

Minutes of the Regular Meeting of the Township Council of the Township of East Hanover held on Monday, August 2, 2010 at 7:00 P.M. in the Municipal Building, 411 Ridgedale Avenue, East Hanover, New Jersey.

The Mayor called the meeting to order.

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

Also Present: Joseph Tempesta, Jr., Administrator
Kenneth Huelbig, Chief Financial Officer
Kevin Esposito, Tax Assessor
Matthew O'Donnell, Township Attorney
Sean Ferguson, Auditor
Matthew Jessup, Bond Counsel
James Giurintano, Township Engineer
Paula Massaro, Township Clerk

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 **July 7, 2010** Minutes:

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

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

OLD BUSINESS:

Public Hearing: Ordinance No. 3-2010 - Reappropriating \$47,662.56 Not Needed for Original Purposes and Further Reappropriating \$2,091.05 from Ordinance 32-87 to Provide for Technology Upgrades

The Clerk announced that she had Ordinance No. 3-2010, entitled "AN ORDINANCE REAPPROPRIATING \$47,662.56 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES, AND FURTHER REAPPROPRIATING \$2,091.05 FROM ORDINANCE 32-87 OF THE TOWNSHIP,

IN ORDER TO PROVIDE FOR THE TECHNOLOGY UPGRADES IN AND BY THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, NEW JERSEY."

The Mayor stated they would now hold a public hearing on Ordinance No. 3-2010.

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

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

Motion by Council President DeRosa, seconded by Councilman Tedesco that Ordinance No. 3-2010 be adopted on second and final reading.

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

The Mayor advised that Ordinance No. 3-2010 has been duly adopted and a notice of same shall be published according to law.

PUBLIC INPUT:

Al Farese, 53 Surrey Lane, referred to the Mayor's letter that was sent to property owners with the new tax bill. When he called the telephone number listed for information concerning the County tax increase, Mr. Farese was informed that the Mayor, Township Administrator and Tax Assessor were invited to attend meetings in this regard. Mr. Farese requested an explanation as to why no one from the Township attended.

The Mayor replied that these meetings were held prior to the Freeholder's adopting their budget. He said that during his tenure no official had ever attended and felt it would have been futile. The Mayor emphasized that his letter was essentially sent to provide an informative explanation as to where tax dollars were going. Also, he said the manner in which County taxes were distributed is a result of a process called equalization, which was explained in detail by Kevin Esposito, Tax Assessor.

The Mayor was astonished that there had been much fuss over his letter, which the County Administrator referred to as "misleading and inaccurate." He said his communication was a collaborative effort with the CFO, Tax Assessor, and

Administrator; and furthermore, it was definitely not his intent to blame or engage in a dispute with the Freeholders. A lengthy discussion followed.

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

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

COUNCIL INPUT:

Councilman Tedesco gave a Recreation Department report and mentioned the Swim Team awards presentation that he attended. He also reported on a service commemorating a Jersey City police officer who died in the line of duty last year, and his organs were donated to the NJ Sharing Network.

Councilman Jocher gave an update in regard to the vendor proposals received for emergency medical services. Hopefully, a decision would be reached by the next meeting.

Councilwoman Jandoli announced that the Special Improvement District would be paying off the bond the first week of August and extended gratitude to the members for their efforts in this regard. She informed that the annual Mutts Mania would be held at Lurker Park on October 3rd. As a reminder, Councilwoman Jandoli mentioned the Farmer's Market on Mondays and the weekly concerts at Lurker Park. She especially conveyed thanks and appreciation to Novartis for their sponsorship of the concerts.

Council President DeRosa likewise commented on the concerts and extended gratitude to Novartis as well. He wanted to clarify misleading information given by certain individuals at the last meeting pertaining to Municipal and County tax increases, pay freezes, raises, and layoffs in our neighboring municipalities. Council President DeRosa presented a comparative survey of those municipalities that showed they were basically in line with East Hanover.

Mayor Pannullo congratulated the Swim Team, and extended personal thanks for the get well wishes to his wife during her surgical recovery.

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.

The Council raised questions with a majority of the resolutions; therefore, each resolution would be considered separately.

**63-2010 - Resolution Re: Release of Performance Guarantees/
New Hanover, LLC**

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

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

**64-2010 - Resolution Re: Application to Local Finance Board for
Approval to Adopt Bond Ordinance No. 4-2010**

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

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

**66-2010 - Resolution Re: Extending Third Quarter 2010 Property
Tax Payment**

**67-2010 - Resolution Re: Appointment of Member in Auxiliary Fire
Department - Vincent Beck**

Motion by Councilman Jocher, seconded by Councilman Tedesco to adopt said resolutions.

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

**68-2010 - Resolution Re: Special Item of Revenue in 2010 Budget/
Clean Communities 2010 Grant (Chapter 159)**

**69-2010 - Resolution Re: Special Item of Revenue in 2010 Budget/
2010 Click It or Ticket Grant (Chapter 159)**

- 70-2010 - Resolution Re: Special Item of Revenue in 2010 Budget/
2010 Alliance Funding (Chapter 159)
- 71-2010 - Resolution Re: Correction of Special Item of Revenue
in 2010 Budget/Municipal Alliance Matching Funds
(Chapter 159)
- 72-2010 - Resolution Re: Submission of DOT Grant Application for
River Road Improvements Phase IV Project

Motion by Council President DeRosa, seconded by Councilman Tedesco to adopt said resolutions.

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

- 73-2010 - Resolution Re: Request Morris County Clerk to Print on
General Election Ballot a Nonbinding Referendum
Relating to the EH Free Public Library

Councilman Tedesco suggested that the resolution be pulled pending proposed legislation that would basically make the necessity of a referendum moot. The Administrator indicated that the deadline for a referendum to be placed on the general election ballot was August 20th.

Mario Accumanno, 44 Cutter Drive, provided information in regard to pending legislative bills. He also informed that the Library Board was in the process of retaining an attorney and also looking into hiring a public relations specialist.

Councilman Jocher felt that the Library Board was not given the opportunity to address this proposed referendum. Councilwoman Jandoli remarked that this particular issue had been ongoing since April, and the Board had ample time to attend a Council meeting. She was of the opinion that if the Council did not act on the resolution at this time and the Governor's legislation was not passed; the Council would have to delay the referendum to next year. The Mayor was dismayed that Councilman Jocher now objected to the referendum when in fact he voted in favor of it at the April meeting.

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

Ayes: Councilmembers Tedesco, Jandoli, Council President DeRosa, and Mayor Pannullo

Nays: Councilman Jocher

**74-2010 - Resolution Re: Release of Performance Guarantees/
Bright Property Development (Young Court)**

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

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

Abstain: Councilman Tedesco because he was a property owner within 200' of the development

COMMUNICATIONS & DISCUSSION ITEMS:

- **Communication from Rosemary Stone-Dougherty, Esq. Re: Rocco Plaza Associates Request for Cash Bond Reduction**

The Administrator explained that basically the developers were requesting a reduction of the required 10% cash bond to 5%. Importantly, he stated that the Attorney and Engineer were not recommending this mainly because it would set a very dangerous precedent. The developers, Rocco Iellimo and Rocco Sostituto, addressed the Council in this matter. A lengthy discussion followed.

Mr. O'Donnell firmly noted that the proposed developer's agreement was in place, and the Municipal Land Use Law did not look favorably upon reducing those requirements. Mr. Giurintano was in concurrence with the Attorney. Mr. O'Donnell was adamant in his recommendation that the Council not entertain the request.

**65-2010 - Resolution Re: Developer's Agreement - R & R Partners
d/b/a Rocco Plaza Associates**

Councilman Jocher entertained a motion, seconded by Councilman Tedesco to amend the resolution in accord with the developers' request. The Attorney suggested that he review the Municipal Land Use Law requirements with the Engineer and report at the next meeting. Councilwoman Jandoli voiced a concern with voting on something that was in fact legally prohibited.

Councilman Jocher agreed to rescind his motion.

Motion by Councilwoman Jandoli, seconded by Council President DeRosa to accept the Developer's Agreement as is so that the developers could move forward, direct the Attorney to

provide clarification at the next meeting of the Municipal Land Use Law requirements; and if said 10% cash requirement could in fact be deviated, the Council would then consider amending the resolution.

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

NEW BUSINESS:

Introduction: Ordinance No. 4-2010 - Bond Ordinance Providing for Refunding of Certain General Improvement Bonds (1996) and Certain General Obligation Water Utility Bonds Appropriating \$4,750,000

The Clerk announced that she had Ordinance No. 4-2010, entitled "REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, NEW JERSEY PROVIDING FOR THE CURRENT REFUNDING OF CERTAIN GENERAL IMPROVEMENT BONDS (1996) AND CERTAIN GENERAL OBLIGATION WATER UTILITY BONDS, SERIES 1999A AND THE ADVANCE REFUNDING OF CERTAIN GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2002 AND CERTAIN GENERAL OBLIGATION WATER UTILITY BONDS, SERIES 2002, APPROPRIATING \$4,750,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,750,000 REFUNDING BONDS OF THE TOWNSHIP FOR FINANCING THE COST THEREOF."

The Clerk stated that the Supplemental Debt Statement was filed in her office as of today's date.

Motion by Council President DeRosa, seconded by Councilwoman Jandoli that Ordinance No. 4-2010 be introduced by title, adopted on first reading, placed on file in the Clerk's office, and set down for public hearing on September 8, 2010.

Ayes: Councilmembers Tedesco, Jocher, Council President DeRosa, and Mayor Pannullo

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

75-2010 - Resolution Re: Closed Session

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

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

The Council went into Closed Session at 9:40 P.M. The meeting reconvened at 11:10 P.M.

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

PAYMENT OF BILLS:

Motion by Council President DeRosa, seconded by Councilman Tedesco to pay bills in the amount of \$5,231,285.60.

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

ADJOURNMENT:

Motion by Councilman Jocher, seconded by Councilman Tedesco to adjourn meeting.

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

The meeting adjourned at 11:15 P.M.

Respectfully submitted,

PAULA A. MASSARO
Township Clerk