

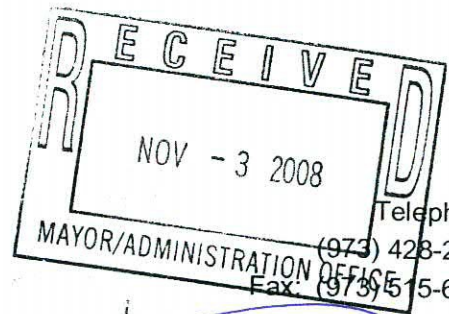
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Office of the
MAYOR

TOWNSHIP OF HANOVER

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October 30, 2008

CC: COUNCIL
PLANNING
DPW
FILE ORCOWH
DUP. to MAYOR

AN OPEN LETTER TO ALL MORRIS COUNTY MAYORS

Re: Home Rule and Sovereignty

Dear Mayor:

You may have read in the newspapers recently about the jurisdictional disagreement between the Township and Morristown concerning who has the right to issue permits and perform inspections at Morristown's Wastewater Treatment Facility which is located within the boundaries of Hanover Township. This letter is not meant to ask you to take sides in this dispute. Rather, it is simply meant to alert you to a situation which I believe affects home rule and the sovereignty of each municipality to govern itself.

The Township of Hanover is somewhat unique in that we are the host community for the Wastewater Treatment Facility, Morristown Municipal Airport, the Morris County Library, the Morris County Public Works Garage, an NJDOT maintenance facility and several other State agencies. In point of fact, Morristown is also considering to build a new Public Works Complex in our Township as well. We believe that if a facility owned by another municipality, the county or State is physically located within the jurisdictional boundaries of another municipality then, that host municipality, has the right to exercise its governmental authority and perform those duties empowered by local ordinance or State statute. Furthermore, we take strong exception that when one governmental jurisdiction (such as Morristown) attempts to impose its will on another governmental jurisdiction then the right of home rule and sovereignty is threatened. This is the case in point with the solar panel project at the Wastewater Treatment Facility.

For the past twenty (20) years or more, the Township of Hanover has performed inspections and issued construction permits at Morristown Municipal Airport and the Wastewater Treatment Facility. In point of fact, a 1983 Superior Court decision affirmed the right of the Township to issue permits and make inspections at the Airport. Therefore, as a matter of law, past practice, and principle, the Township's governing body believes that we must preserve our rights to exercise its authority as a sovereign municipality.

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Although Judge Bozonelis denied the Township's Motion for an Order to Show Cause with Restraints on October 20, 2008, the whole issue of Hanover Township's claim of home rule jurisdiction over the solar panel project is slated for a full hearing on December 2, 2008. Based on the Uniform Construction Code and case law, we believe that we can defend our right to home rule authority.

Your municipality may not be the host community for a facility owned by another governmental jurisdiction and in that case, you may think that the disagreement between our Township and Morristown is trivial. However, the verdict in the December 2, 2008 hearing could be precedent setting if the Township is unsuccessful in proving that it has the right to issue the permits and make the inspections. Ultimately, such a decision could have far reaching consequences for many municipalities in New Jersey who serve as a host community to another jurisdiction's facilities.

Thank you for giving me the opportunity to explain the Township's position. Once again, I am not looking for your support or sympathy but only to advise you of a situation which I feel could jeopardize home rule and sovereignty.

Very truly yours,
FOR THE TOWNSHIP COMMITTEE



Ronald F. Francioli
Mayor

JAG/ci
c: Hanover Township Committee
John H. Dorsey, Esq.
Fred Semrau, Esq.
Stephen Kaplan, Construction Official