

AUGUST 8, 2019

Regular Meeting of the Township Committee of the Township of Hanover, County of Morris and State of New Jersey was held on Thursday, August 8, 2019, 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

ABSENT: Member Mihalko

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

PRESENTATIONS:

PRESENTATION OF CERTIFICATES OF MERIT AND TEES TO MEMBERS OF THE WHIPPANY PARK GIRLS SOFTBALL TEAM UPON WINNING THE NORTH II, GROUP 1, 2019 STATE SECTIONAL CHAMPIONSHIP

PRESENTATION OF CERTIFICATES OF MERIT TO GRADUATES OF THE HANOVER TOWNSHIP YOUTH PUBLIC SAFETY ACADEMY

REPORT OF THE TOWNSHIP ATTORNEY CONCERNING THE STATUS OF THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATION IN COMPLIANCE WITH SUPERIOR COURT

Mayor: We are going to the portion of the meeting that this is all about, the Township Committee is going to go over the request that has been given to us by the Planning Board but before we do that we are going to explain all of it and I would like to open this with a couple of remarks. There isn't anyone in this room that does not understand the issues that we have been having over the years with Pine Plaza and I'm talking about the mall itself, I am not talking about the retailers. Pine Plaza has been an issue with Hanover Township it has been an issue before our EDAC, it's been an issue before this Committee and before the Planning Board. The issue is that the mall was not doing very well. It has not succeeded over the years and our retailers have been paying the price for that over the years. We lost a great many retailers out of that mall over time. They do not have a strong leader or anchor store in that mall and I'm not going to get into the retail issues as to why they failed but it's probably one of the reasons as to why the mall was failing. It has always been the Township's desire to see that mall succeed, we have encouraged and most of the Committeemen have reached out to various grocers, retailers, etc. to come into the mall as anchors and trying to

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make it a success. We did not have much success in doing that. It got to the point now with the mall where the mall's failure was leading to tax appeals and other matters before the Township Committee and it required action on our part. The action that we are taking on our part starts with Planning Board which has been examining the mall for years and it is one of eight properties in the Township that we are looking at for redevelopment areas. Redevelopment areas is not a dirty word, we are going to explain it to you. The misunderstanding that I think that has been going on through our community and one that has been perpetrated by social media, social networking is wonderful it gives us all an opportunity to talk to each other and the general public a chance to give their opinions and share opinions and quite honestly it gives the public a chance to vent as well. We understand it, most of us on the Township Committee some of us share social networking most of us read social networking. At this point I think we are most concerned as are the retailers in that area with the language appeared in the condemnation language that appeared in the redevelopment zone, there is condemnation in the zone and there are zones without condemnation. Condemnation in this retail zone is cause there are so many properties involved and that is a requirement. We have another area in the Town that has been brought to our attention through social networking called River Park. River Park is owned by one owner, Pine Plaza is owned by one owner but has several properties within the redevelopment zone. So at this point let me make one statement and then I will turn it over to our attorney, he will give you some opening remarks about what a redevelopment zone is all about. What the benefits are and what it can do to rejuvenate the area and what we are trying to do. He is going to do that in one minute.

I do want you to know this, from every Township Committeeman here the idea of condemning the retailers in that mall was never part of the process that we wanted to approve. We had no intentions of interfering with leases or interfering with private sales between the tenants and the landowner. Had this property changed hands without a redevelopment zone, let's assume it did, where Pine Plaza would have sold to somebody else other than this developer, the matter of the tenants would still have to been dealt with. The issue now becomes one of the language that is being used in the redevelopment zone and that language contains the tool condemnation and on that note Fred Semrau Attorney for the Township Committee I will turn the meeting over to you.

Mr. Semrau: Thank you Mayor and good evening everyone. Mayor, I also think that the Governing Body when we discussed in executive session legal options earlier this evening also came to a discussion that there is a direction that the governing Body is going to take regarding the condemnation or non-condemnation if I'm correct and maybe you want to speak to that briefly before I get started, cause like I said that is one of the significant issues tonight and I think ultimately a direction it may go in.

Mayor: Counsel reminds me that clearly we had a discussion during the legal session about what the options were for the Township Committee with or without the use of the word condemnation. We can take the recommendation of the Planning Board as it is right now, or we can modify that recommendation back to the Planning Board whereby we remove the word condemnation from it. In either case, there are some definite advantages and definite disadvantages to the retailers and again counsel is going to explain that as well.

Mr. Semrau: I think what we are going to do Mayor is that there have been a lot of questions about Affordable Housing plan and what this all means and there has been a lot of statements that the Committee has forwarded to me to just give the opportunity to the public to understand some of the statements that have been made so that we step back for a minute and go through the affordable housing process and the settlement but I also believe Mayor to your point about whether the governing body would take the recommendation of the Planning Board, I will go back through that, if the Planning Board just in this process makes a determination if the property or the zone qualifies for an area in need of redevelopment and the law requires, we will go back through this in a few minutes, as to whether you have to disclose if there is a condemnation option or non-condemnation. The governing body has discussed this and if I am correct the action of the governing body would like to take later on this evening is for non-condemnation for the Pine Plaza sight and the area. We will go through how they come to this type of decision but what that means is just to start the questions whether, there was never any type of agreement to take or interfere with any landlord/tenant relationships at Pine Plaza. Through this process somethings have

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come to light that were never the intentions of the governing body or the Planning Board so with that we discussed various legal options and it is my understanding, if I am correct to the Mayor and Township Committee that later on this evening for the record we are going to clarify that and take action that it is a non-condemnation area, that condemnation is not, in fact, it was never intended to occur and we will give you that reasons why it was part of consideration but it was not for Pine Plaza and the last thing the governing body wants to do is in any way get involved in a type of discussions between the landlord or the future owner of Pine Plaza and therefore they are going to forward later this evening with a resolution hopefully that will say non-condemnation that's the consensus of the governing body. So, that we are all clear about that cause that is the number one question that I was asked to look at. But, I also will say that this has a lot to do with how did we get here and we have been discussing this publically since December but it doesn't mean that everybody has to be here or was here since December so the Mayor and Township Committee asked me to just step back and just explain to everybody how we got here and what it means and also maybe address some of the concerns that have been raised out there. So, first from Fair Share there is a settlement agreement with Fair Share Housing and the reason why there is a settlement agreement with Fair Share is back in 2014 the Supreme Court had the Courts take over Affordable Housing and the compliance of affordable housing and what that means is if you as a municipality do not have a fair share of affordable housing available what that means is a builder can come in and demand override zoning override your Township Committee your Planning Board and say we want affordable housing here and we can help you, we will build a high rise development with market units to pay and supplement affordable units so all municipalities except for a handful at least in Morris County they want this certification from the Court that we are compliant with affordable housing, because if you don't have it you are at the mercy of a court and builders to develop your land for you. This governing body and other municipalities throughout the state have been in litigation for the last six years, out of all the municipalities there has been one trial it was down in Mercer County and it went on for three months there was one decision and it didn't go well for the group for the municipalities that participated and there was an obligation that the Court came up with, a number of units that a particular town had to come up with. So that decision and the Special Master in that court that was forwarded up to Morris County and at the time Judge Norguard took the facts and numbers of each particular town and that special master computed what every towns obligation would be. Now you can go to trial and try to challenge that but that is the one decision out there the experts that were involved and all of the testimony the Court's said this is what you are faced with. So to take a look here is our obligation it was 897 units for this third round of affordable units, looking at some of our neighbors like East Hanover, Montville, Denville, Roxbury, and Denville and Roxbury they haven't resolved yet, they are still in negotiations and the possibility of trial, but for some of our communities 897 units. What is 897 affordable units mean? It transfers to this; you have builders and the courts will say for every affordable housing unit that a builder builds that builder is entitled to four market units, because that helps supplement and pay for affordable housing. So that translates when you give one affordable unit for four market units and we have an obligation of 897 that means in this case Hanover Township has been faced with finding 4485 units that is 897 affordable units and a developer for a 4:1 ratio would say I need 3500 market units, this Governing Body for the last 4 years has been taxed with trying to figure out how to solve 4485 units without sprawl without it coming to everyone's backyard and without losing compliance with the court and having the court just put affordable housing within the community. So with that challenge the possible outcome at 4400 units if they are all single family homes we know that single family homes are going to have four or five bedrooms we are faced with 20,182 bedrooms that is the obligation at 897, as I said one case it didn't go well that is what this is generated from throughout the state, so the options to the Township; first the Township could say we want out we really don't care what the court says we are not going to comply with this but that means that the court takes over the Master Plan has no validity, high rise development possible at any location, and let's look at some of the two significant settlements River Park, River Park has over 80 acres in size, River Park's build out is 1600 home, Pine Plaza's build out 400 homes, there are settlements throughout the states in some of your neighbors that that is the type of density that actually came about in these cases. So the next choice is if you look if we opt out along those lines what is the vulnerability to Hanover cause there are towns in Sussex County that say we really don't care, come and build let's have a builder come in but there is not this desirability there is a low tax rate for Hanover Township one of the lowest in the county, a strong ratable base, excellent schools, safe community. All

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the makeup and infrastructure for a developer to come in and say I want to build here it's worth it. So it really eliminates the idea of opting out, the other choices are you either tries to settle or you go to trial, if you go to trial fair share's number was up over 1000 so it's a high risk if you lose. So for two years we negotiated and the Township Committee came up with this settlement that reduces the Court obligation the towns have to meet of 897 because we settled and we came up with a plan the obligation was only 550 units, what that means that reduction of 357 units saves us 1428 market units, it saves us bedrooms of over 6000 because now the obligation isn't to meet 897 its to meet 550 because it is part of a plan and a settlement significant consideration verses a trial or opting out. Now, as part of the settlement, there is really only two significant settlements first is Pine Plaza and again condemnation is not an option there was a settlement with Pine Plaza and part of that settlement there would be 130 townhomes built, there isn't a concept plan yet and I want to make it clear all of this is a settlement, there will have to be zoning, there will be site plans, there will be public notice, there will be public hearings, there will be discussion about things like access, traffic, storm water management, all of those things, landscaping all will still have to go forward, the only obligation of the Township is to give an opportunity for these developments, if they don't happen that's okay, if they happen well we tried to limit it to certain things, so Pine Plaza is 130 townhomes, it has 60 senior units, that is 36% of the development is affordable, all the way down to two days before the settlement this governing body got a push back from 150 to 130 units and said take it or leave it and 36% I have not seen 36% as a set aside, I don't believe anywhere in the county unless somebody came in and just as a affordable housing group a nonprofit built something. There would be 70,000 square feet of commercial space. Now the thing about Pine Plaza that the affordable units I got a lot of questions asking what kind of affordable housing is it going to be, well Pine Plaza there are 60 and all 60 are senior age restricted affordable units for 30 years they can't charge market rent, they look for seniors who have certain income limitations and that is the only housing as far as affordable is concerned on the property. I will go back to that and say that with respect to the seniors Hanover Township has one of the highest populations of seniors in the County so that was one of the biggest consideration of the governing body and the 60 units the other parts that is so important, Joe Giorgio and I were making cold calls to various location throughout the Township to see where we can find senior housing and what we learned was a lot of the market unit senior housing, seniors everyone is healthier and they live longer, they were going from market units and they couldn't find affordable units, they ran out of money, they were healthy and living longer and we couldn't find affordable units so at Pine Plaza it was very important to have 60 all in one building senior units.

River Park is the second project it has been dormant since 1980's it was the former Whippany Paperboard site, here as I mentioned, it's a large track of land it has some environmental issues to still address as far as the clean up over the years but the settlement for River Park was one and two bedroom units and the affordable units of two and three bedrooms would be 73 bedrooms and what you are seeing here is the trend and the settlement negotiations were not the four and half bedrooms it really was let's really target what would be what is really needed in the Township and if we have to do this let's also target so that we don't drain our infrastructure and candidly other infrastructures roads, schools, etc. There are 73 bedrooms homes that are affordable but the rest of the project 93% of the project are one and two bedroom homes, everything that we have leaned throughout this project the target is what we say the bookends it's the couples the families that are starting out until they grow and it's those who have retired and want to stay in Hanover Township, so that is for the one and two bedrooms and of course it is going to be a town center, and the town center is 40,000 – 80,000 square feet of commercial space that is going to be developed cause one of the things the Committee wanted was a sense of place in the Township for restaurants and shops not big box cause that is even in the actual settlement that that is not permitted, so that is the River Park overview.

Some of the questions that have come up that were sent back to me from the Township Committee that they have read on social media and things are such of this:

In the Settlement agreements do they include language where the Town is directed to take both residential and commercial properties through condemnation? The answer to that question is that there is only one place in all of this that is a consideration and that is that there is a Midas shop on Route 10 that we are all familiar with, there is a consideration there that that be part of this redevelopment and

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the reason why it's in there is because it really isn't that consistent with the goals and what may happen, nothing against Midas, it's just isn't going to fit well because the Midas is going to right next to the senior housing so what the Township Committee did was they negotiated and said look we want whoever that develops the site at Pine Plaza we want you to acquire by arm's length transaction the Midas buy the lease buy the property so that it will not be developed for residential use it would be a commercial type space but it would blend more with the senior housing as to what is there now. So as part of that what if the developer says I can't make a deal and the Township Committee said then what we will do is that we will use if necessary and if that is really our will the power of eminent domain to acquire that property the property owner will get fair market value the lease holder will be relocated all those costs will be paid there would be an appraisal an negotiation and that property would then be moved. It would then be developed consistent with Pine Plaza but that is all at the obligation of the developer that developer must pay all of the costs, they can't walk away and say I can't buy the Midas or I offered Midas the property price and said take it or leave it, so that is why there is one property in all of this that has some aspect of a potential for eminent domain and that is Midas and the rest of agreements do not call for condemnation of any property no residential no other businesses and no other lease holds. So again no other properties for eminent domain.

Is Pine Plaza going to be tax free for thirty years? The answer is yes no I just wanted to see if anybody was going to say anything... Of course it's not!!! (laughter) No the answer is no absolutely not and I want to go over this cause it is important. There is one separate agreement with respect to taxes at Pine Plaza and it relates to the senior apartments, the sixty senior apartments can only generate a certain amount of value in rent when they are age restricted and the rent is capped at a certain amount of money so as part of the incentive those sixty senior unit apartments will be subject to a separate type of tax agreement they will pay taxes to the municipality the rest of Pine Plaza will pay there is no other deal with however it is developed if it's residential or commercial, so those senior apartments they do not generate the type of things on the infrastructure or the schools that are going to be a concern so that is the arrangement for Pine Plaza there is nothing else with respect to Pine Plaza it will be taxed just like any other property in the Township.

Will the Township have to provide and pay services such as snow removal and sanitation pick up cause now we are going to have residential properties on River Park and Pine Plaza? The answer is no. The Township negotiated that this proposal even though residential properties have the right and so do condominium associations, home owner associations have the right for municipal services such as sanitation, snow removal, things of that nature. We negotiated that there would be no additional expenditures or services of the Township, both River Park and Pine Plaza agreed to that. One of the things we did get back was that we don't know if that is actually legal and we said it is and it is in the contract and we want to pay for it, it is the developer has to pay for it and they agreed to it and it is part of the settlement.

Will there be any additional affordable housing at Pine Plaza? The answer is no. This agreement with Pine Plaza limits the residential development to 130 units and every deal that is made right now states specifically, like the Pine Plaza deal says it is 130 units no more residential so if Pine Plaza comes back and says I can't develop I would like more units the answer is NO we have an agreement to that effect.

What is the impact on River Park with respect to the Eden Lane Condominiums? (Residents on Eden Lane have asked what does this mean to us) Well it means is if you are living over on the Eden Lane Condominiums there was an approval for River Park to develop over 400,000 square feet of an industrial flex building, which meant truck traffic, which was enormous dispute with the Township because we did not want truck traffic on Eden Lane it would have to be brought in somewhere off Jefferson Road but there was an approval by the Township for that site for that type of development as part of this settlement that approval is gone, it is stipulated by the parties that the settlement states the approvals at River Park are null and void with respect to that truck traffic, that is important if you are an Eden Lane resident living across the street. There will be no commercial development in the front of River Park. One of the things is there is a zone that will be created that will likely permit River Park as part of a town center to have an amenities such as a hotel. But the hotel will not be built where it will affect the views cape of residents on Eden Lane it

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would be inside of the development. The only type of development that is potential on River Park in the front along Eden Lane would be light commercial like a coffee shop and things like that, which make those types of amenities also available to the residents in the area. There is no big box stores or anchor stores that can be developed.

What about the impact with respect to the residents of Oak Ridge? Well it is significant here to, we have a slope that is between the River Park property and the Oak Ridge condominiums that is in dire need of attention it is an actual hazard from a stand point for potential flooding it is eroded to the point where it needs immediate attention. It is owed by the County but this Governing Body negotiated with River Park is that River Park will acquire this property from the County and River Park would take care of and repair at their cost this slope to the level of acceptance and review of the DEP standards. That is a benefit for the residents of Oak Ridge and a benefit to the Township and certainly it makes River Park better participant in this project and important to note this is not the type of deal that the Township Committee said okay build everything River Park and make sure you do that, before any building permits can be issued River Park has to take care of this. So that is important for residents of Oak Ridge.

What about Legion Place? Both of these significant settlements they are projects that have already existed they are sites that had a history but Legion Place is sandwiched between. Well it is very important to the Township Committee that there will be no development at the end of Legion Place. First I want to say for Pine Plaza right now if you are on Legion Place behind you is the back of these commercial establishments could be some dumpsters some limited parking in the back. What the future holds is that would be the brick face town homes and residential development with the appropriate setbacks and planning and notice and hearing but it would not be commercial development along the boundaries of Legion Place it would call for appropriate landscaping some low level architecture and brick walls that would be installed things of that nature and again we do not have a site plan but those are the things that we will look for and those are the things that will be discussed. As far as River Park is concerned River Park owns property at the end of Legion Place it became very important to the Township Committee that that property which in the past was slated for some type of residential development it was actually going to be affordable housing site but under this settlement River Park has agreed and it is in actual documents that there will be no development along Legion Place in this settlement in any rezoning that comes up or any site plans. Now, I can't say this is forever, this is our third round obligation and you cannot take land from these developers but you can also say that this is the way this is going to work and for River Park and for Legion Place we feel as though that this is significant because we had development on Legion Place that they proposed if we went forward and things in Court did not go as well as be expected.

The additional benefits of the settlement Hanover retains its zoning rights no obligation to rezone any properties for residential development, there will be two overlay zones that is part of a settlement of Fair Share Housing that all municipalities go through and there will be areas such as I think we looked at maybe one of the recycling or junk yards as an overlay if it ever gets redeveloped. But there will be no pocket developments, the Township has such development pressures that we have all seen in someone's back yard a small track of land, and a developer comes in and says I want to build as much density as I can fit on this particular track, what this means the Governing Body can say no. We are at no obligation to rezone, we are protected through 2025 and the next round starts in 2025 believe me when I tell you the Governing Body already has ideas how to protect itself down the road but that goes through 2050 and I'll be very happy if we are all here to talk about it. But that is the next round. Also, it minimizes the number of affordable units as we discussed from the 897 to the 550 reduces bedrooms by 6000 which were at risk cause of the type of settlement that has been yielded, 93% of River Park and Pine Plaza are one and two bedroom units which also minimizes some of the drain on the infrastructure, we talked about the bookenders as well, that is the target.

What about this condemnation zone? I think the Mayor and Township Committee already said tonight how it is going to be addressed but how did it come about? Well as I said the Township felt that the Midas would not fit well next to the senior housing so the Township made a deal that where the developer would have to pay all costs we don't want to hear that you can't make a deal and have the right if need

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be it for condemnation because it was that important so in order to do that in this process of declaring an area in need of redevelopment which is just a development tool to still give you zoning and all the things that come with zoning but it gives you certain flexibility to move things along. You have to designate right up front if the area in need of redevelopment is condemnation or non-condemnation it was a law change in 2013. So when we started this process it was really by recommendation that we just for the Midas you really need to include that option for the Pine Plaza area that you have the option for redevelopment and condemnation. What we have since found out in many different ways is that potentially the developer is using that to say that this gives me certain amount of negotiation position with business owners, the governing body had no intention that there was going to be any type of threat or utilization of condemnation on Pine Plaza or any other property, they did want to have a discussion with the Midas but so it changed the way the governing body would look at this because the goal is not to interfere with those relationships. Keeping in mind though with condemnation you do have certain rights and not that the governing body has any plans or commitments in any way to condemn. If this cannot be worked out with the Pine Plaza business owners and the owner then that is a private matter that is not for the Township to be concerned about we are not obligated to take any action. But the redevelopment designation is the first of many steps and it contains Pine Plaza but as I said there is no plans to condemn or a commitment to condemn any other properties with that being said if the Governing Body tonight continues on this path and takes a non-condemnation route that the Mayor has talked about that does not mean with respect to Midas that the Governing Body may not come back, it may come back and revisit Midas later on looking at how things ultimately evolved but the point is that the Governing Body does not want to interfere and that was never the intention to interfere with any business relationships.

Without the designation the Township now has a little bit of a risk that there could be a delay with respect to Midas and yet the senior it's critical that it is part of the first phase that the development can still go ahead, that whole first phase of Pine Plaza will ultimately be after the appropriate site plans will probably residential housing on the left side of Pine Plaza as you face it from Route 10. So from a stand point of businesses that is not going to interfere with any of the businesses that are there right now again that is a private matter for whoever the owner or developer is but for right now that is the direction I believe the Governing Body is going to go based on what they have heard and some of the facts that have changed.

So in conclusion the Township Committee, the settlement it really minimized the exposure to the township throughout the municipality and it placed the most significant aspects of the settlements and development in places that are already either developed, in need of redevelopment there is appropriate space for such redevelopment and took it out of essentially other pocket type of developments within the community so it really was to address the senior population because same thing at River Park one and two bedroom type units are targeted to also to attract senior to stay in town it's one of the biggest things that the Township Committee during this process was concern about lets have that opportunity to make sure that is addressed. In addition with respect to the conclusion, the settlement only refers to the possible acquisition of the Midas hopefully that dispels any type of rumors that other businesses are going to be taken or can be acquired it is just not correct we are not anywhere near that type of discussion and it is not an obligation of the Township. The Township by doing this will be compliant with its affordable housing obligation that protects all of us and again as I said the senior population is accounted for. So the plan is centered on two existing sites and again there is no pocket or high rise type of developments that we run the risks to deal with.

Mayor: We are going to open the floor in a little bit and here are the guidelines because there are so many people that would like to address the committee and we want to give everybody an opportunity to do that. You heard council mention the lieu of taxes on the senior of age restricted development that is known as a pilot you have probably heard some of this through social networks as well. A pilot is payment in lieu of taxes that lets the developer give the money that would be equal to taxes to the Township and the Township would decide which other government agencies get that money, education, county, fire, municipal, etc., we control that. It is a concern that if we get that kind of money at a pilot that education would go up with no money. Number one regardless. (interrupted)

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Mr. Semrau: Mayor I just want to interject one thing, so we covered all the material, for River Park there is a cleanup there there is site remediation and we negotiated we wanted less units by a tune of about 400 but as part of that River Park has a limited Pilot for the residential not the commercial and to the Mayor's point it is for another day, we are ways away from ever having to address that at the moment. But how the Township Committee wants the revenue to be utilized there are ways to say it depends on many school children it would evolve or the costs would be demonstrated by the Board of Education but there is one there and I did want to mention.

Mayor: The fact of the matter is that the schools could even benefit from a Pilot because we would have the discretion to give even more dollars than they would normally get from the taxes on the property and why we have that discretion because if we are not giving that portion to the county we are not giving that portion to other agencies we can change the proportion of what education gets, so we can control that it is in your hands and our hands, that is how the Pilot works.

The summation that the council just gave you is a summation that goes back to 1980 the Fair Share Housing he keeps mentioning is known as COAH, you know it as counsel of affordable housing we have gone through three now this is four rounds of COAH all the towns have gone through this. We have fought like hell with COAH to get the best deals that we could possibly get and I'm really proud of this Township Committee and the subcommittee that worked on this that got us the deal that we got on this particular one, which is probably one of the best in the County Fred.

Mr. Semrau: It is a lot more favorable when you look at some of the other communities and we have those numbers, are going through, I think that under the circumstances Hanover Township with all of the development pressures, we have done extremely well to protect itself under the circumstances.

Mayor: We had a signup sheet, and I will tell you we have 26 speakers, please bear with us, we are going to give you time at the podium that time will be four minutes, you will address all your questions all to the Chair please. Please refrain from any outbreaks of applause or anything like that, I'm sure you were all encouraged about some of the answers you will get and discouraged about some of the others answers. We have our Planner with us, we have counsel with us and you will get the answers that you need.

PUBLIC QUESTIONS: 9:09pm -

Peter Chen, 22 Emilia Street, North Caldwell, NJ: I am honored to be able to come here and speak on behalf of Niko Japanese Restaurant, in fact my Dad is one of the partners, and because of some language limitation they thoughtfully written down some words that I think is very meaningful. I am here to represent and read what they have written. "Greetings Mr. Mayor and Committee of the Board, I am one of the members at Niko's Japanese Restaurant and we work hard to make Niko what it is today. A well know restaurant that helps Hanover and Whippany shine." On ebay you can find a popular decade publisher book on Sushi called Sushi taste and technique, anyone have this? (laughter) but you can find it online, this 248 page book contains a directory of notable sushi restaurants around the world including Australia, Canada, Britain and the United States only 24 were selected in the US and three in NYC and one in NJ and that one is Niko. I looked at this which my father had and among those three in NY City is Nobo. So many of us know that this Nobo is quiet famous, so it was very amazing that New Jersey was selected to be on this list and it's Niko right here next door almost. I am continuing with the letter.. "We the partners have worked in this Township to make Hanover glorious," a few stories that they wanted to share for example, "someone from Japan came to Edison, New Jersey to meet with a friend and the Japanese visitor insisted eating at Niko. People from California came to the Brunswick area to find their friends and the California guests requested to eat at Niko. People from all over the world stay at the Sheraton Hotel in Parsippany and they ask the hotel to drive them over to Niko for meals." By the way this is under three minutes, I timed it. "One last story, more than 30 people from the Boston church came to Newark to see the cherry blossoms and they especially wanted to dine at Niko. So we have worked very hard to make Niko become a local treasure of Hanover and as a result Whippany has one of the best Japanese Restaurants in New Jersey and it is apparently

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even known by some around the world. So shouldn't it not be protected and cherished rather than be removed? Is the Township really going to tear down one of the best Japanese restaurants in the State? Niko Japanese Restaurant has made many foreigners and local people more aware of Hanover and Whippany the wonderful food and beautiful appearance of the Japanese courtyard have been praised by many guests. This 30 year old restaurant has accompanied many people growing up, through three decades and as we are seeing the former children are now taking their children to eat at Niko, and those who moved out of the states they come back wanting to visit and dine at Niko. If Niko is taken away from us there will be many people asking what is the reason for doing so? After all it is a successful business; it is not run down place or property but perhaps most important that it is our livelihood. So we thank you for listening from us.

Mr. Semrau: Mr. Chen based on the conversation earlier tonight, Niko's was never part of the plan for the Township Committee and after they take the vote tonight that they have discussed they are going to take, it is not even a possibility. So from that standpoint you won't have to have any type of concerns cause that is what we are saying.

APPLAUSE.

John Tang, 1001 Meadow Brook Court: I am one of the pioneers of Niko's restaurant, Mr. Chen speaks well about our worldwide famous Japanese restaurant and since there is no further concern I do not need to make further comment but I do appreciate that you come to our restaurant. (Applause)

Steven Mann, 870 Route 10 West, Succasunna: I live across the street from Pine Plaza and I am trying to develop my property. I have two lots and I get together with my two neighbors and we are trying, well what we think is good for development is to put a strip mall there. Easy in and easy out that's what I'm trying to do.

Mayor: For clarification, is that the property between Grande?

Mr. Mann: No, south of Bogey's. There are three houses left on Route 10 West.

Mayor: For tonight Steven my suggestion is that you address it to the Administrator who will give your comments to the planning board for consideration on the zoning. We are looking at that corner which is Bogey's some of the property that we own and property that is owned by someone else.

Mr. Mann: You own Bogey's?

Mayor: No, we own the former Hardy property. That property is owned by the Township. In any event, to answer you my suggestion is certainly for tonight that we are just trying to talk about Pine Plaza is get your comment in a brief letter to the Administrator asking to review the zone and see what we can possibly do.

Mr. Mann: If you are going to put 160 units across the street from my house for me my traffic is crazy. It would be beneficial for the Township.

Mayor: Thank you Steven. Again I recommend that you get a comment to the Administrator, Joe Giorgio and do that and we will follow through.

Gerald Merstein, 37 Polhemus Terrace: Does anybody have any ideas to what the time frame is for the approvals and construction?

Mayor: Time frame Fred?

Mr. Semrau: I think time frame for Pine Plaza I think it would be at least a year from now before construction starts, somewhere close to a year. River Park has a different type of agenda and different things they have to do so that may be I'm just estimating it to be over two years for construction to begin but again that is just estimating. River Park is longer out than what I see for Pine Plaza.

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Tracy Brown, 4 Appletree Lane: Again, I just want to thank the Committee for taking the time to pull this together tonight and offer the presentation, with a lot of the Town chatter throughout the neighborhoods and social media obviously my main goal tonight was to come and learn and be educated. So I appreciate the presentation and the information. I guess in all of your efforts and trying to maintain the mandates that we are under most effectively that as we can, I guess my question is that we talked about two specific areas in the town tonight and as we know there is much more development going on in our area and surrounding areas but we haven't talked about infrastructure. So roads, traffic, police officers, expanding fire departments expanding schools, so my question is what is being done to address that as a whole. We have American Way, Hanover Avenue, new restaurants going on Route 10 and I think everyone can attest to the increased traffic so my question is how are we addressing that and could that be put back on the developers also?

Mayor: I can tell you this, your Township Committee, this Town and other communities have gotten together Mayors and Council to discuss the regional issue, the regional issue is traffic, regional issue is the impacts of all of this COAH development fair share housing on us all, nobody is watching this. We all have to share in the developments are, we met last week seven Mayors to discuss this immediate area, do we have solutions for you, immediate solution Hanover is going to use is make sure the developers improve offsite improvements to what they are doing, whether it is road widening whether it is other types of improvements that we will have to look at. Part of the site plan approval process is that they will have to submit traffic information and like information to us to see what the impacts are.

Mr. Semrau: Yes, to Tracy's question, the most the Township Committee can do this far and it was as far as we can go as far as the sanitation, snow removal, things like that, also at River Park there is discussion about having the possibility to have a Police substation was discussed. Now, I know that does not fully answer your question because that may be a dream but on the other hand these were sites that like Pine Plaza that has already been developed and the Township Committee probably has down the road certainly the work cut out for them but at the same time they are addressing an Ordinance that is on for introduction tonight because not everybody is as difficult or as time consuming as other locations but there are some locations in Town that has a very high incident of police calls and it could be a hotel, I don't want to say specifically, but the Chief of Police has come forward and working with Rob Rossmichael of our office to the Township Committees directive we want to find a way to get our cost under control for those taxpayers who go above and beyond. So there is an ordinance tonight and it is very unique we have only seen it one other location in the state about the number of calls and complaints and incidents that the police get in a sixty day period, Chief Roddy is really behind this, so that either these establishments stop being such a drain on the Township or they are going to start paying to the Township to pay for additional services that they create, so that is on for tonight, so that those type of things have been really been discussed, we all know where the hot spots are and that is going to be accounted for.

Ms. Brown: The traffic is a major concern whether it was Route 10 or just in the residential areas and obviously bring more people in, more stores, more commercial, coffee shops if you will, will only increase the traffic and it really doesn't seem that anything is ever done to try and address that and again I don't know if it can be put back on the builder or not in any way shape or form for widening, or paying for police officers but obviously there is going to be a greater need the more populated the Township becomes, so again I am sure you guys do look at it and I would appreciate if you continue to do so and anything you have levered to do.

Linda Oaks, 39 Cortright Road, Whippany: I had some stuff written out and thanks to your presentation and some previous people there has been some questioned answered but I have a statement but I understand there is a need and an obligation for the affordable housing and I have no disagreement with the areas of town that the council has selected for redevelopment however some of my concerns are that the vast majority of all of the units being offered are rentals and not ownership. I think there is a pride in ownership and I think there is taxes in ownership and I think that seniors want to sell their houses and still own something verses rent. I think that young people and families want the opportunity to start out owning something not particularly renting something. I have specific concerns for all of the individual thing, Pine Plaza obviously

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the condemnation process which you already have discussed, and the tax abatements. River Park I have more concerns these are all rentals, so there is no ownership here and I also have a concern with the extended stay hotel that is on the settlement agreement. It says 7 stories I don't know if that is still in what you were talking about high rises, I don't know if that qualifies or not, but I do have questions about our firetrucks do they have the capacity to put out a fire in a 7 story building. Would there be 24 hour security at the apartment complex because that is what it is, it's not owners and an extended stay hotel. How is this extended stay hotel going to differ than the other two hotels in Town that are already riddled with crime and drugs? Is anybody worried about the safety of the surrounding area including Patriot's Path and central park with a 7 story extended stay hotel across the street? Have there been any environmental studies done here to see if there will be any impact on the area with flooding due to concreting what is mostly permeable ground? I also have an issue with the tax abatement, the Airport Road which nobody is talking about tonight but there is a settlement agreement that I saw, I do have a lot of the same environmental concerns and the fact that they are rental agreements versus purchasing minus the hotel of course so I won't repeat that. I think these developments are going to impact our schools and class sizes, our emergency services and our roads. Nowhere in the any of the contracts are there any givebacks to the Town in the form of money for upgrading schools, roads or hiring more police or full time fire department and we are going to need all of this.

I am a little concerned that there has been not very good transparency from our Town and I think we should be talking more to seniors and see what they need, do we only want 60 senior rentals that our aging population has asked for and continues to want. With Pilot programs and tax abatements in place who is going to be paying for all of this, you did explain how this works but are you going to put in writing before you agree to this that you are going to give 50% of it to the schools or are you left making that decision and us the taxpayers are left holding the bag? I purchased a home in Hanover and I put a considerable amount of money into that home upgrading it because of the low taxes and good property values. I want my children to have a good quality of life in a small save community with good schools and small classes. How is this tax abatement and development going to affect my family?

Mr. Semrau: A lot of the points you made are very relevant and they are challenges. First I think the Governing Body can legally assess for whether it be schools or first responders in these agreements, but we can't, we are not permitted to do that it would be an illegal agreement. With respect to the rentals, totally understand your point because there is that pride of homeownership but with respect to the rentals one thing you need to know is that the way that the law is and the system works right now which we won't get into how it needs to be addressed, but you get a bonus for a rentals you get a bonus for affordable units, so you can build less units if they are rentals so there is some incentive there to do that and fortunately with respect to the River Park project although you can never guarantee it but this is a developer that has represented and demonstrated a track record that they hold on and they manage and they don't sell, they develop a very specific way to take care of these units in the long haul this has been there track record now that they pass this down through the New Family which has been in town for about 30 years but that is something that they are responsible for the management and the upkeep and as far as the 7 stories all that is still has to go through the site plan approval process and if it is determined that that is not safe or there is a concern that I cannot see it being 7 stories but I cannot make that guarantee. It is not an approval it's just a concept right now.

Mayor: Fred on that note, our fire apparatus when the Marriott went in which is 7 stories it was used as an example to reach the highest point of that and we are satisfied that it does.

Trish Martin, 21 Salem Drive North, Whippany: So a lot of good points have been made and questions have been asked and I don't want to speak for many I do get a general feeling that people are upset with a lack of transparency people think that this has been going on in back rooms there is a particular developer in our town who seems to get whatever he wants. So I think that is something that you should know as the counsel that there are ways to share information and perhaps it would be who of you to use those ways to share more information to help people understand better so that we don't have this kind of outcry all at once. Whippany is sort of a vortex, we grow up here

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we want to run away and then we go and buy a house and we are like we need to live in Whippany with somebody we went to high school with, it happens a lot, it's the Whippany Vortex, we wind up dating and marrying and coming back. I did that.

So all of this development and now I have a better understanding of the reason for it all being residential so how is this benefiting all the people who live here already other than what we are avoiding, but I think my question is what am I as a resident getting out of this other than more traffic, potentially more crime, somewhat of a less safe feel to our town, we already have transients if we are adding another hotel I am going to speak for many people, we don't want. We have enough of those, there are good people who live in those hotels and there are bad who live in those hotels and we don't want that for our town. I grew up here I may die here but this is a big change for our Town we also have not been talking about corporate mailings, airport road, Whippany village, those were not mentioned at all and I don't know why? Is there a reason why we didn't mention those at all tonight?

Mayor: The reason why is that they are all part of the settlement plan in the greater plan.

Ms. Martin: Cause they were not mentioned in the thing at all.

Mayor: Because Pine Plaza seems to be the focus for this meeting, we can talk about it anyone of them.

Ms. Martin: I live on Salem Drive, so my kid goes to Salem Drive the amount of traffic is crazy already, how many children will go there, we are close or close to max and how do we manage that? Are we going to have trailers because we can't fit all of our students? What is happening with schools? I think that is a big fear also. There is the school issue but who is benefiting from all of this development and do we financially help our town be the town that it is without adding all of these potential issues?

Mayor: Your question is so very broad in nature, I am inclined to tell you that start a letter writing campaign to our State Assembly, to our Senator's and get the stinger cord to the State of New Jersey to modify the damn fair share housing laws to be more equitable, it isn't going to happen down in Trenton, but let me get off the political side of it, are we going to make any income off of this? They will pay fair share taxes there is no question about it, even a PILOT is going to have an evaluation on it that is going to pay the required taxes, how we control it is up to this committee. Education has been informed ~ Ace would you like to comment.

Mr. Gallagher: Trish I just want you to know that we have been involved in this for quite a while now and after every meeting where we specifically talked about numbers between the front door and my truck I called Mr. Wasko and from my truck to my house I called Carol Grossi cause Brian Cahill and I are liaisons to the schools. We have talked about worse case scenarios we talked about what schools can accept some children and without being specific I know our K-5 are pretty much at max and we know there is a little room in the middle school and a little room in the high school but they have gone through this once before in the late 70's early 80's we are not exactly sure on what the program is going to be but all hands are on deck, we did make an agreement for as little as possible there is going to be impact but I want you to know that for all of your concerns with police, schools, I live right around the block from you, all of these concerns are my concerns, and all of our concerns, but you have my word that every single high level conversation we had or even medium level that involved infrastructure, police, schools, dpw, water, sewer, we have all talked to everybody and Mr. Wasko as a liaison I talk to him as least once a week, sometimes even twice, so they are the professionals in this field and I know when I served on the Board of Education with Brian a teacher 5 years ago started at \$51,200 we did some math on x amount of children per classroom second grade and down is 22 and third and up is 24 what would that project, so everybody is working as hard as they could to see what we can do how we are going to do it, and like Fred said before, when are they going to start and they are going to stagger with the enrollment. So you have our word as residents and parents that everybody is looking at this and concerned and there will be more money coming in so and with the PILOT we are going to decipher where some of that money goes in and breakdown so we are going to have to come up with new solutions to these problems but it is not going unaddressed.

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Member Cahill: Do you know who is not concerned about any of that schools, police, the infrastructure, the Courts. The courts that are making us do this could care less. They refer to it as the price of progress and that is why I back what Ron said, we need to get our legislatures in line and make them do their jobs and take this away from the courts and put a fair plan in place, I don't know what we are going to do fourth round. We are working on it but right now a judge can basically hand out any number they want and we have to spend another three years negotiating it and going through all of this again so really that is where we need to start, we all need to start and make them do their jobs.

Member Gallagher: We made a commitment to stick to the four minutes and be careful but I want you to know something Brian just nailed it, I asked the gentlemen from the State several times and you know how I can be kind of pushy what we are going to do and he smirked and said it was progress. That is the attitude of the State and what we had to do was the best that we can do with what they handed down and if it was up to anyone of us we wouldn't have done it.

Mayor: Every community in New Jersey is going through this, every community, a lot worse than us. Don't talk to Mayor Panunullo in East Hanover, he is so upset over the great amount of units that he got stuck with. Same thing in Morris Township and Morris Plains, Morris Plains had nordcar all these years and now bang all of sudden Frank Druetzler has to deal with hundreds and hundreds of units going in there.

You addressed transparency there for a second and that has been first and foremost with this Township Committee see that camera over there, every one of these sessions is on YouTube and Facebook and the website, you can go to Hanovertownship.com and you could look at the date of the meeting and open it up, you have to be here on Thursday nights, only two people come to the meeting that's it. You can see any one of our meetings by going on the website and see the whole meeting. Don't run machinery while you are looking at it, but it is there.

JoAnn Rizzo, 10 Cove Lane Road, Whippany: A lot of my questions have been answered but a new one came up 60 units for seniors there seems to be almost this idea that it is better than kids because seniors will need less but we are talking about Whippany we don't have an ambulance and if you were at the meeting last night which I know most of you were we don't even have a set home as of tonight for our fire department soon. Seniors need services, will there be activities for these people that you are putting on Route 10, and will there be transportation? What else will they need and how are we going to provide it, or is it a requirement that the builder provide it?

Mayor: I'm sure in the course of this being development that a seniors complex similar to Lester Center, similar to the other senior complexes we have in our Town have programs have management have recreational facilities etc., I can tell you that our town is now being serviced by our First Aid Squad that comes out of District 3 area but it is serviced by men and woman from both Whippany Brian do you want to add?

Member Cahill: There are EMT's in District 2 in Whippany Fire House what they do not have is an ambulance of their own. As far as response times are concerned there is not a lack or a safety issue as far as getting a medically trained personal to sites.

Ms. Rizzo: But not an ambulance to get to the people and again you are putting 60 senior units in the same town that has the assisted living the nursing home and while there may be trained people and that's great they come they might not have all the resources that someone pulling up with a fully stocked ambulance would have. I just wanted to make the point that trading off space in the schools for seniors is not necessarily going to mean that we are not going to have a tax burden and have to provide services and do other things to accommodate if it is 60 units it could be 120 or more seniors.

Member Cahill: So add that to our list of infrastructure concerns that we thrust upon you and will be for the next five or six years.

Ms. Rizzo: And all of us as well. Thank you

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Julian Crawford, 404 Appleton Way, and Whippany: First of all this is a great job you all did because of all of the anxiety through Facebook stuff so great job. Thank you for saving Niko that is good. I came here for was Midas it has been very successful and very good and I know like to take to take my car to a dealer cause it costs three times as much as Midas cost but I know the relationship will depend on the developer on what Midas will agree to. So I am hoping that maybe we could find a replacement someplace in town for Midas, they are good people and it is good service and that is all I had to say and you guys are doing a great job really.

Mayor: I will tell you that and the community that is here today that the Economic Development Counsel which has been meeting for some 4 years now is focusing their mission on what is known as business retention it is very nice that we have all of news corporates in town it's not we gained corporate people to add to our ratable and taxable but we want to keep them in town we want to keep all of the retailers we want to keep all the businesses that we have, they are focusing on that they are looking at the limits of what they can possibly do to intervene they have to be cautious as to how we proceed on that, but we are looking at it.

Laura O'Brien, 33 Sunset Drive: I don't have any questions cause a lot of them have been addressed, I just want to go on record and say that I am very concerned how this is going to affect our education and I am hoping we are planning in advance to have a solution because we are going to have more kids as much as you are saying it's minimal kids for the one and two bedrooms there are still three bedroom that could be up to be four kids, so there will be additional kids in our school system. I am not from the Whippany vortex; I'm from North Carolina the 49th worst school system in the Nation. I mother was a public school teacher in New Jersey and she put us in private school in North Carolina because the school system was so bad and I grew up in school trailers for the first years of public school. There is health issues involved with trailers, they are more prone to mold, the heat in the summer is very horrible for the children, and kids pass out. We didn't have snow days we had heat days. So please we need to keep this in mind and I just wanted to voice my concerns.

Art Linfante, 2902 Appleton Way: I just think this meeting is fantastic, Fred I want to tell you something, you explained I think very clearly an extremely complicated situation. It is very hard to navigate people who do not know because they are not in the business or they do not understand the nuances of redevelopment, I think you did a great job explaining a very complicated situation. I hope the people here tonight and those who may see the video begin to get an idea of the yeoman's task the Township Committee has had to try and navigate through something as Brian has mentioned as been thrusts upon you, the courts don't care, you are going to build and we are going to tell you what to do, and if you take a look over the last ten years what this Township Committee and the Planning Board and all of the consultants that have been with the town have accomplished it's Bayer, its MetLife, it's Barclays, the shopping centers on Hanover Avenue which is a phenomenal success, and now we are getting down to things that are very difficult which are the River Park and Pine Plaza property. I just want to say publically that I think the work that is done by this Township Committee and by the professionals working with them, you have done a phenomenal job and it's been extremely difficult but I hope that everybody here gets a flavor of the pressure you are under to keep Hanover as a community and not to become overcrowded. The concerns that are being discussed are real and you have to deal with them, and it is not easy. So I just hope everybody here gets an appreciate for that and some of this miss information that is out there gets checked before people get nervous. Maybe sometimes we can have some people come out with more responsible information but I think as you hear the town would like us to be more communitive so I just wanted to make that point along but thank you for the great task that you have done over the last 10 years and how well I think everything has progressed in this Town.

Mayor: We thank all of our Boards and we thank you we thank all the people who volunteer their time all throughout the town that contribute to the information we need to make decisions.

Member Ferramosca: Art is a member of our EDAC and they are there to help serve and part of their objective is business retention, we don't want to lose any business in Hanover Township and that group meets twice a month on Friday morning at 8:00am normally the first and third Friday, you are welcome to attend to come to that

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meeting and I think you will see a group of your neighbors they are all residents working together trying to help strategically guide Hanover forward so take advantage of it.

Lois Decaro, 114 Park Avenue, Whippany: You guys know that I have been really happy with what you have done in Town moving the town forward and I got worried on this one. So I really appreciate you taking the time to explain this to everybody and I do have a few statements and then I do need some clarification on one thing so I will try to talk quickly, but thank you and thank you for taking condemnation off the table for Pine Plaza. I just wanted to bring up I think when you start thinking about it that 7 story extended stay hotel might be better off being like a boutique four seasons hotel or something to maybe insulate us from what we have with those other hotels and my sister in law asked why can't we eminent domain those other hotels, but maybe those are another discussion for another night. Another statement that I have is 60 senior housing units out of 1600, I mean can they give more thought to more units for our seniors? I have a question about is why so many rentals but you explained that and it made total sense but my other question is about River Park and we have about 900 something units coming in there and you said something about the contamination Amy New did not clean up all of that contamination when they did all that?

Mayor: They did significant clean up hot spots there etc., but Fred maybe you can answer.

Mr. Semrau: Yes, I think there is issues, I don't want to say what they were, but things like the damn needs to be addressed and I don't know exactly maybe Gerry does where they are with the damn but that damn needs to be addressed with the DEP and I know they are working on it and they are investing in that and I don't know specifically there were environmental issues but it is still part of what has been a long process. Nothing can go forward without that being addressed. I know they are spending a lot of time with their due diligence and they are going to have to demonstrate to the Township.

Mayor: We have somebody here from River Park that just gave me a nod, Fred I think one of the things we are still addressing is the damn and the river bed itself the DEP would like the design of the river cleaned up so we can use it for some passive parks along the way as well. I don't want to get into a planning session here but there are some exciting plans along the river along our Eden Lane side for passive parks, bicycling, adding to the connectivity trail that is going through there. I think the major part of the cleanup has already been undertaken and it's been landscaped so we will have to see that they bring in.

Ms. Decaro: We can't get any market rate for sale senior units or regular units in there? It's all rentals?

Mr. Semrau: At this point, no, but if the opportunity ever came back to the Township Committee I think they would jump on that, and to the Mayor's point there is other things like connectivity between both sites that has been talked about like Patriot's Path, river walk and even I know that River Park has had discussions with the M&E Railroad to try and see if there is some type of availability town the road to have transportation back to Morristown from there.

Ms. DeCaro: I remember being on Planning Board and bringing that up.

Mr. Semrau: So those are all things that hopefully behind all this the town center and something that is very desirable will be a good outcome. I think there is still a lot of planning that is going to go in and the Planning Board and our planners will have to have a lot and it will be a dialogue and I think they are going to come back to talk about what it is going to look like so it is a process and all of these types of concerns you will have a chance to express with the Township Committee as well. Those discussions, Mr. Phillips who is next to me is one of the two planners that the Township Committee has selected, Mr. Phillips is handling the Pine Plaza development because of his expertise and then there is also Joe Burgis and his staff who is addressing River Park because the Township wants to get as much feedback from its planners in this process and that is all being paid for by the respective applicants by the way.

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Ms. DeCaro: Good, real quick, I am still unclear about PILOT. So Mr. Mayor you said that the same amount of money as taxes but don't they get to write off like all of their expenses their loses everything before that amount is paid and how do we know it will be, we don't know what they are going to write off, how do we know it will be the same amount of money as the taxes would have been?

Mayor: Fred

Mr. Semrau: When the time comes to approve that there will be a public hearing but there will be an illustration as to how it works, generally how the PILOT works is it comes out to be overall to the developer I am going to estimate that it is potentially 5-10% less than what they would pay overall, but to the Township there is the revenues are more direct the County is really foreclosed they only get 5% as opposed to what the county gets now and the Township can allocate as to where that money goes. The one benefit of the PILOT is you also have the ability as we are doing here we will make sure that certain municipal services will not be provided and there is a fixed rate there is no tax appeals and those uncertainties in the process that is what has to be paid, it's the gross revenues, they will be audited which is actually remitted to the Township so it is a different arrangement but we will be able to put together at least what I call like a prosoma to estimate what the rents will be what the payment to the Township will be and what conventionally what the taxes would be if it was going down that path. That will be put together, there is no agreement right now but that is what it will look like.

Ms. DeCaro: I hope it works out, because that is 50 years over there correct?

Mr. Semrau: I think it will be 30 in total but still it's significant.

Ms. DeCaro: We all probably won't be here, okay thank you again for this clarification meeting we appreciate it.

Judi Iradi, Locust Drive: I also have a question about the PILOT and Fred you said it's only, if you have a house that is assessed at a certain amount you pay taxes on that house and you said that a PILOT, if people don't are real familiar with PILOT payment in lieu of taxes, so you pay a sum a fixed sum, now you are saying it's about 10-15% less than the total taxable.

Mr. Semrau: On average, I'm just giving an estimate that it may be if you look at it if the tax bill conventionally will be \$100,000 it may come out around \$95,000, but again over time that could change because property, the value, they age but the payment stream is based on the revenue. For example, if in any of these agreements if the rents increase on the market units then the payment to the Township automatically increases so but I do want to say historically in PILOT's it is a little bit less what the conventional taxes would be but you have the stability of no tax appeals where you are paying back for the schools or the county and you also, this was also part of the negotiations because with that PILOT in effect honestly we were able to get the number of units reduced, we didn't want to have any additional development, there was actually it brought back about 300 units by going that way and by the same time saying that no additional services, so let's just say it's \$50,000 less a year it's probably in that range what the municipal services with sanitation snow removal would cost, it offsets it, and the Township would not discuss any type of tax considerations on the commercial development. All of the commercial development at River Park and Pine Plaza is subject to conventional taxes but there is a benefit to the developer, yes it is true, but it also in the long run you hope that at the end of the day the Township winds up of course ahead because of the depreciating values that may change over the years if there was tax assessments or appeals.

Ms. Iradi: Okay so to clarify the 987 units at River Park are under a PILOT program for I think for 35-50 years.

Mr. Semrau: Yes, it would be 30 from the date they take occupancy.

Ms. Iradi: and basically on average they would only pay 10-15% less than if they were fully taxed?

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Mr. Semrau: I'm going to estimate that for now, I don't have the numbers I don't want the number, but that is my experience that I see, it is a little bit less overall it is an incentive for the developer. A lot of times it is also tied to the fact that there is a lot of site work that will need to be done to get it to a developmental stage and as I said it was an incentive to get to the numbers the more manageable way and there is also going to be on the site, 20 special needs housing as well that River Park agreed to build, which has always been important to the Township and the Community. So much like what we have in other locations, group homes, special needs type.

Ms. Iradi: So is this PILOT a set formula or is it depending upon what the Township Committee decides?

Mr. Semrau: Oh no Judi it is absolutely a set formula based on, we will get an audited statement from River Park every year that will say this is our revenue and that has to be paid and if that is not paid the Township has the same rights as a tax foreclosure if it is not paid.

Ms. Iradi: So I do believe that we have a couple of properties in town that are already PILOT, one of them is MetroWest so it will be interesting to see what their taxes would be they weren't under a PILOT and what PILOT is paying and it would also be interesting to see, I think there is about 3 PILOT projects in town all the money goes to the municipality not to the school not to Open Space it would be interesting to see what these PILOT programs the money they are bringing in how much the town turns over to the school. I know that the 60 units that are senior in Pine Plaza there are not going to be any children in the school so that would make sense you are not doing anything for the school. River Park 987 units (interrupted)

Mr. Semrau: The Township Committee one of the things we had a discussion about but it is a little bit early is an ordinance that would set forth what that formula would be for the schools, but as Mr. Gallagher said that is probably a conversation that they will have with the school to coordinate that.

Mayor: We will be able to manage that funding where we can direct, where now we cannot. In case of a PILOT we will have a lot more flexibility and management if we wanted to direct more money to the schools, this Committee can do that.

Ms. Iradi: The other question I have is about seniors and affordable housing (interrupted)

Mayor: Why don't you ask that at your next 4 minutes because your time is done? Thank you.

Ms. Iradi: I was actually interrupted, not interrupted but I was given some time... Seniors housing, I am a senior in town I know that other seniors in town if they own their house and they sell it they are not going to be eligible for affordable housing in town and we don't even know what affordable housing means to seniors in town, I just wanted to make that last remark thank you Mayor. Thank you Mr. Gallagher for pushing for the non-condemnation.

Mayor: Thank you for your comments Ms. Iradi much appreciated.

Tom Shedden, 81 Mount Pleasant Avenue: This is another question, 30 years ago we went through the same thing, you were there and Mr. Giorgio I don't know if anybody else was but we were told by Bill Mikas that there was not going to be an access road it was just going to be a cull-de-sac in fact an access road was not even brought up. Then a friend of mine had a bid for a job for the plaza and he told me that there is an access road so I went to the Planning Board meetings and their final resolution was they did not think our road can handle the traffic. Then thinking it was done again, I heard from another friend that the Committee was reinstating that access road because Lucent wanted their employees to get back and forth to the food town so they can eat their lunches and the Legion wanted an easy access from Route 10 those were the two reasons. So we argued about that we got sidewalks because of the arguing about that which they are deteriorating now they look like hell and I'm just wondering what is happening to the access road now, am I going to have all these people coming down our road?

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Mr. Ferramosca: I think we are far from a site plan discussion.

Mr. Shedden: When do we get into that?

Mr. Ferramosca: Probably, nine months from now. But that will be the time I believe from a planning standpoint we have taken into account trying to manage carefully traffic impact to Mount Pleasant as a result in this and there are some considerations that the planning board is already looking into that because very much so we respect and understand residential property issues. So I can only say when that comes back to the planning board please come out and make you heard.

Mr. Shedden: Will we be notified? Cause last time we were.

Mr. Ferramosca: The planning board meets 2nd, 3rd and 4th Tuesdays of the months starting at 7pm. Look at the Township website, that is the official means for communicating means for getting information and that is the time and place to really bring issues like that forward, that is really site plan discussion.

Mr. Semrau: Mr. Phillips next to me told me that he knows exactly what you are speaking about and he does not forget those things.

Mr. Shedden: Well I tell you the road was pretty bad right after that Foodtown opened up it was bad for a while now it is beautiful it's like we have a residential road. So we would like to keep that if possible. Thank you that is all I have to say.

Terri Baird, 180 Parsippany Road, Whippany: First, I would like to thank you for taking the condemnation off the table because that was a real surprise to me that the Township would even think about taking property from people, businesses or homes for a developer's profit. I do have a question in reference to timeline for Pine Plaza. You said that it wouldn't be starting to build until a year out? When will the destruction of Pine Plaza begin?

Mayor: There is such a procedure that they have to go through and they have not even prepared to come into Planning yet.

Ms. Baird: Yes they have they have subdivided.

Mayor: In concept.

Mr. Semrau: The next step will be a Redevelopment Plan which means it is an ordinance, a development ordinance for Pine Plaza and there will be notice and public hearing. I am going to estimate if it is August now that it will probably be in sometime in October or early November when it will come to public hearing.

Ms. Baird: And that would be done through ordinance or resolution?

Mr. Semrau: Ordinance. That means that there will be an introduction, notice, a final public hearing it will be referred to the Planning Board for consistency determinations and that is just for the ordinance and then I would say that it will be into next year when that property comes in for site plan approval like any other application before the Planning Board.

Ms. Baird: So when it comes in for site plan approval then they get the go ahead to start knocking it down?

Mr. Semrau: Yes unless they and I can't be sure about the destruction part if they take out a demolition permit? That is different.

Ms. Baird: If they take out a demolition permit

Mr. Semrau: I don't know what that will mean for that site, Gerry...

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Ms. Baird: How will we be notified? How will we know about this, is it going to be one of those tiny little legal ads somewhere that you have to look? You have to be a hamster to find it.

Mr. Brancheau: Terri there is no notice required when people demolish structure on their own property. But keep in mind to demo first there will have to be a sale, secondly the tenants will have to be relocated out of that before any of that can happen, and there may be other restrictions as well on that. For example, if it was demolished, there will have to be adequate access and so forth there will have to be stabilization that would have to accrued it will have to be approved by the soil conservation district, all those things will have to happen before you can do demolition on a site of that size, but as far as notice goes there wouldn't be but I think given the need to relocate you would know once you see all the stores are empty and that sort of thing if that were to be the case then I think you would know that demolition would follow but sometimes builders won't demo until after the site plan because they want to make sure they have a site plan that they can live with before they go to the expense of demolishing the structure so it is really hard to say but as far as notice goes it's not required.

Ms. Baird: There is no official notice in the paper, they just basically get a permit from the Building Department and down she comes.

Mr. Brancheau: That is correct.

Ms. Baird: Thank you for that. I had a couple of questions in reference to questions in reference to resolution that you have passed through the Body in the past few month. There seems to be some discrepancy and I am concerned about the transparency of the Township Committee in reference to the transparency about what is going out on the website. In the actual resolutions take for example Resolution 52-2019 that is the one with the undertaking preliminary investigation to determine the proposed study area with the condemnation, I'm going through with the lot and block numbers in some of these have in the resolution that is signed by the Mayor and Mr. Giorgio it has different block and lot numbers in them than the ones listed in the official minutes that are available on the website and the final agendas and I was wondering if there was a reason for that.

Mr. Giorgio: The reason could be that there is correction done after the preliminary resolution is done and we check with the Engineering Department that we have the correct lot and block numbers.

Ms. Baird: But when the one that is officially signed that is the legal one, right, not the one that is in the minutes?

Mr. Giorgio: They are all legal but we have the right to make corrections if there is an error. The whole idea is make sure that you have it factual.

Ms. Baird: Ok, well I have copies

Mr. Giorgio: Whether it is in the resolution or the minutes it has to be factual. So if there was an error for whatever reason we have that right to correct it am I correct Fred?

Mr. Semrau: Yes. So as long as it is not material substantial, if it is grammatical issue.

Ms. Baird: I'm not talking grammatical I'm talking about block and lots.

Mr. Semrau: If there was numerical error, but I also think there is description I don't know what one we are looking at, so I need to look at it.

Ms. Baird: March 14 resolution 62-2019 it includes lots 15 & 17 on Mount Pleasant Avenue 4001 15 & 17 however the official minutes do not include those two particular block and lots and neither does the agenda, you know the blurb you put on the agenda. So there are two homes on Mt. Pleasant that are signed on the official document with the signatures with the Ayes and Nays on it that include two extra block and lots.

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Mr. Ferramosca: Let's ask the Planner Paul Phillips who did the area in need study and presented it to the Planning Board what was in there and whether these blocks and lots were in there.

Mr. Phillips: So you mentioned Lot 15 and Block 4001?

Ms. Baird: 4001 15 & 17.

Mr. Phillips: So they were not address the issue of what was in prior documents but I can tell you what I was directed to do in terms of the study and I can tell you that those lots were not included in the study.

Ms. Baird: They were not in the study but they are in where you get your contract for the \$55,000.00 in the official resolution that signed it included 15 & 17.

Mr. Semrau: But that was for the contract to hire Mr. Phillips that was accurate. At that point in time those lots may have been considered but they weren't so that is just about his contract but the work he did was very specific. Like I do not find from a legal perspective, I think that is just an accurate reflection of what happened which was Mr. Giorgio's responsible to do.

Mr. Phillips: And, the resolution that was basically adopted by the governing body directing the Planning Board to undertake the investigation and for me to do the study on behalf of the Planning Board that resolution did not include those lots.

Ms. Baird: You mean 62-2019?

Mr. Phillips: I don't recall the number

Ms. Baird: It says authorizing the Township of Hanover Planning Board to undertake a preliminary investigation to determine whether the proposed study area which includes property designated at block 4001 lots 5, 6, 7, a portion of 9, 10, 11, 12, 13, 14, 15 & 17 and Block 8803.

Mr. Phillips: That was not the resolution that was the basis upon the Planning Board being directed to conduct the investigation and for me to be retained to conduct the investigation on behalf of the planning board, it must have been an earlier iteration and it was the formal resolution as I understand it

Mr. Giorgio: That is correct. I think that is what happened and we were relying on the information we were getting from the engineering department as to what was going to be a part of the study area. So that is why there was a correction.

Ms. Baird: This is one from March 14th and it says to further authorize the planning board to utilize the services of Paul Phillips, in preparing preliminary investigation. So these extra two lots appear from what I see in three resolutions, however they are not reflected in the official minutes nor on the agenda that was posted so people can come and see, so my point is that there are two houses on Mount Pleasant that people, if you look at the agenda you would see look my block and lots aren't on there but it wasn't on the agenda and it isn't in the minutes but when you go through your resolution list it is in there Lots 15 & 17 are there and it says under condemnation.

Mr. Phillips: Can I ask what resolution number you are referring to that had those lots?

Ms. Baird: 62-2019 is one of them, it happens with 59, 60 & 62 it is not included when you originally did it.

Mr. Phillips: I do not have that resolution number with me but the resolution that directed the Planning Board to undertake the study that I undertook did not include those two residential lots.

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Ms. Baird: It did not include it in the minutes but its included in the actual resolution with the official signatures.

Mr. Phillips: All I am saying is that I believe there was a subsequent resolution post that date which basically did not include those properties.

Ms. Baird: All three of these were done on March 14th.

Mr. Phillips: Again, I do not know the date of the resolution.

Mr. Semrau: Terri, I mean look I think we all know that Mr. Giorgio

Ms. Baird: He dots his l's and crosses his t's

Mr. Semrau: So if there is something in the minutes with everything that is there if there is something in the minutes that may be the way it was recorded but the most important thing to your point is everybody who was potentially impacted by this study received personal notice before the Planning Board hearing and I do not want the public to think that we have been in any way missed anything especially based on what Mr. Phillips is saying and what Mr. Giorgio did because if that were the case we would have to do this all over again, and I don't think anyone wants to do this all over again. I am convinced that the study and what transpired is all in order and if there is something in the minutes that does not reconcile it might just have been reported that way, but we can take a look.

Ms. Baird: Well whatever you are going to do later on this evening in order to rescind or remove the condemnation plowed over here if it possibly in this official resolution with the signatures then...

Mr. Semrau: We will read all the block and lots anyway before the governing body takes action we've got that.

Ms. Baird: I just don't want these people to be blindsided.

Mr. Semrau: No worries when you have the longest tenured Clerk in the entire County. We are good. No issues.

William Kuehner, 36 Hamilton Avenue: By the way I really appreciate all of this information on zoning and so forth because it is an education for me; however, I am going to change the subjects a little bit. Just for information purposes somebody mentioned an ambulance, the ambulance is supplied by the Cedar Knolls Fire District if they pick you up in Whippany your insurance company gets charged and if there is a balance you get charged. If you live in Cedar Knolls and you get picked up by an ambulance the insurance company pays and the Cedar Knolls Fire Department forgets the balance due, just for informational purposes. Last night we had a meeting and I wish we had as much enthusiasm in the crowd as we have here tonight, but it was fun. Question and some comments; I think I learned last night that the Township is no co-signature on the loan for the fire department?

Mr. Semrau: No. The Town is part of the guarantee process because the County requires all the public entities to be part of it, so it is the Fire District cosigning is the County and then the District is next in line and the taxpayers of the district would be responsible and after that is the Township. It really is an endorsement of the loan in the event it were to ever, not that any public agency has ever defaulted in the state not even Camden, but the Township what I would say probably third in line if anything were to occur.

Mr. Kuehner: So the answer is yes.

Mr. Semrau: That is not a co-signer that is giving a guarantee.

Mr. Kuehner: You are on the hook.

Mr. Semrau: No not just on the hook, the difference now is that there is collateral and there is significant collateral I think it is important. Previously private entity owned

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that building but in this proposal the Township and members of the district they have the collateral they are getting a building

Mr. Kuehner: We will get to that just give me a minute.

Mr. Semrau: I just want to explain, it is important I don't want the public to think we are just blinding guarantee something, there is a building that would likely exceed the value of the loan and there is payments from the fire company a donation of really half of the value, a million two and then \$12,000 I believe every month from the cell tower that's not the property of the district it's really a 50% pledge that would be part of the collateral that the Township is backing up which is a good thing.

Mr. Kuehner: I don't really disagree with what you said, but

Mr. Semrau: I like that!

Mr. Kuehner: fine, if that's the way you want to describe it I look at life from a legal standpoint where they sue the one with the most money. Anyway, the one thing I did have a problem with was the notice in the paper went out on June 15th for the vote which is this Saturday, the next day one of the officers of the fire company or fire district issues a memorandum telling his organization not to talk about what is going on until the meeting which occurred last night. Now I think that sort of suppression of information and knowledge and I find that very reluctant to have occurred in this town. In my view there was a cap on freedom of speech and a cap on the freedom of information, now the meeting last night was only three days before the vote, how can anyone walk into a meeting and know in three days how they want to vote. I also learned some new information which we just discussed about whether it's a cosigner or whatever and I agreed with your discussion but I also have found out and I have been trying to track these numbers that there was a 25 year mortgage, never heard about it until last night. I have a problem with that, the other thing that occurred with the memorandum that there was only a meeting at night since I'm a member of the seniors and I appreciate everybody looking for senior housing they have a hard time getting out at nighttime and driving so with only meeting to explain to the public what was going on it was nighttime and turned out that it was a really bad rain storm too and they can't go. I had the seniors ask me what is going on there is no explanation given to them. This was after one of the members of the fire district gave a talk. I have a problem with that. The other thing that came up was that there was a financial booklet put out that was sort of referenced and they said it was \$6.1 million dollars but it is broken down \$4.5 million dollars was actual bond and to get to the \$6.1 they are saying that the bonds will be issued at a premium of \$700,000.00 which is money toward the bond of \$6.1 million. They also said that the sale of the rest of the fire company was going to be worth \$900,000 now both of those numbers the 900 and 700 are based on estimates, the 10,000 change in any of those estimates preferably not in for the worst results in a \$25,000,000 payment for over 25 years. So their estimate on how to pay for the \$6.1 is based on the estimates, if the estimate is off \$10,000 the tax payers have to pay \$25,000 over 25 years.

Mr. Giorgio: Do you have much more Bill, with respect to everybody else your four minutes are up.

Mayor: Can you sum it up

Mr. Kuehner: Yes the comment was made to that it is only costing the tax payer \$14 dollars and that is the case of the half full half empty glass if you look at the half full it's \$14 per household if you look at half empty it's \$5 million dollar more taxes or a 1/3 increase in the taxes from the community. The other thing, last question, I understand that the two fire companies were established by Town ordinance some 100 years ago, if that is true can the Town Committee also consolidate those two fire districts by ordinance? Yes or no?

Mayor: Let's put it on the line, the answer is yes. We find that the fire companies right now District 2 and 3 are operating very efficiently and if we municipalize and we can do it tomorrow the cost of running the entire fire district would go up. We would have paid fire officials as well, I don't know if we would still have the same volunteer

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base if it was a municipal organization so we would have to remedy that in a different way, that's the way these gentleman see that right now.

Mr. Cahill: I have a different approach to this, I have talked about this and I believe there should be discussions down the road about combining the districts but I know there are members of both of the districts that are some are against it and most are becoming open to it, but my primary concern is that explaining on a number of occasions is that our priority right now is to assist the firehouse in any way that we can the Whippany Fire company to get into that new building, this is there to focus and we are not going to get any attention from the district or the company until we can get over this major obstacle that has always been my opinion in that matter.

Mr. Kuehner: Ok your comments on the contrary to the consolidation study was done 7 years ago.

Mr. Cahill: Fair enough.

Mr. Kuehner: and we are losing about \$500,000 a year in expenses for each fire district since then, I looked at the current fire district and I can cut out almost \$700,000 right off the top.

Mayor: Bill I don't want to cut you off, and I want to be fair to you and other and but I have to stop you midstream but I have to tell you you really should be directing this to the Fire Commissioners at this point who are the governess of this matter this is not really appropriate, I don't think for tonight, unless you have something specifically affects the municipal end of the operation.

Mr. Kuehner: I think your capability of consolidating the two fire districts and being more efficient is right in your ball park. If you want to ignore it ignore it but there is a problem with the two fire districts it falls on your shoulders.

Mayor: Thank you.

Thomas Gallagher, 93 Forest Way: I used to work for the City of Jersey City and I was their Director of Housing Economic Development and I organized probably 20 redevelopment plans and negotiated probably 30 PILOT agreements for the City of Jersey City so I am pretty familiar, what I would really understand is did we do any type of general studies on the 15,000 units that are in those three COAH designated areas of what the school population would likely be if those three developments were built out? I think it becomes very simple and I think the Township has a choice you can either build the affordable units yourself or let builders do it on a 5-1 bases and I think everybody knows that residential developments lose money, to educate a kid in Hanover Township is like \$20,000 so even your normal house, your single family house that pays \$7,000 in taxes actually costs the town money if they have one child. So my thought is why didn't we look at actually do our own sponsored affordable housing development where you build your own development all affordable and instead of building 1500 units with all those kids you build 300 units that are all affordable and actually if you look at the projection of kids you actually might save money, so I know these three developments deal with 300 of our 500 requirement and we still have another 200 250 to go and I would really ask you to really look at the finances of this whole enterprise and whether it makes sense whether we should really be looking at more creative solutions in the long term would actually prevent us from having to build more schools and having more kids and cost even more. Bottom line if you have 300 new school children that is \$6 million dollars a year in taxes, that is a 25% increase in everybody's school taxes, so I think we really need to look at affordability and I would really be interested about what the planner said of these 1500 units given their composition as to our projection as to how many school children are in those 1500 units and you can do that on a simple survey of your existing rental stock.

Mr. Brancheau: We have done that.

Mr. Gallagher: So what's the number?

Mr. Brancheau: About 200 school kids is my estimate.

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Mr. Gallagher: So that's \$4million and 200 kids is 10 more class rooms so that is annexed so when you start looking at that for the next 200 units now we are talking \$8 million in school taxes.

Mayor: You also have to measure in what the Board of Education has been doing and studying student population which is on the decline. Now that may flatten or grow because of fair share housing you have to put in the fact that we do have a declining student population.

Mr. Brancheau: The other problem is that if you are doing that based upon a per capita cost it is not really an accurate projection, for example we declined in student population for a number of years I can guarantee you that the school budget did not go down.

Mr. Gallagher: Right that just makes the numbers worse though if you put more kids there.

Mr. Brancheau: I'm just saying that it has shown that if one student gets added to the school system that does not result in a \$25,000 increase in the school budget it really is related more to number of teachers and staff the physical infrastructure is largely the same maybe there is occasional field upgrades and things like that but that is not really related to numbers. What really thrives those costs are labor costs, existing staff, if you have to higher new teachers or build new classrooms that's where you see that, but a per capita projection is not really a fair

Mr. Gallagher: It's not fair on one incremental house or five houses but when you are talking about 1500 or 2000 units I think it is fair.

Mr. Brancheau: Well 200 kids over 12 grades okay amounts to about 16 per grade.

Mr. Gallagher: I don't think we have room in current class rooms.

Mr. Semrau: Well Blais, a couple of things, first I think statistically, that is an estimate 20% go to private schools usually out of that number

Mr. Brancheau: What we did, we looked at all of our multiple families that existed today in Hanover Township not counting the senior projects and we came up with .13 school children per unit. One out of seven would be .14 and change for every 7 plus multifamily units in Hanover Township today you get 1 public school child and that was numbers from the Board of Education, we know how many units we have we did that. I It is possible that in some of these situations that it will be lower, I'm being conservative when I say 200 so if you take 1400 1/7 of 1400 is 200 it could be somewhat lower for example in some of these projects that are in a mixed use situation they might have lower school kids than what we have in our current multifamily which is pure housing. Oak Ridge, Eden Mill Village, Sunrise, Hanover Hills those are all pure townhouse condo type developments. In rental where you have mixed use with commercial it's less of a situation where people have children, they don't want to have kids there so that maybe less, I was giving you a conservative number. But I'm telling you that we did do that estimate and it could be 150 it could be 100 I don't know I have other studies I can share with you I don't want to get into it that showed lower numbers for rental multifamily housing and if I gave you those you would say well what you asked if we looked at existing housing in Hanover and that is what I gave you and I think it could be lower.

Mr. Semrau: I think it is important and it's not just this, you raised a good point about whether the Township perhaps funded this and build some inclusionary housing, we went through a process in all of this there was so many steps that were taking where the governing body said to the planner, the engineer and myself go out and we want inventory every single open space property that is owned by the Township to see what we can do and try to cost it out on our own, we brought a number of properties and then we brought some properties that we thought would be interested in maybe had an already public type use that could easily be converted that would be something that would be funded by the Township, the Township looked at perhaps maybe a hotel that wasn't doing that well on Route 10 that might be a great location to convert all of those

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were exhausted to the point where one would not be enough on those sites and two the cost factor which you would weigh against what you are saying but I want you to know we couldn't find a location and as we mentioned earlier there was a location the township owns next to Bogey's all those lots were looked at for that possibility and we went round and round but we did essentially preliminary types of just concepts to see what we can fit but it wouldn't address the type of obligation that was still out there and then we also spoke to existing communities such as next to Metro West, we had meetings to see what we can do to develop the site to buy or develop vacant land that would be very much in concert with what was there and Mr. Gallagher it fell short of what we needed to do with the amounts that were there. That exercise was for about two straight months of every single property was inventoried to see what we can come up with. I know Gerry did it as well and so did Blais you are right but it did not pan out there is already discussion to site something for the next round that might be the numbers being more defensible and those types of options, those properties were actually one or two were protected for future use the governing body wants to protect that maybe those sites would be good in the next round for the Township to sponsor. It's the thought process.

Mr. Gallagher: I would just challenge it, if these developers have sites that have 1500 units we certainly could acquire property to build two to three hundred right?

Mr. Semrau: There was not any other site this came up so much in the litigation in all of the county that was as vacant, accessible and had at the least the utilities available as the River Park site, it was really illuminating as a very much high profile site in this whole process whether it be in the litigation, the special master and the concern as to that it didn't have any real utility but for this type of project so it had to really be dealt with in a way that would hopefully be consistent with some of the goals of the Township and a town center perspective but it River Park was still going to be there if we did that and it would still have to be addressed so at least now we are addressing it and trying to connect it to Pine Plaza same with Pine Plaza it's still going to be there if we had built our own site it was one of the factors.

Mr. Gallagher: I just would like to say one last point, on the PILOT as to what percentage of conventional taxes, the developer in accepting 30 years at 10% which is the lowest revenue percentage under the PILOT statute and the longest term has an idea of a market study of what he can change in rent otherwise he wouldn't have agreed to that number and make sure it works with the number of units so our tax accessor can figure out what the PILOT payment would be in a range and what if you built those units what conventional taxes would be. So today you should be able to tell us what the tax difference is rather than saying well we think it could be around 90 95% you should have a financial study before you even accepted that settlement agreement to know what the difference is in a range a pretty good definable range any time you do a PILOT you do a cost benefit study it's standard. I'm kind of shocked that we don't have a more specific number.

Mayor: I don't think we are anywhere near the negotiations on the PILOT.

Mr. Gallagher: But you already agreed to the percentage of 10% for 30 years.

Mayor: We have agreed we have not done statistically what that total amount will be. Silvio is going to be involved in that PILOT.

Mr. Gallagher: I'm saying we should know generally what that number what would been when we agreed to those numbers, it's a fairly, it's not a very difficult thing to do. You guys should have that information before you agreed to that is my humble opinion. But thank you.

Fern Walken, 16 Gristmill Road: Someone briefly mentioned the environmental impact of all of this. So I wanted to ask is there or has there been or will there be an environmental impact study on these two development including but not limited to the entire area of Cedar Knolls and Whippany which has been built over with a lot of black top and buildings, like Lowe's and fully understanding and I understand that you have a mandate I'm not being critical but I'm asking, what affects all this black top and doing away the permeable land that is part of this that is a huge track actually that is going to be black topped over and built over is there a percentage of this land that can remain

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permeable so that we don't have local flooding, sewer backups we don't have excessive water run offs so places like Houston Texas which has history of overbuilding and then hurricanes and everybody saw what happened there, so I know we don't have generally speaking those types of hurricanes here and that kind of heavy water but the weather is changing and we are getting more and more rain and I don't know everybody's has been really rained filled and so I'm really curious if we are doing an environmental impact study and if there is some way to remediate the amount of black top and coverage and still keep some of the permeable land as maybe park space or something within the development?

Mayor: That is really an engineering question and Gerry follow me on this one, most of the projects that come in have storm water management calculations and engineering does keep how we manage the water off the site water shed.

Mr. Maceira: In terms of storm water there is certainly DEP has regulations that are required to be complied with in terms of reducing storm water and managing your storm water on site and local municipalities have similar ordinances which are a requirement in terms of sanitary sewer again those are again within the DEP jurisdiction in terms of sewer service allocations so there are other agencies state agencies that do address a lot of these environmental impacts.

Ms. Walken: Ok, so do we have any control over the percentage of land?

Mr. Maceira: Well that is more of a zoning question that would be planning.

Mr. Brancheau: Yes that would be worked out in the redevelopment plan but I just know conceptually that Pine Plaza is almost all pavements today it's likely to go down as impervious coverage. River Park is less soluble it was a paper mill at one time that did a lot of pollution and the benefits of River Park is cleaning up mitigation improving the river, stabilizing it's banks, there will obviously be some impervious coverage at least conceptually there will be very substantial areas of green remaining with that and as Gerry indicated the State since especially the Whippany River runs through the property the State has regulations dealing with wetlands with storm water regulations, flood hazard regulations all in which will have to be satisfied on the River Park site as it redevelops so as the detailed calculations and analysis had yet to be done our general consciences is that it will be an environmental improvement within the constraints that you mentioned, we can't have nothing there we have to provide the housing but in the way that it is being proposed we see it as relatively beneficial it is compact it does not pave the entire site in fact it's a type of a main street kind of scheme that concentrates it in one area and leaves a lot of green area. So we see environmental benefits.

Mr. Walken: Thank you.

Mr. Semrau: To Mr. Gallagher's point a few minutes ago, I don't have all of the information in front of me but I do recollect and I will search for it and if I get a hold of it I will send it to him, but we had a number of meetings with River Park and we had an economic I can't remember who it was, there was an economic expert came in all be it for River Park but we demanded to see some of their financial projections and we came back and this is a little bit unusual because it was not about the cost benefit analysis had to do with the fact that we were faced with about 400 additional units so sometimes whatever the cost is you try to balance it but there were financials and information that was exchanged in that process, I don't want to sound like it was ignored I just couldn't do that. Mr. Giorgio and I had a least two meeting with River Park to gather and we asked for certain financial information and I'm kind of going off memory cause there were so many components to this but we did and I will pull that information together but before any agreement is final there will be performers there will be analysis and to your point but before that decision was made there was discussion about the balance of what would have been 400 units and then we had said that we would not make a decision until we got some performers to your very point. I just couldn't remember but when I get it, if I can have your contact information I will pull together whatever I am at liberty to share.

Jim Neighdhart, 34-14 Appleton Way: As many of you know I live in the Eden Lane condo development and I was at many meetings when we had the prior proposal

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for the warehouses and I think that was very nice resolution where it was approved but with a lot of restrictions which delayed it and now we have a different proposal which is residential which is great. My questions relate to egress in and out the River Park development I know normally those discussion happen at site plan if I am correct however when we looked at the last development plan when it was the industrial park some of the biggest discussion we had with a large crowd like this, sent it around the egress in and out of the development and the reason I bring it up now is because even though that is a huge piece of property due to things like rivers and dams and other natural barriers and existing buildings like the Jewish center on route 10 and a whole host of other things the egress in and out of there is very limited and the citizens in Eden Lane are very concerned as to where on Eden Lane a potential access may happen, I looked at plans from many many years ago from a prior development proposal which had a normalized intersection with Boxwood Court right by our swimming pool where we go into our area those normalized intersections are very nice in places like congested areas like in front of the Bayer property but on a side street side road that is very quiet like Eden Lane sometimes that is not the best type of usage so I am curious in the approval that has taken place so far has there been any discussions related to the egress specifically on Eden Lane and also the track of property that you talked about where there is going to be remediation behind Oak Ridge between Oak Ridge between Oak Ridge and the river the east side of the river is there any chance that could be used for egress because that is very narrow piece of property that touches the Oak Ridge property has there been any discussions about egress on that property given the extreme limitations.

Mayor: I think Fred wants to answer.

Mr. Semrau: I do not want to speak for River Park, but Jim you raise a very important point and I can say this that I have heard in the discussions that River Park is looking into the very issues you raised about perhaps some alternate access sites and I do not want to speak for them there will be a time there will be that site plan but it was my understanding that they are looking for alternate access very much probably in the areas that you are talking about because of the concern that you have. But I do not want to speak with them if they are negotiating right now but I think you are right up to date about what you are thinking about, I think that has been discussed and looking into that. If I get more information and I am at liberty if there is a property acquisition or something like that I will let you know right away.

Mr. Neidhardt: So the next time that this will come up for public discussion will be at site plan presentation.

Mr. Semrau: No

Mayor: Jim like how we did the warehousing there were options that were given to us at that site plan time one of them was a brand new road to keep the traffic off Eden Lane that went from the rear part of Parsippany Road all the way out to Jefferson Road, if you remember right over the lagoons and then there was another piece that John was negotiating which would have connected to Apollo Drive and onto Jefferson from there cause we did not want any more traffic on Jefferson as well, it is bad enough at 4:00. As Fred said site plan options will be looked at.

Mr. Semrau: Even in advance of that there will be a redevelopment plan so there will be an opportunity there to, first will be the ordinance for the property that issue may also very well be part of that ordinance and be addressed and like you said down the road will be the site plan so there at least two more stops.

Mr. Neighart: I just ask the Committee to keep in mind when that comes up that the changes that were made on Eden Lane when they did the restriping and repaving it is horrendous I can't believe there hasn't been an accident at Boxwood and Eden Lane, we had a turning lane there since the development was built and you had plenty of time to make your turn at your connivance now the cars behind you when you are coming from Whippany road towards the Eden Lane development and you have to make a left hand turn those cars are coming in there and they are almost rear ending you they are just pulling out of the way you can see it in your rear view mirror but you can't turn cause there is a car coming the other way, there is going to be an accident there I had asked at a prior meeting why it was changed and I was told because of the connectivity

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plan we are talking in the 1980's I don't think that is ever going to happen to create a traffic safety issue there for something that probably never happen.

Mayor: Did we have a staking lane there.

Mr. Maceira: There used to be a turn lane into Boxwood Court that was eliminated at the time number one because there was a plan to have the connectivity the bike lane to go through that section so it was taken down at that point that plan has been delayed somewhat.

Mr. Neighart: Some 25 30 years.

Mr. Maceira: No

Mr. Neighart: The original plan

Mr. Maceira: No, the connectivity plan with the bicycle lane was maybe 3 or 4 years ago and that is when that left turn lane was eliminated probably in that time frame. Not 25 years ago.

Mr. Neighart: It is a very dangerous situation.

Mr. Maceira: That can be addressed at the time of site plan because then we will be looking at there will be conceivably a intersection there from River Park at that location so it can be addressed at that point when we are also accommodating the bike lane also.

Mr. Neighart: Instead of the turning lane now we have about a 5 foot area outside the traffic area that is not used for anything it's 5 feet on each side stripped, shoulder areas, that is not used and all the traffic when I'm waiting to make my left turn all the traffic goes into the shoulder area that is not supposed to happen. I strongly ask everybody that is involved some of you that is involved with the planning board to keep that intersection

Mayor: We don't have to wait for site plan it's a safety issue let's look at it.

Mr. Maceira: We can have the police to see if there have been any accidents there and see what we can do.

Mr. Neighart: There hasn't been I would know about it, it hasn't happened yet but everybody knows that there is going to be an accident, you are fearful waiting to make that turn and you are looking into your mirror deciding what am I going to do if that person behind me doesn't see me because it is a decline and you can't really see the traffic coming at you until you are right stopped to make the turn.

Mr. Maceira: Alright, We can look at the site distance standards there also we can make sure everything is being met.

Mr. Neighart: It's very dangerous. Thank you.

Lois DeCaro, I am asking this for Carol Paskart she had to leave the meeting she is asking if her seniors will get first dibs on the senior housing.

Mayor: Senior housing falls under the COAH rules, here is another not to nice thing about COAH, we used to have it where people in fire service, education and services like that had first shots in the community to stay in the community, they took that away from us. Transfer some of these units into others they took that away from us, we are very limited into what we can do, the only thing I can say to you in the process we are using right now is that you are on the list and then you have to qualify, Shelby Snow is in charge of the housing.

Ms. DeCaro: It does not matter if you are from town no?

Mayor: Let me share something with you, we have a lot of people that do qualify very well qualify but youngsters that are in college and do not have the income that

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qualify and I highly suggest that is a start, but not for this type of housing and I'm off on COAH housing, you are talking about seniors, COAH is going to put a strangle hold on us for that. Wish there was a way around that.

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

11:05 conclusion of public portion

Mr. Giorgio: In consideration of the discussion by the Township Committee and Mr. Semrau on a resolution dealing with non-condemnation for the two projects that were reviewed by the Planning Board we are going to go on record with two resolutions at this time.

RESOLUTION 169-2019

A Resolution of the Township Committee of the Township of Hanover designating Block 8803 Lot 17 and Block 4001 Lot 6,7, 10, 11, 12, 13, 14 and a portion of Lot 9 as set forth on the Tax Map of the Township of Hanover as a Non-Condensation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et., seq.,

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (hereinafter "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, as set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the Township Committee of the Township of Hanover by resolution adopted March 14, 2019, directed the Township Planning Board (hereinafter "Board") to:

1. conduct a preliminary investigation to determine whether the study area, which includes property designated as Block 4001, Lots 6, 7, 10, 11, 12, 13, 14 and a portion of Lot 9, and Block 8803, Lot 17 as set forth on the Tax Map of the Township of Hanover, constitute a condemnation "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5; and
2. undertake a preliminary investigation utilizing Paul A. Phillips, AICP, PP of Phillips Preiss Grygiel Leheny Hughes LLC to prepare the preliminary investigation and, pursuant to notice, conduct a hearing and comply with other requirements of the Redevelopment Law in order to recommend to the Township Committee whether or not the area comprising the Study Area is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A-12A-5; and

WHEREAS, an "Area in Need of Redevelopment Investigation for Block 8803, Lot 17 and Block 4001, Lots 6, 7, 10, 11, 12, 13, 14 and a portion of Lot 9 in the Township of Hanover, New Jersey" was prepared by Paul A. Phillips, PP, AICP and Elizabeth C. Leheny, AICP, PP of Phillips Preiss Grygiel Leheny Hughes LLC dated July 2019 which included a map of the Study Area and recommended that the Board find the above-captioned property meets the statutory criteria for an area in need of redevelopment and that the Board recommend formal designation of the subject property by the Township Committee; and

WHEREAS, the Board conducted a public hearing held on July 23, 2019 which was duly noticed according to the requirements of the Redevelopment Law, at which a number of members of the public spoke; and

WHEREAS, at the conclusion of the public hearing, the Board voted to recommend to the Township Committee to designated the subject property as a condemnation area in need of redevelopment; and

WHEREAS, the Township Committee has determined that it does not intend to proceed with condemnation of any of the properties within the proposed redevelopment

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area, in the hope that such actions will not be necessary to bring about appropriate redevelopment of the area;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover that the property designated as Block 4001, Lots 6, 7, 10, 11 12, 13, 14 and a portion of Lot 9, and Block 8803, Lot 17 on the Township Tax Maps be designated as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law for the same reasons set forth in the Phillips and Leheny report; and

BE IT FURTHER RESOLVED, that the Township Clerk shall forthwith transmit a copy of this resolution to the Commissioner of the New Jersey Department of Community Affairs for review in accordance with N.J.S.A. 40A:12A-6(c), and that this designation shall not take effect except as provided for in N.J.S.A. 40A:12A-6(c).

This is for the Pine Plaza Development based on the public hearing that was held by the Planning Board on July 23, 2019

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

RESOLUTION 170-2019

A Resolution of the Township Committee of the Township of Hanover designating Block 3801 Lot 2 and Block 4101 Lots 1 and 23 and Block 4301 Lot 6 as set forth on the Tax Map of the Township of Hanover as a Non-Condensation area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et., seq.,

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (hereinafter "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land within the municipality constitute an area in need of redevelopment, as set forth in N.J.S.A. 40A:12A-5 of the Redevelopment Law; and

WHEREAS, the Township Committee of the Township of Hanover by resolution adopted March 14, 2019, directed the Township Planning Board (hereinafter "Board") to:

1. conduct a preliminary investigation to determine whether the study area, which includes property designated as Block 3801, Lot 2 and Block 4101, Lots 1 and 23 as set forth on the Tax Map of the Township of Hanover, constitute a non-condemnation "area in need of redevelopment" according to the criteria set forth in N.J.S.A. 40A:12A-5; and
2. undertake a preliminary investigation utilizing Joseph H. Burgis, PP, AICP, of Burgis Associates, Inc. to prepare the preliminary investigation and, pursuant to notice, conduct a hearing and comply with other requirements of the Redevelopment Law in order to recommend to the Township Committee whether or not the area comprising the Study Area is an area in need of non-condemnation redevelopment according to the criteria set forth in N.J.S.A. 40A-12A-5; and

WHEREAS, a "River Park Non-Condensation Area in Need of Redevelopment Study" report was prepared by Joseph H. Burgis, PP, AICP, and Robyn K. Welch, PP, AICP of Burgis Associates, Inc. dated July 10, 2019 which included a map of the Study Area and recommended that the Board find the above-captioned property meets the statutory criteria for an area in need of redevelopment and that the Board recommend formal designation of the subject property by the Township Committee; and

WHEREAS, the Board conducted a public hearing held on July 23, 2019 which was duly noticed according to the requirements of the Redevelopment Law, and at which no members of the public spoke; and

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WHEREAS, at the conclusion of the public hearing, the Board voted to recommend to the Township Committee to designated the subject property as a non-condemnation area in need of redevelopment;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Hanover that the property designated as Block 3801, Lot 2; Block 4101, Lots 1 and 23; and Block 4301, Lot 6 on the Township Tax Maps be designated as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law for the same reasons set forth in the Burgis Associates report:

BE IT FURTHER RESOLVED, that the Township Clerk shall forthwith transmit a copy of this resolution to the Commissioner of the New Jersey Department of Community Affairs for review in accordance with N.J.S.A. 40A:12A-6(c), and that this designation shall not take effect except as provided for in N.J.S.A. 40A:12A-6(c).

This is for the River Park Business Center Development based on the public hearing that was held by the Planning Board on July 23, 2019.

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

PUBLIC HEARING AND ADOPTION OF ORDINANCES:

ORDINANCE NO. 27-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 4. OF ORDINANCE NO. 43-2018 ENTITLED "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE REPLACEMENT OF 23 GARAGE DOORS AT THE DEPARTMENT OF PUBLIC WORKS BUILDING LOCATED AT 25 NORTH JEFFERSON ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND FURTHER APPROPRIATING THE SUM OF \$50,000.00 FROM THE TOWNSHIP'S 2018 CURRENT FUND BUDGET FOR THE FINANCING OF THE PROJECT" WITH THE APPROPRIATION OF AN ADDITIONAL \$10,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP'S 2019 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 27-19 appeared in full in the July 17th, 2019 issue of the Daily Record in accordance with the law.

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

Motion to close public hearing made by Member Francioli and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING SECTION 4. OF ORDINANCE NO. 43-2018 ENTITLED "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE REPLACEMENT OF 23 GARAGE DOORS AT THE DEPARTMENT OF PUBLIC WORKS BUILDING LOCATED AT 25 NORTH JEFFERSON ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND FURTHER APPROPRIATING THE SUM OF \$50,000.00 FROM THE TOWNSHIP'S 2018 CURRENT FUND BUDGET FOR THE FINANCING OF THE PROJECT" WITH THE APPROPRIATION OF AN ADDITIONAL \$10,000.00 FROM THE UNALLOCATED PORTION OF THE TOWNSHIP'S 2019 CAPITAL IMPROVEMENT FUND AND ALL PRIOR YEARS FOR THE FINANCING OF THE PROJECT"** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

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

So Adopted.

ORDINANCE NO. 29-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE HANOVER TIGERS YOUTH FOOTBALL AND CHEERLEADING IN OPERATING THE BEE MEADOW PARK BRICKYARD CONCESSION FACILITY BETWEEN AUGUST 9, 2019 THROUGH DECEMBER 7, 2019 DURING THE FOOTBALL SEASON

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 29-19 appeared in full in the July 17th, 2019 issue of the Daily Record in accordance with the law.

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

Motion to close public hearing made by Member Francioli and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE HANOVER TIGERS YOUTH FOOTBALL AND CHEERLEADING IN OPERATING THE BEE MEADOW PARK BRICKYARD CONCESSION FACILITY BETWEEN AUGUST 9, 2019 THROUGH DECEMBER 7, 2019 DURING THE FOOTBALL SEASON**" be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

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

So Adopted.

ORDINANCE NO. 30-2019

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 NOS. 13-2017 AND 14-2019 BY APPROPRIATING AN ADDITIONAL \$10,000.00 FROM THE UNALLOCATED PORTION OF THE 2019 SWIMMING POOL ENTERPRISE FUND – CAPITAL ACCOUNT AND ALL PRIOR YEARS FOR THE PURCHASE AND INSTALLATION OF A REPLACEMENT SLIDE WITH TWO (2) FLUMES FOR THE MAIN POOL AT THE BEE MEADOW SWIMMING POOL FACILITY

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 30-19 appeared in full in the July 17th, 2019 issue of the Daily Record in accordance with the law.

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

Motion to close public hearing made by Member Francioli and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, "**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING ORDINANCE NOS. 13-2017 AND 14-2019 BY APPROPRIATING AN ADDITIONAL \$10,000.00 FROM THE UNALLOCATED PORTION OF THE 2019 SWIMMING POOL ENTERPRISE FUND – CAPITAL ACCOUNT AND ALL PRIOR YEARS FOR THE PURCHASE AND INSTALLATION OF A REPLACEMENT SLIDE**"

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WITH TWO (2) FLUMES FOR THE MAIN POOL AT THE BEE MEADOW SWIMMING POOL FACILITY” be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

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

So Adopted.

ORDINANCE NO. 31-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF A REPLACEMENT CHLORINE PUMP FOR THE MAIN POOL AT THE BEE MEADOW SWIMMING POOL FACILITY AND FURTHER AUTHORIZING THE APPROPRIATION OF \$4,000.00 FROM THE UNALLOCATED PORTION OF THE 2019 SWIMMING POOL ENTERPRISE FUND – CAPITAL ACCOUNT AND ALL PRIOR YEARS FOR THE PURCHASE OF THE NEW REPLACEMENT PUMP

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 31-19 appeared in full in the July 17th, 2019 issue of the Daily Record in accordance with the law.

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

Motion to close public hearing made by Member Francioli and seconded by Member Gallagher and unanimously passed.

Now on Adoption, Be it resolved, that an Ordinance entitled, “**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE AND INSTALLATION OF A REPLACEMENT CHLORINE PUMP FOR THE MAIN POOL AT THE BEE MEADOW SWIMMING POOL FACILITY AND FURTHER AUTHORIZING THE APPROPRIATION OF \$4,000.00 FROM THE UNALLOCATED PORTION OF THE 2019 SWIMMING POOL ENTERPRISE FUND – CAPITAL ACCOUNT AND ALL PRIOR YEARS FOR THE PURCHASE OF THE NEW REPLACEMENT PUMP”** be passed on final reading and that a Notice of the final passage of the Ordinance be published in the Daily Record.

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

ORDINANCE NO. 28-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY ACCEPTING ANNEXATION OF A PORTION OF BLOCK 200, LOT 1.2 IN THE TOWNSHIP OF PARSIPPANY-TROY HILLS

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 28-19 appeared in full in the July 17th, 2019 issue of the Daily Record in accordance with the law. Ordinance 28-19 is not a land use and development it was still referred to the Planning Board because of its relationship to Ordinance 32-2019.

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

Mr. Giorgio: With respect to this Ordinance, Mr. Semrau, myself and Mr. Brancheau are recommending, which we discussed in executive session that this ordinance be carried to the September 12th 2019 meeting.

Motion to carry Ordinance 28-2019 to September 12th meeting made by Member Ferramosca and seconded by Member Cahill and unanimously passed.

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ORDINANCE NO. 32-2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING SECTION 166-108, *MAP, SCHEDULE AND APPENDICES*, IN ARTICLE XVIII, *DISTRICTS; MAP AND SCHEDULE*, OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, IN ORDER TO AMEND THE ZONING MAP TO REFLECT A PROPOSED CHANGE IN THE MUNICIPAL BOUNDARY WITH THE TOWNSHIP OF PARSIPPANY-TROY HILLS

Proof of Publication that the Ordinance and the Notice of Introduction for Ordinance 32-19 appeared in full in the July 17th, 2019 issue of the Daily Record in accordance with the law.

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

Mr. Giorgio: With respect to this Ordinance, Mr. Semrau, myself and Mr. Brancheau are recommending, which we discussed in executive session that these ordinance be carried to the September 12th 2019 meeting.

Motion to carry Ordinance 28-2019 to September 12th meeting made by Member Ferramosca and seconded by Member Cahill and unanimously passed.

INTRODUCTION OF ORDINANCE:

ORDINANCE NO. 33 - 2019

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ESTABLISHING A NEW CHAPTER 180 UNDER PART II: GENERAL LEGISLATION OF THE CODE OF THE TOWNSHIP OF HANOVER ENTITLED NUISANCE PROPERTIES – EXCESSIVE UTILIZATION OF MUNICIPAL SERVICES BY REGULATING AND ESTABLISHING PENALTIES FOR THE UTILIZATION OF SUCH SERVICES

WHEREAS, residents and businesses share the burden in enabling the Township to provide municipal services; and

WHEREAS, the Township has an obligation to stay within its means and to fairly distribute municipal services among its residents and business; and

WHEREAS, certain residents and businesses may from time to time require an excessive share of the Township’s municipal services; and

WHEREAS, the excessive use of the Township’s municipal services by any particular resident or business unfairly burdens the other residents and businesses of the Township.

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. A new Chapter 180 under Part II: General Legislation of the Code of the Township of Hanover entitled Nuisance Properties - Excessive Utilization of Municipal Services, is hereby created to provide the following:

Chapter 180

Nuisance Propterties - Excessive Utilization of Municipal Services

§180-1. Findings and Purpose.

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A. The Township Committee has reviewed public safety records and consulted with first responders, and has determined that public nuisances may exist on and about properties within the Township, resulting in the excessive utilization of municipal services by these properties.

B. The Township Committee has determined that the cost and expense incurred by the Township as a result of providing excessive services to nuisance properties should be paid by the respective owners of these properties, and not paid through general tax funding.

C. This Section is intended to establish regulations and procedures identifying, and providing for the assessment and payment of the costs and expenses of excessive consumption of municipal services associated with these nuisance properties.

§180-2. Definitions.

As used in this Section, the following terms are defined as set forth herein:

DWELLING UNIT

Living accommodations designed and used for occupancy by one family only.

EXCESSIVE MUNICIPAL SERVICES

Any qualifying calls made to a property while that property is on probationary nuisance status.

NUISANCE PROPERTY

Properties on which activities occur that result in qualifying calls for municipal services during any 60-consecutive-day period in excess of the number of calls listed on the schedule in § 180-5. are considered nuisance properties and are subject to the penalties and procedures as set forth in this Section.

PROBATIONARY NUISANCE STATUS

A designation that applies to properties which, as determined by a public officer, have received the requisite number of qualifying calls from the Township within a 60-consecutive-day period. Probationary nuisance status is effective for a 12-month period beginning on the date of the public officer's determination. During probationary nuisance status, the property owner is responsible to the Township for user charges from each qualifying call.

QUALIFYING CALLS

Calls resulting from complaints, or violations of state or local laws, regulations, or ordinances, including, but not limited to, those concerning:

- A. The sale, service, or consumption of alcoholic beverages.
- B. Disorderly conduct, disturbing the peace, littering or excessive noise.
- C. Damage to property or injury to a person.
- D. Improperly parking a vehicle, or any motor vehicle violation, on private property.
- E. Possession of a barking, howling, biting, or dangerous animal.
- F. Possession, distribution, or use of a controlled substance.
- G. Prostitution.
- H. Public urination, defecation, or indecent exposure.
- I. Criminal activity.

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J. Township property maintenance, zoning, construction, fire, and health codes.

K. Activity specifically determined to be qualifying by the Municipal Judge.

USER FEE

A per-call fee starting at \$500.00 and increasing by \$100.00 per call, for each additional qualifying call made to a nuisance property, as defined herein above, within the twelve-month period following the date a complaint is issued for excessive consumption of municipal services.

§180-3. Designation of Public Officer.

Each Township department, division, agency, or authority, including the Fire Districts, providing municipal services to properties shall designate, either on a permanent or as-needed basis, one or more officials to serve as a public officer to administer and enforce this Section. Officials that may serve in this capacity include, but are not limited to: the Township Administrator; code enforcement officers; the Construction Code Official or his or her designee; the Chief of Police or his designee; an investigating police officer; the Health Officer; the Zoning Officer; the Property Maintenance Officer; or the Fire Inspector.

§180-4. Reporting of Municipal Services Use.

A. Each department, division, agency, or authority of the Township, including the Fire Districts, providing municipal services to properties in the Township, must keep and maintain records documenting the following information concerning those properties serviced:

- (1) The exact address and Tax Map designation of the subject property.
- (2) The name and address of property owners and tenants, if known and applicable.
- (3) The dates of the incident.
- (4) A full description of the nature of the incident and the violations.
- (5) The identity of the public employee providing the services.

B. The department providing the excessive municipal services shall coordinate, as needed, with other municipal agencies and the Police Department.

§180-5. Determination of Excessive Use.

During any 60-consecutive-day period, properties that necessitate qualifying calls for municipal services that exceed the amounts set forth in the following schedule are designated nuisance properties and subject to the penalties and procedures established under this Section.

A. Residential properties of 1 through 4 dwelling units: 8 qualifying calls.

B. Multifamily dwelling and hotel/motel uses:

- (1) Five through 40 dwelling units: 10 qualifying calls.
- (2) 41 through 80 dwelling units: 15 qualifying calls.
- (3) 81 through 200 dwelling units: 30 qualifying calls.
- (4) Over 200 dwelling units: 40 qualifying calls.

C. Convenience, grocery, liquor and retail stores: 10 qualifying calls.

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D. Restaurants, bars, and adult entertainment establishments: 30 qualifying calls.

E. All properties not included in the preceding categories: 10 qualifying calls.

§180-6. Notice Requirements; Complaint Procedure.

A. Whenever the public officer determines that any property has become a nuisance property based on excessive consumption of municipal services, he or she shall issue a summons and complaint reciting the location of the property & the allegations supporting the officer's finding of excessive use, the potential penalties, and setting forth the time and location of a Municipal Court hearing on the matter.

B. The complaint shall also provide notice to the property owner:

(1) That the property is on probationary nuisance status for the 12 months following the date of the complaint.

(2) That during the probationary nuisance status period, each additional qualifying call to the property will be subject to a user fee, which fee shall equal \$500.00 for the first such call and shall increase by \$100.00 for each subsequent call.

(3) Listing the dates and the nature of the qualifying calls made to the subject property that give rise to the determination of excessive use.

(4) Directing that the offending activities be immediately abated.

C. The summons and complaint shall be served on the property owner, as identified in the Township's tax records. Service shall be made by regular mail and either certified mail return receipt requested, or overnight delivery service to the last known address of the recipient as it appears in Township records.

D. If the whereabouts of the property owner are unknown and cannot be ascertained by reasonable diligence, service of the summons and complaint shall be effectuated as follows:

(1) One-time publication of the summons and complaint in one of the Township's official newspapers.

(2) Conspicuous posting of the summons and complaint on a building or structure located on the subject property.

E. Whenever an individual dwelling unit within a multifamily dwelling has received five qualifying calls within a 60-consecutive-day period, the public officer shall notify the property owner as provided hereunder so that the property owner can take action to abate the nuisance. This notice shall be issued notwithstanding that the multifamily dwelling did not receive the required number of qualifying calls that would trigger a notice of violation.

F. Should the number of qualifying calls to any property meet or exceed 50% of the number specified in § 180-5., the public officer may, but is not required to, so notify the owner thereof.

§180-7. Hearing Procedure; Costs to be Assessed; Violations & Penalties.

A. A hearing shall be held on the allegations recited in the complaint. The Municipal Court of the Township shall have jurisdiction to hear and determine in a summary manner proceedings for violations of any of the provisions of this Section.

B. The public officer or officers involved shall present evidence and testify at the hearing and may produce witnesses in support of the allegations recited in the complaint. The property owner and any interested party shall have the right to

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appear at the hearing and testify, produce witnesses, and be represented by an attorney.

C. The Municipal Court is charged with determining whether, in a 60-consecutive-day period, the subject property received qualifying calls in excess of those permitted under § 180-5. If so, the Municipal Judge shall confirm that the property was on probationary nuisance status from the date of the complaint. If the Municipal Judge also determines that qualifying calls were made to the subject property during the probationary period, that fact shall be so noted in the Municipal Judge's findings. Based on these findings, the Municipal Judge shall enter an order sustaining or dismissing the charges.

D. The following shall be memorialized in the Municipal Judge's order:

(1) A finding of whether or not the subject property was on probationary nuisance status.

(2) A determination as to whether or not an excessive number of qualifying calls were made to the subject property during the probationary nuisance status period, in accordance with the schedule herein above.

(3) If sustained, an assessment of the reasonable costs of litigation, including, but not limited to, the costs of a court reporter and transcript, and an administrative fee of \$100.00.

(4) If sustained, an assessment of a user fee, starting at \$500.00 per call and increasing by \$100.00 per call, for each qualifying call in excess of the permitted number.

E. Following an affirmative Municipal Court Judgment that a property is on probationary nuisance status, additional qualifying calls to the subject property following the hearing and within a 1-year period from the date of the complaint constitute a further violation of this Section and are subject to the aforementioned user fee, starting at \$500.00 per call and increasing by \$100.00 for each call thereafter. A summons and complaint shall be filed in the Hanover Township Municipal Court for each subsequent qualifying call, each being a separate violation, with the per-call penalty to be imposed upon a guilty plea or conviction. Notice of this provision shall be incorporated in the Municipal Judge's order.

F. The Municipal Judge's order shall be served upon the appropriate parties in the same manner as service of the complaint and notice of hearing; except that, in the event the whereabouts of the property owner cannot be ascertained, then the order shall also be recorded in the Morris County Clerk's office.

§180-8. Assessment of Lien; Penalty Enforcement

A. Any fees, costs, or penalties that remain unpaid 60 days from the date of an order issued pursuant to this Section shall be assessed as a lien against the subject property, enforceable and collectible in the same manner as liens for delinquent real property taxes and municipal service charges.

B. Pursuant to N.J.S.A. 40:52-1.2, municipal licenses, permits, and certificates of occupancy applied for or issued to the subject property may be revoked, suspended, withheld, or denied renewal for failure to comply with and satisfy any payment obligations under an order imposed pursuant to this Section.

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

4. This Ordinance shall be read and construed so as to not conflict with any and all other ordinances regulating the maintenance and conditions of properties in the Township. The remedies set forth herein shall be in addition to those set forth elsewhere.

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WHEREAS, the Township Committee believes that it is in the best interest of the taxpayers of the Township to renew membership for an additional three (3) year period commencing January 1, 2020.

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 of Hanover agrees to renew its membership in the Morris County Municipal Joint Insurance Fund and to be subject to the By-Laws, Rules and Regulations, coverages and policies and operating procedures thereof as presently existing or as modified from time to time by lawful acts of the Fund.
2. The Mayor and Township Clerk are hereby authorized to execute the renewal agreement which is attached hereto and made a part of this resolution.
3. Renewal in the Fund shall be for a three (3) year period commencing January 1, 2020 and ending January 1, 2023 at 12:01 a.m.
4. That a certified copy of this resolution shall be transmitted to the Executive Director of Public Entity Risk Management Administration, Inc., the administrative organization of the Fund and the Township's Fund Commissioner for reference and action purposes.

RESOLUTION NO. 156-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER APPROVING A PERSON-TO-PERSON TRANSFER OF POCKET PLENARY RETAIL CONSUMPTION LICENSE NUMBER 1412-33-025-008 FROM 170 EHLL, LLC, TO EIGHT THIRTY ONE, LLC

WHEREAS, **Eight Thirty One LLC**, a Limited Liability Company, has applied to the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, for a person-to-person transfer of Pocket Plenary Retail Consumption License Number 1412-33-025-008 held by **170 EHLL, LLC**, a Limited Liability Company; and

WHEREAS, **Eight Thirty One, LLC**, the applicant, has deposited along with the application, a person-to-person transfer fee of \$203.00 made payable to the Township of Hanover, a \$200.00 application fee made payable to the Division of Alcoholic Beverage Control including an application for a Bulk Sale Permit; and

WHEREAS, the Township has received from the Division of Taxation in the New Jersey Department of the Treasury, the Tax Clearance Certificate for transfer purposes for **Eight Thirty One, LLC** which Certificate is on file in the Township Clerk's Office; and

WHEREAS, in connection with the above, the applicant has filed Affidavits of Publication with the Township Clerk as proof that the proper legal notice of the proposed pocket liquor license transfer was published in the Daily Record on April 30, 2019 and May 7, 2019, in accordance with regulations prescribed under N.J.A.C. 13:2-2.5 and 13.2-2.9; and

WHEREAS, no objections have been filed with the Township Clerk, and whereupon, a hearing has been held by the Township Committee on August 8, 2019, on the application of **Eight Thirty One, LLC**, which application is deemed to be in order.

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 **Eight Thirty One, LLC** for a person-to-person transfer of Pocket Plenary Retail Consumption License No. 1412-33-025-008 from 170 EHL, LLC is hereby approved effective immediately.

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2. That certified copies of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control, Jessica L. Crowell of Post Polak, P.A., the law firm representing **Eight Thirty One, LLC**, and the Hanover Township Police Department for reference and information purposes.

RESOLUTION NO. 157-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING THE RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1412-33-011-005 AS AN INACTIVE POCKET LICENSE HELD BY HANOVER HOSPITALITY CORPORATION FOR THE LICENSE TERM COMMENCING JULY 1, 2019 THROUGH JUNE 30, 2020 ALL IN ACCORDANCE WITH A SPECIAL RULING TO PERMIT THE RENEWAL OF AN INACTIVE LICENSE PURSUANT TO N.J.S.A. 33:1-12.39

WHEREAS, on July 25, 2019, **Hanover Hospitality Corporation** filed a Verified Petition with the Director of the Division of ABC requesting authorization for the Township Committee of the Township of Hanover, as the local issuing authority, to consider a renewal application for inactive Plenary Retail Consumption License No. 1412-33-011-005 for the 2019-2020 license term pursuant to the provisions of NJSA 33:1-12.39; and

WHEREAS, by letter dated July 26, 2019, **Hanover Hospitality Corporation** received a Special Ruling, in accordance with N.J.S.A. 33:1-12.39 permitting the Township, as the issuing authority, to grant the renewal application for the 2019-2020 license term; and

WHEREAS, the Tax Clearance Certificate for renewal purposes has been received from the New Jersey Division of Taxation for the licensee referenced above and is on file in the office of the Business Administrator/Township Clerk; and

WHEREAS, the Township Committee desires to approve the renewal application as an Inactive Pocket License during the 2019-2020 license term.

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

1. The governing body hereby approves the renewal of Plenary Retail Consumption License No. 1412-33-011-005 as an Inactive Pocket License held by **Hanover Hospitality Corporation** with offices located at Harborside 3, 210 Hudson Street, Suite 400 in Jersey City, New Jersey 07311 for the 2019-2020 license term beginning July 1, 2019 through June 30, 2020. The licensee has paid the Township and Division of ABC license renewal fees for the 2019-2020 license term.
2. That certified copies of this resolution shall be transmitted to the New Jersey Division of Alcoholic Beverage Control, the Hanover Township Police Department and **Hanover Hospitality Corporation** for reference and information purposes.

RESOLUTION NO. 158-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE APPROVING THE RENEWAL OF A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE TOWNSHIP AND THE NORTHWEST NEW JERSEY CHAPTER OF THE AMERICAN RED CROSS FOR USE OF THE HANOVER TOWNSHIP MULTI-PURPOSE COMMUNITY CENTER DURING THE PERIOD BEGINNING SEPTEMBER 1, 2019 THROUGH SEPTEMBER 9, 2023 AS A MASS CARE SHELTER IN THE EVENT OF A NATURAL OR MANMADE DISASTER

WHEREAS, by resolutions dated November 9, 2006, January 10, 2008, March 11, 2010 and February 26, 2015 the Township of Hanover approved Memoranda of Understanding by and between the Township and **The American Red Cross** (hereinafter referred to as "**Red Cross**") to utilize the Township's Multi-Purpose

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Community Center located at 15 North Jefferson Road in Whippany as a mass care shelter for victims in the event of a natural or manmade disaster; and

WHEREAS, the **Red Cross** has requested that the Township renew the Memorandum of Understanding for use of the Multi-Purpose Community Center; and

WHEREAS, the Township and the **Red Cross** believe it to be in the best interests of the residents of the Township, and the public in general, to work together for the benefit of rendering assistance and services to the victims of any type of emergency; and

WHEREAS, upon the recommendation of the Township's Business Administrator, the governing body believes that the health, safety and welfare of the Hanover Township community and the public are best served by permitting the **Red Cross** to use the Community Center as a mass care shelter to provide services on behalf of individuals and families who are victims of a natural or manmade disaster.

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 Memorandum of Understanding for Use of the Hanover Township Community Center as a Mass Care Shelter by **The American Red Cross** in the event of a natural or manmade disaster is hereby approved and renewed for the period commencing September 1, 2019 through September 9, 2023.
2. The Mayor and Township Clerk are hereby authorized and directed to execute the above referenced Agreement with the **Red Cross** on behalf of the Township of Hanover.
3. That a certified copy of this resolution shall be transmitted to the Director of the Office of Emergency Management, the Superintendent of the Recreation and Park Administration Department, the Chief of Police, the Chiefs of the Whippany and Cedar Knolls Fire Departments and the Director of Disaster Support Functions for the **Red Cross**.

RESOLUTION NO. 159-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES AGREEMENT WITHOUT COMPETITIVE BIDDING TO RICHARD F. SMITH, JR., P.L.S., A LAND SURVEYOR LICENSED BY THE STATE OF NEW JERSEY IN THE PERFORMANCE OF LAND SURVEYING SERVICES AT THE RATE OF \$145.00 PER HOUR, ALL IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW AT N.J.S.A. 40A:11-5.(1)(a)(i) AND THE PAY-TO-PLAY PROVISIONS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26 ET SEQ.

WHEREAS, the Township of Hanover seeks to retain the services of a land surveyor licensed by the State of New Jersey for the purpose of reviewing survey documents submitted to the Township as they relate to applications for development pending before the Planning Board and Zoning Board of Adjustment; and

WHEREAS, the Township has previously utilized the services of **Richard F. Smith, Jr.**, a land surveyor licensed by the State of New Jersey who possesses extensive experience, knowledge and expertise in the performance of land surveying services; and

WHEREAS, in this regard, the Township's Land Use Administrator requested that **Mr. Smith** submit a proposal and quotation to provide land surveying services related to applications for development pending before the Planning Board and Board of Adjustment; and

WHEREAS, in a memorandum dated August 7, 2019 to the Business Administrator/Township Clerk, the Township Engineer and Land Use Administrator/

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Board Secretary recommends that a professional services agreement be awarded to **Richard F. Smith, Jr.**, a licensed land surveyor licensed by the State of New Jersey; and

WHEREAS, in accordance with Article VII, Section 166-48.B. and C. under Chapter 166 of the Code of the Township entitled Land Use and Development Legislation, **Mr. Smith** shall receive payment for the performance of land surveying services from the respective individual escrow accounts established for applicants; and

WHEREAS, the Local Public Contracts Law at N.J.S.A. 40A:11-5.(1)(a)(i) requires that the resolution authorizing the award of contracts for “professional services” without competitive bidding, and the contract itself must be made available for public inspection.

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 recommendation of the Township Engineer and Land Use Administrator/Board Secretary as set forth in their memorandum dated August 7, 2019 to the Business Administrator/ Township Clerk, the governing body hereby awards a professional services contract to **Richard F. Smith, Jr.**, a land surveyor licensed by the State of New Jersey, with offices located at 9 Prospect Street, Apartment 202 in Morristown, New Jersey 07960 for the review of land survey documents submitted to the Township by applicants to the Planning Board and Zoning Board of Adjustment.
2. **Mr. Smith** shall be paid in accordance with his 2019 Municipal Hourly Rate Fee Schedule as set forth in his August 1, 2019 letter proposal and quotation.
3. The term of the contract shall commence on August 9, 2019 and expire on August 1, 2020.
4. The Mayor and Township Clerk are hereby authorized and directed to execute a professional services agreement by and between the Township and **Richard F. Smith, Jr.** based on **Mr. Smith's** 2019 Municipal Hourly Rate Fee Schedule.
5. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law at N.J.S.A. 40A:11-1 et seq.
6. Notice of this action shall be published in the August 14, 2019 issue of the Daily Record.
7. That a certified copy of this resolution shall be transmitted to the Township Engineer, the Township's Chief Municipal Finance Officer and **Mr. Smith** for reference and information purposes.

RESOLUTION NO. 160-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE RENEWAL OF AN UNSPECIFIABLE SERVICES AGREEMENT WITH THE HOUSING PARTNERSHIP FOR MORRIS COUNTY FOR THE PURPOSE OF ADMINISTERING THE TOWNSHIP'S AFFORDABLE HOUSING PROGRAM FOR A ONE (1) YEAR PERIOD COMMENCING AUGUST 1, 2019 THROUGH JULY 31, 2020 IN AN AMOUNT NOT TO EXCEED \$23,500.00, ALL IN ACCORDANCE WITH N.J.S.A. 40A:11-5.(1)(a)(ii) AND THE PAY-TO-PLAY PROVISIONS AT N.J.S.A. 19:44A-20.5 AND N.J.S.A. 19:44A-20.26

WHEREAS, pursuant to the provisions of the Local Public Contracts Law at N.J.S.A 40A:11-5.(1)(a)(ii) and the local unit Pay-to-Play laws at N.J.S.A. 19:44A-20.26, the Township of Hanover desires to renew an Extraordinary, Unspecifiable Services Agreement executed by the Township and the **Housing Partnership for Morris County** (hereinafter referred to as the “**HPMC**”) on August 9, 2018, as a non-fair

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and open contract for the purpose of serving as the Township's agent in administering the Township's Affordable Housing Program; and

WHEREAS, the **HPMC** is a non-profit corporation of the State of New Jersey whose purpose includes increasing the accessibility and availability of affordable housing in Morris County; and

WHEREAS, the **HPMC** will act primarily as an agent of Hanover Township in the sale of the Township's affordable housing units in accordance with provisions of the New Jersey Fair Housing Act and the rules and regulations of the Uniform Housing Affordability Controls promulgated under N.J.A.C. 5:80-26.1 et seq.; and

WHEREAS, in keeping with the requirements of the Non-Fair and Open process of the Pay-to-Play legislation at N.J.S.A. 19:44:-20.26 et seq., the Township's Business Administrator, in his capacity as the Township of Hanover's Qualified Purchasing Agent has prepared a "Value Determination and Certification", (a copy of which is attached hereto and made a part of this resolution), that the estimated value for the performance of the affordable housing services to be performed during calendar years 2019-2020 has an anticipated value in excess of \$17,500.00; and

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

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

WHEREAS, the maximum amount of the Agreement shall not exceed \$23,500.00 for the period beginning August 1, 2019 and ending on July 31, 2020 and

WHEREAS, the Township's Chief Municipal Finance Officer has certified that sufficient funds are available in a Special Trust Fund Account entitled "Mandatory Development Fee", Line Item No. 254-3507-499, for the purpose set forth in this resolution, all in accordance with the requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. That the August 9, 2019 Extraordinary, Unspecifiable Services Agreement with the **Housing Partnership for Morris County** with offices located at 2 East Blackwell Street, Suite 12 in Dover, New Jersey 07801 is hereby renewed for a one (1) year period commencing August 1, 2019 and ending on July 31, 2020. The **Housing Partnership for Morris County** will continue to serve as the Township's agent in administering the Affordable Housing Program in the sale of affordable housing units.
2. In accordance with N.J.S.A. 19:44A-20.26, the Business Entity Disclosure Certification form, the Chapter 271 Political Contribution Disclosure form and the Stockholder Disclosure Certification submitted by the **Housing Partnership for Morris County** are on file and available for public inspection in the office of the Township's Business Administrator/Township Clerk. In addition, the Determination of Value form certified by the Business Administrator, acting in his capacity as the Township's Qualified Purchasing Agent, is attached hereto and made a part of this resolution as if set forth in full.

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3. As an Extraordinary, Unspecifiable Services, the Affordable Housing Coordinating Agency Agreement shall be paid an amount not to exceed \$23,500.00 during the period commencing on August 1, 2019 and ending on July 31, 2020.
4. The August 9, 2019 Extraordinary, Unspecifiable Services Agreement remains unchanged and is in full force and effect during the contract renewal period set forth herein.
5. This appointment is awarded without competitive bidding as a "Extraordinary, Unspecifiable Services" in accordance with N.J.S.A. 40A:11-5.(1)(a)(ii) of the Local Public Contracts Law because it is critical that individuals with demonstrated knowledge, ability and expertise in the field of affordable housing administration be retained for the purpose of acting as the Township's affordable housing agent.
6. That a brief notice of this award shall be published in the Daily Record as required by law within ten (10) days of its passage.

RESOLUTION NO. 161-2019

RESOLUTION: APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RESURFACING OF SOUTH JEFFERSON ROAD FROM UKRAINE ROAD TO EDEN LANE PROJECT

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover formerly approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA-2020-Resurfacing of South Jefferson Road-00689 to the New Jersey Department of Transportation on behalf of Hanover Township.

BE IT FURTHER RESOLVED, that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of Hanover Township, and that their signatures constitute acceptance of the terms and conditions of the grant agreement, and approves the execution of the grant agreement.

RESOLUTION NO. 162-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE AWARD OF A CONTRACT TO AMERICAN ASPHALT & MILLING SERVICES, LLC, THE LOWEST RESPONSIBLE AND RESPONSIVE BIDDER, IN AN AMOUNT NOT TO EXCEED \$539,544.31 FOR THE RESURFACING OF A PORTION OF RIDGEDALE AVENUE FROM FREDERICK PLACE/EAST FREDERICK PLACE TO EAST HANOVER AVENUE IN CEDAR KNOLLS, AND FURTHER AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A CONTRACT WITH THE COMPANY

WHEREAS, it is the intention of the Township of Hanover to complete the resurfacing of a portion of Ridgedale Avenue from Frederick Place/East Frederick Place to East Hanover Avenue in the Cedar Knolls Section of the Township; and

WHEREAS, due to its deteriorating condition, and in order to ensure the safety of motorists and pedestrians traveling the road, it is the desire of the Township Committee to complete the resurfacing of a portion of Ridgedale Avenue as Phase III; and

WHEREAS, the Township of Hanover, acting in conformity with N.J.S.A. 40A:11-1 et seq., publicly advertised for bids on July 9, 2019 for the above referenced resurfacing project; and

WHEREAS, the principal items of the resurfacing project will include but not be limited to a hot mix asphalt milling, 3" thick, hot mix asphalt surface course, 3" thick and

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installation of concrete vertical curb, and additional improvements as set forth in the Township's Specification and Supplementary Specification; and

WHEREAS, on July 30, 2019, pursuant to public advertising, the Township's Bid Reception Committee received and opened a total of five (5) sealed competitive bids out of five (5) prospective bidders; and

WHEREAS, the Township Engineer, acting within his authority and in conformity with N.J.S.A. 40A:11-1 et seq. has carefully examined all the bid documents for this resurfacing project and has determined that the lowest competitive bid submitted by **American Asphalt & Milling Services, LLC** for the resurfacing of a portion of Ridgedale Avenue from Frederick Place/East Frederick Place to East Hanover Avenue is in total conformance with the Township's Specification and Supplementary Specification and does not include any exceptions, deviations or deficiencies, and is therefore deemed the lowest responsible and responsive bidder; and

WHEREAS, in a letter dated August 1, 2019 to the Township Committee, the Township Engineer recommended that the governing body award a contract for the resurfacing project described herein to **American Asphalt & Milling Services, LLC** which bidder submitted the lowest competitive bid for this project in the amount of \$539,544.31; and

WHEREAS, sufficient funds have been appropriated and are available for the resurfacing project through Capital Improvement Fund Ordinance Nos. 16-2016 and 13-2019 (Line Item No. 410-5639-499) and through the 2019 Current Fund Budget, Road Construction & Reconstruction, Line Item #129-0048-833, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

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

1. A contract is hereby awarded to:

American Asphalt & Milling Services, LLC
96 Midland Avenue
Kearny, New Jersey 07032

for the resurfacing of a portion of Ridgedale Avenue from Frederick Place/East Frederick Place to East Hanover Avenue in the Cedar Knolls Section of the Township, all in accordance with the Specification and Supplementary Specification which were utilized by the Township in connection with the bidding process as set forth in the advertisement for bids, said contract being awarded on the basis that it shall not exceed \$539,544.31.

2. Upon commencement of the work, **American Asphalt & Milling Services, LLC** shall be responsible in providing sufficient personnel, and to continue in completing the project in an expeditious fashion, all in accordance with requirements of the Township's Specifications. In addition, **American Asphalt & Milling Services, LLC** shall be required to submit a satisfactory work or progress schedule to the Township Engineer.

3. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available for the resurfacing project set forth in this resolution through Capital Improvement Fund Ordinance Nos. 16-2016 and 13-2019 (Line Item No. 410-5639-499) and through the 2019 Current Fund Budget, Road Construction & Reconstruction, Line Item #129-0048-833, all in accordance with requirements of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.

4. The Mayor and Township Clerk are hereby authorized to execute a contract on behalf of the Township of Hanover with **American Asphalt & Milling Services, LLC** in an amount not to exceed \$539,544.31.

5. A certified copy of this resolution shall be transmitted to the Township Engineer, the Chief Municipal Finance Officer and **American Asphalt & Milling Services, LLC** for their reference and information.

**AUGUST 8, 2019
RESOLUTION NO. 163-2019**

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER REJECTING THE LOWEST COMPETITIVE BID OF ACE OVERHEAD DOOR CONCERNING THE DPW DOOR REPLACEMENT PROJECT IN THAT ACE'S BID WAS DEFICIENT AND DEFECTIVE IN NOT PROVIDING MANDATORIALY REQUIRED DOCUMENTATION AND FURTHER AUTHORIZING THE AWARD OF A CONTRACT IN THE AMOUNT OF \$98,025.00 TO CYPRECO INDUSTRIES, INC., THE SECOND RESPONSIBLE AND RESPONSIVE BIDDER IN THE REPLACEMENT OF TWENTY-THREE (23) GARAGE DOORS AT THE PUBLIC WORKS DEPARTMENT COMPLEX

WHEREAS, in accordance with N.J.S.A. 40A:11-4 of the Local Public Contracts Law, the Township of Hanover advertised for the receipt of sealed competitive bids concerning the replacement of twenty-three (23) garage doors at the Public Works Department Complex located at 25 North Jefferson Road in Whippany; and

WHEREAS, notice of the Township's intention to receive sealed competitive bids appeared in the July 11, 2019 issues of the Daily Record and The Star-Ledger; and

WHEREAS, acting in conformity with the Local Public Contracts Law, the Township's Bid Reception Committee met on July 30, 2019 and received and opened two (2) sealed bids; and

WHEREAS, the two (2) competitive bids received and opened were as follows:

Ace Overhead Door
36 Barnida Drive
East Hanover, New Jersey 07936.....\$ 70,450.00;

Cypreco Industries, Inc.
1420 9th Avenue
P.O. Box 822
Neptune, New Jersey 07753.....\$ 98,525.00; and

WHEREAS, in a letter dated August 1, 2019 to the Mayor and Township Committee, the Township Engineer recommended that the bid of Ace Overhead Door be rejected and declared deficient, defective and unresponsive in that Ace did not comply with the Township's Bid Document Submission Checklist by not providing all of the mandatorily required documentation; and

WHEREAS, the second bid in the amount of \$98,525.00 was submitted **Cypreco Industries, Inc.** with offices located at 1420 Ninth Avenue in Neptune, New Jersey 07753; and

WHEREAS, **Cypreco** was responsive and compliant in submitting all of the required documentation described on the Township's Bid Document Submission Checklist and therefore, can be deemed as the responsible and responsive bidder; and

WHEREAS, having reviewed the recommendations, the governing body concurs with the findings and determinations of the Township Engineer.

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 bid of Ace Overhead Door is hereby rejected and declared deficient, defective and unresponsive in that Ace Overhead Door did not comply with the Township's Bid Document Submission Checklist by not providing all of the mandatorily required documentation.
2. That a contract for the replacement of twenty-three (23) garage doors at the Township's Public Works Department Complex located at 25 North Jefferson Road in the Whippany Section of the Township be

AUGUST 8, 2019

awarded to **Cypreco Industries, Inc.** with offices located at 1420 Ninth Avenue in Neptune, New Jersey 07753. **Cypreco** is declared as the responsive and responsible bidder and is in total compliance with the Township's Bid Documentation Submission Checklist in that its bid is not defective and does not include any exceptions, deviations or deficiencies.

- 3. The Mayor and Township Clerk are hereby authorized and directed to execute a contract on behalf of the Township with **Cypreco Industries, Inc.** in the lump sum amount not to exceed \$98,525.00.
- 4. The Township's Chief Municipal Finance Officer has certified that sufficient funds have been appropriated and are available under Capital Improvement Ordinance Nos. 43-2018 and 27-2019, Line Item No. 410-5645-568 and through the 2019 Current Fund Budget, the Improvement to Buildings and Grounds Account, Line Item No. 129-0052-568, all in accordance with the Local Budget Law at N.J.S.A. 40A:4-1 et seq.
- 5. That certified copies of this resolution shall be transmitted to Ace Overhead Door, **Cypreco Industries, Inc.**, the Township's CMFO and Township Engineer for reference and information purposes.

*******NOT APPROVED*******

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE RELEASE OF THE \$198,068.00 PERFORMANCE SURETY RIDER BOND AND THE \$22,080.00 CASH BOND, PLUS A PORTION OF THE INTEREST PURSUANT TO P.L. 1985 c.315 TO FLEET HANOVER, LLC AS A RESULT OF COMPLETING ALL OF THE BONDED SITE IMPROVEMENTS RELATED TO THE CONSTRUCTION OF TWENTY-FOUR (24) SINGLE-FAMILY ATTACHED TOWNHOUSE DWELLINGS IN SIX (6) SEPARATE BUILDINGS AND RELATED SITE IMPROVEMENTS ON PROPERTY LOCATED AT 325 WHIPPANY ROAD IN THE WHIPPANY SECTION OF THE TOWNSHIP AND DESIGNATED AS LOT 29 IN BLOCK 4701, AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER SUBJECT TO THE SUBMISISON OF A TWO (2) YEAR SITE IMPROVEMENT MAINTENANCE BOND

RESOLUTION NO. 164-2019

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 which item is now available as a revenue from:

Morris County Historic Preservation Trust Fund Grant	\$26,044.00
Whippany Burying Yard	

Section 2.

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BE IT FURTHER RESOLVED, that a like sum of \$26,044.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":
Morris County Historic Preservation Trust Fund Grant
Whippany Burying Yard \$26,044.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION NO. 165-2019

RESOLUTION PROVIDING FOR THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the Budget of the county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for equal amount.

Section 1.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Hanover hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 which item is now available as a revenue from:

Jewish Community Housing Corp. –Contribution \$10,000.00

Section 2.

BE IT FURTHER RESOLVED, that a like sum of \$10,000.00 be and the same is hereby appropriated under the caption of:

Other Operations Excluded from "CAPS":
Reserve Jewish Community Housing Corp. - Contribution \$10,000.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services.

RESOLUTION NO. 166-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE AUTHORIZING THE TOWNSHIP'S CHIEF MUNICIPAL FINANCE OFFICER TO RETURN A 2019 IN LIEU OF TAX DONATION IN THE AMOUNT OF \$2,288.25 TO THE ASSOCIATION FOR RETARDED CITIZENS, MORRIS UNIT

WHEREAS, the Morris Unit of the Association for Retarded Citizens (ARC) presently operates four (4) group homes in Hanover Township for the developmentally disabled; and

WHEREAS, it is the policy of the ARC Morris Unit to provide the municipality in which the group home is located with the equivalent of tax revenue it would normally pay if ARC were not a private not for profit tax exempt organization; and

WHEREAS, in accordance with this policy, ARC submitted a check to the Township of Hanover dated July 12, 2019 in the amount of \$2,288.25 as an in lieu of

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taxes donation to the Township; and

WHEREAS, because of the important humanitarian role and community service that ARC plays in the Township and the County, it is the desire of the Township Committee to return the full amount of the in lieu of taxes donation to the Morris Unit.

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 the governing body has determined to return the \$2,288.25 donation of the Association for Retarded Citizens, Morris Unit, which donation served as an in lieu of taxes contribution to the Township.

2. That the Township's Chief Municipal Finance Officer is hereby authorized to issue a check in the amount of \$2,288.25 to the Association for Retarded Citizens, Morris Unit, as reimbursement in full for its in lieu of taxes donation which was deposited with the Township on July 17, 2019.

3. That a certified copy of this Resolution along with the reimbursement check shall be transmitted to the Township's Chief Municipal Finance Officer and the Executive Director of the Morris Unit ARC for their reference and information.

RESOLUTION NO. 167-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE EXTENDING THE GRACE PERIOD FOR PAYMENT OF THE THIRD QUARTER TAXES FOR 2019 FROM AUGUST 1, 2019 TO AUGUST 22, 2019

WHEREAS, the date of mailing the Township of Hanover's Tax Bills has been delayed due to circumstances beyond the control of the Township of Hanover; and

WHEREAS, in accordance with the spirit and intent of N.J.S.A. 54:4-64, taxpayers should be given adequate notice of taxes due, before invoking any payment of interest for delinquency, under the provisions of N.J.S.A. 54:4-67.

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 the Township's taxes due August 1, 2019 will not be considered delinquent and delinquent interest shall not be charged against a taxpayer if the payment of such taxes is received by the Township on or before August 22, 2019; effectively setting a zero percent interest rate during this period.

2. If the tax payment, due August 1, 2019, is not paid on or before August 22, 2019, interest, as established by a resolution of the Township Committee dated January 3, 2019, shall be charged from August 1, 2019.

3. That a certified copy of this resolution shall be transmitted to the Township's Tax Collector for his reference and action.

RESOLUTION NO. 168-2019

A RESOLUTION APPROVING THE REFUND OF TAX OVERPAYMENTS

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

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL. #</u>	<u>NAME</u>	<u>AMOUNT</u>
401	1		Serv Properties & Mgmt Inc 20 Scotch Road	

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			Ewing, NJ 08628	\$4497.98
1502	21	C0103	Bontempo, Stephen 161 Vista Drive Cedar Knolls, NJ 07927	\$1,281.64
4701	29	C0604	Jain, Vipul & Nidhi 604 Monroe Court Whippany, NJ 07981	\$1,037.11
5304	7		Mongiovi, Leo & Carol 29 Longview Drive Whippany, NJ 07981	\$3,873.71
7301	3		Whippany Fire Co Inc 440 Route 10 Whippany, NJ 07981 RE: 10 Troy Hills Rd	\$307.02
7301	4		Whippany Fire Co Inc 440 Route 10 Whippany, NJ 07981 RE: 8 Troy Hills Rd	\$307.02
7301	4.01		Whippany Fire Co Inc 440 Route 10 Whippany, NJ 07981 RE: 6 Troy Hills Rd	\$307.02

RESOLUTION NO. 171-2019

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER SUPPORTING THE POLICE DEPARTMENT'S DRIVE SOBER OR GET PULLED OVER 2019 STATEWIDE CRACKDOWN

WHEREAS, impaired drivers on our nation's roads kill someone every thirty (30) minutes, fifty (50) people per day and almost eighteen thousand people each year; and

WHEREAS, twenty-five (25) percent of fatalities in New Jersey in 2017 were either under the influence of alcohol or drugs; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day Holiday in particular are traditionally times of social gatherings which include the consumption of alcohol; and

WHEREAS, in cooperation with the New Jersey Division of Highway Traffic Safety, the Hanover Township Police Department plans an enforcement crackdown to combat impaired driving; and

WHEREAS, the New Jersey Division of Highway Traffic Safety has asked law enforcement agencies throughout the State of New Jersey to participate in the "Drive Sober or Get Pulled Over 2019 Statewide Crackdown"; and

WHEREAS, the Township's enforcement project will involve increased impaired driving enforcement from August 16, 2019 through September 3, 2019; and

WHEREAS, an increase in impaired driving enforcement, and a reduction in impaired driving will save lives on our roadways; and

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WHEREAS, the Township Committee endorses and supports the efforts of the Hanover Township Police Department to crack down on impaired drivers.

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 unanimously supports and endorses the Township’s Police Department in its enforcement of laws to combat impaired driving and declares its support for the “Drive Sober or Get Pulled Over 2019 Statewide Crackdown” beginning August 16, 2019 through September 3, 2019 and pledges to increase awareness of the dangers of drinking and driving.
2. That a certified copy of this resolution shall be transmitted to the Chief of Police for reference and information purposes.

****Mr. Giorgio: Please note for the record that there is a request by Members Ferramosca and Member Gallagher that K be deleted from the Consent Agenda at this time as there are several outstanding issues.**

Motion made by Member Ferramosca to approve all resolutions except K as a consent agenda and seconded by Member Gallagher and unanimously passed.

PAYMENT OF BILLS:

The governing body approved a grand total disbursement of **\$9,043,444.70** 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-3221 – Bright & Beautiful Therapy Dogs, Inc. – Tricky Tray**
- RL-3222 – Bright & Beautiful Therapy Dogs, Inc. – 50/50 on premise**
- RL-3223 - Whippany Park Music Boosters – on premise 50/50**
- RL-3224 - Whippany Fire Company – Calendar Raffle**
- RL-3225 - Whippany Park High School –Calendar Raffle**
- RL- 3226 - Junior Matrons of Morristown, Inc. – off 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 to open to public made by Member Ferramosca and seconded by Member Gallagher and unanimously approved.

Terri Baird, 180 Parsippany Road: I wanted to really thank you for all of your hard work that you did and doing the removal of the condemnation because it that was a very difficult decision on your part and I am happy for the people that were here and that could be adversely affected by that designation. So I thank you very much that is all I wanted was to thank you for your time and efforts.

Mayor: Once again, I just want to reinforce the fact that it was never the intention of this Township Committee to use that condemnation against the retailers that were there it has specific purpose but that is a moot point at this point and just move on.

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

OTHER BUSINESS

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Mayor: We formally signed a contract with Parsippany Animal Control so that is formally on the books and we are all set here and off to a good start with them.

Mr. Gallagher: Ron like Terri said and you all have said I just want to thank Fred it's unbelievable the amount of time we spend together a couple nights a week I go in my pool and I actually have talked to Fred almost every night last week while in my pool with my water proof phone case, I told Sheila if Fred calls give me the phone. Fred my hobby for nine days was to be as good as I could with what we are doing here tonight and Fred thank you for everything, you are a great Attorney and great for Hanover Township and a great friend, great work everybody.

Mr. Ferramosca: I would like to also acknowledge the planning board for its efforts in analyzing and assessing and evaluating the area in need study which we all spoke about tonight. It's not their prevue to condemn anything it's not their intention to condemn anything but I thank them for their ability to go through that process.

ADJOURNMENT

Motion made to close at 11:24 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