

Minutes of the Regular Meeting of the Township Council of the Township of East Hanover held on Monday, July 6, 2009 at 7:00 P.M. in the Municipal Building, 411 Ridgedale Avenue, East Hanover, New Jersey.

The Deputy Clerk called the meeting to order.

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

Absent: Councilman Tedesco

Also Present: Township Attorney Matthew O'Donnell, Township Engineer James Giurintano, and Deputy Clerk Paula Massaro

The Mayor led the Pledge of Allegiance and Council President 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 **May 18, 2009** Minutes:

Motion by Council President Jandoli, seconded by Councilman DeRosa to adopt said minutes.

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

OLD BUSINESS:

Public Hearing: Ordinance No. 12-2009 - Amend and Revise Chapter 120 (Recycling)

The Deputy Clerk announced that she had Ordinance No. 12-2009, entitled "AN ORDINANCE AMENDING AND REVISING CHAPTER 120 OF THE CODE OF THE TOWNSHIP OF EAST HANOVER (RECYCLING)."

The Mayor stated they would now hold a public hearing on Ordinance No. 12-2009.

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

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

Motion by Council President Jandoli, seconded by Councilman DeRosa that Ordinance No. 12-2009 be adopted on second and final reading.

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

The Mayor advised that Ordinance No. 12-2009 has been duly adopted and a notice of same shall be published according to law.

PUBLIC INPUT:

1. Mario Accumanno, president of the SID, acknowledged the members on the Community Partnership's Visual Committee for their concerted efforts in accomplishing a significant reduction in costs for phase 2 of the Ridgedale Avenue Streetscape project. Secondly, Mr. Accumanno voiced an ongoing concern with regard to the Library's surplus. He said it was unfair to the businesses that they were obligated to pay an additional SID assessment. Mr. Accumanno was of the opinion that some of the Library's \$400,000 surplus should be utilized for the SID project in order to ease the burden of the businesses.

2. Al Farese, 53 Surrey Lane, also commented in regard to the Library.

The Mayor explained that the Library was an autonomous body and by law, the Township had to allocate funds every year for them to expend to their discretion. He further stated that the only way this policy can be altered was by the Library's own free choice or by referendum. The Mayor opined that the residents should make the decision and not the Council.

3. James Messineo, 8 Young Court, requested clarification on Township ordinances pertaining to overnight parking of commercial vehicles and storage of items on front property. The Mayor informed Mr. Messineo that he was cognizant of the situation in the neighborhood, which was essentially a longstanding dispute amongst two neighbors. Mr. Messineo said that regardless of the altercation, he had concerns with the commercial vehicle parked on the street as well as a basketball hoop. The Mayor advised that Young Court was a private road; therefore, the Township had no jurisdiction to issue summonses.

Ernest Klepetz, 94 Cedar Street, claimed that James Bright of 7 Young Court, the developer of Bright Estates, had requested that the homeowners not park on the street overnight. He said Mr. Bright's request was adhered to by the residents except for Vincent Longo of 5 Young Court.

Mr. Messineo further stated that as a result of Mr. Longo's unwillingness to cooperate, Mr. Bright filed complaints that were subsequently dismissed in municipal court last year. His anger and frustration were visible, especially regarding Mr. Longo's total lack of respect and indifference to the neighbors.

James Bright, 7 Young Court, addressed this continual two-year conflict between himself and Mr. Longo. He stated that Mr. Longo had blatantly ignored his many requests to move the van; and therefore, he personally signed a complaint. The prosecutor at that time requested that he drop the charges and because he would not, the matter was sent to Madison municipal court for mediation. Mr. Bright was then advised by Madison that they did not mediate parking tickets. Ultimately, the matter was sent back to East Hanover court and Judge Scala dismissed it because he said it was "not a private road," which was in contradiction from what he believed and was told.

Mr. Bright further indicated that he was advised by John DePola, Code Enforcement Official, to contact the Police Department when Mr. Longo's van was parked on the street. Subsequently, he was advised by the Police that the complaint had to be registered by Mr. DePola. Mr. Bright also stated that it would be futile to meet with Mr. Longo because he was very unreasonable and his actions were done spitefully.

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

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

COUNCIL INPUT:

Councilman Jocher conveyed get well wishes to Clerk Marilyn Snow. He commented on the Board of Public Utilities public hearing in regard to the PSE&G power lines. Councilman Jocher again explained that Atlantic Ambulance was currently providing emergency ambulance services to the residents during daytime hours because of the lack of volunteers on the First Aid Squad. Furthermore, he said a meeting would be scheduled with Atlantic

Ambulance to discuss a potential longer plan and also whether to bring in an advanced life support unit that would have some benefits to the Township.

Councilman DeRosa mentioned that the Farmers' Market was held on Mondays at Lurker Park. He read a letter for the record from Mr. John Wolkstein with regard to the Airport site. He informed that Mr. Wolkstein basically proposed to lease the property for passive recreational use. Councilman DeRosa indicated that the vacant piece of land utilized would not overburden the area nor would it be in close proximity to the contaminated areas. He recommended that the matter be discussed further at the August meeting purposely for the Council's consideration to proceed with a November referendum.

In this regard, the Attorney emphasized that the referendum would have to be forwarded to the County Clerk in September. Councilman DeRosa advised that he and Councilman Tedesco have conducted initial research as well as contacting state legislators, who expressed support in this concept.

Mario Accumanno stated that the SID Board was contemplating an outdoor walking museum. He indicated that one of the exhibits would be the history of East Hanover, which would display American Indian artifacts.

Council President Jandoli announced that the Mt. Pleasant Animal Shelter would hold their annual *Mutts Mania* on September 13th and conveyed the Shelter's dire need of donations. She likewise commented on the PSE&G hearing and said that the Mayor's recommendation and alternate options were well received. Along with the submission of written opposition from the coalition of opposing municipalities, as well as alternate plans, Council President Jandoli was hopeful that the Township would benefit. Lastly, she urged the residents to support the Farmers' Market.

Mayor Pannullo encouraged the public to support the Council in the ongoing battle with PSE&G, and he was also optimistic. He thanked Novartis for their contribution of the great summer concerts in the park. The Mayor mentioned the informative letter mailed to residents and businesses regarding the swine flu epidemic.

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 DeRosa, seconded by Council President Jandoli to remove Resolution No. 76 and 77-2009 and add to new business.

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

- 70a-2009 - Resolution Re: RL:1396 - Alpha Kappa Sorority
- 70b-2009 - Resolution Re: RL:1397 - Mt. Pleasant Animal Shelter
- 70c-2009 - Resolution Re: RL:1398 - First Presbyterian Church
- 70d-2009 - Resolution Re: RL:1399 - First Presbyterian Church
- 71 -2009 - Resolution Re: Exempt, Cancel & Refund 2009 Taxes
S. Venturi (Permanently Disabled Verteran)
- 72 -2009 - Resolution Re: Cancel 2009 Taxes - Block 107, Lot 9
- 73 -2009 - Resolution Re: Renewal of Liquor Licenses for Mac
Acquisition t/a Romano's Macaroni Grill & EH Ramada
t/a Ramada Hotel & Conference Center
- 74 -2009 - Resolution Re: Appointments to Local Emergency
Planning Committee
- 75 -2009 - Resolution Re: Mayor's Appointment of Arthur Dorey to
EH Community Partnership Special Improvement District
- 78 -2009 - Resolution Re: Submission of Grant Application &
Execution of Grant Agreement with NJDOT for Roadway
Improvements to River Road Phase 3 Project
- 79 -2009 - Resolution Re: Award of Contract to Top Line
Construction for Improvements to River Rd Section II

Motion by Council President Jandoli, seconded by Councilman DeRosa to adopt the foregoing resolutions.

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

COMMUNICATIONS & DISCUSSION ITEMS:

- **Discussion: Frank & Silvia DeFilippo Re: Appeal Process in accord with Ordinance No. 7-2009 (Storage of Boat)**

The Mayor announced that there would now be a hearing by Frank and Silvia DeFilippo in connection with an appeal process for the storage of a boat on their property. Mrs. DeFilippo gave an account of the circumstances that basically stemmed from a neighbor's complaint in October 2008. Subsequently, a zoning violation was issued to the DeFilippos that the boat exceeded the allowable size as per Township ordinance.

Ruth and Dan Mackinson, residing at 7 Fay Drive and property owners of 2 Fay Drive, addressed their concerns in this matter. Essentially, the main complaints were with the size of the boat as well as a 4 foot wall that caused water problems onto their property. They were both extremely upset and frustrated that this large boat was only a few feet from their door; they wanted the boat "out of their face." A lengthy discussion followed.

In an attempt for a joint resolve between private property owners, Township Attorney O'Donnell recommended that Councilman Jocher mediate some type of agreement between the parties and table the discussion for the next meeting. Council President Jandoli clearly pointed out that the boat issue was the only item that should be addressed at this hearing, and the water problem was a separate issue. The Mayor said that John Orlich would be directed to look into the water drainage problem.

Councilman DeRosa attempted several times to entertain a motion, but he was interrupted by the Mackinsons with their continuous repetition of their complaints.

Councilman DeRosa entertained a motion, which was seconded by Council President Jandoli to approve the storage of the DeFilippo's boat with the stipulation that Mr. DeFilippo takes the proper action to plant arborvitaes, at least 6 foot high, along the property line in order to shield the boat.

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

• **Discussion: Courter Lane**

Regina Radomski, 6 Courter Lane and Ronald Berres, 2 Courter Lane, represented the property owners on Courter Lane.

The Mayor gave a brief account in this matter. To bring about a mutual agreement, he stated that the Township would continue snow plowing on Courter Lane as long as cars were

removed from the street. Since Courter Lane was a private road, maintenance of the road would be incurred by the property owners. Ms. Radomski indicated that all but one homeowner agreed to this, and they would proceed to have a lien put on her house.

Verbal motion by Councilman Jocher, seconded by Councilman DeRosa to continue courtesy snow plowing on Courter Lane with the stipulation that there were no obstructions on the street, and the Township would receive a letter on or before November 1st signed by each property owner in agreement.

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

NEW BUSINESS:

76-2009 - Resolution Re: Performance Bond Reduction for Thomas Seneca, LLC

Councilman DeRosa expressed a concern with reducing bonds prior to completion of the project mostly because of unforeseen problems. It was his understanding that there were drainage issues; therefore, he was adamant that he would not agree to reduce the bonds.

Bob Dunderman, 12 Kimble Place, complained about a serious water problem on his property, which was emanating from the development. He said the flooding increased since the houses were built.

The Council was in agreement to table the resolution pending an inspection by the Township Engineer. Council President Jandoli requested of Mr. Giurintano that during his inspection he ensure that the development conformed to the Master Plan and also was in compliance with the SID plan that Mr. Seneca agreed to.

77-2009 - Resolution Re: Award of Contract to Zuccaro, Inc. for Ridgedale Avenue Streetscape Improvements Phase II

Councilman DeRosa requested bid information for this project from Mario Accumanno, president of the Community Partnership. Mr. Accumanno replied that nine bids were received for the project and provided details relating to the bid plans and specifications. The Township Engineer indicated that the

contractor was reputable and assured the Council that he would be onsite overseeing the work.

The Township Attorney verified that he reviewed all bids and concurred with the Engineer that Zuccaro's bid was the lowest and most responsible bidder. Mr. O'Donnell clearly pointed out that the project needed to be completed before the start of school.

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

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

80-2009 - Resolution Re: Closed Session

No Closed Session was held.

PAYMENT OF BILLS:

Motion by Councilman DeRosa, seconded by Councilman Jocher to pay bills in the amount of \$3,188,316.65.

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

ADJOURNMENT:

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

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

The meeting adjourned at 9:15 P.M.

PAULA A. MASSARO
Deputy Township Clerk

We attest these minutes to be true and correct:

_____ MAYOR PANNULLO

_____ COUNCIL PRESIDENT JANDOLI

_____ COUNCILMAN DEROSA

_____ COUNCILMAN JOCHER