

Minutes of the Regular Meeting of the Township Council of the Township of East Hanover held on Tuesday, February 3, 2009 at 7:00 P.M. in the Municipal Building, 411 Ridgedale Avenue, East Hanover, New Jersey.

The Clerk called the meeting to order.

Present: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

Also Present: Administrator C. Richard Paduch, Township Attorney Elizabeth Valandingham, and Township Engineer James Giurintano

The Mayor led the Pledge of Allegiance and Councilman Jocher gave the Invocation.

Mayor Pannullo read the Public Announcement in which he stated that the meeting had been advertised, the press notified, and the notice posted on the bulletin board in the Municipal Building.

Adoption of **January 2** and **January 6, 2009** Minutes:

Motion by Councilman DeRosa, seconded by Councilman Tedesco to adopt said minutes.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

OLD BUSINESS:

None

PUBLIC INPUT:

1. Frank DeFilippo, 2A Fay Drive, wanted to clarify negative rumors with regard to a zoning violation matter for storing a boat on his property.

2. Terry Stella, 99 McKinley Avenue, addressed the Council with regard to neighbor complaints and violations because of two ponies housed in a backyard paddock. There have been ongoing complaints for many years from neighbors because of foul odors emanating from the site. The primary concern now was contamination of surface water runoff.

Township Engineer James Giurintano explained that stormwater samplings were collected and analyzed. He said it was determined that the runoff was not in compliance with NJ Surface Water Quality Standards; and consequently, a notice of violation was sent to property owner Judith Butterly.

The Mayor clearly emphasized that the matter was not in the purview of the Council. Councilman DeRosa stated for the record that he was not against the ponies; however, if the contamination issue could not be remediated, the appropriate Township departments would proceed to take the necessary action. A lengthy discussion ensued.

Two neighbors were the chief complainants; Mauro DiFazio residing at 74 Roosevelt Avenue and James Walinger at 70 Roosevelt Avenue. Both Mr. DiFazio and Mr. Walinger voiced their anger and frustration to this longstanding situation and how it has affected their quality of life. The following individuals also commented:

- Kevin Daire, 89 McKinley Avenue
- Jonathan Cushman, 120 DeForest Avenue
- Carlo DiLizia, Township Health Officer
- Martha George, 73 McKinley Avenue
- Jennifer DiFazio, 74 Roosevelt Avenue
- Judith Butterly, 99 McKinley Avenue

3. Lois Sullivan, 4 Courter Lane, spoke on behalf of the homeowners on Courter Lane. Basically, the residents strongly felt that Courter Lane was not a private road and should be properly maintained by the Township. The Mayor replied that a report was pending from the Engineer for the next meeting.

4. Ron Montrose, 11 Beach Street, again expressed concerns regarding the budget. He also questioned the timing of the traffic light at River Road and Route 10. The Mayor advised that the signal would be adjusted by the state.

Motion by Councilman DeRosa, seconded by Council President Jandoli to close the public input.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

COUNCIL INPUT:

Councilman Tedesco gave a Recreation Department report and provided information for upcoming sport programs and summer playground.

Councilman Jocher, as liaison to the First Aid Squad, stressed the dire need for volunteers mainly during daytime hours. He said the Council was looking at other options for emergency health services, and more information in this matter would be provided at the next meeting.

Councilman DeRosa commented on budget issues, emergency health services, and his opposition to the state pension deferral. He then directed remarks to Councilman Jocher. Councilman DeRosa was dismayed that Councilman Jocher, who openly pledged for a "transparent form of government," took it upon himself to meet with individuals to discuss issues of concern and then disregarded certain Councilmembers in providing information.

In reply, Councilman Jocher brought up his desire to have a work session one hour prior to a meeting so that the Council can discuss matters "in the spirit of partnership." More controversy followed between Councilmen DeRosa and Jocher.

Council President Jandoli provided information for the PTA Casino fundraiser. She wished the high school basketball teams good luck for a successful season. Council President Jandoli informed of residential complaints with regard to a congested traffic concern at the Novartis employee entrance in the morning. Councilman DeRosa said that the Police Chief was aware of the situation. She announced that the Mt. Pleasant Animal Shelter would be holding an auction on February 20th, and lastly gave a Special Improvement District update.

Mayor Pannullo announced that the Council would be working diligently on the budget and work sessions would be held in this effort. He commended the Fire Department and Department of Public Works during a recent fire in the community.

Councilman Jocher entertained a motion, seconded by Councilman Tedesco to have a work session one hour prior to a meeting.

Ayes: Councilmen Tedesco and Jocher

Nays: Councilman DeRosa, Council President Jandoli, and Mayor Pannullo

CONSENT AGENDA:

Matters listed within the Consent Agenda have been referred to members of the Township Council for reading and study, are considered to be routine, and will be enacted by one motion of the Township Council with no separate discussion. If separate discussion is desired, the item may be removed from the Consent Agenda by Council action and placed on the regular agenda under new business.

Motion by Council President Jandoli, seconded by Councilman Tedesco to add Resolution No. 14-2009; remove Resolution No. 6-2009 for discussion; and remove Resolution 12a thru 12g-2009 for the next meeting.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

- 3-2009 - Resolution Re: Authorize Mayor to Execute Certifications and/or Endorsements for Sewer Extension Permits
- 10-2009 - Resolution Re: Transfer of Funds
- 11-2009 - Resolution Re: Authorize Mayor to Execute Agreement for Purchase of Interest in Unimproved Real Property (Hatfield Swamp)
- 14-2009 - Resolution Re: Expressing Intent to Join a Coalition of Concerned Municipalities Impacted and Affected by PSE&G's Proposed Susquehanna-Roseland 500 KV Transmission Line Project

Motion by Councilman DeRosa, seconded by Councilman Jocher to adopt the foregoing resolutions.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

COMMUNICATIONS and DISCUSSION ITEMS:

- Communication from Donald M. McHugh, Esq. Re: 8 Ward Place

The Administrator clearly stated that this lot would not benefit the Township and recommended that the Council reject the offer.

Motion by Councilman DeRosa, seconded by Council President Jandoli to reject the offer of Mr. McHugh's client, Ward Place Associates, to acquire the lot at 8 Ward Place.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

NEW BUSINESS:

6-2009 - Resolution Re: Authorize Bond Reduction for Alberona Estates (Francesca Court)

Councilman DeRosa strongly believed that until the Developer was in compliance with outstanding improvements, the bond should not be reduced. The Township Engineer indicated that if the bond was reduced, there would be sufficient cash remaining to complete the work. A brief discussion followed.

Barbara Davies, 1 Francesca Court, objected to the bond reduction and felt that by the Council denying the reduction would be leverage to pressure the Developer to comply.

Motion by Councilman DeRosa, seconded by Councilman Jocher to **deny** the bond reduction for Alberona Estates.

Ayes: Councilmen Tedesco, Jocher, and DeRosa

Abstain: Council President Jandoli

Nays: Mayor Pannullo

7-2009 - Resolution Re: Appointment of Yvonne Rocco-Accumanno to the Library Board

Mayor Pannullo explained that the appointment was first considered to be a Mayoral appointment. He wanted to correct this misconception since it was subsequently learned that the Library Board appointment was a Mayor's appointment with consent of the Council. Accordingly, the Mayor nominated Yvonne Rocco-Accumanno.

Motion by Councilman DeRosa, seconded by Council President Jandoli to approve the appointment of Yvonne Rocco-Accumanno to the Library Board for a five-year term.

Councilman Tedesco expressed his desire to reappoint Linda Musso, and Councilman Jocher also had comments regarding the appointment. A brief discussion followed.

Mario Accumanno provided the Council with very impressive qualifications of his wife Yvonne, who has a law degree in human resources, and said she would definitely be an asset to the Library Board.

Ayes: Councilman DeRosa, Council President Jandoli, and Mayor Pannullo

Nays: Councilmen Tedesco and Jocher

Motion by Councilman DeRosa, seconded by Councilwoman Jandoli to remove Ordinance No. 1-2009 and add Ordinance No. 4-2009 to the agenda.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

Introduction: Ordinance No. 2-2009 - Authorize the Execution or Acknowledgement and Delivery of Certain Agreements in Connection with the Morris County Improvement Authority's 2009 County Guaranteed Leasing Program

The Clerk announced that she had Ordinance No. 2-2009, entitled "*ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE EXECUTION OR ACKNOWLEDGEMENT AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION WITH THE MORRIS COUNTY IMPROVEMENT AUTHORITY'S 2009 COUNTY GUARANTEED LEASING PROGRAM.*"

Motion by Councilman DeRosa, seconded by Councilman Tedesco that Ordinance No. 2-2009 be introduced by title, adopted on first reading, placed on file in the Clerk's office, and set down for public hearing on March 3, 2009.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

The Mayor stated the ordinance would be published according to law.

Introduction: Ordinance No. 3-2009 - Amend Chapter 79 (Fees and Licenses)

The Clerk announced that she had Ordinance No. 3-2009, entitled "AN ORDINANCE AMENDING CHAPTER 79 OF THE CODE OF THE TOWNSHIP OF EAST HANOVER (FEES AND LICENSES)."

Motion by Councilman DeRosa, seconded by Councilman Tedesco that Ordinance No. 3-2009 be introduced by title, adopted on first reading, placed on file in the Clerk's office, and set down for public hearing on March 3, 2009.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

The Mayor stated the ordinance would be published according to law.

Introduction: Ordinance No. 4-2009 - Amend Chapter 129A (Special Improvement District)

The Clerk announced that she had Ordinance No. 4-2009, entitled "AN ORDINANCE AMENDING CHAPTER 129A OF THE CODE OF THE TOWNSHIP OF EAST HANOVER (SPECIAL IMPROVEMENT DISTRICT)."

Motion by Council President Jandoli, seconded by Councilman DeRosa that Ordinance No. 4-2009 be introduced by title, adopted on first reading, placed on file in the Clerk's office, and set down for public hearing on March 3, 2009.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

The Mayor stated the ordinance would be published according to law.

PAYMENT OF BILLS:

Councilman DeRosa questioned the bill of Master Tree Service in the amount of \$1,845. The Administrator explained that the contract had a cap of \$25,000 for tree services during the one-year term of the contract.

Motion by Councilman DeRosa, seconded by Councilman Tedesco to pay bills in the amount of \$2,103,901.55.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

ADJOURNMENT:

Motion by Council President Jandoli, seconded by Councilman Jocher to adjourn meeting.

Ayes: Councilmen Tedesco, Jocher, DeRosa, Council President Jandoli, and Mayor Pannullo

The meeting adjourned at 10:25 P.M.

MARILYN J. SNOW
Township Clerk

We attest these minutes to be true and correct:

_____ MAYOR PANNULLO

_____ COUNCIL PRESIDENT JANDOLI

_____ COUNCILMAN DEROSA

_____ COUNCILMAN JOCHER

_____ COUNCILMAN TEDESCO