour be it 7 or 8 in the evening and all lights in the garage will be dimmed and one of the other requirements that you are going to hear out of John or I is that all lights within the complex of the garage be shielded meaning that they are recessed in no bulb would come out. That's still not going to satisfy the fact that we are going to look for a guarantee that no lights spill towards the residential areas at all so if you are looking at it so if I was looking at something redeeming from a light standpoint I would say that in the evening hours this structure would block any light coming in from the office complex itself but again we have to hear this tomorrow night.

Mr. Stitt: There are not too many redeeming features about parking garages but my concern counsel back to your comment on the ordinance or whatever we call it what I'm going to call it zombie facilities, is that a blanket one or does one have to be written for this particular.

Mr. Semrau: No it's blanket for any facility. It would apply to any facility.

Mr. Stitt: Is there any way that I can get a copy of that?

Mr. Giorgio: I have to check the Code to see if we have that Burt.

Mr. Ferramosca: Burt you are bringing up a good recommendation to move forward with but I don't think that does exist today.

Mr. Stitt: I thought counsel said it exists.

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Mr. Semrau: When buildings were abandoned for maintenance and things of that nature Joe.

Mr. Giorgio: If there is anything it would be in the property maintained which will have to be researched. I'm not definite Burt.

Mr. Semrau: I can look for it with the Administrator and if we don't have it Mayor I would ask that maybe we can discuss it at a future meeting.

Mayor: Okay.

Mr. Stitt: It's a short week Joe but if you can produce it in the next week or so if you can do it before the holiday.

Mr. Giorgio: Burt if we have it you'll get it if we don't I'll let you know.

Motion to close Public portion made by Member Brueno and seconded by Member Ferramosca.

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**OTHER BUSINESS**

Mr. Gallagher: First of all Happy Thanksgiving everybody and what we will do together after January 1<sup>st</sup> at the reorganization we will all discuss getting back in our fitness programs so we can be mean and lean by the spring time since the season of eating is going to begin. The other thing that I want to say is just on the DPW is we never discuss specs and specifics on tonnage because we know sometimes it gets long winded but these guys are out a lot and I have the monthly report from October and they collected 423,000 tons of sanitation, 75 yards of brush and 3,640 yards of leaves. They do the entire town 22 towns with the leaf vacs. Jim Herbert a great friend of all of ours told me the other day that as soon as he puts them out the men are out there vacuuming them up. Beside many other things these guys are doing an incredible job and I can't get into any specifics but we had our equipment last Saturday and Sunday and it could have been a big problem with our equipment and all hands were on deck the way these guys came together and worked team work the skills it was fantastic. I know it is my detail as a Committeeman and I love having to work with these guys but I get to see what they do every day and like I always say Hanover Township doesn't look the way it does by accident. These guys are great and Brian thank you very much.

We did get a new street sweeper and two of our men Brian Foran and Brian DiPrimo went to Wacko Texas to get trained on it so we are going to start to see that piece of equipment around town and it's going to make everything a lot better. We do sweep a lot and with a brand new street sweeper it's going to look a lot better.

The last thing that I want to report is our Substance Awareness Council and our Morris Area Coalition for Education and Positive Choices. We have our big Friday nights at Mennen Arena starting on January 5<sup>th</sup> through March 9<sup>th</sup>. We are also implementing with this coalition this year is something that Chief Roddy and I discussed with Chief Cannizzo of East Hanover in a meeting 7 or 8 months ago, we were going to introduce a concept on how to get our Middle Schools to be introduced to weight training and the correct way and the nutrition and technics and even gym etiquette. So each Town in our coalition is almost like a franchise so in Hanover Township we are going to have a training with Hanover Township PD we are going to be at Retro Fitness the third and fourth Saturday in January and we are going to have 12 kids in the pilot program training with Officers from our Hanover Township Police Department. Positive role models, good examples, healthy activities and hopefully they can take something out of that and make it their own.

The second two Saturdays in February are going to be training with the Fire Departments. I reached out to both Fire Chiefs and we are going to have young men and woman train, teach our youngsters how to lift weights the proper techniques why you do it and why this is important from breathing to nutrition and hopefully again positive role models and with the Fire Department something slightly different we have a

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real problem with having people join and enroll and if they want to train with our firefighters they might be more likely to become Junior Firefighters in training which would be good for everybody, all of us. So we have a lot of work to do. We are going to be busy and that's just a couple of updates.

Mr. Ferramosca: Under the banner of great things happening in Hanover Township; First one that I'm happy to report about is a grant a special grant, a special grant from the County Open Space for Bee Meadow Park. Bee Meadow Park is a pristine facility it's one of the great wonders within Hanover Township. We just received a \$72,000 grant to put in the nature trail so that is something that our residents can look forward to and I think it's going to go over very well.

Wall Street Journal last weekend edition, the front page article entitled "Activate Control Unit Opening Wegman's" Hanover's Wegman's received special highlights in this Wall Street Journal article which is on the front page reporting that there were over 2000 shoppers in line waiting for that store to be open that Sunday morning in July. So it's a good article its good buzz for Hanover Township and we are happy they are here and doing well within our Township.

Next point is an update on North Jefferson Road. It's like good news, and bad news the good news is that the concrete work is done well almost done that should be done probably within 5 days or so the bad news is the paving process looks like it's going to be delayed. It's still our priority it will be our number one priority to complete North Jefferson Road but stay tuned we beg you for your patience with this but it may be delayed until 2018.

Mr. Coppola: A few things, first of all on Sunday the 26<sup>th</sup>, there is going to be an egg and pancake breakfast over at the American Legion sponsored by the Ladies Auxiliary to raise money for the Veteran's it's from 8am-12noon it is \$8.00 adults and \$5.00 for children.

Saturday, December 2<sup>nd</sup> over at OLM there is going to be a parishioners Christmas party for all of the kids and parents for OLM. If anyone is thinking of becoming part of the parish it's really a great event. They serve nine different entrees they have Santa Clause and Mrs. Clause a magician and it's all for free. All you have to do is bring a dessert.

Cultural Arts just recently had their flute ensemble this past Sunday, I was told by the Chairman that there were about 70 people attending and it was a nice event. December 10<sup>th</sup> OLM will be holding the Hanover Wind Symphony concert \$15.00 per person they always have a nice event and that starts at 3:00. This past Saturday there was coffee with the cops over at Wegman's pretty well attended it was a very nice day and Wegman's sponsored it; they will be doing more events the next one will be at Pine Plaza with the date to be determined soon but it will be at Planet Swirl.

One thing that I wanted to note is that the Chairman of Substance Awareness along with Committeeman Gallagher and Chief Roddy put together a great program a couple of weeks ago on pedophiles and child abduction, they really did a lot they had a person come in who really spoke very knowledgeable about it, it was three hours long, but there was only about 35 people in attendance but I would love for Committeeman Gallagher to again have this person speak with the folks and get a bigger crowd. Facebook what I understood is very dangerous the stuff that goes on there about people and kids birthdays or any type of event which gives people a lot of information to anyone who is in that particular mode and I was really shocked when Dr. Phil interviewed an individual who was in jail, who performed over a 100 of these kind of acts, and what he said, what he does to get by from doing what he does was incredible, so I'm hoping that we can do this event in the future so that more and more people can get to understand.

Mr. Gallagher: George the one thing that I want to say and (interrupted)

Mr. Coppola: What is the "D" about?

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Ms. Baird: Him...

Mr. Gallagher: What?

Ms. Baird: D you didn't vote on it?

Mr. Gallagher: She is saying we didn't vote on Resolution D.

Mr. Semrau: At the end of the comments?

Mr. Gallagher: Just a quick note as to what Committeeman Coppola said and thank you George for being there and helping us promote this too but there is one statistic and the whole thing was troubling and I announced it was going to be troubling but 2100 children in the United States are missing every day. The target age of girls is 14-17 and boys is 8-10 and the sad thing is that the gentleman that posted it said when people don't come and show up unfortunately they have a false sense of security and they think that it can't happen here and it can't happen to my kid so we did speak to him and we are going to do it again and the problem is that it's for adults and not the children but thank you George just wanted to thank you.

Mr. Coppola: It was really an eye opener and when people put all this information about their kids and their family on Facebook you have no idea the harm you are doing and Committeeman Gallagher said we have the impression in Hanover that it doesn't happen well it can. With that I would like to wish everyone a very Happy and Blessed Thanksgiving.

Mr. Brueno: I will make it really quick. We took a lot of time in the beginning of the meeting with the recognition of the football team. Again, they will be playing up in Sparta at Pope John's High School on December 1<sup>st</sup> and we will do a sendoff from the Recreation Center and wish them luck. Santa Claus is coming to Town on December 2<sup>nd</sup> at the Recreation Center and it's going to be a busy day for him cause he is going to be at the OLM Community Center in the evening if you can't get there in the evening or if you want to see him twice between 2-4 at the Recreation Center, some snacks and face painting and all stuff for the children and grandchildren and also at that time you can drop off a letter to Santa. All letters that are received by December 15<sup>th</sup> will be responded to personally individually. Lastly, and certainly not least, Happy Thanksgiving and a safe Thanksgiving it looks like the weather is going to be good so please enjoy as Committeeman Gallagher said let's try not to eat too much.

Mr. Giorgio: Apparently on "D" we took a motion and had a second but we got cut off by comment. Vote was taken and unanimously passed.

(\*The Township Committee did vote on Resolution D prior to the open discussion regarding it. JLF made the motion and RFF made the second and it was unanimously passed it at 9:12:03 of the meeting. We then finished the business portion of the meeting and went further into discussion during "Open To The Public" regarding the resolution. There was no need for a second vote as suggested. This was not a public hearing for discussion it was a resolution that was pulled just for further comment by the TC.)

Mayor: I think we covered a lot of ground tonight and I did want to mention and I did in another meeting that our thanks again to Barbara Davis and the Morris County Open Space Farm Land Preservation Trust Fund for the grant for the Post Office cause now we will be able to move forward with the acquisition of the Whippany Post Office our intentions for that is to remove it and turn that into a pocket park and clean up that entire area up down there so that is going to be great. We finally will get that done.

December 1<sup>st</sup> the Economic Development Advisory Committee of Hanover a very active group will be running another special networking event and believe it or not it is being hosted at Wegman's right here, it was really very good of them to offer up some

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room for us to have it at their facility and they are a wonderful case history of what we can do in Hanover so on that note.

I join everyone here in wishing you all a very Happy Thanksgiving and please get together with your family and relatives and enjoy the day together and be thankful for what we all have here in Hanover Township and around the world. On that note a motion for adjournment?

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**ADJOURNMENT**

Motion made to close at 10:21p.m. was by Member Coppola and seconded by Member Gallagher and unanimously passed.

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

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Joseph A. Giorgio, Township Clerk