

SEPTEMBER 13, 2018

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, September 13, 2018, at 8:00 o'clock in the evening, prevailing time, at the Municipal Building, 1000 Route 10, in said Township.

PRESENT: Mayor Francioli, Members Ferramosca, Gallagher and Cahill and Mihalko

ABSENT:

STATEMENT BY PRESIDING OFFICER:

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

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

and by filing same with the Township Clerk.

(Signed) Ronald F. Francioli, Mayor

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MOMENT OF SILENCE IN REMEMBRANCE OF ALL THOSE WHO PERISHED ON SEPTEMBER 11, 2001.

ADMINISTRATION OF OATH OF OFFICE TO NEW REPLACEMENT PATROLMAN MATTHEW GALLAGHER

PRESENTATION OF HANOVER TOWNSHIP DISTINGUISHED COMMUNITY SERVICE AWARD TO THE ELIZABETH ANN SETON COUNCIL #6904 OF THE KNIGHTS OF COLUMBUS

OPEN TO THE PUBLIC

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

Dennis Fashano, 39 Forest Way: A little advertisement for the Environmental/Green Team you may be announcing it. But, we would like to give advance notice that there is going to be a Shred Day on Saturday, October 27th. It will be in the Municipal Parking lot from 9:00am-12:00pm. I just wanted to promote that. We are doing this on our own. Employment Horizons has reneged on doing any more of this, so we did it on our own for the Green Team and having it in the Municipal Lot we will have a sign where people can come in and I believe there is stuff going on at the Community Center that day so it will probably be a busy Saturday. Thank you.

Michael Czuchnicki, 57 Oak Boulevard, Cedar Knolls: You can see I have taken off my Knights of Columbus hat and put on my Chairman of Landmark Commission. I believe I am stealing both the Mayor's and Member Cahill's thunder in that we on October 20th are going to be having a gathering of the friends and neighbors of the Whippany Burying Yard. It turns 300 years old and there has never been this sort of gathering for 157 years so people are telling me and it is very unusual to do that. So I am receiving phone calls, Fairchild calls me up, Patuttel calls me up and it's really

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unusual that the people are literally gathering from Maine from wherever because of this type of event to honor that the United States in some way shape or form started here. The first settlers, the first Church the first militia training yard, the first school all were in where the Burying Yard is today and so on October 20th we are inviting people to come and, I'm hoping perhaps some of the younger families, the Mihalko's I understand have only been here for about 150 years so basically they are brand new. But, it is interesting to get a phone call and you say yes I remember there was a gathering I was told that it happened in 1850 and there was a funeral. Tuttle died and they laid her to rest and a young minister came from Rockaway and he looked around and said the people at this funeral saw the American Revolution, they lived through it and they published his interviews of his relatives that Minister's Bible is coming back to Whippany on the 20th and that shocks me. I don't have this exactly it was "Mike mumble mumble mumble George Washington's mumble mumble is in the Bible. So, I am looking forward to hearing the words that I didn't get exactly right but it is going to be an interesting event that we are doing and on the 21st we are giving a tour of the burying yard after we have a service in it. So, even if there is not enough room in the Presbyterian Hall which is brand new since 1834 hardly used at all but we are going to give a tour of the Burying Yard and the last time we did that we had a little bit under 200 people and they came on a day that was 95 degrees and 98% humidity and I was worried we were going to have to call the hospital endlessly and, they are all coming back so it will be interesting to see what happens on October 21st.

Mr. Cahill: Well Mike you sure stole my thunder, that was EXACTLY what I was going to say! I can take that chapter right off my report.

Mayor: We are looking forward to this and we are also looking to getting a flagpole in that wonderful Burying Yard and I mentioned it and we should really take a look at that since it is on a historic site listing and it should have an American Flag at it.

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

COMMUNICATIONS:

Resignation of Bob Smith as a Member of the Cultural Arts Committee.

Motion to approve resignation made by Member Gallagher and seconded by Member Mihalko and unanimously passed.

Resignation of Stephen Bolcar as School Crossing Guard In-Charge effective October 5, 2018 and Letters of Recommendation from Chief Roddy and Steve Bolcar on the Appointment of Ronald Barz as the New Crossing Guard In-Charge.

Resignation letter approved with regret. Member Cahill made motion to accept and seconded by Member Gallagher and unanimously passed.

Notification of Amended Professional Services Agreement awarded to Mott MacDonald by the SMCMUA in the Amount \$5,054.00 Thereby Increasing the Total Dollar Amount of the Contract from \$36,489.12 to \$41,543.12 for Engineering Services Related to the Picatinny Booster Pump Station Standby Power Installation.

DEPARTMENTAL REPORTS:

The following reports were presented and ordered filed as received:

Engineering	G. Maceira	Reports (2)
Public Works	B. Foran	Summary Reports (2)
CFO	S. Esposito	August & September Report
Construction	S. Donlon	Reports (3)
Police Department	M. Roddy	Report (August)
Property Maintenance	E. DeSimone	Reports of July & August

All reports are on file in the Business Administrator's Office.

APPROVAL OF TOWNSHIP COMMITTEE MINUTES:

The Minutes of the Regular Meeting of August 9, 2018 have been presented to the members of the Committee prior to this meeting by the Township Clerk.

Member Gallagher moved that the Minutes of the Regular Meeting of August 9, 2018 have been accepted and approved as presented by the Township Clerk. The motion was seconded by Member Ferramosca and was unanimously passed.

PUBLIC HEARING:

CONSIDERATION OF A PET SHOP LICENSE TO BE ISSUED TO PET SUPPLIES PLUS TO BE LOCATED AT 170 EAST HANOVER AVENUE IN CEDAR KNOLLS, ALL IN ACCORDANCE WITH SECTION 117-5. ENTITLED "KENNELS, PET SHOPS, SHELTERS AND POUNDS" UNDER CHAPTER 117 OF THE CODE OF THE TOWNSHIP ENTITLED DOGS AND OTHER ANIMALS.

Mr. Giorgio: If the Members of the Township Committee can recall on July 30th I received a letter from Barbara Grobert one of the principals of Pet Supply's Plus and that letter explained in full the proposal for a new pet shop at 170 East Hanover Avenue and as a matter of fact we have Ms. Grobert and also her partner Mr. Alltier they are present here this evening. We will also note for the record that Pet Supplies has submitted their application for a permit in accordance with the Township's Code and so at this time we will also note for the record that the Health Department has reviewed all of the requirements with Pet Supplies and they are in conformance with the Township's Health Code and they just await the Building Permit from the Building Department and that is all subject to the approval of the Township Committee this evening. So at this time may we have a motion to convene a public hearing?

Motion made by Member Ferramosca to convene a Public Hearing and seconded by Member Gallagher and unanimously passed.

Terri Baird, 180 Parsippany Road, Whippany: I have a few concerns about it I am actually very happy to see that we are going to have a pet supply store in town so I don't have to go out of town cause I do have a few pets but there are some concerns I have in reference to having a pet shop license. The actual term of pet shop license just sends chills up and down my spine because of what happened with Just Pups in East Hanover and Hanover Township not having an ordinance to prevent the sale of dogs and cats. So I guess I have a question in reference to what will be sold that is necessary to have the pet shop license at the Pet Supplies Plus. I don't know if it is possible to get an answer to that?

Mr. Giorgio: Since we have the owners here they can speak.

Barbara Grobert, 5 Sherwood Avenue, Madison: I share your concerns so we have a store now in Garwood we opened a year ago this month. It is about 8000 square feet and we sell food for dogs, cats, small critters, reptiles and birds. We also sell in our store fish, birds, reptiles and small critters. They are all from approved vendors by corporate, we are a franchise. Pet Supplies Plus has 450 stores across the country and half of them are franchised. We do not, and will never, sell cats or dogs. I am an animal lover and have two dogs myself they are both rescue dogs and what we do do though in relation to dogs is we have a community room where we offer positive training puppy classes and adult dog classes. We work with license shelters only, they come in once or twice a month as rescue group, their volunteers come in, they have to be licensed and we do adoption days. My staff does not have anything to do with it, we just provide the space and it is a great service and there are so many dogs and cats out there that need homes so we alternate we will do cat adoption one month and a dog adoption another month and we also have a donation bin up front and we alternate every month for a different local rescue. Both JP and I are all about, oh Hi Blais! Sorry, we are all about community. So everybody that works for me are local residents from teenagers to I have a gentleman who works for me and is 55 years old. So our store is like an extension of the neighborhood people come in just to hang out, it's a place for them to bring their pets. We have self-serve dog wash which we are also going to have

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in the store here so I think the pet shop license what I understand because it is an extension of the State of New Jersey and what they require is any store that sells live animals and/or supplies for live animals is required to have a license in the State of New Jersey. It is very detailed I think Joe has a copy; it is like 19 pages and has to tell them exactly what kind of animals we are selling the vendors. I have an animal care specialist that works for me and looking to hire one for this store as well if it gets approved because I want to make sure that the animals are getting the best care. We are also as JP knows I am very particular about who I sell our live animals to. We don't sell to anyone under 18 they have to come in with a parent, the parent has to be there and have to have permission. I have refused selling critters to a few people, gently, kindly. You just kind of get a sense like this person is not going to take care of this animal. I don't really know what else I can tell you.

Mayor: I think you gave an excellent explanation of not only your consideration for pets but how you intend to operate. It is kind of unique today with pet shops more and more of them are going through the adoption process. I know some of the malls the pet shops are now not selling dogs but bringing in adoption agencies that bring pets in once a week or so and you are able to adopt a cat or dog there but they don't remain there for sale.

Ms. Grobert: No and they never stay overnight.

Mayor: You mentioned in your comment about some care of a dog or pet? What does that entail? Board a dog or cat?

Ms. Grobert: No, we have self-serve pet wash and we have what is called a community room where we do educational things for like the scouts and the schools. We do puppy classes but we don't have them and we do not want to have a shelter license.

Mayor: There will be no outside kennels or runs?

Ms. Grobert: No, we are really, our biggest selling items are the supplies.

Mr. Cahill: Pet Supplies franchise you said there are 450 stores across the nation, do any of those have shelter licenses? Or, is it corporate strategy or policy not to go that way?

Ms. Grobert: It is not, they can if they choose. I know the Berkley Heights store because they had a grooming room and they closed the grooming room and so a local best friends cat & dog got a shelter license and so they now have a cat room in there. People can come in and see them and adopt them. I don't want that responsibility, and I don't like the idea of leaving cats or dogs who are so human connected in a store alone at night. I would never do that. The only thing I would like to add if you want to know more about us go on our Instagram and Facebook page you can really see the whole idea and get a sense of what our store is like and the energy and the people that come in and then if you go on google review you can see how people feel about us. My number one is customer service and I'm also a neat freak, so my store are really clean.

Ms. Baird: I have a couple of other questions. Will any of the small pocket pets in such will any require permitting from the Division of Fish and Wildlife?

Ms. Grobert: Yes, and, that is part of our Pet Shop License with the State has a list of the ones that are required and then it's a three copy book a customer gets one and they have to send in, we have a copy and we get audited once a year and then we send once a year to the state all that is sold.

Ms. Baird: Also, has the Board of Health reviewed the blue prints for the new store?

Ms. Grobert: They have. We also are required to have a bed of record and that comes in quarterly they come in unannounced such as the Health Department. We have a wellness room in our store that is required separate ventilation that is not connected to anything else in the store. We have never had an animal that has gotten sick in the store we had one or two that had come in and we didn't see it when delivery

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was done and they go right into the wellness room they don't get housed with the other critters.

Ms. Baird: The only thing that I would ask the Committee and according to the State Licensing is that you have the ability to give the permit to them for a pet shop to sell pet supplies to all types of animals including cats and dogs and sell other animals than cats and dogs but restricts the pet shop from selling cats and dogs. So I would ask, and I'm all for having a pet shop place, it's the selling of cats and dogs because we are talking about now and I can't say what's going to happen in five years or 10 years, we look back 5-10 years how things change quickly. I would recommend the committee recommend that they get the license but that it restricts the sale of cats and dogs.

Mayor: I don't know that would we covered in some fashion but if we haven't this application also goes to the Board of Health which has already reviewed the application. What we can do is have them review that request. We will have them act on it and refer it back to the Township Committee to be brought into legislation.

Ms. Baird: It's part of the State Code that you have the ability to do that.

Mayor: We will take a look at it.

Ms. Baird: I appreciate that and thank you very much and I look forward to shopping.

Mayor: Thank you for your comments.

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

RESOLUTION NO. 153-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING THE ISSUANCE OF A PET SHOP LICENSE TO PRESTON ELIZABETH T. SQUARED BETA, LLC, D/B/A PET SUPPLIES PLUS TO BE LOCATED AT 170 EAST HANOVER AVENUE IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP, ALL IN ACCORDANCE WITH SECTION 117-5. ENTITLED "KENNELS, PET SHOPS, SHELTERS AND POUNDS" UNDER CHAPTER 117 OF THE CODE OF THE TOWNSHIP ENTITLED DOGS AND OTHER ANIMALS

WHEREAS, Preston Elizabeth T. Squared Beta, LLC., d/b/a Pet Supplies Plus, has made application to the Township of Hanover's Building and Health Departments for a new pet shop to be located in a building currently under construction at 170 East Hanover Avenue near the intersection of East Hanover Avenue and Horse Hill Road in the Cedar Knolls Section of the Township; and

WHEREAS, by letter dated July 26, 2018 and received by the Township's Business Administrator on July 30, 2018, Barbara Grobert, a partner of the **Pet Supplies Plus** pet shop provided the Township with an overview of the supplies and services to be offered at the store; and

WHEREAS, Pet Supplies Plus has submitted plans and drawings to the Building and Health Departments in order to receive the necessary permits and licenses from both departments; and

WHEREAS, by email dated September 10, 2018, the Business Administrator was advised that the Health Department has approved the building plans for the proposed **Pet Supplies Plus** pet shop; and

WHEREAS, the Township's Construction Official has informed the Business Administrator that the approval of the building plans and issuance of a construction permit is pending subject to the granting of a pet shop license by the Township Committee; and

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WHEREAS, Section 117-5.A. Entitled “Kennels, Pet Shops, Shelters and Pounds” under Chapter 117 of the Code of the Township entitled Dogs and Other Animals requires that any person who proposes to establish a pet shop in the Township shall apply to the Business Administrator for a license entitling him or her to operate such an establishment in the Township; and

WHEREAS, Ms. Grobert has completed and submitted the Township’s pet shop application for a license to be approved by the Township Committee; and

WHEREAS, Section 117-5.B. and C. also requires that the application for a license shall be considered at a public hearing and action before the Township Committee. If the license is granted by the Township Committee, it shall be issued by the Director of the Department of Administration whereby the pet shop owners shall pay an annual \$10.00 fee to the Township pursuant to N.J.S.A. 4:19-15.8. and 19-15.9.; and

WHEREAS, in accordance with Section 117-5.B. under Chapter 117 of the Code of the Township, the governing body, during its September 13, 2018 regular meeting, convened a public hearing concerning the application of **Preston Elizabeth T. Squared Beta, LLC, d/b/a Pet Supplies Plus** for the approval of an application to open a pet supplies business at 170 East Hanover Avenue; and

WHEREAS, as no objections were filed with the Township Committee during the September 13, 2018 public hearing, it is the intention of the governing body to approve the application.

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 application of **Preston Elizabeth T. Squared Beta, LLC d/b/a Pet Supplies Plus** to be located at 170 East Hanover Avenue in the Cedar Knolls Section of the Township is hereby approved.
2. In accordance with Section 117-5.C. and N.J.S.A. 4:19-15.9., **Pet Supplies Plus** shall pay the Township a \$10.00 license fee for the period commencing October 1, 2018 and expiring on June 30, 2019. Thereafter, **Pet Supplies Plus** shall be responsible to pay the \$10.00 annual license fee on or before July 1, 2019 and every July 1st thereafter.
3. That certified copies of this resolution shall be transmitted to the owners of **Pet Supplies Plus**, the Construction Official and Health Officer for reference and information purposes.

Motion for approval made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

ORDINANCE FOR PUBLIC HEARING AND ADOPTION: (CONSENT AGENDA)

Mr. Giorgio: If you can recall that the Township Committee could not move on the adoption of these three ordinances because we lacked letters of recommendation from the Planning Board but the Township Committee did convene the public hearing on all three Ordinances and then closed the public hearing. So for purposes of this evening it is to report to the Township Committee that we have three letters of recommendation one each for Ordinances 17, 19 & 20. So with that we can take these three Ordinances as a consent agenda for approval.

ORDINANCE NO. 17-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR OUTDOOR STORAGE FOR NONRESIDENTIAL USES

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Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 17-2018 appeared in full in the July 18th, 2018 issue of the Daily Record in accordance with the law.

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 AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR OUTDOOR STORAGE FOR NONRESIDENTIAL USES**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the August 15th issue of the Daily Record.

Motion to adopt ordinance as amended made by Member Gallagher and seconded by Member Ferramosca unanimously adopted the Ordinance.

So Adopted.

ORDINANCE NO. 19-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING AND ADOPTING VARIOUS DEFINITIONS AND REGULATIONS PERTAINING TO FRONT, SIDE AND REAR YARDS, LOT FRONTAGE AND LOT WIDTH

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 19-2018 appeared in full in the July 18th, 2018 issue of the Daily Record in accordance with the law.

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 AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING AND ADOPTING VARIOUS DEFINITIONS AND REGULATIONS PERTAINING TO FRONT, SIDE AND REAR YARDS, LOT FRONTAGE AND LOT WIDTH**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the August 15th issue of the Daily Record.

Motion to adopt ordinance as amended made by Member Gallagher and seconded by Member Ferramosca unanimously adopted the Ordinance.

So Adopted.

ORDINANCE NO. 20-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR SIGNAGE IN THE OFFICE AND INDUSTRIAL ZONE DISTRICTS

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 20-2018 appeared in full in the July 18th, 2018 issue of the Daily Record in accordance with the law.

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 AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR SIGNAGE IN THE OFFICE AND INDUSTRIAL ZONE**

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DISTRICTS” be passed on final reading and that a Notice of the final passage of the Ordinance be published in the August 15th issue of the Daily Record.

Motion to adopt ordinance as amended made by Member Gallagher and seconded by Member Ferramosca unanimously adopted the Ordinance.

So Adopted.

ORDINANCES FOR INTRODUCTION:

Mr. Gallagher: I would like Fred to take a minute and explain Ordinance 30 if he could give us a little background on it.

Mr. Semrau: The Governing Body with respect to this Ordinance has discussed the recent discussion at the State level about legalizing the sale of marijuana and we evaluated a number of options. One of the options was to look at it as a land use perspective but without the legislation in place it is very difficult we can't just take a blanket approach and say we are going to speak to marijuana legalization or a ban from a land use perspective in a vacuum. So they asked me to look at a number of different options as to how to address certain legislation before it is adopted to essentially stay ahead of this after quite a bit of discussion about the concern for the legalization standpoint. What we put together at the direction of the Governing Body is an ordinance that under a State Law if adopted into law we would anticipate that it would be much like alcoholic beverage control commission where licenses would be issued and from that standpoint the Governing Body has legislation today that says if marijuana is legalized and it is done so by a licensing agency of the State or the Municipality then Hanover Township does not want to issue any license for the sale of marijuana within the Township. So that is what the ordinance does and that is based on the direction and the discussion of the Governing Body.

ORDINANCE NO. 21-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR TREE PRESERVATION, REMOVAL AND REPLANTING

WHEREAS, the Township's zoning regulations currently permit and regulate the removal and replanting of trees; and

WHEREAS, the Planning Board has recommended that the regulations be amended to permit, in certain circumstances, the planting of trees in off-site locations in order to address the tree replacement obligations in the regulations.

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. Subsection D. of Section 110.1., *Tree removal permits*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

- D. Unless determined incomplete, the Township Engineer shall issue or deny a tree removal permit within 10 business days of submission of the application; provided, however, that in the case of an application that proposes to plant replacement trees at an off-site location pursuant to §166-131.G.(5) and (6), the application shall be referred to the Planning Board for its review and comment, and in which case the Township Engineer shall issue or deny such tree removal permit within 45 days of submission of the application. Failure of the Township Engineer to act within the prescribed period shall be deemed to be an approval of the application. The Township Engineer shall grant or deny the application based upon the criteria in § 166-131 and shall inform the applicant of the decision.

Section 2. Subsection G. of Section 166-131., *Tree preservation, removal and replanting*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

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G. Tree preservation, removal and planting requirements. This subsection sets forth requirements for tree preservation, tree removal and tree planting. When existing trees are removed, replacement trees are required to be planted in accordance with Paragraph (1) below. The planting of trees is also required when properties are developed or redeveloped, when such properties have fewer trees than required, even when no tree removal is proposed, in accordance with Paragraph (2) below. Paragraphs (3), (4), (5) and (6) below contain supplemental provisions.

(1) Tree removal and replacement. For each living regulated tree, or for each trunk of a multiple trunk regulated tree, having a DBH of at least 6 inches, the following number of replacement trees shall be required to be planted on site and/or planted in another location within the Township in accordance with §166-131.G(6), and/or a payment in lieu made in accordance with §166-131.G(5):

(a) Invasive trees. Removal of the following invasive species may be removed, without any replacement requirement, in circumstances where such trees are determined by the Township Arborist to present a threat to more desirable tree species in the vicinity or to otherwise pose a threat to the public health, safety and welfare, but only if such removal would not violate the provisions of Paragraph (2) below and if such removal is not otherwise prohibited by this Chapter or by any current development approval in effect. Any such removal shall be required to obtain a tree removal permit in accordance with §166-131.F.

Black Locust - *Robinia pseudoacacia*

Mazzard/Sweet Cherry - *Prunus avium*

Norway Maple - *Acer platanoides*

Tree of Heaven - *Ailanthus altissima*

Autumn Olive - *Eleagnus umbellata*

(b) One tree of any species may be removed on each lot during any calendar year without any replacement requirement, but only if such removal would not violate the provisions of Paragraph (2) below and if such removal is not otherwise prohibited by this Chapter or by any current development approval in effect. Any such removal shall be required to obtain a tree removal permit in accordance with §166-131.F.

(c) Replacements for first ten tree removals. Excluding the removals permitted by Subparagraphs (a) and (b) above, one replacement tree shall be required for each of the first ten trees removed on any lot, regardless of the tree DBH, subject to the limitation in Subparagraph (e) below. This replacement ratio shall only apply to the first ten trees removed from the property, not to each tree removal event. After ten trees have been removed from the property, the replacement ratios in Subparagraph (d) below shall apply.

(d) Excluding the tree removals regulated by Subparagraphs (a), (b) and (c) above, the following number of replacement trees shall be required to be planted on the property for each tree removed, subject to the limitation in Subparagraph (e) below:

<u>DBH of Removed Trees</u>	<u>Required Number of Replacement Trees</u>
6 to 11.99 inches	1
12 to 23.99 inches	3
24 to 35.99 inches	5
36 inches or greater	7

(e) Notwithstanding the replacement requirements in Subparagraphs (c) and (d) above, in no case shall the total number of replacement trees be required to exceed 40 trees for each acre of the property.

(f) Any trees planted to address the obligation in §166-131.G(2) shall be credited against this obligation.

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- (2) Minimum tree preservation, replacement and planting ratios. There shall be maintained on every lot a minimum number of trees in accordance with the following table. Such trees shall include all trees within the planting area of the lot which are to be preserved, replaced and planted.

<u>Land Use Category</u>	<u>Minimum Tree Preservation/Planting Ratio</u>
Single-family detached or two-family residential	1 tree per 3,000 sq. ft. planting area on the lot
Other	1 tree per 750 sq. ft. planting area on the lot

In administering this requirement, the following shall apply:

- (a) For purposes of administering this requirement, "planting area" shall mean the area within which trees may reasonably be preserved and/or planted after completion of the development. The term "planting area" shall specifically exclude the following:
- Areas covered by buildings.
 - The area of contaminated soils or groundwater where tree planting is prohibited.
 - Areas covered by pavement, and curbing.
 - Stormwater detention basins, retention basins or subsurface stormwater retention or recharge structures.
 - Areas needed to provide exposure to the sun for photovoltaic panels used to produce electricity, where trees would unreasonably interfere with such exposure as determined by the board having jurisdiction or the Township Engineer, as applicable.
 - Areas designed and used for athletic fields and any team or spectator seating areas for such fields.
 - Easements restricted for access, utilities, drainage and roadway sight distance. In cases where such easements are general in location and/or not limited to only those areas actually needed for such functions, the areal extent of the exclusion shall be determined by the Township Engineer.
 - Areas within the limits of disturbance which have been disturbed solely for the purpose of removing existing structures and which are not proposed to be redeveloped as part of a proposed development application. This exclusion shall expire for such areas, or portions of such areas, at such time that they are proposed for development in a development application, provided the application is approved and the development actually occurs.
 - Areas within the limits of disturbance identified on the currently approved plans as part of a future phase of development, and which are not proposed to be developed until such future phase is developed. This exclusion shall expire for such areas, or portions of such areas, at such time that they are proposed for development in a development application, provided the application is approved and the development actually occurs.
- (b) Replacement trees planted or for which a payment has been made in accordance with §166-131.G(1) shall be credited against this obligation.
- (c) In cases where development is proposed on an existing property that contains fewer trees than required by this Paragraph (2), the required number of trees to be planted for the proposed development shall be calculated using the planting area of the development, not the planting area of the entire lot. For purposes of administering this provision, the "area of the development" shall mean the area within the limits of disturbance, plus the area within the drip line of trees to be removed located outside the limits of disturbance.
- (3) In determining the number of trees required to be preserved and planted in accordance with Subsection G(1) and (2) above, fractions of trees below 0.5 shall be rounded down, and fractions of 0.5 or greater shall be rounded up.

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- (4) Credits for sustainable development. In order to encourage development of sustainable buildings, credit against tree replacement and planting obligations in § 166-131.G(1) and (2) above shall be given for buildings that achieve various LEED ratings, as follows:

<u>LEED Rating</u>	<u>Tree Planting Credit</u>
Certified	15% of requirement
Silver	25% of requirement
Gold	35% of requirement
Platinum	50% of requirement

- (a) The requirement against which credit is calculated shall be only that tree planting requirement related to the construction of a LEED-rated building or buildings. Thus, in a development with one LEED-rated building and one non-LEED-rated building, the credit will be calculated as the LEED-rated building's portion of the total site gross floor area multiplied by the tree planting credit.
- (b) Applicants seeking to obtain tree planting credits for LEED-certified buildings shall be required to deposit a cash amount with the Township equal to the cost of any trees for which credit is sought, at a cost of \$400 per tree. The cash amount shall be deposited prior to the issuance of building permits. Thereafter, if the projected LEED certification is achieved, the Township shall refund all or a portion of the deposit, depending upon the level of LEED certification actually achieved. No refund of such deposit shall be made for LEED certifications obtained more than two years after issuance of any certificate of occupancy for the building.
- (5) Payments in lieu of required tree planting. If the developer demonstrates to the reviewing authority that the subject property is not reasonably able to preserve and/or plant the number of trees required by this Section, then the developer shall be required to make a payment in lieu of planting the number of trees to address the deficiency and/or to plant trees in off-site locations in accordance with Paragraph (6) below. The following shall apply to such payments:
- (a) The amount of such payment shall be \$400 per tree.
- (b) If the developer demonstrates that the number of trees to be replaced by § 166-131.G(1) and the number of trees to be preserved and planted within the limits of disturbance by § 166-131.G(2) are together at least 75% of the minimum required, then no payment in lieu of planting trees shall be required in excess of 5% of the total cost of site improvements for the development, excluding building costs, soft costs and land acquisition costs.
- (6) Planting of replacement trees in off-site locations. If the developer demonstrates to the reviewing authority that the subject property is not reasonably able to preserve and/or plant the number of trees required by this Section, then the developer may be permitted to plant replacement trees in other locations within the Township, subject to the following:
- (a) In the event that the development is not part of an application that requires site plan, subdivision or variance approval from the Planning Board or Board of Adjustment, the reviewing official or agency shall refer the off-site tree replacement plan to the Planning Board for review and comment prior to the issuance of any tree removal permit.
- (b) The developer shall demonstrate that location proposed for the planting of such trees is suitable for the future growth of such trees, taking into account such factors as the amount of available sunlight, soil conditions, moisture conditions, legal requirements, potential conflicts with existing or planned uses, structures or trees in the same or nearby locations, etc.
- (c) The developer shall demonstrate that such trees will be preserved and maintained, or if removed in the future, that such trees will be replaced in equal amounts.

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Section 3. 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 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. This ordinance shall take effect in accordance with the law.

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 22-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR SCREENING OF PARKING AND LOADING AREAS

WHEREAS, the Township's zoning regulations currently regulate the screening of parking and loading areas; and

WHEREAS, the Planning Board has recommended that the regulations be amended to specifically address the need for screening and mitigation of noise and other detriments from parking decks.

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. Subsection G. of Section 166-153., *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

- G. All off-street parking and loading areas shall be located and designed to mitigate detrimental impacts upon single-family residential zone districts, as follows:
- (1) Parking and loading areas shall be effectively screened on any side which adjoins or faces premises situated in any residential zone in accordance with the buffer requirements of § 166-125.
 - (2) Parking decks shall be designed to mitigate the negative effects of deck illumination, vehicle headlights, and sound upon nearby single-family or multi-family residential zone districts, as determined by the reviewing agency as part of any site plan application process. Such mitigation may include, but may not be limited to, screening of illumination of headlights and light fixtures on the top level and lower levels of such decks, installation of louvers in openings between deck levels, and location and orientation of openings for vehicular ingress to and egress from the deck.

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.

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Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 23-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING AND ADOPTING VARIOUS REGULATIONS FOR OUTDOOR RECREATIONAL FACILITIES ON RESIDENTIAL LOTS

WHEREAS, the Township's zoning regulations currently permit swimming pools accessory to single family dwellings, with certain restrictions, as well as other outdoor recreational facilities customarily accessory to single family dwellings; and

WHEREAS, it is in the public interest to provide appropriate regulations for such facilities, in order to avoid detrimental impacts upon adjacent properties and public streets.

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. Subsection F. of Section 166-165., Primary intended use, in Article XXV, *R-40 Residence District*, is amended to read as follows:

F. Private outdoor recreational facilities accessory to the permitted residential use, as regulated by § 166-136.1.

Section 2. Article XIX, *General Provisions*, is amended by adding and inserting a new Section 166-136.1, entitled "Outdoor recreational facilities accessory to single-family dwellings," to read as follows:

§ 166-136.1. Outdoor recreational facilities accessory to single-family dwellings.

Outdoor recreational facilities accessory to single-family dwellings on the same lot shall be permitted and shall be subject to the following requirements. For purposes of this section, "outdoor recreational facilities" shall be defined as including, but not limited to, swimming pools, game or sport courts, and similar facilities, but shall exclude children's play equipment that occupies less than 200 square feet of lot area, tree houses and any facility or activity prohibited by Chapter 129 of the Township Code.

A. Permitted yards.

- (1) Outdoor recreational facilities shall be permitted in the side and rear yard, except as provided otherwise below.
- (2) Basketball hoops and backboards shall be permitted within the front yard when located in or immediately adjacent to the driveway for the dwelling on the property, as regulated herein.

B. Minimum setbacks from lot lines. Outdoor recreational facilities shall be located in accordance with the following requirements, provided that the setbacks shall be measured to the closest paved or other artificial surface designed to be used as part of the facility:

- (1) Outdoor recreational facilities shall be located at least 25 feet from any side or rear lot line, except as provided otherwise below.

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- (2) When the established front yard depth is less than the minimum required by the zone regulations as a result of a variance or as a legally nonconforming condition, the outdoor recreational facilities shall be located a distance from the front lot line not less than the minimum front yard requirement of the zone district in which the lot is located.
 - (3) Basketball backboards located within or adjacent to a driveway shall be set back at least 10 feet from any rear and side property lines and at least 20 feet from the front lot line.
- C. Maximum coverage of yard areas. Outdoor recreational facilities shall not exceed one third (33.3%) of either the rear or side yard within which they are located. Such coverage shall include the water surface and any decking or similar surface adjacent to a swimming pool, as well as any pavement, decking or other artificial surface used as part of a game or sport court, and the limits of any surface area covered by play structures or equipment.
- D. Illumination.
- (1) The illumination of outdoor recreational facilities by light fixtures is prohibited, except for swimming pools as regulated below.
 - (2) When permitted, light fixtures shall be so located that the direct source of light is not visible from adjacent properties or streets.
 - (3) When permitted, light fixtures shall be turned off between the hours of 10 p.m. and 7 a.m.
- E. Fencing.
- (1) Swimming pools shall be required to comply with all applicable requirements and construction codes related to enclosures.
 - (2) Game courts that involve airborne balls or other projectiles, including but not limited to tennis courts, basketball courts, etc. shall be located and designed in a manner that prevents such projectiles from traveling onto adjoining properties or public streets, as determined by the Zoning Officer. Any fencing for outdoor recreational facilities shall comply with the fencing requirements of this Chapter.

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. This ordinance shall take effect in accordance with the law.

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

ORDINANCE NO. 24-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE ZONING REGULATIONS TO PERMIT TEMPORARY SIGNS FOR NEW RETAIL BUSINESSES ESTABLISHMENTS

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WHEREAS, the Township's zoning regulations currently permit various retail sales and service businesses; and

WHEREAS, it is common for such businesses when they first open to announce the opening to the general public; and

WHEREAS, the Township Planning Board has recommended that temporary signage for such circumstances be permitted, with appropriate regulations.

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 166-141., Regulations applicable in all zones, in Article XX, Signs, is hereby amended by adding and inserting a new Subsection P., to read as follows:

- P. Temporary signs for opening of new retail sales and retail service establishments. Retail sales and retail service establishments shall be permitted to display temporary signs when the establishment first opens on a property in the Township. Such signage shall be subject to the following requirements:
- (1) For purposes of this Subsection, a "new retail sales and retail service establishment" shall be construed to mean such an establishment that is a change in use or brand from the prior use or brand on the site or in the building, and which requires the issuance of a certificate of occupancy.
 - (2) A zoning permit shall be required from the Zoning Officer prior to the display of such signage.
 - (3) Permitted display period.
 - (a) Once issued, permits for such signs shall be valid for a period of 30 days, at which time the sign must be removed.
 - (b) Permits are non-renewable.
 - (c) Such signs shall not be displayed after 60 days have elapsed since the opening of the store to the public for business, with such opening defined as the date that the initial certificate of occupancy, temporary certificate of occupancy, or certificate of continued occupancy was issued for the business, whichever applied and whichever occurred first.
 - (4) Number of signs. One such sign shall be permitted for each business.
 - (5) Permitted types. Such signs may be freestanding or wall-mounted.
 - (6) Freestanding signs shall comply with the following requirements:
 - (a) The area of the sign shall not exceed 50 square feet on any side.
 - (b) The height of the sign shall not exceed 10 feet.
 - (c) The sign shall be located at least 10 feet from any front lot line, and shall also be located so as to not obstruct access, reasonable sight lines at intersections for vehicle operators or pedestrians, or the view of other signs on the same property or adjacent property or public street and so as not to create any other unsafe condition, all as determined by the Zoning Officer.
 - (d) Freestanding signs shall not include any signs of the type prohibited by §166-141.M.
 - (7) If mounted, on the building, such signs may be located on the building wall or in the storefront window area, and shall comply with the following requirements:
 - (a) The area of the sign shall not exceed 50 square feet on any side.

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- (b) Such signs shall not include any signs of the type prohibited by §166-141.M, except for window signs and banners.
- (c) Such signs shall be securely attached to the building, and not designed to flap or otherwise move due to wind or other forces.

(8) Illumination. Such signs shall not be illuminated.

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.

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 25-18

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ORDINANCE NO. 25-95 AND SECTION 61-30. OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED, "ALCOHOL AND DRUG TESTING POLICY FOR LAW ENFORCEMENT PERSONNEL" UNDER CHAPTER 61 OF THE CODE ENTITLED SALARIES AND COMPENSATION; PERSONNEL POLICIES

WHEREAS, by way of Ordinance No. 25-95, adopted on August 24, 1995, and codified as Section 61-30. of the Code of the Township of Hanover, the Township Committee of the Township of Hanover enacted an "Alcohol and Drug Testing Policy for Law Enforcement Personnel" that provided for drug and alcohol testing only of current law enforcement officers and only when based on a reasonable suspicion that they are using drugs and/or alcohol illegally; and

WHEREAS, Ordinance No. 25-95 does not provide for or address random drug testing, the drug testing of applicants, or the drug testing of Police Academy trainees; and

WHEREAS, since the adoption of Ordinance No. 25-95, the New Jersey Attorney General has promulgated a series of comprehensive directives and guidelines, binding on local law enforcement agencies, identifying the types of drug testing that local law enforcement agencies are required to conduct, (including drug testing of applicants, trainees and sworn officers currently employed), the procedures required to be utilized in conducting drug testing, and the required employment consequences of producing a positive drug test result or refusing to participate in drug testing; and

WHEREAS, pursuant to Attorney General Law Enforcement Directive No. 2018-2, promulgated on March 20, 2018, it is now mandatory for local law enforcement agencies to conduct random drug testing on no less than 10% of the agency's sworn officers once in 2018, and twice per year for every calendar year thereafter; and

WHEREAS, on January 29, 2015, the Township Committee of the Township of Hanover, in its capacity as the "appropriate authority" in the adoption of Police

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Department rules and regulations, pursuant to *N.J.S.A. 40A:14-118.*, adopted Rule and Regulation 3:2.20(2), which empowers the Chief of Police to order random drug testing of sworn officers in accordance with the New Jersey Attorney General's directives and guidelines and the applicable directives of the Morris County Prosecutor; and

WHEREAS, Ordinance No. 25-95, adopted on August 24, 1995, and codified as Section 61-30. of the Hanover Township Municipal Code, has not been updated to reflect these subsequent developments in the drug testing of law enforcement officers, applicants and trainees, and therefore requires amendment.

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

1. The text of Ordinance No. 25-95, adopted on August 24, 1995, and codified as Section 61-30. of the Code of the Township of Hanover entitled "Alcohol and Drug Testing Policy for Law Enforcement Personnel," is hereby deleted and replaced with the following text:

"The Hanover Township Police Department shall conduct drug and alcohol testing of sworn law enforcement officers, applicants and trainees in accordance with all duly-adopted directives and guidelines issued by the New Jersey Attorney General, the applicable directives of the Morris County Prosecutor, and the duly-adopted rules, regulations, policies and standard operating procedures of the Hanover Township Police Department, along with any subsequent amendments, modifications and supplements thereto. In case of any conflict between the terms of the directives/guidelines of the New Jersey Attorney General/Morris County Prosecutor and the rules, regulations, policies and standard operating procedures of the Hanover Township Police Department, the directives/guidelines of the New Jersey Attorney General and applicable directives of the Morris County Prosecutor shall control."

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

3. 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 of this Ordinance.

4. This Ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 26-2018

AN ORDINANCE AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE HANOVER TOWNSHIP YOUTH FOOTBALL CLUB FOR THE OPERATION OF THE BRICKYARD FIELD CONCESSION FACILITY COMMENCING SEPTEMBER 6, 2018 THROUGH DECEMBER 1, 2018

WHEREAS, the **Hanover Township Youth Football Club** is a nonprofit organization which has requested permission from the Board of Recreation Commissioners and the Township Committee to operate the Brickyard Field Concession facility for the benefit of the public during the 2018 Football season which begins on September 6, 2018; and

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WHEREAS, the **Hanover Township Youth Football Club** agrees to comply with the Township's Specification which sets forth in full the standards and criteria for the proper operation of the Brickyard Field Concession facility located at Bee Meadow Park; and

WHEREAS, the Township Committee of the Township of Hanover believes it to be in the public interest that a lease agreement for ONE (\$1.00) DOLLAR be entered into with the **Hanover Township Youth Football Club** upon commencement of the football season on September 6, 2018 through December 1, 2018.

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

SECTION 1. The Mayor and Township Clerk are hereby authorized to enter into a lease agreement, a copy of which is attached hereto and made a part of this Ordinance, with the **Hanover Township Youth Football Club**, a nonprofit organization, for the nominal sum of ONE (\$1.00) DOLLAR commencing on September 6, 2018 through December 1, 2018 for the purpose of having the **Hanover Township Youth Football Club** operate the Brickyard Field concession facility at Bee Meadow Park in serving the public generally.

SECTION 2. The Superintendent of the Department of Recreation and Park Administration is hereby designated as the officer of the Township to enforce the operational terms of the Lease Agreement.

SECTION 3. Prior to the inception of the lease, the **Hanover Township Youth Football Club** shall submit to the Hanover Township Business Administrator, proof of continuance of the tax-exempt status of the said non-profit organization pursuant to both State and Federal law.

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

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 27-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE BUILDING HEIGHT, SEPARATION AND/OR YARD REQUIREMENTS FOR PRINCIPAL BUILDINGS IN THE R-10 DISTRICT

WHEREAS, on June 14, 2018, the Township Committee adopted Ordinance 15-2018, which amended various zoning regulations pertaining to building height and setbacks and other provisions; and

WHEREAS, it was subsequently discovered that an error had been made in the drafting of Section 8. of the ordinance, whereby the number "2.2" had inadvertently been unintentionally substituted for the number "2.6" in the existing regulation; and

WHEREAS, the Township Committee intends to remedy the error by this ordinance;

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:

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Section 1. The opening paragraph of Paragraph (2) of Subsection A. of Section 166-176., *Required conditions*, in Article XXVIII, *R-10 Residence District*, is amended to read as follows:

- (2) The height of the principal building shall not be greater than 2.6 times the distance of the building from any property line located within 25 feet of the building, except as provided otherwise below. For purposes of administering this requirement, the following shall apply:

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.

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 28-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE REGULATIONS FOR THE B-10, WC, D-S, OB-DS AND I-B3 ZONE DISTRICTS IN ORDER TO PERMIT AND REGULATE DRIVE-IN RESTAURANTS

WHEREAS, the Township's zoning regulations currently permit and regulate restaurant uses in certain zone districts; and

WHEREAS, the zoning regulations currently do not permit drive-in restaurants due to various concerns with traffic safety and signage; however, the Planning Board has recommended that the regulations be amended to permit, in certain circumstances, drive-in restaurants in larger scale retail developments, with appropriate regulations that address such concerns.

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. Subsection I. of Section 166-183.2., *Permitted principal uses*, in Article XXXA, *B-10 Highway Business District*, is amended to read as follows:

- I. Food services and drinking places (722). Drive-in restaurants shall only be permitted as part of large scale development as defined by §166-183.7.

Section 2. Paragraph (3) of Subsection C. of Section 166-183.5., *Prohibited uses and use limitations*, in Article XXXA, *B-10 Highway Business District*, is amended to read as follows:

- (3) Drive-in banks, pharmacies and, only in the case of large scale development as defined by §166-183.7., drive-in restaurants.

Section 3. Subsection H. of Section 166-183.5., *Prohibited uses and use limitations*, in Article XXXA, *B-10 Highway Business District*, is amended to read as follows:

- H. The use of any noisemaking devices, such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices, so situated as to be heard outside any building; provided, however, that permitted drive-through

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establishments shall be permitted to use such microphones and speakers that are minimally necessary for the functioning of the drive-through operation, and further provided that the Planning Board, as part of any site plan approval, may permit limited outdoor music and/or entertainment accessory to outdoor dining within the development. In any case where noisemaking devices, music and/or entertainment is proposed, the same shall be permitted only if the developer demonstrates, as part of any site plan application, that such activity will not interfere with the reasonable use of other businesses or other establishments within the development or on adjacent or nearby properties.

Section 4. Section 166-183.8., *Other requirements*, in Article XXXA, B-10 Highway Business District, is amended by adding and inserting a new Subsection G., to read as follows:

- G. Drive-in restaurants. Drive-in restaurants, where permitted, shall be subject to the following regulations, in addition to all other applicable regulations in this Article:
- (1) No drive-in restaurant shall have direct driveway access to any public street; driveway access for to drive-in restaurants shall only be from driveways that are internal to the large scale development.
 - (2) Drive-in restaurants shall be subject to the same sign regulations as other retail uses in the district.

Section 5. Subsection F. of Section 166-186.13., *Permitted principal uses*, in Article XXXIC, *WC Whippany Center District*, is amended to read as follows:

- F. Eating and drinking establishments. Drive-in restaurants shall only be permitted as part of a planned commercial development as permitted and regulated by this Article.

Section 6. Subsection B. of Section 166-186.16., *Prohibited uses*, in Article XXXIC, *WC Whippany Center District*, is amended to read as follows:

- B. The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, except for drive-in banks, drive-in pharmacies, drive-in restaurants, and outdoor dining as permitted in this Article.

Section 7. Subsection K. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is amended to read as follows:

- (1) No establishment shall be permitted to use any noisemaking devices, such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices, so situated as to be heard outside any building; provided that permitted drive-through establishments shall be permitted to use such microphones and speakers that are minimally necessary for the functioning of the drive-through operation, and further provided that the Planning Board, as part of any site plan approval, may permit limited outdoor music and/or entertainment accessory to outdoor dining within the development. In any case where noisemaking devices, music and/or entertainment is proposed, the same shall be permitted only if the developer demonstrates, as part of any site plan application, that such activity will not interfere with the reasonable use of other businesses, dwellings or other establishments within the development or on adjacent or nearby properties.

Section 8. Subsection E. of Section 166-187., *Permitted principal uses*, in Article XXXII, *D-S Designed Shopping Center District*, is amended to read as follows:

- E. Eating and drinking establishments, such as but not limited to restaurants and bars. Drive-in restaurants shall only be permitted as part of designed shopping center as defined by this chapter and as regulated by this Article.

Section 9. Subsection D. of Section 166-188., *Prohibited uses*, in Article XXXII, *D-S Designed Shopping Center District*, is amended to read as follows:

- D. More than one principal building on a lot unless attached as regulated herein, except that permitted drive-in uses may be located in a separate principal building or buildings from the main shopping center building, and more than one principal building utilized as a community center as permitted and regulated by § 166-150I is permitted on a lot, and further provided that this prohibition shall not apply to kiosks or pump canopies for gasoline stations permitted by §166-150A. For the purpose of administering the above prohibition, two or more buildings that are connected to one another shall not be construed as being attached and an integral part of a

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single building unless they share a common partition wall for a distance that is at least equal to 1/3 the depth of the building having the shallower depth; provided, however, that no such distance shall be less than 30 feet. The depth of a building shall be measured as the mean distance from the front wall to the rear wall of said building.

Section 10. Subsection B. of Section 166-189., *Required conditions*, in Article XXXII, *D-S Designed Shopping Center District*, is amended to read as follows:

- B. There shall be a front yard of not less than 100 feet. Off-street parking is permitted in the front yard, provided that said parking or access service aisles or driveways shall not be permitted within 25 feet of:
- (1) The front property line.
 - (2) The front of any building; provided, however, that permitted drive-in uses shall be exempt from this restriction.
 - (3) The side property line in the front yard.

Section 11. Subsection E. of Section 166-189., *Required conditions*, in Article XXXII, *D-S Designed Shopping Center District*, is amended to read as follows:

- E. The thirty-foot paved vehicular traffic area or drives nearest a designed shopping center building are designated as fire zones, and no parking shall be permitted therein; provided, however, that permitted drive-in uses shall be exempt from this restriction.

Section 12. Subsection L. of Section 166-189., *Required conditions*, in Article XXXII, *D-S Designed Shopping Center District*, is amended to read as follows:

- L. No store or shop in the center shall use any noisemaking devices, such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices, so situated as to be heard outside any building in the center; provided, however, that permitted drive-through establishments shall be permitted, as part of any site plan approval, to use such microphones and speakers that are minimally necessary for the functioning of the drive-through operation. In any case where noisemaking devices are proposed, the same shall be permitted only if the developer demonstrates, as part of any site plan application, that such activity will not interfere with the reasonable use of other businesses or other establishments within the development or on adjacent or nearby properties. No smoke, fumes or objectionable odors shall be emitted from any building. The display of merchandise placed on the exterior premises of any building is prohibited.

Section 13. Paragraph (5)(e) of Subsection A. of Section 166-193.1., *Permitted principal, accessory and conditional uses*, in Article XXXIIIA, *OB-DS Office Building — Designed Shopping Center District*, is hereby amended to read as follows:

- (e) Eating and drinking establishments, such as but not limited to restaurants and bars. Drive-in restaurants shall only be permitted as part of designed shopping center as defined by this chapter and as regulated by this Article.

Section 14. Paragraph (7) of Subsection B. of Section 166-193.1., *Permitted principal, accessory and conditional uses*, in Article XXXIIIA, *OB-DS Office Building — Designed Shopping Center District*, is hereby amended to read as follows:

- (7) Drive-in facilities accessory to a bank, pharmacy or restaurant.

Section 15. Section 166-193.2., *Prohibited uses*, in Article XXXIIIA, *OB-DS Office Building — Designed Shopping Center District*, is hereby amended to read as follows:

§ 166-193.2. Prohibited uses.

Any principal use not specifically permitted herein or permitted by other applicable law shall be prohibited in the OB-DS Zone District. Uses specifically prohibited shall include the following:

- A. (Deleted and Intentionally left blank)
- B. The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, except for the operation of drive-in ordering and pickup operations for permitted drive-in uses, and except as specifically permitted herein.
- C. (Deleted and Intentionally left blank)

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- D. Storage yards, except as specifically permitted herein.
- E. The sale or rental of motor vehicles, mobile homes, trailers and campers; provided, however, that such sale or rental shall be permitted when accessory to a permitted home improvement store, hardware store or garden center.
- F. Fuel oil dealers.

Section 16. Section 166-193.4., *Other requirements*, in Article XXXIII A, *OB-DS Office Building — Designed Shopping Center District*, is hereby amended by adding and inserting a new Subsection G., to read as follows:

- G. Drive-in restaurants. Drive-in restaurants, where permitted, shall be subject to the following regulations, in addition to all other applicable regulations in this Article:
 - (1) No drive-in restaurant shall have direct driveway access to any public street; driveway access for to drive-in restaurants shall only be from driveways that are internal to the designed shopping center development.
 - (2) Drive-in restaurants shall be subject to the same sign regulations as other retail uses in the district.

Section 17. Subsection H. of Section 166-203.6., *Permitted principal uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is amended to read as follows:

- H. Eating and drinking establishments, such as but not limited to restaurants and bars. Drive-in restaurants shall only be permitted as part of a large scale retail development containing at least 75,000 square feet of floor area as permitted and regulated by this Article.

Section 18. Subsection F. of Section 166-203.7., *Permitted accessory uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is amended to read as follows:

- F. Drive-in facilities accessory to a bank, pharmacy or restaurant as permitted and regulated herein.

Section 19. Section 166-203.8., *Prohibited uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is amended to read as follows:

§ 166-203.8. Prohibited uses.

Uses prohibited in the I-B3 Zone District shall include the following:

- A. Any principal use not specifically permitted herein or permitted by other applicable law.
- B. Any use prohibited in all zone districts of the Township of Hanover.
- C. (Deleted and Intentionally left blank)
- D. The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, except for the operation of drive-in ordering and pickup operations for permitted drive-in uses, and except as specifically permitted herein.
- E. (Deleted and Intentionally left blank)
- F. Storage yards, except as specifically permitted herein.
- G. The sale or rental of motor vehicles, mobile homes, trailers and campers; provided, however, that such sale or rental shall be permitted when accessory to a permitted home improvement store, hardware store or garden center.
- H. Fuel oil dealers.
- I. Residential construction or conversion except as specifically permitted in the AH-1 Overlay Zone District.
- J. Mixed-use development containing both: a) industrial, research laboratories, self-service storage facilities and/or conference centers; and b) retail sales, banks, personal services, rental and leasing establishments and/or eating and drinking establishments.

Section 20. Subsection D. of Section 166-203.10., *Other requirements*, in Article XXXVIB, *I-B3 Industrial and Business District*, is amended to read as follows:

- D. Outdoor sales and storage accessory to retail use. Outdoor sales and storage areas accessory to retail use, whether covered by a roof or uncovered, are

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permitted when delineated on a plan as approved by the Planning Board. Such areas shall comply with the following:

- (1) Such areas, except for permitted drive-in operations, shall be limited to no more than 20% of the gross floor area of the use to which the area is accessory.
- (2) Such areas, except for permitted drive-in operations, shall be construed to be floor area for purposes of determining the required number of parking and loading spaces.
- (3) Such areas shall not impede pedestrian, customer, or vehicular circulation, and shall be designed to discourage inappropriate or unsafe circulation movements.
- (4) The applicant for any such areas shall be required to demonstrate that such areas shall be properly contained so as to avoid unauthorized enlargement of such areas and to avoid litter or windblown or waterborne debris.
- (5) The applicant for any such areas shall be required to demonstrate that such areas will not interfere with the reasonable use of other businesses within the development or on adjacent properties.
- (6) The applicant for any such areas shall be required to demonstrate that such areas will not be prominently visible from nearby residential areas and will not be a distraction to passing travelers or prominently visible from any public street, provided that permitted drive-in operations may be visible from public streets.

Section 21. Section 166-203.10., *Other requirements*, in Article XXXVIB, *I-B3 Industrial and Business District*, is amended by adding and inserting a new Subsection F., to read as follows:

- F. Drive-in restaurants. Drive-in restaurants, where permitted, shall be subject to the following regulations, in addition to all other applicable regulations in this Article:
- (1) No drive-in restaurant shall have direct driveway access to any public street; driveway access for to drive-in restaurants shall only be from driveways that are internal to the large scale retail development.
 - (2) Drive-in restaurants shall be subject to the same sign regulations as other retail uses in the district.

Section 22. 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 23. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 24. This ordinance shall take effect in accordance with the law.

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 29-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY CORRECTING THE NAME OF THE SCHOOL ZONE DESIGNATION UNDER

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SECTION 267-32. ENTITLED "SPEED LIMITS" FOR RIDGEDALE AVENUE AND CEDAR KNOLLS ROAD UNDER CHAPTER 267 OF THE CODE OF THE TOWNSHIP ENTITLED VEHICLES AND TRAFFIC

WHEREAS, the name "Cedar Knolls School Zone" appears twice under the speed limits for Ridgedale Avenue and Cedar Knolls Road in Section 267-32. entitled "Speed Limits" in Chapter 267 of the Code of the Township entitled Vehicles and Traffic; and

WHEREAS, the Cedar Knolls School located at 125 Ridgedale Avenue in the Cedar Knolls Section of the Township was sold by the Hanover Township School District to the Allegro School and Programs, a school for individuals with developmental disabilities in the early 1980's; and

WHEREAS, the purpose of this Ordinance is to change the name of the School Zone designations for speed limits under Section 267-32. for Ridgedale Avenue and Cedar Knolls Road from the Cedar Knolls School to the Allegro School.

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

Section 1. Under Section 267-32., the description for the Zone 2 speed limit for Ridgedale Avenue is hereby amended to read as follows:

"From 120 feet south of Parker Avenue to 170 feet north of Pine Boulevard, except for 25 mph when passing through the Allegro School Zone during recess or while children are going to or leaving school during opening or closing hours."

Section 2. Under Section 267-32., the name "Cedar Knolls School Zone" with a 25 mph speed limit is hereby changed to read the "Allegro School Zone".

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

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

Section 5. This Ordinance shall take effect in accordance with law.

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

ORDINANCE NO. 30-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS, AND STATE OF NEW JERSEY AMENDING CHAPTER 120, DRUGS AND DRUG PARAPHERNALIA, OF THE TOWNSHIP CODE TO ESTABLISHING NEW ARTICLE III ENTITLED "RECREATIONAL MARIJUANA LICENSING"

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WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq. the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and

WHEREAS, as part of this responsibility, the Township desires to protect its citizens, including its youth, from the negative psychological and physical effects of addictive drugs; and

WHEREAS, recent news stories have reported that the Governor of New Jersey intends to sign into law legislation legalizing recreational marijuana; and

WHEREAS, on September 13, 2018, the Township adopted a resolution opposing such legalization; and

WHEREAS, the legal authority of municipalities to broadly regulate the issuance of licenses for intoxicating substances, such as liquor, has long been recognized by New Jersey courts; and

WHEREAS, such decisions include Borough of Fanwood v. Rocco, 59 N.J. Super. 306, 318 (App. Div. 1960), aff'd, 33 N.J. 404 (1960), in which the court recognized that the Division of Alcoholic Beverage Control "has no right to compel a municipality to issue a license, even if the municipality has none at all, or to issue a new one when the municipality has several but in good faith wants no more" and in Meehan v. Board of Excise Commissioners of Jersey City, 73 N.J.L. 382, 386 (Sup. Ct. 1906), aff'd, 75 N.J.L. 557 (1908), in which the court confirmed that "The right to regulate the sale of intoxicating liquors, by the Legislature, or by municipal or other authority under legislative power given, is within the police power of the state, and is practically limitless. It may extend to the prohibition of the sale altogether. A license is not a contract. It is a mere privilege"; and

WHEREAS, the Township Committee finds that, in accordance with this long-standing authority, should the Governor approve legislation authorizing municipalities to issue licenses for the cultivation, manufacturing, testing, or sale of recreational marijuana, it is in the best interest of the Township to not issue such a license.

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

Section 1. Part II: General Legislation, Chapter 120, Drugs and Drug Paraphernalia, is hereby amended and supplemented to establish new Article III entitled "Marijuana Licensing" to read as follows:

§ 120-11 Purpose.

The purpose of this legislation is to prevent the cultivation, manufacturing, testing, and retail sale of recreational marijuana within the Township of Hanover. These regulations are deemed to be in the best interest of the citizens and residents of the Township, and are promulgated to maintain the traditional image and character of the Township as a family community.

§ 120-12 Licensing.

No person or entity in the Township of Hanover is presently permitted to cultivate, manufacture, test, distribute, or sell recreational marijuana in the Township. In the event the State of New Jersey establishes a regulatory scheme by which a municipality is authorized to issue licenses to operate recreational marijuana cultivation facilities, product manufacturing facilities, testing facilities, or retail stores, the Township shall not grant any such licenses in accordance with its police powers.

Section 2. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 3. 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.

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

Ordinance will be further considered for Public Hearing on October 11th at 8:00 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 on September 19th issue in accordance with the law.

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

So Introduced

RESOLUTIONS AS A CONSENT AGENDA:

RESOLUTION NO. 154-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING ANJELICA M. CORCORAN AS A REPLACEMENT ACCOUNT CLERK/PURCHASING CLERK IN THE FINANCE DEPARTMENT FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING OCTOBER 1, 2018 AND ENDING APRIL 1, 2019 AND ESTABLISHING HER COMPENSATION AT \$25.82 PER HOUR, OR IF ANNUALIZED A SALARY OF \$47,000.00 PER ANNUM UNDER JOB GROUP III, ALL IN ACCORDANCE WITH SALARY RANGE GUIDE "C" OF SALARY ORDINANCE NO. 8-2018 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO RECEIVING A SATISFACTORY MEDICAL EXAMINATION, NEGATIVE DRUG TEST AND NEGATIVE CRIMINAL HISTORY RECORD CHECK)

WHEREAS, with the promotion of Shelby Snow to the position of Program Coordinator/Municipal Housing Liaison effective August 1, 2018, a need exists to fill the vacant position of Account Clerk/Purchasing Clerk in the Finance Department; and

WHEREAS, the position of Account Clerk/Purchasing Clerk is classified as a Job Group III under Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 8-18; and

WHEREAS, a total of twelve (12) applications were received by the Township for the above referenced position; and

WHEREAS, in accordance with the Township's job application process, the Chief Municipal Finance Officer and the Township's Human Resource Specialist interviewed three (3) candidates; and

WHEREAS, the applicants were rated on their prior employment experience and their overall skills and abilities to perform the job of Account Clerk/Purchasing Clerk; and

WHEREAS, on August 29, 2018, the Business Administrator/Township Clerk and Human Resource Specialist interviewed the three (3) candidates for a second time; and

WHEREAS, as a result of the second round of interviews, the Business Administrator and Human Resource Specialist recommend that **Anjelica Corcoran** residing at 22 Windsor Road in West Milford, New Jersey 07480 possesses the necessary skills and job qualifications matching the Township's job description for Account Clerk/Purchasing Clerk and should be employed to fill the position; and

WHEREAS, Ms. Corcoran shall commence employment on Monday, October 1, 2018 and serve in a probationary capacity for a six (6) month probationary period ending on Monday, April 1, 2019.

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:

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1. That **Anjelica Corcoran** residing at 22 Windsor Road in West Milford, New Jersey 07840 is hereby employed to serve in the position of full-time Account Clerk/Purchasing Clerk for a six (6) month probationary period commencing on Monday, October 1, 2018 and ending on Monday, April 1, 2019. In accordance with Salary Range Guide "C" of Salary Ordinance No. 8-2018, **Ms. Corcoran** shall be compensated at \$25.82 per hour or, if annualized, a salary of \$47,000.00 per annum under Job Group III of Schedule "B". Pursuant to Township policy, **Ms. Corcoran** 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 Chief Municipal Finance Officer.
2. **Ms. Corcoran** 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; Personnel Policies. At least twenty (20) working days prior to the end of the probationary period, it shall be the responsibility of the Chief Municipal Finance Officer to complete a written Job Performance Evaluation. In the event that **Ms. Corcoran** receives an unsatisfactory evaluation during the probationary period, **Ms. Corcoran** shall be terminated at the conclusion of the probationary period or sooner, whichever is applicable.
3. Pursuant to Section 61-14.C. entitled "Health Benefits Coverage" under Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies, **Ms. Corcoran** shall be required to pay a minimum of 25% of the total monthly premium cost for health insurance/medical benefits coverage under any one (1) of the three (3) health insurance plans offered by the Township.
4. This offer of employment is conditional and subject to **Ms. Corcoran** receiving a satisfactory medical examination, a negative drug test and a negative criminal history record check, all 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.
5. **Ms. Corcoran** shall be entitled to 1.5 vacation days during calendar year 2018 in accordance with Section 61-10.C. and D. of Chapter 61 of the Code but shall not be permitted to utilize the 1.5 vacation days until he has completed his six (6) month probationary period and received a satisfactory job performance evaluation. In addition, **Ms. Corcoran** 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. Corcoran** is not permitted to take any paid sick leave until she has satisfactory completed her probationary period.
6. That certified copies of this resolution shall be transmitted to **Ms. Corcoran** and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 155-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPOINTING EVAN C. SPENCER AS THE REPLACEMENT ENGINEERING INSPECTOR IN THE ENGINEERING DEPARTMENT FOR A SIX (6) MONTH PROBATIONARY PERIOD COMMENCING OCTOBER 1, 2018 AND ENDING APRIL 1, 2019 AND ESTABLISHING HIS COMPENSATION AT \$46.70 PER HOUR, OR IF ANNUALIZED A SALARY OF \$85,000.00 PER ANNUM UNDER JOB GROUP IX, ALL IN ACCORDANCE WITH SALARY RANGE GUIDE "C" OF SALARY ORDINANCE NO. 8-2018 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO

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WHEREAS, with the retirement of William Eannucci as the Junior Engineer on July 1, 2018, a need exists to fill the position; and

WHEREAS, the position of Engineering Inspector is classified as a Job Group IV under Schedule "B" and Salary Range Guide "C" of Salary Ordinance No. 8-18; and

WHEREAS, a total of ten (10) applications were received by the Township for the above referenced position; and

WHEREAS, in accordance with the Township's job application process, the Township Engineer and the Township's Human Resource Specialist interviewed two (2) candidates; and

WHEREAS, the applicants were rated on their prior employment experience, expertise and overall skills and abilities to perform the job of Engineering Inspector; and

WHEREAS, on September 6, 2018, the Business Administrator/Township Clerk, Township Engineer and Human Resource Specialist interviewed one (1) finalist; and

WHEREAS, as a result of the second round of interviews, the Business Administrator, Township Engineer and Human Resource Specialist recommend that **Evan C. Spencer** residing at 285 Aycrigg Avenue, Suite 10B in Passaic, New Jersey 07055 possesses the necessary job skills and expertise matching the Township's job description for Engineering Inspector and should be employed to fill the position; and

WHEREAS, **Mr. Spencer** shall commence employment on Monday, October 1, 2018 and serve in a probationary capacity for a six (6) month probationary period ending on Monday, April 1, 2019.

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 **Evan C. Spencer** residing at 285 Aycrigg Avenue, Suite 10B in Passaic, New Jersey 07055 is hereby employed to serve in the position of full-time Engineering Inspector for a six (6) month probationary period commencing on Monday, October 1, 2018 and ending on Monday, April 1, 2019. In accordance with Salary Range Guide "C" of Salary Ordinance No. 8-2018, **Mr. Spencer** shall be compensated at \$46.70 per hour or, if annualized, a salary of \$85,000.00 per annum under Job Group IX of Schedule "B". Pursuant to Township policy, **Mr. Spencer** 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 Township Engineer.
2. **Mr. Spencer** 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; Personnel Policies. At least twenty (20) working days prior to the end of the probationary period, it shall be the responsibility of the Township Engineer to complete a written Job Performance Evaluation. In the event that **Mr. Spencer** receives an unsatisfactory evaluation during the probationary period, **Mr. Spencer** shall be terminated at the conclusion of the probationary period or sooner, whichever is applicable.

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3. Pursuant to Section 61-14.C. entitled "Health Benefits Coverage" under Chapter 61 of the Code of the Township entitled Salaries and Compensation; Personnel Policies, **Mr. Spencer** shall be required to pay a minimum of 25% of the total monthly premium cost for health insurance/medical benefits coverage under any one (1) of the three (3) health insurance plans offered by the Township.
4. This offer of employment is conditional and subject to **Mr. Spencer** receiving a satisfactory medical examination, a negative drug test and a negative criminal history record check, all 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.
5. **Mr. Spencer** shall be entitled to 1.5 vacation days during calendar year 2018 in accordance with Section 61-10.C. and D. of Chapter 61 of the Code but shall not be permitted to utilize the 1.5 vacation days until he has completed his six (6) month probationary period and received a satisfactory job performance evaluation. In addition, **Mr. Spencer** 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, **Mr. Spencer** is not permitted to take any paid sick leave until he has satisfactory completed his probationary period.
6. That certified copies of this resolution shall be transmitted to **Mr. Spencer** and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 156-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE EMPLOYMENT OF STEVEN D. WILLANS AS A PART-TIME PROCTOR IN SUPERVISING ACTIVITIES AT THE MULTI-PURPOSE COMMUNITY CENTER EFFECTIVE FRIDAY, SEPTEMBER 14, 2018 AT THE RATE OF \$11.26 PER HOUR IN ACCORDANCE WITH SECTION 13. ITEM 11. OF SALARY ORDINANCE NO. 8-2018 (CONDITIONAL OFFER OF EMPLOYMENT SUBJECT TO THE RECEIPT OF A NEGATIVE CRIMINAL HISTORY BACKGROUND CHECK AND FINGERPRINTING)

WHEREAS, in order to supervise activities at the Township's Multi-Purpose Community Center, the Superintendent of Recreation and Park Administration, has recommended to the Business Administrator the employment of the individual named below to serve as a part-time Proctor on an as needed basis; and

WHEREAS, it is the intention of the Township Committee to accept the recommendation of the Superintendent and authorize the employment of **Steven D. Willans** residing at 11 Grove Place in Whippany, New Jersey 07981 to serve in the capacity of a part-time Proctor; and

WHEREAS, **Mr. Willans** was interviewed by Ms. Brennan, the Superintendent of the Recreation and Park Administration Department with the concurrence of the Township's Business Administrator; and

WHEREAS, pursuant to Section 13. Item 11. of Ordinance No. 8-2018, **Mr. Willans** shall be compensated at the rate of \$11.26 per hour.

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. **Mr. Willans** residing at 11 Grove Place in Whippany, New Jersey 07981 is hereby appointed to serve as a Proctor to supervise activities held at the Township's Multi-Purpose Community Center. This appointment shall take effect on Friday, September 14, 2018.

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2. As part-time Proctor, **Mr. Willans** shall be compensated at the rate of \$11.26 per hour in accordance with Section 13., Item 11 of Ordinance No. 8-2018.

3. In accordance with Township policy governing part-time employment, **Mr. Willans** shall not work more than twenty-eight (28) hours per week nor shall he be entitled to any medical and dental benefits coverage or the accrual of sick and vacation days or holiday pay.

4. As a pre-condition of employment, **Mr. Willans** must first receive clearance from the State of New Jersey on the submission of his fingerprints before he can serve as a Proctor.

5. A certified copy of this resolution shall be transmitted to the Superintendent of Parks and Recreation, the Township's Chief Municipal Finance Officer, **Mr. Willans** for reference and information purposes.

RESOLUTION NO. 157-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PROBATIONARY EMPLOYMENT OF GEORGE F. COPPOLA AS A PART-TIME DIAL-A-RIDE DISPATCHER COMMENCING OCTOBER 1, 2018 AND ENDING ON APRIL 1, 2019 AT THE RATE OF \$15.09 PER HOUR UNDER JOB GROUP I OF SCHEDULE "B" AND SALARY RANGE GUIDE "D" AS SET FORTH IN SALARY ORDINANCE NO. 8-2018 (SUBJECT TO THE RECEIPT OF A SATISFACTORY MEDICAL EXAMINATION AND CRIMINAL HISTORY BACKGROUND CHECK)

WHEREAS, with the resignation of Laurie Burkhardt effective July 26, 2018, the position of part-time Dial-A-Ride Dispatcher became vacant; and

WHEREAS, in order to assist in the performance of various services offered by the Recreation and Park Administration Department, the Board of Recreation Commissioners have recommended that the vacant part-time position be filled; and

WHEREAS, on September 10, 2018, the Personnel Committee of the Board of Recreation Commissioners and Superintendent the Recreation and Park Administration Department interviewed three (3) candidates; and

WHEREAS, as a result of the interviews, the Personnel Committee of the Board of Recreation Commissioners and Superintendent, in a memorandum dated September 11, 2018 to the Mayor and Township Committee, recommend that **George F. Coppola** be appointed to serve as the part-time Dial-A-Ride Dispatcher; and

WHEREAS, the Personnel Committee and Superintendent believe that **Mr. Coppola's** skills and qualifications match the Township's job description for the position of part-time Dial-A-Ride Dispatcher; and

WHEREAS, in accordance with the recommendation described herein, the governing body hereby concurs with the appointment set forth above.

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. **Mr. George F. Coppola** residing at 27 Woodcrest Road, Whippany New Jersey 07981 is hereby appointed to serve as the Part-Time Dial-A-Ride Dispatcher. The Superintendent of the Department shall establish **Mr. Coppola's** weekly schedule. However, under no circumstances, shall his hours exceed twenty (20) hours per week. **Mr. Coppola** shall be compensated at the rate of \$15.09 per hour under Job Group I of Schedule "B" and Salary Range Guide "D" as set forth in Salary Ordinance 8-2018. **Mr. Coppola's** appointment shall take effect on October 1, 2018.
2. **Mr. Coppola** 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

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Compensation. At least twenty (20) working days prior to the probationary period, it shall be the responsibility of the Superintendent to complete a written job performance evaluation. In the event that **Mr. Coppola** receives an unsatisfactory job performance evaluation during his probationary period, **Mr. Coppola** may be terminated at the conclusion of the probationary period or sooner, whichever case is applicable.

3. This appointment is subject to the receipt of a satisfactory medical examination and negative criminal history background check.
4. That certified copies of this resolution shall be transmitted to the Superintendent of the Recreation and Parks Administration Department, the Township's Human Resource Specialist and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 158-2018

A RESOLUTION APPOINTING RONALD BARZ AS THE SCHOOL CROSSING GUARD IN CHARGE AT AN HOURLY RATE OF \$18.75 PER HOUR IN ACCORDANCE WITH SECTION 11., ITEM 1. OF SALARY ORDINANCE NO. 8-2018 WHICH CONDITIONAL APPOINTMENT SHALL TAKE EFFECT ON OCTOBER 9, 2018 SUBJECT TO RECEIVING SATISFACTORY MEDICAL AND EYE EXAMINATIONS

WHEREAS, with the retirement of Stephen Bolcar as the School Crossing Guard in-Charge effective Tuesday, October 9, 2018, a need exists to fill the position; and

WHEREAS, **Ronald Barz** has served as a School Crossing Guard since August 19, 2015 and has received guidance and advice from Mr. Bolcar as to the responsibilities of the School Crossing Guard In-Charge; and

WHEREAS, Mr. Bolcar has recommended the appointment of **Mr. Barz**; and

WHEREAS, the Chief of Police concurs with the recommendation of Mr. Bolcar that **Ronald Barz** residing at 2502 Whippanong Way in the Whippany Section of the Township be appointed to serve as the School Crossing Guard in-charge effective Tuesday, October 9, 2018; and

WHEREAS, in accordance with Section 11., Item 1. of Salary Ordinance No. 8-2018, **Mr. Barz** shall be compensated at the rate of \$18.75 per hour.

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 **Ronald Barz** residing at 2502 Whippanong Way in Whippany, New Jersey 07981 is hereby appointed to serve as School Crossing Guard In-Charge effective Tuesday, October 9, 2018.

2. As a conditional appointment, **Mr. Barz's** employment is subject to receiving satisfactory medical and eye examinations.

3. In accordance with Section 11., Item 1. of Salary Ordinance No. 8-2018, **Mr. Barz** shall be compensated at the rate of \$18.75 per hour as the School Crossing Guard In-Charge.

4. That a certified copy of this Resolution shall be transmitted to **Mr. Barz**, the Chief of Police and the Township's Chief Municipal Finance Officer for reference and information purposes.

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RESOLUTION NO. 159-2018

**A RESOLUTION APPOINTING STEPHEN BOLCAR AS A
SUBSTITUTE SCHOOL CROSSING GUARD AT AN HOURLY RATE OF \$16.12 PER
HOUR IN ACCORDANCE WITH SECTION 11., ITEM 2. OF SALARY ORDINANCE
NO. 8-2018 WHICH CONDITIONAL APPOINTMENT SHALL TAKE EFFECT ON
OCTOBER 9, 2018**

WHEREAS, with his retirement as the School Crossing Guard In-Charge, **Stephen Bolcar** wishes to continue his service to the Township as a Substitute School Crossing Guard; and

WHEREAS, in accordance with Section 11., Item 2. of Salary Ordinance No. 8-2018, **Mr. Bolcar** shall be compensated at the rate of \$16.12 per hour effective Tuesday, October 9, 2018.

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

1. That **Stephen Bolcar** residing at 88 North Jefferson Road in Whippany, New Jersey 07981 is hereby appointed to serve as a Substitute School Crossing Guard effective Tuesday, October 9, 2018.

2. In accordance with Section 11., Item 2. of Salary Ordinance No. 8-2018, **Mr. Bolcar** shall be compensated at the rate of \$16.12 per hour as a Substitute School Crossing Guard.

3. That a certified copy of this Resolution shall be transmitted to **Mr. Bolcar**, the Chief of Police and the Township's Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 160-2018

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
HANOVER REAPPOINTING DR. ROBERT WEGER TO SERVE AS THE
ALTERNATE NO. 2 MEMBER OF THE BOARD OF HEALTH FOR A TWO (2) YEAR
TERM OF OFFICE COMMENCING OCTOBER 1, 2018 AND ENDING ON
SEPTEMBER 30, 2020, ALL IN ACCORDANCE WITH SECTION 282-2.B. ENTITLED
"TERMS; VACANCIES" UNDER CHAPTER 282 OF THE CODE OF THE TOWNSHIP
ENTITLED ALTERNATE MEMBERS TO BOARD OF HEALTH**

WHEREAS, on March 9, 2017, the Township Committee adopted Ordinance No. 5-2017 which re-established the Board of Health and re-adopted existing Board of Health Legislation under the Code of the Township of Hanover; and

WHEREAS, with the re-adoption of Part 1 of the Administrative Legislation of the Code of the Township which includes Chapter 27 of the Code entitled Board of Health, the Township Committee may now re-establish the Board of Health with the appointment of five (5) regular members; and

WHEREAS, Section 282-2.B. entitled "Terms; Vacancies". under Chapter 282 of the Code provides for two (2) alternate members to be appointed as follows: Alternate No. 1 shall be first appointed for a term of two (2) years; and Alternate No. 2, if applicable, shall be first appointed for a term of one (1) year so that the term of no more than one (1) Alternate member shall expire in any one year. Thereafter, all appointments shall be made for full terms of two (2) years; and

WHEREAS, by resolution dated September 14, 2017, **Dr. Robert Weger** was appointed to serve as the Alternate No. 2 member of the Board of Health for a one (1) year term of office commencing on October 1, 2017 and ending on September 30, 2018; and

WHEREAS, in accordance with Section 282-2.B., **Dr. Weger** may now be appointed to serve a full two (2) year term of office commencing October 1, 2018 and expiring on September 30, 2020.

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

1. In accordance with Section 282-2.B. Entitled "Terms; Vacancies" under Chapter 282 of the Code of the Township entitled Alternate Members to Board of Health, **Dr. Robert Weger** residing at 49 Manger Road in Cedar Knolls, New Jersey 07927 is hereby appointed to serve as the Alternate No. 2 member of the Board of Health for a two (2) year term of office.
2. **Dr. Weger's** term shall commence on October 1, 2018 and end on September 30, 2020 or until such time as his successor shall be duly appointed and qualified.
3. That a certified copy of this resolution shall be transmitted to **Dr. Weger** and the Hanover Township Health Department.

RESOLUTION NO. 161-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER OPPOSING THE LEGALIZATION OF RECREATIONAL MARIJUANA IN NEW JERSEY

WHEREAS, the Township Committee of the Township of Hanover has a duty to ensure the health, safety, and welfare of its residents, and

WHEREAS, the Township Committee has an equally strong interest in promoting the success of its youth; and

WHEREAS, recent news stories indicate that Governor Phil Murphy intends to sign into law legislation legalizing recreational marijuana, which is currently illegal under State and federal law; and

WHEREAS, the October, 2017 Rocky Mountain High Density Drug Trafficking Area annual report ("Report") documents significant consequences of recreational marijuana legalization in Colorado, including a doubling of traffic deaths involving marijuana-impaired drivers; an increase of 72% in yearly marijuana-related hospitalizations for the period of 2012-2015; and above-national averages for past-month marijuana use by teens (55%), college-age individuals (61%), and adults (124%); and

WHEREAS, the Report also indicates that the number of retail marijuana stores in Colorado outnumbers Starbucks and McDonalds, individually; and

WHEREAS, the amount of delta-9-tetrahydrocannabinol ("THC"), which impairs a user's reaction time and ability to perceive danger while operating a vehicle, is carefully controlled in medical marijuana, whereas recreational marijuana is specifically designed to contain as much THC as possible; and

WHEREAS, New Jersey utilizes drug recognition experts to determine whether an driver of a motor vehicle is under the influence of a drug such as marijuana, and there is currently no objective standard to make this determination, as compared to standards established for driving while intoxicated (.08%), making enforcement of related laws extremely difficult; and

WHEREAS, the National Institute on Drug Abuse has reported that marijuana is addictive and users are at a greater risk to develop other substance abuse disorders; and

WHEREAS, it is well known and documented that an opioid epidemic exists in New Jersey and throughout the country, even though opioids are legal and regulated by prescription; and

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WHEREAS, the American Medical Association has stated in H-95.998, AMA Policy Statement on Cannabis, that “cannabis is a dangerous drug and as such is a public health concern.”

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 Township Committee does hereby oppose the legalization of recreational marijuana.
2. The Township Committee calls upon all mayors and governing bodies in the other thirty-eight Morris County municipalities to approve and adopt resolutions opposing such legalization.
3. A certified copy of this resolution shall be forwarded to the Governor Phil Murphy, Lieutenant Governor Sheila Oliver, Senate President Stephen M. Sweeney, General Assembly Speaker Craig Coughlin, the members of the Morris County Legislative Delegation, the Morris County Board of Chosen Freeholders, and the governing bodies of all municipalities within the County of Morris.

**INTRODUCED AND SPONSORED BY COMMITTEEMAN THOMAS “ACE”
GALLAGHER**

RESOLUTION NO. 162-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE PURCHASE AND INSTALLATION OF AN UNINTERRUPTIBLE POWER SUPPLY SYSTEM (UPS) INCLUDING BATTERIES, LABOR, PARTS AND EXTENDED MAINTENANCE WARRANTY FOR THE POLICE DEPARTMENT’S COMMUNICATIONS DISPATCH CENTER IN AN AMOUNT NOT TO EXCEED \$36,593.30 FROM PROFESSIONAL COMMUNICATIONS SYSTEMS, INC. PURSUANT TO STATE CONTRACT NO. A-83931(1-NJCP)

WHEREAS, the Township’s existing uninterruptible power supply (UPS) system for the Police Department’s Communications Dispatch Center has outlived its life expectancy; and

WHEREAS, in the event of a power failure, it is essential that the Township’s state-of-the-art enhanced 9-1-1 system and communications dispatch work stations have the ability to handle, without interruption, all communication calls with the public, law enforcement personnel and fire and first aid responders; and

WHEREAS, under regulations promulgated by the Division of Local Government Services, any purchases made under the New Jersey Cooperative Purchasing System which individually or cumulatively exceed the Township’s \$40,000.00 bid threshold requires the Township Committee to authorize a resolution approving the purchase; and

WHEREAS, although the purchase and installation of a new uninterruptible power supply system authorized by this resolution does not exceed the bid threshold, the Township’s Business Administrator/Township Clerk, in his capacity as the Township’s Qualified Purchasing Agent, has recommended to the governing body the memorialization of the purchase by resolution; and

WHEREAS, it is the recommendation of the Business Administrator/Township Clerk that the Township Committee authorize the purchase of a new Eaton 20 kVA Uninterruptible Power Supply (UPS) including batteries, parts, labor and materials from Professional Communications Systems (Procomm) in an amount not to exceed \$33,415.30 pursuant to New Jersey State Contract No. A-83931 (1-NJCP); and

WHEREAS, at the conclusion of the one year manufacturer’s warranty, it is also recommended that the Township purchase a two (2) year extended manufacturer’s warranty for the maintenance of the new UPS system at a cost of \$1,589.00 per year for parts and labor coverage; and

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WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available through Capital Improvement Fund Ordinance No. 25-2017, Line Item No. 410-5671-499 for the installation and purchase of the new Uninterruptible Power Supply System including the extended manufacturer's warranty as described herein.

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

1. The Engineering Department is hereby authorized to issue a Purchase Order to Professional Communications Systems, Inc. located at 823 Uniontown Road in Phillipsburg, New Jersey 08865 in an amount not to exceed \$33,415.30 for the purchase and installation of a new Eaton 20 kVA Uninterruptible Power Supply System including parts and labor for the Township's Police Department Communication Center, pursuant to a current and valid New Jersey State Contract, Contract No. A-83931(1-NJCP).
2. At the end of the one (1) year manufacturer's warranty period, the Engineering Department is also authorized to purchase a two (2) year extended manufacturer's warranty for the maintenance of the Uninterruptible Power Supply System at a cost of \$1,589.00 per year.
3. The total cost to the Township for the purchase of the Uninterruptible Power Supply System plus the two (2) year extended manufacturer's warranty shall not exceed \$36,593.30.
4. That certified copies of this resolution shall be transmitted to the Township Engineer, the Chief of Police and the Chief Municipal Finance Officer for reference and action purposes.

RESOLUTION NO. 163-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER CONFIRMING THE DECLARATION OF AN EMERGENCY FOLLOWING THE AUGUST 11, 2018 SEVERE RAINSTORM EVENT CONCERNING THE REPLACEMENT OF APPROXIMATELY 355 FEET OF COLLAPSED 48" DRAINAGE PIPE ALONG A PORTION OF HORSE HILL ROAD INCLUDING RESTORATION OF THE AFFECTED AREA, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1 AND FURTHER AUTHORIZING THE AWARD OF A CONTRACT TO PETILLO, INC. IN AN AMOUNT NOT TO EXCEED \$88,894.00 FOR THE REPLACEMENT AND RESTORATION

WHEREAS, on Saturday, August 11, 2018, the Northern New Jersey area experienced a severe rainstorm which deposited over 3" of rain in a relatively short period of time; and

WHEREAS, the intense rainfall event caused the collapse of a 48" corrugated metal pipe culvert along a portion of Horse Hill Road in the vicinity of Saddle Road in the Cedar Knolls Section of the Township; and

WHEREAS, the collapsed pipe presented a clear danger to public and private properties and continued rainfall events caused the further erosion and damage to the area; and

WHEREAS, the Superintendent of the Public Works, Buildings and Grounds and Park Maintenance Department and the Township Engineer conducted an inspection and performed an assessment of the distressed area and requested that the Township's Business Administrator/Township Clerk, in his role as the Qualified Purchasing Agent, declare that a public exigency existed that affected the public health, safety and welfare of the Township requiring the need to immediately retain a contractor to replace the collapsed pipe and restore the damaged area; and

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WHEREAS, based on the certifications of the Superintendent and the Township Engineer, and pursuant to N.J.S.A. 40A:11-6., and the rules specified at N.J.A.C. 5:34-6.1, the Township’s Qualified Purchasing Agent declared that an actual emergency existed requiring the immediate hiring of a construction contractor to perform the restoration work specified by the Township Engineer; and

WHEREAS, in accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-6.1, the Township Engineer solicited two (2) written quotations for the emergency replacement and restoration work from the following construction contractors:

1. Petillo, Inc.
167 Flanders – Netcong Road
Flanders, New Jersey 07836.....\$88,894.00;
2. Grabowski Construction, Inc.
770 Northfield Avenue
West Orange, New Jersey 07052.....\$99,250.00; and

WHEREAS, as a result of the imminent situation posed by the collapse of the 48” corrugated metal pipe culvert along a portion of Horse Hill Road in the vicinity of Saddle Road, the Township Committee authorizes the Qualified Purchasing Agent to issue a contract to **Petillo, Inc.** in an amount not to exceed \$88,894.00 for the purpose of replacing the collapsed pipe and restoring the damaged area.

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

1. In accordance with the Local Public Contracts Law at N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1, the governing body hereby confirms that an actual emergency existed at the time of the August 11, 2018 severe rainstorm which required the Township’s Qualified Purchasing Agent to invoke the emergency purchasing procedures for the replacement of the collapsed pipe and restoration of the damaged area along a portion of Horse Hill Road near Saddle Road in the Cedar Knolls Section of the Township. The exigency or emergency was unforeseeable and affected the public health, safety and welfare of the public in general.
2. The Township’s Qualified Purchasing Agent is hereby authorized and directed to award a contract to **Petillo, Inc.** with offices located at 167 Flanders – Netcong Road in Flanders, New Jersey 07836 in an amount not to exceed \$88,894.00 based on **Petillo’s** August 15, 2018 written quotation submitted to the Township Engineer for the replacement of approximately 355’ of collapsed 48” drainage pipe along a portion of Horse Hill Road including restoration of the damaged area.
3. That certified copies of this resolution shall be transmitted to the Township Engineer, the Superintendent of Public Works, Buildings and Grounds and Park Maintenance Department and the Chief Municipal Finance Officer for reference and information purposes.

RESOLUTION NO. 164-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT BY AND BETWEEN RJ PARENT INVESTORS, LLC AND THE TOWNSHIP IN THE CONSTRUCTION OF A LOWE’S HOME IMPROVEMENT SUPERSTORE IN PHASE 1 AND PRELIMINARY APPROVAL FOR A CONVENIENT STORE/GAS STATION IN PHASE 2 TO BE LOCATED ON PROPERTY AT 230 HANOVER AVENUE IN THE CEDAR KNOLLS SECTION OF THE TOWNSHIP AND DESIGNATED AS LOT 1 IN BLOCK 601, 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

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WHEREAS, on May 8, 2018, the Planning Board, adopted a resolution granting preliminary and final site plan approval to **RJ Parent Investors, LLC** as Applicant for the construction of a new Lowe's Home Improvement Superstore in Phase 1 and preliminary approval for a convenience store/gas station in Phase 2, parking areas and driveways, stormwater management facilities, associated utilities, landscaping and other related site improvements, on property located at 230 Hanover Avenue in the Cedar Knolls Section of the Township and designated as Lot 1 in Block 601 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 601, Lot 1, 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

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 **RJ Parent Investors, LLC**, the Applicant, concerning the construction of a new Lowe's Home Improvement Superstore in Phase 1 and preliminary approval for a convenience store/gas station in Phase 2, parking areas and driveways, stormwater management facilities, associated utilities, landscaping and other related site improvements, on property located at 230 Hanover Avenue in the Cedar Knolls Section of the Township and designated as Lot 1 in Block 601 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 \$356,851.00 which includes submission to the Township Clerk of a certified check or cash in the amount of \$35,685.00 representing the cash performance guarantee as required pursuant to the Township's Ordinance and paragraph 6(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 \$321,166.00 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 6(a) of said Agreement.

B. In accordance with paragraph 6(b) of the Developer's Agreement, and the Township Engineer's Schedule "A", the Developer shall pay to the Township the sum of \$106,790.00 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 \$106,790.00 in four (4) installments. The first installment will be \$26,697.50, thereafter, when the balance on deposit drops to 10% of the required amount, the Developer shall make an additional installment deposit.

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C. Submission of a Certificate of Insurance to the Township Clerk naming the Township of Hanover as "an additional insured", all in accordance with paragraph 15 of the Developer's Agreement.

D. Pursuant to paragraph 21 of the Developer's Agreement, the Developer shall be responsible to pay a Mandatory Development Fee for Affordable Housing in accordance with N.J.S.A. 40:55D-8.1-8.7 by paying a development fee of 2.5% of the equalized assessed value of any non-residential property as determined by the Municipal Tax Assessor, as applicable.

E. In accordance with paragraph 22 of the Developer's Agreement, the Developer is subject to the terms of the Township's tree regulations as described in full in the Township's Code. In this regard, the Developer shall pay the total sum of \$174,000.00 based on the calculations of the conditions set forth in said Ordinance for the deficient number of trees required to be planted. The Developer may elect to make the payment in lieu of planting under protest in order to allow sufficient time to seek variance relief from the Planning Board. The Township shall place the payment in a special account, and if a variance is granted, the payment or portion thereof shall be refunded to the Developer. However, a completed variance application must be filed with the Planning Board within ninety (90) days of the execution of this Agreement. Otherwise, if the application is not filed within the prescribed timeframe set forth above, the Developer waives such right to challenge such determination, and the full payment will be deposited in the Township's Tree Fund.

F. 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".

G. 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 and **RJ Parent Investors, LLC** for reference and action purposes.

RESOLUTION NO. 165-2018

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO STANZIALE CONSTRUCTION, LLC CONCERNING THE RESURFACING OF A PORTION OF NORTH JEFFERSON ROAD FROM FANOK ROAD TO PARSIPPANY ROAD BY INCREASING THE TOTAL DOLLAR AMOUNT OF THE CONTRACT FROM \$370,832.60 TO \$371,818.70 OR AN \$986.10 INCREASE WHICH REPRESENTS A 0.27% INCREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover awarded a contract through the competitive bid process to **Stanziale Construction, LLC**, by resolution dated July 13, 2017 for the resurfacing of a portion of North Jefferson Road from Fanok Road to Parsippany Road in the Whippany Section of the Township; and

WHEREAS, the amount of the competitively bid contract was \$370,832.60; and

WHEREAS, the Township Engineer has submitted Change Order No. 1 (Final) which describes the need for extra, supplemental and reduction in work, a copy of which is attached hereto and made a part of this resolution as if set forth in full; and

WHEREAS, Change Order No. 1 (Final) has been signed by the Township Engineer and Assistant Township Engineer; and

WHEREAS, Change Order No. 1 (Final) represents a \$986.10 increase or a 0.27% increase in the total dollar amount of the contract; and

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WHEREAS, the Township Engineer has now determined that the extra and supplemental work set forth in Change Order No. 1 (Final) shall increase the total contract amount from \$370,832.60 to \$371,818.70.

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

1. The governing body approves the recommendation of the Township Engineer that Change Order No. 1 (Final), in the amount of \$986.10 be accepted, and that the final total adjusted contract amount of the contract with **Stanziale Construction, LLC** be fixed at \$371,818.70.

2. The Township Clerk is hereby authorized to execute Change Order No. 1 (Final).

3. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **Stanziale Construction, LLC** for reference and information purposes.

RESOLUTION NO. 166-2018

A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 (FINAL) TO A.M.E., INCORPORATED CONCERNING THE UPGRADE TO THE MUNICIPAL BUILDING'S HVAC AUTOMATIC TEMPERATURE CONTROL SYSTEM BY INCREASING THE TOTAL DOLLAR AMOUNT OF THE CONTRACT FROM \$129,333.77 TO \$131,832.77 OR AN \$2,499.00 INCREASE WHICH REPRESENTS A 1.93% INCREASE OF THE TOTAL CONTRACT DOLLAR AMOUNT

WHEREAS, the Township of Hanover awarded a contract through the competitive bid process to **A.M.E., Incorporated**, by resolution dated April 27, 2017 concerning the upgrade to the Municipal Building's HVAC Automatic Temperature Control System; and

WHEREAS, the amount of the competitively bid contract was \$129,333.77; and

WHEREAS, the Township Engineer has submitted Change Order No. 1 (Final) which describes the need to replace two (2) defective valve actuators with carbon monoxide sensors inside the Police Headquarters Sally Port which were not foreseeable at the time the upgrade to the Automatic Temperature Control System was taking place; and

WHEREAS, Change Order No. 1 (Final) has been signed by the Township Engineer and Assistant Township Engineer which Change Order lists the labor cost at \$1,120.00 and the cost for the two (2) actuators at \$425.00 a piece or \$1,053.00 in total; and

WHEREAS, Change Order No. 1 (Final) represents a \$2,499.00 dollar increase or a 1.93% increase in the total dollar amount of the contract; and

WHEREAS, the Township Engineer has now determined that the supplemental work set forth in Change Order No. 1 (Final) shall increase the total contract amount from \$129,333.70 to \$131,832.77.

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

1. The governing body approves the recommendation of the Township Engineer that Change Order No. 1 (Final), in the amount of \$2,499.00 be accepted, and that the final total adjusted contract amount of the contract with **A.M.E., Incorporated** be fixed at \$131,832.77.

2. The Township Clerk is hereby authorized to execute Change Order No. 1 (Final).

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3. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **A.M.E., Incorporated** for reference and information purposes.

RESOLUTION NO. 167-2018

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A REFUND OF TAXES FOR A TOTALLY DISABLED VETERAN EXEMPTION

WHEREAS, Leonardo Mongiovi, who purchased his residence in Hanover Township in July of 1984, is the owner of property located at 29 Longview Drive in the Whippany Section of the Township and also designated as Lot 7 in Block 5304; and

WHEREAS, Mr. Mongiovi has applied for a Totally Disabled Veteran tax exemption and qualifies for an exemption of New Jersey property taxes; and

WHEREAS, the exemption is effective starting the date of 100% disability as designated by the United States Department of Veterans Affairs in accordance with NJSA 54:4-3.30; and

WHEREAS, the effective date is February 27, 2018; and

WHEREAS, Mr. Mongiovi is entitled to a refund of all taxes paid on the property since March 8, 2016; and

WHEREAS, the Tax Assessor has reviewed this exemption application and is of the opinion that **Mr. Mongiovi** qualifies for 100% tax exemption from real estate property taxes for his residence;

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

1. The governing body hereby authorizes a refund of taxes to **Leonardo Mongiovi** in the amount of \$4,499.61 for the period beginning February 27, 2018 through December 31, 2018.
2. The Township Committee further authorizes the Township's Chief Municipal Finance Officer to refund these taxes to **Leonardo Mongiovi** residing at 29 Longview Drive in Whippany and also designated as Lot 7 in Block 5304.
3. That certified copies of this resolution shall be transmitted to the Chief Municipal Finance Officer and Tax Assessor for reference and action purposes.

RESOLUTION NO. 168-2018

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

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

BLOCK	LOT	QUAL. #	NAME	AMOUNT
1602	7		Sarah Bailey 7 Highview Ave Cedar Knolls, NJ 07927	\$2,326.16
4301	2	C1301	Weifei Ye 1301 Grandview Court Whippany, NJ 07981	\$1,753.70

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5302	20		Carlotta Budd, Esq. 300 Madison Avenue #200 Madison, NJ 07940 RE: 1 Sharon Drive	\$2,013.26
5304	7		Leo & Carol Mongiovi 29 Longview Drive Whippany, NJ 07981	\$4,769.89
7702	27		Walter & Angela Coffey 38 Cortright Road Whippany, NJ 07981	\$275.01
9101	17	C0903	All Ahead Title Agency, LLC 407 Pine Street Red Bank, NJ 07701 RE:83 Sunrise Drive	\$1,229.62

Mr. Gallagher: I would like to make one comment and ask one question to Fred again about "H".

Mr. Semrau: H is the Governing Body is taking the position that it is sending a resolution to the Governor and neighboring communities expressing its oppositions to legalize marijuana and in the resolution there are a number of statements and facts that the Governing Body wants to bring to the Governor's attention and perhaps the Governing Body would like to express what that is but so at the direction of the committee this resolution is to urge the Governor not to sign into law the legislation regarding the legalization of marijuana.

Mr. Giorgio: Each member of the Township Committee will be signing that resolution as a statement of unanimity.

Mr. Semrau: Some of the information Joe Giorgio and myself received from members of the Township Committee were about the inherent risk and health and safety concerns that factually exists pertaining to the legalization or sale of marijuana that we placed in the resolution to support the Township Committee's position.

Mayor: One of our concerns Fred to add on, is the fact that there is not in place with this proposal with any check and balance for testing for intoxication in the field, our Police Officers will be out there enforcing traffic and other codes and safety and have no way unlike alcohol with breathalyzer and testing for marijuana other than a blood test. So I don't think we are comfortable at all in having a substance like this that can intoxicate without having knowing the degree of intoxication that is my comment.

Mr. Gallagher: We spent a lot of time on this and spent a lot of time talking to Fred about this myself and I spoke to a lot of municipalities that have a resolution in place and I really think this Body took the time to make one where there are as much teeth in it as we can and we are actually petitioning the Governor to please not pass this as law for recreational use of marijuana and the statistics and the science behind why we would not like it to be for public safety and health especially for our youngsters and all the work that we are doing with them, Fred I appreciate your great work and taking all of our phone calls and I really think that these two pieces are excellent and you did a great job and it's great to stand lock step with the entire Committee together and let Hanover Township know that at the very least we are doing everything we can and we are not happy about it.

Mr. Ferramosca: Hanover Township works very hard trying to support our children and young adults with providing them with education about drugs in terms of alcohol and in terms of abuse and affect. I think it would be hypocritical of us if we did not take a statement as what we are doing this evening. I think this will serve the public good in Hanover Township and we hope that the Governor and his team think this through on many different levels. This is not just an emotional decision as to whether you should have this or not, there are many issues that need to be thought through with

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great consideration to understand what these impacts are and how it will affect a community and the life of those in the development stage within their life.

Mr. Giorgio: Would it also be proper to send along with the Resolution a copy of the Ordinance upon introduction?

Mr. Semrau: I think that would be a great idea Joe, I think that would really expand upon what the Governing Body is doing because the resolution is the message and the ordinance is the legislation.

Mr. Mihalko: Most of us have children and we all fully agree that we spend so much time, effort and money trying to keep them away from drugs and now it's going to be that much easier. You can say that alcohol is out there and you see young adults drink and I think and fear that the same thing will happen with marijuana and I personally feel that it is a gateway and I truly oppose it.

Mr. Gallagher: The last point I will make is that I took my daughter and her friends to Governor's Ball at Randall's Island, the whole place smelt like marijuana but if you look at cigarette smoking you are almost ostracized. You have to smoke in the corner. You cannot smoke in Yankee Stadium, I asked a few people are you going to be able to smoke pot everywhere and because it's "cool and hip" my fear is that people are going to be able to smoke pot all over the place even where you are not allowed to smoke cigarettes. And, the whole thing is a mess and I know I'm going on but I'm happy to work with you guys and I'm glad we stood together and I'm glad Fred and Joe put in the time they did into this. Thank you guys on behalf of all of our kids, our soon grandkids one of these days, right Mike, but thank you. We have 2130 students in Hanover Township and I feel that we are doing everything we could to protect them and I am happy.

Motion made by Member Ferramosca to approve resolutions and seconded by Member Cahill and unanimously approved.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$5,995,400.99** for the payment of all bills as of this Regular Township Committee Meeting. A copy of the "Bills Payment List – by Vendor" is hereby approved and made a part of this resolution as if set forth in full. Moved by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

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

RAFFLE APPLICATIONS:

- RL- 3133 – Employment Horizons --- off premise Raffle**
- RL- 3134 - Employment Horizons – Tricky Tray**
- RL- 3135 – Employment Horizons – 50/50 on premise**
- RL- 3136 - Whippanong American Legion – Pull Tab Instant Raffle**
- RL- 3137 - Columbian Foundation – off premise raffle**
- RL- 3138 - Columbian Foundation – 50/50 off premise**
- RL- 3139 - Hanover Rotary Club – Casino Night**
- BA- 3140 – Knights of Columbus - Pocketbook Bingo**
- RL-3141 - PG Chambers School – on premise raffle**
- RL- 3142 – Gift of Life of New Jersey, Inc. – off premise raffle**
- RL- 3143 - Hanover Rotary Club – on premise 50/50**
- RL- 3144 - Legacy of a Hero L/CPL Chris Cosgrove III Foundation – 50/50 on premise**
- RL- 3145 - Legacy of a Hero L/CPL Chris Cosgrove III Foundation – Tricky Tray on premise**
- RL- 3146 - Hildale Park Presbyterian Church – off premise raffle**
- RL- 3147 - Morris County Chapter, The Links, Inc. – 50/50 off premise**
- RL- 3148 – Whippany Park Touchdown Club – 50/50 on premise**
- RL- 3149 - Villa Walsh Academy HSA – on premise raffle**
- RL-3150 - Villa Walsh Academy HSA - on premise raffle**

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RL-3151 - Villa Walsh Academy HSA - on premise raffle

Motion for approval of raffle applications made by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

OPEN TO THE PUBLIC

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

Terri Baird, 180 Parsippany Road, Whippany: I just want to thank you all for having that hearing about the Pet Supplies Plus, but I also want to expand on that a little bit further because the possibility exists that the Township Committee can pass a resolution that would prohibit the sale of dogs and cats in the Town and I would hope that the Committee in light of having a new pet supply place coming and its new ground that you would consider that. There are 120 towns in the state of New Jersey that have passed legislation like this and the closest ones to our town is Randolph which is also the first ones 2014 and also Livingston which is a local town within close proximity. I would hope that you would consider checking into that and possibly putting an ordinance forth to prohibit the sale of dogs and cats in Hanover Township.

Mayor: I think the Township Committee will take serious consideration on that and I think too that the Township Committee would like to get the input and support of the other agencies like the Board of Health and maybe even if public safety wouldn't weigh in with that whether we can sell dogs and cats. I think we would like that input before we take any further action but I think the idea of taking formal action is a very good one.

Ms. Baird: Also checking in with our animal control and their feelings on that.

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

OTHER BUSINESS:

Member Gallagher: Ron I am going to go a little off script tonight because I think I discussed this issue with every one of you privately but I want to talk about traffic safety in and around our schools and parks on a different level. The day of the Whippany Park Wildcat football team and cheerleading car wash, I drove my daughter over to the school as proud as can be. She is part of that team now and she loves it, she just turned 14 years old. There was a bunch of kids on the left side of East Fairchild and a bunch of kids on the right of East Fairchild, they were all yelling my daughter's name and I was in heaven. I pulled over and she said "Daddy let me out" she gets out of my truck runs along the side of the truck and runs across the front of the truck I screamed "Katie stop" she stopped, this car blew by her going at least 40 miles per hour. I saw the car hit my daughter mentally, she looked at me scared and she is never scared of anything, I pulled over I thought I almost had a heart attack. I talked to her later that day and I said Katie did you stop because I screamed your name or because you saw the car? She said I don't know Daddy but that was really close. My point being as a body we put together the school and Park Traffic Safety Advisory Committee and we work really hard, I don't know what it is going to take to get through some of these people to calm down around our schools and parks. We are going to lose a kid unless people calm down and I told my wife that night Mr. School and Park Traffic Safety over here almost lost my daughter. We lost Ralph Poletti, Jr. 6 years ago he was a big strong guy, lover of life it could happen in a second. So please we have safety messages out we are working with the schools and every member of this body is out there all the time encouraging it and we are putting resources into like it is going out of style all of our cross walks are painted every year we are always improving our ADA Compliant ramps and updated signage, so we can't do more we will do anything for anybody that we can but we always say that we might be pretty tough but not tough enough to God forbid have something happen to one of our children, so please you have to be careful. We have 2130 students and the police cannot be sitting on every corner. And we

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can't put a sign on every corner, Brian Cahill says it the best, after a while you get blind from all of these signs, so I'm pleading with everybody and it's not just Hanover Township its everywhere. You have to calm down and my life is my kids and that is all I want to say about that.

So, now getting into the plus side of things, Mike Mihalko is going to go on a bit about Hanover Township Day and I just wanted to say it was phenomenal and as far as my piece with the DPW hand and glove with all of the other groups in town setting up and taking down, being there that day. Great job Mike and everybody. Thank you Denise Brennan, Mike Mihalko and the Recreation Commissioners with our Drug Coalition we introduced our MC Teen Concert Series which is now the NJ Teen Concert Series which is an opportunity to feature our young artists and we are going to develop that and put on a bid show in November which is going to be exciting and also with the Drug Coalition now is our Cultural Arts we are going to be booking our first two master classes for musicians and we are going to have a drum instruction master class and a guitar instruction master class, I will not be teaching the drum instruction class but I have a pretty good idea who we are going to plug into doing it because I do not want to make it about myself I want to make it about great drummers and students who want to be great drummers and it's a lot of great things coming up. I just want to say thank you for letting me go off script and I had to share that message about my daughter because even thinking about it I get very upset and again we have 2130 kids we have to be careful and slow down.

Member Ferramosca: Planning Board, you saw evidence of nine ordinance either being adopted or introduced, those nine ordinances just don't happen, the Planning Board works very hard in terms of debating each and every one and some of those ordinances have about 2 to 6 hours of participation of a 10 member board to populate that and work with our Professional Planner Mr. Brancheau to perfect that. So I want to personally thank the Committeemen of the Planning Board for making that happen.

EDAC remains very busy on updating the Township website with the goal to attract quality businesses to our town and making it easier for the members of our Committee to get information from our website. Things are moving along well and we are proud of the fact that they have helped contribute to Hanover being one of the most affordable communities within Morris County with the best services overall. So thank you members of EDAC.

I wouldn't have an update without something about Engineering, roads and more so here we go, Engineering is all about the roads, the resurfacing of Locust Drive from Apple tree to Orchard has now begun hopefully the weather cooperates so we can get it done this month. It has been a very difficult period of time to pave roads given the weather that we had. Next up will be Shamrock and Woodfield Drive from Whippany Road and that is planned to begin later this month weather depending and also pleased to see that the speed humps that were installed on Orchard and Prospect Place are working to the point of Mr. Gallagher spoke about people need to observe speed limits because there are a lot of pedestrians in our town besides from the children there are walkers and if you are flying through residential neighborhoods you are putting lives of other people at risk so please be observant.

In addition to the roads we have a new project that is just beginning on North Jefferson Road where we are constructing what is called an asphalt trail path and that will go from the DPW all the way to Nye Avenue and that will be a great amenity to those who live in that part of our community available to access the municipal campus.

Lastly the Environmental Green Team Dennis Fashano spoke about this one but Shred Day October 27th please mark it down it's at the Municipal campus. This Saturday in Morris County there is a hazardous waste collection, it's a good opportunity, you can bring in such items as old gasoline, solvents, and I got car batteries, paint. You bring it there it will be environmentally disposed in proper fashion and zero cost to you.

Mr. Cahill: First off, I would like to start by congratulating Matthew Gallagher, he joined the Police Department officially on September 1st and was sworn in today to follow in his father's footsteps and I'm sure he will make a great addition to the

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Department. Matt brings the Department of 31 on the force today and I stated in previous meeting our goal is by December to bring the force up to 32 so that is the goal.

Cedar Knolls fire house at last week's Fire Commissioner Meeting Firefighter Ryan Okolita and Thomas Quirk III were awarded black helmet status. Both gentleman joined the firehouse as junior firefighters at 16 years old, attended junior Firefighter training at the Morris County Safety Academy. Upon turning 18, they were granted probationary status and were cast with advancing their skills to firefighter level 1. So, after successfully meeting the testing requirements Chief DiGiorgio recommended them for full status. The black helmet ceremony recognizes this achievement so congratulations to both.

Whippany Fire Department on September 4th FF Ben Bradley and Richard Allocco became our newest Career Firefighters, both Ben and Richie grew up in Hanover and it started as volunteers as Whippany Fire Department so congratulations to the both of them.

Landmark Commission Mike did a very nice job describing what was going on and gave us a nice history of what the event is going to be about. This gathering on October 20th at the Presbyterian Church but what he did forget to mention was if you want to go go to the Hanover Township website right on the home page there is a form that you can download and sign up to attend that way we know who is coming. Very exciting event and have a lot of things set up and they are requesting that if some does come if you have any photos or artifacts or stories that you would like to share doesn't have to be about the burying yard and there is so many stories of the history of this town please come and share. Someone will be there recording this event.

Hanover Township PBA this Saturday are hosting a Brew Pub and Seafood Truck Festival at Anchor Golf starts 12-6 should be pretty good I went on the website and it looks like 8 different brewing companies and there is also activities and games and live music as well as other family fun, so if you are interested in attending there are two ways going about that you can show up and pay at the parking lot or go to Hanovertwppba128.com and get tickets online.

So, speaking of the PBA as we learned tonight that Steve Bolcar the founding member of the PBA 128 and founding member of the Hanover Township School Park Safety Subcommittee and current head of the Hanover Township Crossing Guards has decided to retire. Steve began his career shortly after Hanover Township Police Chief Clemens visited the Bolcar family home in Whippany and told Steve's father that he thought Steve would make a good police officer. As a result, Police Officer Steve Bolcar was issued Badge No. 5 on February 6, 1958. Rising through the ranks Steve retired at the rank of Deputy Chief. However, two days after his retirement Police Chief Deventer paid a visit and asked if Steve would be willing to lead the Crossing Guard Division for just a few weeks until he can fill that position. That was in 1993! So, if you do the math that's 60 years of service!! I had the privilege of serving with him on the Traffic Safety Committee about 5 years and I can tell you first hand that he cares about the safety of Hanover's residence and especially of the children. I can also tell you that with 60 years under his belt he has some of the best stories you will ever hear about this town. So, if you ever get the chance to speak with Steve ask him about the farewell wave that Bob Oak gave him when he was leaving the Birchwood Manor many years ago. It's a great story ~ so any way thank you Chief Bolcar and best of luck to you going forward. One last thing on that note on October 3rd there is going to be a brief ceremony in honor of the Chief at 11am in front of Town Hall all are welcome to attend that as well.

Mr. Gallagher: With Brian for 5 years we have served with Chief Bolcar on school and park traffic safety and when the Chief was talking to us about retiring we were ignoring him and laughing at him. And, he called me one day and he said you are not taking me very seriously and I said no I'm not well Chief Roddy won't return my phone calls but he is really going to retire and he has in 60 years and the one thing he told me and he has told me a lot by the way, but he told me he does not want a plaque he wants to show me his room full of plaques he basically planned his entire clap out he said that was the only way he would show up is if there was no surprises and he was involved in all of the planning and every one of us said whatever you say Chief. He is a

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great human being thank you for 60 years Chief Bolcar and there are going to be plenty more from now and October 3rd.

Member Cahill: Well, the Summer is closing as so is the pool it was a successful year there were several times that there were over 900 in attendance and this past weekend being one of them, Labor Day, many people came out. It was a very successful year and a lot more stuff coming for next year we are already working on that. Concession stand is open at the Brick Yard come out and see the Pee Wee's play football I believe the 22nd. The 20th is the Charity game between Wegman's and Bayer and that is going to be a great night at 5:30 beginning, the entrance fee will be a nonperishable food item, Knights of Columbus will be collecting the food, the Rotary will be cooking the hot dogs and I believe we are still refining the game boys. We will also be honoring the softball girls that went to the State tournament that night and we are also dedicating the concession stand to Dave & Mary Della Russo who just recently passed away. They spent so much time down there and always did so much work there. So again mark the calendars for that.

Hanover Township Day, what a fantastic day, if you like not sunny, a rain chance and cool it was a perfect day. Thousands of people came out and well attended our sponsors were the best that we have seen in a long time. Our tables were full and we had so many to even list and it was a wonderful day. We had touch a truck, Ace headed up bringing the younger groups out to play music; we had 4 musical acts and 5 dance acts and great partnership with the Recreation Department. It was nice to get the next level, people always said there are things to do for the young kids, bounce house the face painting, the balloon animals, this kind of got the tweeners. This got the young teenagers and even my children of all people, I picked them up from sporting event earlier and I said do you want to go to Hanover Township Day or go home, they said no our friends are playing we want to go back, it served its purpose and there was some really terrific bands there. It was nice to see. DPW did a wonderful job and the Recreation Department really came together and they did so much and so much behind the scenes. Now that I'm involved, I really see how much goes in to bring all of these sponsors and the people manning the tables. There is a lot that comes together and it was a very successful year. Thank you all for attending.

Coming up although it's sold out we have a trip to Yankee Stadium on the 15th it's sold out unfortunately. Masquerade at Malapardis Park will be October 27th from 2-4 bring the youngsters out we go around the pond and take candy. Our fall programs so many to list please check out the website. I was going to start with a list but it would be three pages long so much stuff going on. Registration for basketball and wrestling also begins next week so for those youngsters please sign up and now is the time.

Mayor: We have an organization called Civic Plus that redesigning our website and they handle a lot of municipalities a lot of cities and they know what they are doing we have been going through with Kelli Schanz and a very extensive plan to put this into place hopefully by the first of the year. The new site will be up and very dynamic and you will be able to be driven to it and get all of information there and I know there is a controversy between all of our data being on electronic now but some people still want print material and I think we are going to still keep up with the newsletter at some degree but at some point the website we are going to be driving too.

Going on, Stoney Brook Farm is doing well and we had our second season what we are closing down now and we are having a volunteer day September 22 11-1 to help at the farm with various duties that we are going to do spreading wood chips and open up the paths on the farm and get it ready for next spring so if you are interested please come.

For all of the gardeners that have taken gardens there is a meeting on October 2nd at 7 pm at the Recreation Center general meeting for all the people that had a garden. The Master Gardener and the managers will be there to answer questions on how things went and take suggestions about next year. So we invite you to that as well.

Health Department brings you up to date with flu shots on October 24th make a note of that please at the Community Center. November 10th is second date I highly recommend that you take advantage of that.

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I want to thank Morris Township for joining us as shared services for health services it's a wonderful opportunity for us to conserve on the cost of health services but at the same time provide coverage for both towns.

I want to bring your attention to a notice that would be coming to your households from SMCUMUA the water company has informed the Township that it had a slight irregularity in the water quality, do not panic. What this means is that in the chlorination process for certain portion of our Township mostly towards the Morris Township section they did notice a deviation in the water quality which was due to the matter in which they chlorinated. It is not a risk to you but they are required by regulation to inform all customers in Hanover Township of the irregularity. If you have more questions or concerns about it contact the water company and get further updates. Board of Health has reviewed it and Dr. VanOrden has reviewed it along with Dr. Zabrowski and Dr. Perez and we all feel confident that this is compliant with the State regulation on the irregularity.

The new signs will be going into the park soon and this one here that the Board of Health was available to acquire and I think we will be giving one to the Recreation Department and the Public Works Department for installation around the parks to prevent tick bites in a little check mark of what you can do to prevent tick bites so you will see these signs going up. They will be going into the park with some of our signage that is already there it is a problem and we want to do our best to inform you on how to prevent it so that you will see as well.

September 19th the Deputy Mayor and myself will be at Shoprite and helping bagging. It is a campaign that we are happy to contribute to "Bagging for Hunger" and shop right is sponsoring that so that is on September 19th we will be there.

Also, September 22nd the Ukrainian Church is having their festival it is always a grand day; the Tigers on that same day from 3:00 having their kick off at Black Brook Park. So folks you have a lot of entertainment ahead of you as you just heard.

Health Department did put out their 2018 annual Health Department Report if you are interested in a copy of it you can contact the Health Department

ADJOURNMENT

Motion made to close at 9:30 p.m. was by Member Ferramosca and seconded by Member Gallagher and unanimously passed.

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

Joseph A. Giorgio, Township Clerk