

Minutes of the Regular Meeting of the Township Council of the Township of East Hanover held on Monday, October 1, 2018 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 DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

Also Present: Joseph Tempesta, Jr., Administrator  
Matthew O'Donnell, Township Attorney  
Elizabeth Valandingham, Co-counsel  
Paula A. Massaro, Township Clerk

The Mayor led the Pledge of Allegiance and Councilman DeMaio 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: **September 4, 2018**

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

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

### **Fire Prevention Month: Chief Carmine Davino**

Fire Chief Carmine Davino addressed the Council to publicly announce the importance of Fire Prevention Month commencing October 1<sup>st</sup>. He especially thanked Mayor Pannullo for extending Fire Prevention "Week" several years ago to Fire Prevention "Month" in our community. Chief Davino mentioned the significance of visits to all the schools for repetitious practice and drills to educate the students. The Chief urged everyone to change batteries in their smoke and carbon monoxide detector.

### **OLD BUSINESS:**

### **Public Hearing: Ordinance No. 15-2018~ Amend and Supplement Chapter 42, Police Department; Special Law Enforcement Officers**

The Clerk announced that she had Ordinance No. 15-2018, 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 42: POLICE DEPARTMENT, SECTION §42-8. SPECIAL LAW ENFORCEMENT OFFICERS;*

*APPOINTMENT; DUTIES TO ADD A NEW SECTION C REGULATING THE THREE CLASSES OF SPECIAL POLICE OFFICERS PURSUANT TO LAW.”*

The Mayor stated they would now hold a public hearing on Ordinance No. 15-2018.

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

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

Motion by Councilwoman Jandoli, seconded by Council President Martorelli that Ordinance No. 15-2018 be adopted on second and final reading.

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

The Mayor advised that Ordinance No. 15-2018 has been duly adopted and a notice of same shall be published according to law.

**Public Hearing: Ordinance No. 16-2018~ Amend and Supplement Chapters 108, 155 and 207; Limiting Solid Waste Collection Service to Specified Operating Hours**

The Clerk announced that she had Ordinance No. 16-2018, 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 108; CHAPTER 155; AND CHAPTER 207 LIMITING SOLID WASTE COLLECTION SERVICE TO SPECIFIED OPERATING HOURS.*”

The Mayor stated they would now hold a public hearing on Ordinance No. 16-2018.

Motion by Councilwoman Jandoli, seconded by Council President Martorelli that the public hearing be closed.

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

Motion by Council President Martorelli, seconded by Councilman DeMaio that Ordinance No. 16-2018 be adopted on second and final reading.

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

The Mayor advised that Ordinance No. 16-2018 has been duly adopted and a notice of same shall be published according to law.

**Public Hearing: Ordinance No. 17-2018~ Amend and Supplement Chapter 95, Land Use and Zoning; Bollards**

The Clerk announced that she had Ordinance No. 17-2018, 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 AND ZONING, ARTICLE VII ZONING, SECTION §95-47 MODIFICATIONS AND EXCEPTIONS, SUBSECTION A, ITEM 6 TO ADD A NEW SUBITEM (L).*”

The Mayor stated they would now hold a public hearing on Ordinance No. 17-2018.

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

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

Motion by Councilwoman Jandoli, seconded by Councilman DeMaio that Ordinance No. 17-2018 be adopted on second and final reading.

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

The Mayor advised that Ordinance No. 17-2018 has been duly adopted and a notice of same shall be published according to law.

**PUBLIC INPUT:**

1. Edward Seborowski, 3 Gifford Court, voiced concerns that in an article he read the Township was not included in a list of municipalities prohibiting the legal use of marijuana. Mayor Pannullo advised that a draft marijuana ordinance would be addressed later in the meeting.

2. Natalee Bartlett, Superintendent of Schools, briefed the Mayor and Council of the recent air quality mold issue at Frank J. Smith School. She said the school was shut down, and the students and faculty were housed at Central School temporarily. Ms. Bartlett expressed her thanks and gratitude for the support of the Mayor, Police Chief, Fire Chief, and Public Works during this challenging time.

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

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

**COUNCIL INPUT:**

Councilman DeMaio announced that the Annual Columbus Day Parade would be held on Sunday, October 7<sup>th</sup> and congratulated Mayor Pannullo on his prestigious award as Grand Marshal. He also announced that the Township would be holding their first Public Safety Awareness Day at Lurker Park on Saturday, October 27<sup>th</sup> highlighting the personnel and equipment that keeps our community safe. Lastly, Councilman DeMaio stated that the Annual C.E.R.T. Beefsteak Fundraiser would be held on Wednesday, November 7<sup>th</sup>.

Councilman Brokaw thanked Fire Chief Davino for servicing and protecting East Hanover. He commended Sgt. James Cavezza of the Madison Police Department and resident of East Hanover for his heroic actions by saving an individual's life, who attempted to jump off a railway overpass. Councilman Brokaw wished everyone a joyful Halloween.

Councilwoman Jandoli thanked everyone that supported the 2018 Annual Mutt's Mania Fundraiser stating it was one of the largest gatherings that raised the most in donations.

Council President Martorelli likewise congratulated Mayor Pannullo for being selected as Grand Marshal in the Columbus Day Parade. He announced that the First Presbyterian Church on Mt. Pleasant Avenue would be celebrating their 300<sup>th</sup> Anniversary on October 7<sup>th</sup>.

**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 Councilwoman Jandoli, seconded by Councilman Brokaw to add Resolution No. 142 and 143-2018 to the agenda.

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

- 137a -2018- Resolution Re: RL:2145/Children's Specialized Hospital FDN Inc.
- 137b -2018- Resolution Re: RL:2146/East Hanover Cooperative Nursery School Inc.
- 137c -2018- Resolution Re: RL:2147/East Hanover Cooperative Nursery School Inc.
- 137d -2018- Resolution Re: RL:2148/St. Rose of Lima RC Church
- 137e -2018- Resolution Re: RL:2149/Hanover Park 3PT Club
- 137f -2018- Resolution Re: RL:2150/PTO Whippany Park High School
- 137g -2018- Resolution Re: RL:2151/PTO Whippany Park High School
- 137h -2018- Resolution Re: RL:2152/PTO Whippany Park High School
- 137i -2018- Resolution Re: RL:2153/PBA Local #227 East Hanover Civic Association Inc
- 137j -2018- Resolution Re: RL:2154/PTO Hanover Park High School
- 137k -2018- Resolution Re: RL:2155/PTO Hanover Park High School

- 138 -2018- Resolution Re: Maintenance Surety Bond Release for V & L Associates of Marlton, LP (The Funplex)
- 139 -2018- Resolution Re: Bond Release for V & L Associates of Marlton, LP (The Funplex)
- 140 -2018- Resolution Re: Award of Contract for NJDOT Municipal Aid Program FY2018 DeForest Avenue Roadway Improvements to American Asphalt and Milling Services, LLC
- 141 -2018- Resolution Re: Redemption of Tax Title Lien No. 15-00014 (Block 149, Lot 5)
- 142 -2018- Resolution Re: Rescinding Resolution No. 88-2018 and Cancelling the Contract for the Lurker Park DPW Building Project with Brunswick Builders, LLC
- 143 -2018- Resolution Re: Award of Contract to Nature's Choice Corporation for Loading Removal, and Recycling of Uncomposted Leaves Services

Motion by Councilwoman Jandoli, seconded by Council President Martorelli to adopt the aforementioned resolutions.

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

**COMMUNICATIONS & DISCUSSION ITEMS:**

- Township Attorney's Update Re: Mondelez Property

Matthew O'Donnell, Township Attorney, apprized the Council of a meeting with Brian Slaugh, Professional Planner of Clarke Caton Hintz, who was appointed by Judge Maryann Nergaard to provide the Township with a revised concept plan. He stated that he voiced concerns regarding the number of units and density. Mr. O'Donnell informed that the next scheduled court phone conference would be held October 16<sup>th</sup>. The Mayor revealed that nothing has changed and they were still recommending the same number of units.

- Discussion Re: Draft Marijuana Ordinance

Elizabeth Valandingham, Co-counsel, provided the Council with a New Jersey State League of Municipalities Urgent Alert newsletter of September 12, 2018 in connection with Marijuana Legalization and the Local Option Tax and gave a brief overview of this issue. She stated that the law known as the New Jersey Marijuana Legalization Act has been revised numerous times, and the League has requested that municipalities provide recommendations in reference to the following:

- Medical and recreational marijuana purposes;
- Local option tax of up to 2%;
- Opt-out or Opt-in provision for municipalities;
- Four distinct types of licenses that are growth/cultivation, manufacturing, transportation/distribution, and retail;
- Home-grown products not authorized;
- Creation of five-member commission to oversee marijuana regulations;

- Automatic eligibility for those convicted of marijuana possession for criminal record expungement.

Ms. Valandingham suggested that the Council wait until the law has passed before adopting a local ordinance. She also advised the Council to work closely with the Court and Police in an expungement of record, laws, and fines.

Mayor Pannullo opined that marijuana would be legalized, and he would absolutely want it safe in our community; consisting of no growing, no warehousing, no selling of recreational marijuana, prohibiting sale two miles from school and church, not on main road, and not in public parks. The Mayor also felt that the Township would not be able to ban medical marijuana.

**NEW BUSINESS:**

None

**PAYMENT OF BILLS:**

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

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

**ADJOURNMENT:**

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

Ayes: Councilmembers DeMaio, Brokaw, Jandoli, Council President Martorelli, and Mayor Pannullo

The meeting adjourned at 8:00 P.M.

Respectfully submitted,

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Paula A. Massaro, RMC  
Township Clerk

Minutes Adopted: December 10, 2018

