

Minutes of the Regular Meeting of the Township Council of the Township of East Hanover held on Tuesday, July 1, 2008 at 7:00 P.M. in the Municipal Building, 411 Ridgedale Avenue, East Hanover, New Jersey.

The Clerk called the meeting to order.

Present: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

Also Present: Administrator C. Richard Paduch and Township Attorney Matthew J. O'Donnell

The Mayor led the Pledge of Allegiance and Councilwoman Jandoli 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 **June 4, 2008** Minutes:

Motion by Councilman Colasurdo, seconded by Councilwoman Jandoli to adopt said minutes.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

**PUBLIC HEARING (Continued): 2008 Municipal Budget**

The Mayor announced they would now continue the public hearing on the municipal budget.

Motion by Councilman Colasurdo, seconded by Councilman DeRosa to **continue** the public hearing on July 21, 2008.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

**Public Hearing: EH Community Partnership 2008 Budget (SID)  
Resolution No. 40-2008**

Motion by Councilman Musso, seconded by Councilwoman Jandoli to introduce the 2008 Budget for the EH Community Partnership. Prior to voting, the Council was in agreement to hold a hearing in this matter.

Ron Russo addressed the Council on behalf of the EH Business Association with regard to a litigious matter involving the EH Community Partnership. Dr. John Graeber, President of the Community Partnership Board and Marie Peter, Vice President refused to seat newly elected members Ralph Politi, Jr. and Ron Russo. As a result, the Business Association sued the Partnership and subsequently won in court. Mr. Russo indicated that the main issue of contention was legal fees totaling \$28,000 incurred by the Business Association and the Community Partnership. He said these legal bills remain unpaid and because of this, there has been much discord and conflict amongst the Board members. Mr. Russo requested that the Council appoint a committee to look into the Partnership's operation as to why it has not been functioning effectively. Board member Mario Accumanno also gave input. A very lengthy discussion followed.

Councilwoman Jandoli, liaison to SID, said her main concern was the contention on the Board, which has prevented them from moving forward. She recommended an impartial mediator to resolve these issues so that the Board can proceed with the next phase. Councilwoman Jandoli was adamant that she would not approve a budget with pending legal fees that continue to escalate.

Township Attorney Matthew O'Donnell clearly stated that the "SID Board was a separate jural entity represented by counsel, and the governing body only had control through its budgetary process." He perceived the Board had two options in which to pursue this legal matter. The first would be for them to bring a post judgment application to court seeking reimbursement of legal fees and asking those members that conducted themselves in breach of their fiduciary duty to personally reimburse those fees. Mr. O'Donnell said the second option would be for the Board to file for fee arbitration with the Morris County Bar Association if they felt the legal fees were unreasonable.

Bob Jocher, 30 Park Terrace and Al Farese, 53 Surrey Lane commented in this matter. A suggestion raised by Mr. Farese was a referendum for the voters to decide whether the Special Improvement District should continue. Although the Mayor did concur with Mr. Farese, he opined that the improvements started with the SID should be completed.

The Mayor announced that there was a motion and a second for introduction of the budget for the EH Community Partnership and asked for a roll call.

Nays: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

In conclusion, the Mayor announced that he would attend the July 21<sup>st</sup> SID meeting together with liaison Councilwoman Jandoli to hopefully resolve some issues.

**OLD BUSINESS:**

**Public Hearing: Ordinance No. 11-2008 - Amend and Supplement Chapter 42 (Police Department)**

The Clerk announced that she had Ordinance No. 11-2008, entitled "*AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 42 OF THE CODE OF THE TOWNSHIP OF EAST HANOVER.*"

The Mayor stated they would now hold a public hearing on Ordinance No. 11-2008.

Motion by Councilman DeRosa, seconded by Councilwoman Jandoli that the public hearing be closed.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

Motion by Councilwoman Jandoli, seconded by Councilman Colasurdo that Ordinance No. 11-2008 be adopted on second and final reading.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

The Mayor advised that Ordinance No. 11-2008 has been duly adopted and a notice of same shall be published according to law.

**PUBLIC INPUT:**

1. A group of residents of Castle Ridge Townhomes addressed an ongoing problematic situation at the Castle Ridge shopping plaza that has affected their quality of life. They were represented by Ronna Gruskin, trustee of Castle Ridge Homeowners Association residing at 48 Castle Ridge Drive. The complaints voiced were loud noises emanating from the area during unreasonable hours that involved delivery trucks, trash haulers, and street sweepers. Also disturbing to the residents was the consistent presence of skateboarders. Ms. Gruskin said that the Police

Department was called numerous times; however, nothing has been done to mitigate these problems.

The following residents also spoke:

- Nancy Mauriello, 31 Castle Ridge Drive
- Gail Shayer, 59 Castle Ridge Drive
- Boris Lebman, 19 Castle Ridge Drive

Following more discussion in this matter, the Mayor assured the residents that specific issues would be enforced by the Police Department and Zoning Official. Also, he would inquire whether a "privacy fence" was a site plan requirement as well as meet with the Castle Ridge Plaza manager.

2. Carl Perri residing at 26 Timber Hill Drive addressed concerns with regard to speeding on Timber Hill Drive. This has increasingly become a safety issue within the development especially in light of no stop signs at any of the intersecting streets with vehicles traveling 50/60 mph. Mr. Perri requested the Council's support to have two stop signs posted to impede traffic as well as placement of speed tables. After briefly discussing the implementation of speed tables, the Mayor announced that input would first be necessary from the Engineer and Chief of Police.

3. George Dearnness, 39 Heritage Drive, spoke of a problem he encountered several years ago with regard to the sidewalk on his property. His complaint involved Verizon at the time of working in the area and subsequently, a section of the sidewalk settled. Resultant from this settlement, a severe icing condition developed. In December 2007, Township Engineer Lawrence Palmer assisted Mr. Dearnness by apprising Verizon of this hazardous condition and, to date, there has been no response. The Mayor advised Mr. Dearnness that he would direct John Orlich to contact Mr. Ricca, who was the Verizon municipal contact person, in order to remedy this situation.

4. Glenn Pierson, 39 Overlook Avenue, addressed the Council with regard to the Susquehanna-Roseland power line expansion project. He stated that the objective of Public Service Electric & Gas Company was to increase the power from the nuclear plant in Susquehanna, PA to the Roseland switching facilities, which was essential to meet the growing demand for electricity. Mr. Pierson, a radio frequency engineering consultant, provided information on two alternative routes that would visually impact East Hanover.

Motion by Councilman DeRosa, seconded by Councilman Colasurdo to close the public input.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

**COUNCIL INPUT:**

Councilman Musso thanked the County Department of Public Works, County Engineer, and the Morris/Erie Railroad for repairs to the railroad crossing on Ridgedale Avenue.

Councilman Colasurdo reported on a League of Municipalities meeting.

Councilman DeRosa announced that the summer park concert series would commence with the July 4<sup>th</sup> celebration followed by a concert every Tuesday evening. He congratulated the EH Middle School Baseball Team for attaining the County Championship for two consecutive years.

Councilwoman Jandoli reported on a Special Improvement District meeting. She said that she was glad to partake in the Hanover Park High School Class of 2008 Awards Ceremony. Councilwoman Jandoli also informed that the Mt. Pleasant Animal Shelter would hold their annual *Mutt's Mania* on September 28<sup>th</sup> at Lurker Park and urged citizens to support this worthwhile organization.

Mayor Pannullo thanked Councilwoman Jandoli for acting in his behalf at the high school ceremony as well as St. Rose of Lima graduation. The Mayor also mentioned a high school student, Vincent Somma, for outstanding achievements in golf.

**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 Councilman Colasurdo, seconded by Councilman DeRosa to add Resolution No. 77-2008, and remove Resolution No. 70 and 71-2008 and add to new business.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

- 69-2008 - Resolution Re: Sale of Certain Properties
- 72-2008 - Resolution Re: Emergency Temporary Appropriations
- 73-2008 - Resolution Re: Dedicated Trust by Rider for Accumulated Absence Liability Trust Fund
- 74-2008 - Resolution Re: Dedicated Trust by Rider for Law Enforcement Fees
- 75-2008 - Resolution Re: Dedicated Trust by Rider for Public Defender Fees
- 76-2008 - Resolution Re: Dedicated Trust by Rider for Developer's Escrow Fund
- 77-2008 - Resolution Re: Authorize Administrator to Execute All Necessary Acts to Vacate a Portion of Melrose Road

Motion by Councilman Colasurdo, seconded by Councilman Musso to adopt the foregoing resolutions.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

**COMMUNICATIONS and DISCUSSION ITEMS:**

• **Discussion on Morris County Solid Waste Advisory Council Recycling @ 13 Eagle Rock Avenue - AUSA Sanitation**

The Mayor announced that the Township received an application from Morris County Solid Waste Advisory Council, which was submitted by AUSA Sanitation, for a Class "A" recycling facility at 13 Eagle Rock Avenue. He said that a hearing would now be held; thereafter, the Council would render a decision in this matter.

John Caravella, owner of AUSA Sanitation, stated that the recycling center would specifically be for cardboard processing. A noteworthy point was raised by Councilman DeRosa that a Class "A" permit would also allow for recycling of glass, plastic, and aluminum cans. Mr. Caravella concurred; however, he clearly indicated it would have to be restricted by the Council.

Councilman DeRosa brought up another important consideration regarding Mr. Caravella's breach of his original permit by storing equipment on the premises. The zoning regulation clearly stated that "no loaded trucks were allowed to be stored within the confines of the building." Councilman DeRosa's posture was that Mr. Caravella had no regard for

township rules, and if granted this permit, he would likewise violate regulations. His primary concern was that this was not a proper location for this type of business, especially since it was in close proximity to a recreational park and pool.

The following residents spoke in opposition of this recycling facility:

1. Anita Reilly, Cerbone Villas, 645 Ridgedale Avenue
2. Phyllis Kropp, Cerbone Villas, 645 Ridgedale Avenue
3. Bob Jocher, 30 Park Terrace

The Mayor announced that Counsel would now read the resolution requesting the County to deny AUSA's application. Mr. O'Donnell also read for the record a memo from the Land Use Planning Board setting forth their strong opposition to this recycling operation.

**78-2008 - Resolution Re: Opposition to an Application of AUSA Sanitation for a Class "A" Recycling Facility at 13 Eagle Rock Avenue**

Motion by Councilman Colasurdo, seconded by Councilman DeRosa to adopt said resolution.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

**• Administrator's Communication Re: Sale of Bond Anticipation Notes**

The memo was submitted for informational purposes.

**NEW BUSINESS:**

**Introduction: Ordinance No. 12-2008 - Amend Chapter 79 (Fees & Licenses)**

The Clerk announced that she had Ordinance No. 12-2008, entitled "AN ORDINANCE AMENDING CHAPTER 79 OF THE CODE OF THE TOWNSHIP OF EAST HANOVER (FEES & LICENSES)."

Motion by Councilman Colasurdo, seconded by Councilwoman Jandoli that Ordinance No. 12-2008 be introduced by title, adopted on first reading, placed on file in the Clerk's office, and set down for public hearing on August 6, 2008.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

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

**Introduction: Ordinance No. 13-2008 - Amend Chapter 95  
(Land Use & Zoning)**

The Clerk announced that she had Ordinance No. 13-2008, entitled "AN ORDINANCE AMENDING CHAPTER 95 OF THE CODE OF THE TOWNSHIP OF EAST HANOVER (LAND USE & ZONING)."

Motion by Councilman DeRosa, seconded by Councilwoman Jandoli that Ordinance No. 13-2008 be introduced by title, adopted on first reading, placed on file in the Clerk's office, and set down for public hearing on August 6, 2008.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

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

**70-2008 - Resolution Re: Award of Contract to Master Tree  
Service for Tree Removal, Trimming & Stump Grinding  
Services**

Councilman DeRosa's concern was the high fees paid to Master Tree in the past year and felt it would be cost effective to use the Department of Public Works. The Administrator indicated that the Department was not equipped to perform most tree services nor did the employees have the expertise.

Motion by Councilman DeRosa, seconded by Councilman Colasurdo to adopt said resolution.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, and Mayor Pannullo

Nays: Councilwoman Jandoli

**71-2008 - Resolution Re: Award of Franchise to Scott Conforti to  
Vend on Public Property**

Councilman Musso expressed a safety concern because this type of franchise would draw more vehicles and trucks to the

area. He was of the opinion that this would cause a quality of life issue with neighboring residents and also with children at the park. Councilman Musso felt that the Chief of Police as well as the residents have input before approving this franchise.

Councilman DeRosa stated that the contract was for one year, and if any difficulties occurred within that time, the Council would have control to not renew the contract or to rectify the problems.

Motion by Councilman DeRosa, seconded by Councilwoman Jandoli to adopt said resolution.

Ayes: Councilmembers Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

Nays: Councilman Musso

**PAYMENT OF BILLS:**

Motion by Councilman DeRosa, seconded by Councilman Colasurdo to pay bills in the amount of \$4,046,749.35.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

**ADJOURNMENT:**

Motion by Councilwoman Jandoli, seconded by Councilman Colasurdo to adjourn meeting.

Ayes: Councilmembers Musso, Colasurdo, DeRosa, Jandoli, and Mayor Pannullo

The meeting adjourned at 9:50 P.M.

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MARILYN J. SNOW  
Township Clerk

We attest these minutes to be true and correct:

\_\_\_\_\_ MAYOR PANNULLO  
\_\_\_\_\_ COUNCIL PRESIDENT JANDOLI  
\_\_\_\_\_ COUNCILMAN DEROSA  
\_\_\_\_\_ COUNCILMAN MUSSO  
\_\_\_\_\_ COUNCILMAN COLASURDO