

Minutes of the Regular Meeting of the Township Council of the Township of East Hanover held on Monday, May 1, 2017 at 7:00 P.M. in the Municipal Building, 411 Ridgedale Avenue, East Hanover, New Jersey.

The Mayor called the meeting to order.

Present: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Absent: Councilwoman Jandoli

Also Present: Joseph Tempesta, Jr., Administrator
Matthew O'Donnell, Township Attorney
Steven Wielkotz, Township Auditor
Kenneth Huelbig, Chief Finance Officer
Paula A. Massaro, Township Clerk

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

The Mayor 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 Minutes: **March 6, 2017**

Motion by Council President DeMaio, seconded by Councilman Martorelli to adopt the said minutes.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

PUBLIC HEARING: Special Improvement District 2017 Budget

The Mayor announced that now was the time for the public hearing on the 2017 Special Improvement District Budget.

Motion by Councilman Brokaw, seconded by Council President DeMaio that the public hearing be closed.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

80-2017~ Resolution Re: Adopt the 2017 EH Community Partnership (Special Improvement District) Budget and Assessment Roll

Motion by Councilman Martorelli, seconded by Councilman Brokaw to adopt the said resolution.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Public Hearing: Ordinance No. 2-2017~ Exceed Municipal Budget Appropriation Limits and Establish a Cap Bank

The Township Clerk announced that she had Ordinance No. 2-2017, entitled “*AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2017.*”

Importantly, the Township Auditor explained that once the budget was adopted, the Township would be \$1.2 million under the appropriation cap and would carry forward a \$1.2 million bank to next year.

The Mayor stated they would now hold a public hearing on Ordinance No. 2-2017.

Motion by Councilman Martorelli, seconded by Councilman Brokaw that the public hearing be closed.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Motion by Councilman Martorelli, seconded by Council President DeMaio that Ordinance No. 2-2017 be adopted on second and final reading.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

The Mayor advised that Ordinance No. 2-2017 has been duly adopted and a notice of same shall be published according to law.

PUBLIC HEARING: 2017 Municipal Budget

The Mayor stated they would now hold a public hearing on the 2017 Municipal Budget.

Motion by Councilman Brokaw, seconded by Councilman Martorelli that the public hearing be closed.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Prior to the adoption of the budget, Mayor Pannullo read into the record the following communication from Councilwoman Jandoli: “I regret that I am unable to attend tonight’s meeting since I have been called out of the country on business. I send this communication in my absence memorializing my affirmative support for the 2017 Municipal Budget. I have reviewed the Council packet, the budget, and have spoken at length with the Mayor, Administrator, Chief Finance Officer, and Township Auditor. I thank everyone for their hard work and apologize for my scheduling conflict. I wholeheartedly support the budget and if I was able to attend the meeting; my vote, for the record, would be “Yes.”

RESOLUTION: Adoption of 2017 Municipal Budget

Be it Resolved, by the Mayor and Council of the Township of East Hanover of the County of Morris that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$15,146,416.77 for Municipal Purposes, and \$1,090,761.00 Minimum Library Tax.

Motion by Council President DeMaio, seconded by Councilman Martorelli to adopt the 2017 Municipal Budget.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 1st day of May 2017. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2017 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

OLD BUSINESS:

Public Hearing: Ordinance No. 3-2017~ Amend and Supplement Chapter 173, Animal and Animal Establishments

The Clerk announced that she had Ordinance No. 3-2017, entitled “*AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 173: ANIMALS ARTICLE I: ANIMALS AND ANIMAL ESTABLISHMENTS, SECTION §173-1 DEFINITIONS, §173-10 LICENSE FOR KENNEL OR PET SHOP; SECTIONS §173-10 (A); §173-11; §173-12; §173-13(A); §173-14; AND §173-16 INCLUDE “ANIMAL CARE FACILITY” IN SECTIONS; TO INCLUDE A NEW SECTION § 173-30.1 RESTRICTION ON THE SALE OF ANIMALS; AND TO UPDATE AND RE-NUMBER §173-30.01 VIOLATIONS AND PENALTIES AS §173-30.2 ACCORDINGLY AND HAVE THAT SECTION CONTAIN PENALTIES FOR NEW SECTION §173-30.1.*”

The Township Attorney provided a brief clarification of the ordinance for the record:

“On April 3, 2017, the Township Council introduced the instant ordinance amending Chapter 173 of the Township Code for the purpose of restricting pet shops for selling or offering to sell puppies, dogs, kittens, and or cats in the Township from puppy and kitten mills. An instant ordinance allows pet shops to sell or offer to sell only those puppies, kittens, dogs, and or cats that are sourced from animal shelters and or rescue organizations. Studies have confirmed that a significant number of cats and dogs sold at pet shops come from large scale commercial breeding facilities, commonly known as puppy and kitten mills. Unfortunately, there are a host of documented abuses endemic to puppy and kitten mills; including over breeding, inbreeding, minimal to none existent veterinarian care, and a lack of nutritious food, water, shelter,

socialization, space, and exercise. This leads to health and behavioral issues in animals spread in these types of facilities. According to the State, more than 20,000 dogs and cats are euthanized in animal shelters annually as a result of pet overpopulation. Pet overpopulation has caused the Township and its taxpayers to incur great financial costs and expenses and has been a burden on the time and resources of the Township Police and Health Departments.

In 2016, the Township determined that the current Federal and State laws and regulations do not adequately address the retail sale of puppies and kittens by pet shops in the State by puppy and or kitten mills. The Township believes that it is in their best interest to adopt regulations to reduce costs and expenses to the Township and its taxpayers and to protect and preserve the health and safety of animals; but more importantly, to protect our Township residents. This ordinance is likely to reduce pet overpopulation, reduce the burden of State and local agencies and the cost on taxpayers, prevent inhumane breeding conditions, and foster a more humane environment for puppies, kittens, dogs, and cats in the Township.”

The Mayor stated they would now hold a public hearing on Ordinance No. 3-2017.

Motion by Councilman Brokaw, seconded by Council President DeMaio that the public hearing be closed.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Motion by Councilman Martorelli, seconded by Councilman Brokaw that Ordinance No. 3-2017 be adopted on second and final reading.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

The Mayor advised that Ordinance No. 3-2017 has been duly adopted and a notice of same shall be published according to law.

Public Hearing: Ordinance No. 4-2017~ Amend and Supplement Chapter 95, Land Use & Zoning, Professional and Business Office Regulations

The Clerk announced that she had Ordinance No. 4-2017, entitled “*AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 95, LAND USE & ZONING, ARTICLE VII, ZONING, SECTION §95-57 PROFESSIONAL AND BUSINESS OFFICE PB-1 ZONE REGULATIONS; §95-58 PROFESSIONAL AND BUSINESS OFFICE PB-2 ZONE REGULATIONS, TO ADD TO EACH A NEW SUBSECTION D CONDITIONAL USES; AND §95-58.1 PROFESSIONAL AND BUSINESS OFFICE PB-3 ZONE REGULATIONS, SUBSECTION B OTHER PROVISIONS AND REQUIREMENTS, TO DELETE ITEMS 1 AND 2 AND REPLACE WITH ITEMS 1 THROUGH 13; AND ADD A NEW SUBSECTION C CONDITIONAL USES; AND*

ATTACHMENT 3, THE SCHEDULE OF AREA REQUIREMENTS, WHICH IS INCLUDED AT THE END OF ARTICLE VII TO SET FORTH THE CORRECT CODE SECTION REFERENCED AS §95-58.1.B.”

The Mayor stated they would now hold a public hearing on Ordinance No. 4-2017.

Motion by Councilman Martorelli, seconded by Councilman Brokaw that the public hearing be closed.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Motion by Council President DeMaio, seconded by Councilman Brokaw that Ordinance No. 4-2017 be adopted on second and final reading.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

The Mayor advised that Ordinance No. 4-2017 has been duly adopted and a notice of same shall be published according to law.

**Public Hearing: Ordinance No. 5-2017~ Bond Ordinance Appropriating \$860,000
Providing for Various Water/Sewer Utility Improvements**

The Clerk announced that she had Ordinance No. 5-2017, entitled “*BOND ORDINANCE PROVIDING FOR VARIOUS WATER/SEWER UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$860,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$860,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.*”

The Mayor stated they would now hold a public hearing on Ordinance No. 5-2017.

Motion by Council President DeMaio, seconded by Councilman Martorelli that the public hearing be closed.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Motion by Councilman Brokaw, seconded by Council President DeMaio that Ordinance No. 5-2017 be adopted on second and final reading.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

The Mayor advised that Ordinance No. 5-2017 has been duly adopted and a notice of same shall be published according to law.

**Public Hearing: Ordinance No. 6-2017~ Bond Ordinance Appropriating \$3,541,150
Providing for Various Capital Improvements**

The Clerk announced that she had Ordinance No. 6-2017, entitled “*BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, NEW JERSEY, APPROPRIATING \$3,541,150 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,364,093 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.*”

The Mayor stated they would now hold a public hearing on Ordinance No. 6-2017.

Motion by Councilman Brokaw, seconded by Council President DeMaio that the public hearing be closed.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

Motion by Councilman Martorelli, seconded by Council President DeMaio that Ordinance No. 6-2017 be adopted on second and final reading.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

The Mayor advised that Ordinance No. 6-2017 has been duly adopted and a notice of same shall be published according to law.

PUBLIC INPUT:

Fire Chief Carmine Davino was pleased to introduce Vivek Kasarla of 19 Candice Way, who addressed the Council regarding his proposed Eagle Scout project pertaining to electronically mapping fire hydrants in the Township and cataloging them for the Fire Department. This would basically entail the location and landmarks of each fire hydrant as well as determining the maintenance for flushing and operational safety. The Mayor and Council were in full support of Vivek’s well-planned project and believed it would greatly benefit the residents and Fire Department.

Motion by Council President DeMaio, seconded by Councilman Martorelli to close public input.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

COUNCIL INPUT:

Councilman Martorelli announced the annual events that would take place this month; the Italian American Club Carnival at Lurker Park starting May 9th through May 13th and the PBA Food Truck Festival at Lurker Park on May 21st at 11:00 a.m. He reminded everyone of the upcoming Memorial Day Parade on May 29th, a time to honor the men and women who died while serving our country.

Councilman Brokaw thanked Vivek Kasarla for his proposed Eagle Scout project. He congratulated Amanda Hoberman for reaching her 100th career goal for Hanover Park Lacrosse;

the Lady Hornets are doing great as well as varsity Baseball Hornets with a 9-4 record. He commented that East Hanover and Florham Park both had a successful baseball/softball opening day. Lastly, Councilman Brokaw announced that East Hanover received an “A” rating by Niche.com in the Morristown Patch newspaper for one of the best places to live.

Council President DeMaio elaborated on the Florham Park/East Hanover opening day baseball/softball parade ceremony. He thanked Mayor Mark Taylor of Florham Park, the East Hanover Girls Softball Team, and the residents that came out to support them. The Council President also asked everyone to take a moment on Memorial Day to remember the men and women in the armed forces that lost their lives fighting for this great country.

Mayor Pannullo also commented on East Hanover and Florham Park having the same opening day for baseball and softball teams.

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.

- 81a- 2017- Resolution Re: RL:2046/St. Aloysius Church
- 81b- 2017- Resolution Re: RL:2047/Legacy of a Hero L/CPL Chris Cosgrove III Foundation
- 81c- 2017- Resolution Re: RL:2048/Legacy of a Hero L/CPL Chris Cosgrove III Foundation
- 81d- 2017- Resolution Re: RL:2049/BPOE #2237 Cedar Grove
- 81e - 2017- Resolution Re: RL:2050/ BPOE #2237 Cedar Grove
- 81f- 2017- Resolution Re: RL:2051/PBA Local #227 East Hanover Civic Association
- 82- 2017- Resolution Re: Acquisition of (3) Police Interceptor SUV’s Under the Morris County Cooperative Pricing Council
- 83- 2017- Resolution Re: Authorize Refund for Overpayment of Water/Sewer Fees (Block 99.13 Lot 12)
- 84- 2017- Resolution Re: Award of Contract to Megan Edelle, DVM for Professional Veterinary Services
- 85- 2017- Resolution Re: Approval of Change Order #2017-1 to JTG Construction for the Barnida Drive Roadway Reconstruction Phase I

Motion by Councilman Martorelli, seconded by Councilman Brokaw to adopt the aforementioned resolutions.

Ayes: Councilmen Martorelli, Brokaw, Council President DeMaio, and Mayor Pannullo

COMMUNICATIONS & DISCUSSION ITEMS:

- Permission for a Block Party on May 27, 2017 @ Bunker Road

The Mayor and Council unanimously agreed to grant permission for the Block Party.

NEW BUSINESS:

None

PAYMENT OF BILLS:

Motion by Council President DeMaio, seconded by Councilman Brokaw to pay bills included in the attached claim list submitted by the Chief Finance Officer.

Ayes: Councilmen Martorelli Brokaw, Council President DeMaio, and Mayor Pannullo

ADJOURNMENT:

Motion by Councilman Brokaw, seconded by Council President DeMaio to adjourn meeting.

Ayes: Councilmen Martorelli Brokaw, Council President DeMaio, and Mayor Pannullo

The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Paula A. Massaro, RMC
Township Clerk

Minutes Adopted: July 10, 2017