

**TOWNSHIP OF CEDAR GROVE  
ESSEX COUNTY NEW JERSEY**

**PUBLIC MEETING**

**MINUTES**

**MARCH 5, 2018**

**1. ROLL CALL, INVOCATION AND FLAG SALUTE**

Mayor Tanella called the meeting to order at 7:00 p.m.

Present: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella  
Also Present: Township Manager Tucci, Attorney Townes for Township Attorney Zielinski,  
Township Clerk Stutz

The flag salute was led by Mayor Tanella.

Mayor Tanella made the required announcement concerning the Open Public Meetings Act as follows: Adequate notice of this meeting was duly provided to the Verona-Cedar Grove Times and the Star Ledger on December 28, 2017, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building Lobby in accordance with the Open Public Meeting Act.

**2. EXTRAORDINARY BUSINESS OF THE TOWNSHIP COUNCIL**

a) Ceremonial Swearing-in of Police Officer

Mayor Tanella re-administered oath to new police officer Ptl. Anthony Grigolo and provided his background credentials.

**3. APPROVAL OF MINUTES**

a) To consider approval of regular public meeting minutes of February 12, 2018

Councilwoman Peterson moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Mayor Tanella

NO: None

ABSENT: Councilman Vargo, Deputy Mayor Cicala

**4. PUBLIC HEARING**

a) To consider adoption of Pending Ord. No. 18-822, Amending Ord. No. 17-803 Downtown Advisory Committee

The ordinance was read by title only:

**An Ordinance of the Township of Cedar Grove, County of Essex, State of New Jersey Amending Ordinance No. 17-803 changing the Chapter Number for the Downtown Advisory Committee.**

Mayor Tanella opened this portion of the meeting to anyone wishing to be heard on this item only. There being no one present wishing to be heard, Mayor Tanella closed this portion of the meeting.

Deputy Mayor Cicala moved that the ordinance be adopted at second reading, published in the Verona-Cedar Grove Times as a passed ordinance to take effect as prescribed by law, seconded by Councilman Vargo, and passed by the following vote:

AYE: Councilmembers Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

## 5. AWARD OF BID

- a) To consider resolution awarding bid for Furnishing, Delivery, and Installation of Fire Dept. Breathing System

The following resolution had been posted on the bulletin board, and a brief synopsis was given by the Township Clerk:

**WHEREAS**, pursuant to advertising duly made, a sole bid was received for the furnishing, delivery, and installation of Fire Dept. Breathing System and publicly opened and read by the Township Clerk on January 4, 2018; and

**WHEREAS**, the sole bid was received from Continental Fire & Safety, Inc., of Hamilton, New Jersey, in the amount of \$37,200.00; and

**WHEREAS**, the Municipal Engineer and the Township Attorney have reviewed the bids and recommend that the award of bid be made to Continental Fire & Safety, Inc. ; and

**WHEREAS**, funds are available to satisfy our obligations under this contract in Bond Ordinance No. 18-808.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that the award of bid be made to Continental Fire & Safety, Inc. of Hamilton, New Jersey.

**BE IT FURTHER RESOLVED** that the proper township officials be instructed to execute a contract on behalf of the township.

Deputy Mayor Cicala moved adoption of the resolution, seconded by Councilman Vargo, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

## 6. MEETING OPEN TO RESIDENTS OF THE TOWNSHIP WISHING TO BE HEARD ON ANY ITEM ON THE AGENDA

Mayor Tanella opened this portion of the meeting to anyone wishing to be heard on any item on the agenda. There being no one present wishing to be heard, Mayor Tanella closed this portion of the meeting.

**7. REPORTS OF TOWNSHIP OFFICIALS**

- a) Township Manager – The Manager noted receipt of an engagement letter for alternate legal services from the firm of Kaufman, Semeraro & Leibman LLP.
- b) Township Clerk – No report
- c) Township Attorney – No report
- d) Other Reports

Mayor Tanella requested an executive session to discuss pending COAH litigation. Mayor Tanella noted the memo from the Recreation Director regarding 2018 pool fees. There was consensus to concur with the proposed fees. Councilman Vargo suggested that a reduced pool rate be offered for first responders. Following discussion there was consensus to consider reduced pool rate for first responders at a later date. Councilman Kumburis moved to approve the RAB recommended pool fees, seconded by Councilman Vargo and passed by the following vote:

AYE: Councilmember Kumburis, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

ABSTAIN: Councilwoman Peterson

Mayor Tanella noted receipt of a letter from Senator Corrado concerning “Socks for Soldiers” collection. Mayor Tanella suggested establishing a drop off site in the Municipal Building Lobby, to which the governing body agreed. Mayor Tanella commented on the recently conducted joint meeting with the Board of Education, hosted by the Board of Education.

Deputy Mayor Cicala suggested that the Township join efforts of other West Essex municipalities to request establishment of a West Essex animal shelter. There was consensus to consider after obtaining additional information. Deputy Mayor Cicala requested to recognize new eagle scouts at next public meeting, to which the governing body agreed.

Councilwoman Peterson announced an upcoming Municipal Alliance Committee sponsored educational forum for parents at Robert O’Toole Community Center on March 8<sup>th</sup> at 7:00 p.m. entitled “Hidden in Plain Sight”. Councilwoman Peterson requested that the governing body enact an ordinance to prohibit the sale of marijuana in Cedar Grove. Councilman Kumburis, Vargo and Mayor Tanella endorsed the request. Deputy Mayor Cicala stated that such an ordinance is premature until the State enacts legislation pertaining to the legalization of marijuana. Following further discussion, the Township Attorney was directed to prepare the requested ordinance.

Councilman Kumburis congratulated Cedar Grove High School wrestler Anthony Clarizio on his 5<sup>th</sup> place finish in State wrestling finals. Councilman Kumburis requested that the governing body consider a resolution similar to resolution approved by North Caldwell to request the County to create a dog park on Cedar Grove Hilltop Park property, to which the governing body agreed.

Councilman Vargo congratulated Cedar Grove High School wrestler Joe McCarthy for finishing in the top 16 in the State wrestling finals. Councilman Vargo suggested recognizing the accomplishments of both wrestlers at a public meeting, to which the governing body agreed. Councilman Vargo provided an update on the Downtown Advisory Committee sponsored “Art Walk” scheduled to take place on April 12<sup>th</sup>, and requested that the Council participate in a ribbon cutting ceremony at 6:00 p.m. just prior to the commencement of the walk. Councilman Vargo also

provided information pertaining to the Committee’s planned “Cedar de Mayo” food truck event on May 12<sup>th</sup> where the art walk banners will be auctioned. Councilman Vargo commented that he has received complaints regarding the roadway condition of S. Mountain Ave. The Manager explained the roadway inventory program. At Mayor Tanella’s request, the Manager provided an update on the On the status of Route 23 improvements. Mr. Tucci explained that there are two projects underway concurrently, PSE&G gas main replacement and NJDOT traffic assessment and overlay to Rt. 23. Mr. Tucci further advised that PSE&G has been notified of unsatisfactory patchwork by their road contractor along Rt. 23. The Manage noted that the complete overlay on Rt. 23 by NJDOT is anticipated to commence in April and take approximately 2 months to complete.

**8. NEW BUSINESS**

- a) To consider resolution concerning submission of strategic plan for 2019 Municipal Alliance grant

The following resolution had been posted on the bulletin board, and a brief synopsis was given by the Township Clerk:

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for prevention of Alcoholism and Drug Abuse in 1989 to educate residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Essex;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Cedar Grove, County of Essex, State of New Jersey, hereby recognizes the following:

- 1. The Township Council does hereby authorize submission of a strategic plan for the Cedar Grove Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	16,620.00
Cash Match	4,388.00
In-Kind	15,745.85

- 2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Deputy Mayor Cicala moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella  
NO: None

- b) To consider resolution concerning approval of raffle applications – St. Catherine of Siena Church

The following resolution had been posted on the bulletin board, and a brief synopsis was given by the Township Clerk:

**WHEREAS** applications for a raffle license has been received from:

<u>APPLICANT</u>	<u>EVENT, DATE, TIME, AND PLACE</u>
St. Catherine of Siena Church 339 Pompton Ave. Cedar Grove, NJ 07009	Off-Premise 50/50 June 3, 2018 at 7:30 p.m. at 339 Pompton Ave., Cedar Grove NJ
St. Catherine of Siena Church 339 Pompton Ave. Cedar Grove, NJ 07009	Non-Draw Wheels May 31, June 1,2, 2018 at 6:00 – 10:00 p.m. and June 3, 2018 at 4:00 – 8:00 p.m. at 339 Pompton Ave., Cedar Grove NJ
St. Catherine of Siena Church 339 Pompton Ave. Cedar Grove, NJ 07009	On-Premise 50/50 May 31, June 1, 2, at 6:00 – 10:00 p.m. and June 3 at 4:00 – 8:00 p.m. at 339 Pompton Ave., Cedar Grove NJ

**WHEREAS** the fee has been paid, the applications have been reviewed by the Township Clerk and found acceptable;

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that it does hereby approve said application.

Deputy Mayor Cicala moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella  
NO: None

- c) To consider resolution concerning change order No. 1 – Skytop Road Sewer Main Project

The following resolution had been posted on the bulletin board, and a brief synopsis was given by the Township Clerk:

**WHEREAS**, a contract for the Skytop Road Sewer Replacement Project was awarded to Your Way Construction of Irvington, New Jersey at the public council meeting on November 20, 2017; and

**WHEREAS**, it was determined by the Township officials that the following additional quantities were required to accomplish the proper completion of the project;

<u>Contract</u>		
<u>Modification No.</u>	<u>Description</u>	<u>Amount</u>
S-1	Furnish & Install (2) Manholes / Castings	\$13,200.00
S-2	Rock Excavation	<u>72,250.00</u>
		<u>\$85,450.00</u>

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that the proper Township officials be and are hereby authorized to execute the change orders in the amount of \$85,450.00.

**BE IT FURTHER RESOLVED**, that the funds to satisfy the costs of the additional quantities are available in Bond Ordinance No. 17-810 and 17-806.

Councilwoman Peterson moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

d) To consider resolution concerning transfer of appropriations

The following resolution had been posted on the bulletin board, and a brief synopsis was given by the Township Clerk:

**WHEREAS**, N.J.S.A. 40A:4-59 permits certain transfers of appropriations during the first three months of the succeeding year;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, that the following transfers of appropriations listed herein in the 2017 Municipal Budget be approved:

**CURRENT FUND MUNICIPAL BUDGET**

To:

Treasurer-Controller's Office:

Other Expenses \$500.00

Legal Services and Costs:

Other Expenses 10,000.00

Road Repairs and Maintenance:

Other Expenses 500.00

\$11,000.00

From:

Senior Citizen Transportation:

Salaries and Wages \$11,000.00

Deputy Mayor Cicala moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

**9. APPROVAL OF BILLS**

The Bill Resolution was read by title and amount as follows:

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that the attached summary of bills having been duly audited and found correct be and they are thereby ordered paid and that warrants be drawn on the Treasurer in the aggregate amount of \$827,533.88

Deputy Mayor Cicala moved adoption of the resolution, seconded by Councilman Vargo, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella  
NO: None

**10. MEETING OPEN TO RESIDENTS OF THE TOWNSHIP WISHING TO BE HEARD ON ANY ITEM ON OR OFF THE AGENDA CONCERNING TOWNSHIP BUSINESS**

Mayor Tanella opened this portion of the meeting to anyone wishing to be heard. There being no one present wishing to be heard Mayor Tanella closed this portion of the meeting.

AUTHORIZATION TO GO INTO EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings' Act (N.J.S.A.10:4-12 (b) (1-9) permits the exclusion of the public from a Meeting of the Mayor and Council in certain circumstances; and

WHEREAS, the Mayor and Council of the Township of Cedar Grove are of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Cedar Grove, County of Essex, State of New Jersey that:

1. The public shall be excluded from discussion of any action on the Executive Session of the Meeting of the Mayor and Council of March 5, 2018.
2. The general nature of the subject matters to be discussed is pending COAH litigation.
3. It is anticipated at this time that the above stated subject matter will be made public as soon thereafter as it is deemed in the public interest to do so.
4. This Resolution shall take effect immediately.

Deputy Mayor Cicala moved adoption of the resolution, seconded by Councilman Vargo, and passed by the following vote:

AYE: Councilman Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella  
NO: None

**11. ADJOURNMENT**

Deputy Mayor Cicala moved adjournment of the public council meeting, seconded by Councilman Vargo, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

The meeting adjourned at 7:52 p.m.

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PETER H. TANELLA      MAYOR

ATTEST:

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KATHLEEN R. STUTZ      MUNICIPAL CLERK