TOWNSHIP OF CEDAR GROVE ESSEX COUNTY NEW JERSEY

COUNCIL STAFF MEETING MINUTES JANUARY 12, 2015 7:00 P.M.

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Longo called the meeting to order at 7:00 p.m. and 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, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building's lobby in accordance with the Open Public Meetings Act.

Present: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo Also Present: Township Manager Tucci, Township Attorney Scrivo, Township Clerk Stutz Councilman O'Toole Absent:

2. EXTRAORDINARY BUSINESS

a) Receive K. Hovnanian – Development Proposal Presentation

There was consensus to concur with the Mayor's suggestion to conduct the regular business portion of the meeting before extraordinary business.

3. APPROVAL OF MINUTES

a) Executive Session – December 1, 2014 Deputy Mayor Chiusolo moved approval of the minutes as presented, seconded by Councilman Zunic, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo

NO: None

ABSENT: Councilman O'Toole

b) Staff Meeting – December 15, 2014 Councilman Tanella moved approval of minutes as presented, seconded by Deputy Mayor Chiusolo, and passed by the following vote:

AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None

ABSENT: Councilman O'Toole

c) Executive Session – December 15, 2014 Councilman Zunic moved approval of minutes as presented, seconded by Councilman Tanella, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None **ABSENT:** Councilman O'Toole

4. TOWNSHIP MANAGER – No report

5. TOWNSHIP ATTORNEY – No report

- 6. TOWNSHIP CLERK No report
- 7. COUNCIL REPORTS No reports

8. NEW BUSINESS

a) To consider resolution concerning petty cash funds

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

BE IT RESOLVED that the Township Council of the Township of Cedar Grove hereby authorizes the establishment of a petty cash fund for the following departments in the amounts set forth effective January 1, 2015.

Finance Department	\$120.00
Engineering Department	\$100.00
Police Department	\$100.00
Library	\$100.00
Recreation	\$ 60.00

WHEREAS, a check will be drawn by the Treasurer of the Township of Cedar Grove establishing a petty cash fund, which will not be charged to a budget appropriation, but will create an asset on the Current Fund Balance Sheet known as "Cash-Petty Cash Fund".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, in accordance with N.J.S.A. 40A:5-21 that petty cash funds be established in the aggregate of \$480.00.

Councilman Zunic moved adoption of the resolution, seconded by Deputy Mayor Chiusolo, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None ABSENT: Councilman O'Toole

b) To consider resolution concerning fee for redemption of tax sale certificate

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

WHEREAS, in accordance with N.J.S.A. 54:5-54 provides that the Tax Collector shall provide to any party entitled to redeem a Tax Sale Certificate two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a fee of \$50.00; and

WHEREAS, in accordance with N.J.S.A. 54:5-97.1 provides that the Tax Collector shall charge a lienholder of a Tax Sale Certificate a fee of \$50.00 for the calculation of the amount due to redeem the Tax Sale Certificate.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the Tax Collector is hereby authorized to provide to any party entitled to redeem a Tax Sale Certificate two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a fee of \$50.00. The Tax Collector is hereby authorized to charge a lienholder of a Tax Sale Certificate a fee of \$50.00 for the calculation of the amount due to redeem the Tax sale Certificate.

Councilman Tanella moved adoption of the resolution, seconded by Deputy Mayor Chiusolo, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None ABSENT: Councilman O'Toole

c) To consider resolution concerning interest on delinquent taxes

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. 54:4-67 regulates the due dates for the payment of taxes and authorizes the rate of interest for delinquent payment of taxes, and authorizes a grace period not exceeding ten (10) days;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the Tax Collector is hereby authorized to allow a period of ten (10) days grace from the quarterly tax due date before charging interest; and

BE IT FURTHER RESOLVED that the rate of interest to be charged for the payment of taxes, assessments, and property maintenance when they become delinquent shall be at the rate of eight percent (8%) per annum on the first \$1,500.00 of the delinquency, eighteen percent (18%) per annum of any amount in excess of \$1,500.00, and an additional six percent (6%) penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year.

BE IT FURTHER RESOLVED that this resolution will take effect January 1, 2015.

Councilman Zunic moved adoption of the resolution, seconded by Councilman Tanella, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None

ABSENT: Councilman O'Toole

d) To consider resolution concerning cash management plan

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

CASH MANAGEMENT PLAN

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, that for the year 2015, the following shall serve as the cash management plan of the Township of Cedar Grove.

1. Cash Management and Investment Objectives

The Township of Cedar Grove objectives in this area are:

- A. Preservation of capital.
- B. Adequate safekeeping of assets.
- C. Maintenance of liquidity to meet operating needs.
- D. Diversification of the Township's portfolio to minimize risks associated with individual investments.

E. Investment of assets in accordance with State and Federal Laws and regulations.

2. Designation of Official Depositories

1. The following Government Unit Depository Protection Act approved banks are authorized depositories for deposit of funds:

570 Pompton Avenue, Cedar Grove, N.J.
85 Pompton Avenue, Cedar Grove, N.J.
508 Pompton Avenue, Cedar Grove, N.J.
532 Pompton Avenue, Cedar Grove, N.J.
Citi Fund Services
P.O. Box 182218, Columbus OH 43218
491 Pompton Avenue, Cedar Grove, N.J.
310 Pompton Avenue, Cedar Grove, N.J.
1027 Pompton Avenue, Cedar Grove, NJ
664 Pompton Avenue, Cedar Grove, NJ

2. Designated official depositories are required to submit to the Chief Financial Officer, a copy of the Governmental Unit Deposit Protection Act Notification of eligibility, which is filed semiannually with the Department of Banking each June 30th and December 31st of each year.

3. <u>CASH MANAGEMENT</u>

1. All funds shall be deposited within 48 hours of receipt in accordance with N.J.S.A. 40A:5-15.

2. The Chief Financial Officer shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

3. The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

4. Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer.

4. <u>PERMISSIBLE INVESTMENTS</u>

1. Bonds or other obligations of the United States of America or obligations guaranteed the United States of America.

2. Government money market mutual funds.

3. Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.

4. Bonds or other obligations of the local unit or school districts of which the local unit is a part.

5. Any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments.

- 6. Local Government investment pools.
- 7. New Jersey Cash Management Fund
- 8. Repurchase agreements of fully collateralized securities.

5. <u>AUTHORITY FOR INVESTMENT MANAGEMENT</u>

1. The Chief Financial Officer is authorized and directed to make investments on behalf of the Township. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6. <u>SAFEKEEPING</u>

1. Securities purchased on behalf of the Township shall be delivered electronically or physically to the Township's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Township.

7. <u>AUDIT</u>

1. The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

Councilman Tanella moved adoption of the resolution, seconded by Councilman Zunic, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None ABSENT: Councilman O'Toole

e) To consider resolution concerning 2015 temporary budget

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

WHEREAS, pursuant to N.J.S.A. 40A:4-19 the Township of Cedar Grove is authorized to make temporary appropriations sufficient to cover commitments made during the period January 1, 2015 to the date of the adoption of annual budget; and

WHEREAS, the total of such temporary appropriations, pursuant to N.J.S.A. 40A:4-19 shall not exceed twenty-six and one-quarter per centum (26.25) of the total of the 2014 annual budget, less certain appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Township of Cedar Grove, County of Essex, New Jersey, that the following shall constitute the Temporary Budget for the Township of Cedar Grove for fiscal year 2015:

2015 TEMPORARY MUNICIPAL BUDGET

<u>APPROPRIATIONS</u>	ACCOUNT NO.	<u>SALARIES</u> AND WAGES	<u>OTHER</u> <u>EXPENSES</u>
CURRENT FUND			
General Government			
	1 105	¢	¢2 000 00
Township Council	1-105	\$	\$2,000.00
Township Manager	1-106	32,600.00	1,000.00
Township Clerk	1-107	22,300.00	6,000.00
Elections	1-110		500.00
Treasurer-Controller	1-115	32,000.00	8,000.00
Assessment of Taxes	1-102	15,900.00	4,500.00
Collection of Taxes	1-130	15,500.00	2,000.00
Legal Services	1-140		25,000.00
Municipal Court	1-145	25,000.00	8,000.00
Municipal Prosecutor	1-150		3,500.00
Public Defender	1-151		1,000.00
Annual Audit	1-154		5,000.00
Engineering Services	1-155	5,000.00	4,000.00

Public Blgs. & Grounds	1-160	12,000.00	20,000.00
Planning Board	1-165	6,800.00	1,500.00
Zoning Board	1-170	6,800.00	1,500.00
Shade Trees	1-175		2,000.00
Environmental Comm.	1-180		50.00

<u>APPROPRIATIONS</u> <u>ACCO</u> Historical Society InsSurety Bond Prem. InsGroup Insurance InsWorkmans Comp. InsOther Premiums InsSelf Insurance	<u>UNT NO.</u> 1-185 1-190 1-190 1-190 1-190 1-190	SALARIES <u>AND WAGES</u> 	OTHER <u>EXPENSES</u> 100.00 2,071.00 250,943.00 50,000.00 50,000.00 100.00
Public Safety			
Fire	1-205		31,000.00
Municipal Alliance Grant	1-1212	500.00	1,000.00
First Aid Organization	1-215		10,000.00
Police	1-210	2,036,073.00	53,000.00
Emergency Mgmt.	1-220		50.00
Inspection of Bldgs.	1-255	22,600.00	4,300.00
Inspection of Plumbing	1-256	2,400.00	100.00
Electric Sub-Code	1-259	4,000.00	1,000.00
<u>Streets & Roads</u> Road Repair& Maintenance Equip. Repair & Maintenance Snow Removal Vehicle Maintenance Utility Exp. & Bulk Purchases	1-315 1-650	60,000.00 12,000.00 17,500.00	$\begin{array}{c} 15,000.00\\ 6,000.00\\ 42,350.00\\ 20,000.00\\ 60,000.00\end{array}$
Health and Welfare			
Board of Health	1-510	10,400.00	10,000.00
Sr. Citizen Trans.	1-516	4,700.00	2,600.00
Animal Control	1-511		3,600.00
Non-Public Nursing Services	1-509		3,000.00
Recreation & Education			
Library	1-601	60,000.00	29,000.00
Parks & Playgrounds	1-605	28,500.00	10,000.00
Recreation	1-615	27,000.00	12,000.00

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<u>APPROPRIATIONS</u> <u>ACCC</u> <u>Miscellaneous</u> Contingency	<u>DUNT NO.</u> 1-701	SALARIES AND WAGES	OTHER <u>EXPENSES</u> 800.00
Contingency	1 /01		000.00
<u>Statutory Expenditures</u> F.I.C.A.	1-901		62,000.00
Debt Service	1-805		1,000,000.00
TOTAL CURRENT FUND		\$ <u>2,459,573.00</u>	\$ <u>1,825,564.00</u>
Water Utility Fund			
Operating Appropriations	3-4100	\$139,338.00	\$335,055.00
Statutory Expenditures	3-4220	φ1 <i>3)</i> ,330.00	15,000.00
Debt Service	3-4210		140,000.00
			110,000100
TOTAL WATER UTILITY		<u>\$139,338.00</u>	<u>\$490,055.00</u>
Sewer Utility Fund			
Operating Appropriations	4-5100	\$140,027.00	\$385,309.00
Statutory Expenditures	4-5220		14,500.00
Debt Service	4-5210		250,000.00
TOTAL SEWER UTILITY		\$ <u>140,027.00</u>	<u>\$649,809.00</u>
Swimming Pool Utility Fund			
Operating Appropriations	5-6100	\$25,327.00	\$67,756.00
Statutory Expenditures	5-6220	1 - 7	4,000.00
Debt Service	5-6210		95,000.00
TOTAL SWIMMING POOL UTILITY \$25,327.00 \$166,756.00			
TOTAL SWIMMING	FOOL UTILITY	<u>\$25,327.00</u>	\$ <u>166,756.00</u>
Solid Waste Collection Dist	rict		
Operating Appropriations	9-9950	\$30,000.00	\$436,004.00
Statutory Expenditures	9-9220		<u>1,500.00</u>
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TOTAL SOLID WASTE COLL. DISTRICT\$30,000.00\$4			\$437,504.00

Councilman Zunic moved adoption of the resolution, seconded by Councilman Tanella, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None ABSENT: Councilman O'Toole f) To consider resolution concerning approval of raffle application – Cedar Grove Unico

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

WHEREAS an application for a raffle license has been received from:

APPLICANT	EVENT, DATE, TIME, AND PLACE
Unico Cedar Grove Inc. P.O. Box 27 Cedar Grove NJ 07009	Off-premise draw raffle on April 22, 2015 at 7:00 p.m. at 465 Pompton Ave. Cedar Grove NJ 07009

WHEREAS the fees have been paid, the application has 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 herby approve said application.

Deputy Mayor Chiusolo moved adoption of the resolution, seconded by Councilman Zunic, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None ABSENT: Councilman O'Toole

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 \$ 374,015.14.

Councilman Tanella moved adoption of the resolution, seconded by Deputy Mayor Chiusolo, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None ABSENT: Councilman O'Toole

Mayor Longo returned to the **EXTRAORDINARY BUSINESS** agenda item – Receive K. Hovnanian for presentation of a development proposal. Attorney Scrivo provided an overview of actions that have occurred over the course of almost 20 years concerning the Hilltop property, commencing with both County and local actions that resulted in the Township's adoption of Hilltop Redevelopment Plan 1E, subsequent litigation between Essex County and K. Hovnanian regarding sale of Parcel 5; litigation of a builders remedy lawsuit filed by K. Hovnanian against the Township, and most recent litigation filed by K. Hovnanian against the Zoning Board regarding an amendment to the redevelopment plan. Attorney Scrivo further explained that during due process of the Zoning Board litigation K. Hovnanian submitted a request to the Council to amend the redevelopment plan. Attorney Scrivo also summarized the COAH issues that have a significant impact on the Township.

Attorney Scrivo stated that the current presentation is the result of numerous discussions between the parties and the governing body keeping its commitment to residents to request the developer to make a public presentation of the proposed development plan for the Hilltop property prior to taking any action. Attorney Scrivo explained that the governing body has a right and obligation under the Redevelopment Law to consider the developer's request and adhere to procedure, which includes conveying the proposal to the Planning Board for review and recommendation. The Township Attorney further set forth the procedure for the presentation; the governing body and public will hear the developer's presentation, followed by the opportunity for public comment. Attorney Scrivo also noted that the Township's COAH counsel, Jeffrey Surenian was in attendance to hear the presentation and address questions/comments concerning COAH issues.

David Fisher, Vice President of K. Hovnanian Homes depicted and explained the current zoning components of the Hilltop property Parcels 1 and 5 as set forth in the redevelopment plan (Plan 1E). Mr. Fisher similarly depicted and explained the components of the proposed conceptual redevelopment plan amendment. Mr. Fisher noted that the proposed development plan preserves approximately 80 acres of open space, including a 100' buffer landscaped buffer along Fairview Avenue and features a private community type development of 460 town homes consisting of three different types, including 90 affordable housing townhomes interspersed within development. Mr. Fisher described the different types of townhomes as follows:

- 97 traditonal 2 story townhomes 28'w x 54' deep; 1600 2100 sq.ft.
- 180 stacked 3 story 2 & 3 bedroom townhomes 26'w x 65' deep; 2200 2900 sq. ft.
- 93 Master Down Townhomes 32'w x 70' deep; 3000 3300 sq. ft.
- 90 Affordable housing townhomes

Mr. Fisher noted that the proposed development also includes a centrally located clubhouse with outdoor pool, and links to the West Essex Bikeway. Mr. Fisher advised that the proposed development contains private internal roadways and access to both Fairview and Grove Avenues. Mr. Fisher also stated that the housing development is intended to service both ends of the real estate buying spectrum; babyboomers who are downsizing and milleniums or first time homebuyers.

At the conclusion of the presentation the Township Attorney posed several questions to the developer to elicit information regarding the anticipated sale pricing of the townhomes, anticipated number of school age children and PILOT program. The Township Attorney further commented that a lack of action now could have drastic consequences for the Township in the future and puts the Township at significant risk.

10. PUBLIC COMMENT

Mayor Longo opened this portion of the meeting to anyone wishing to be heard. The following individuals commented on the proposed redevelopment plan:

Rein Emrich; 23 Greendale Rd. – Mr. Emrich expressed concern regarding the density of the proposed development. Mr. Emrich expressed his preference to keep the portion of the original redevelopment plan zoning designated for senior living housing(near Grove Avenue).

Anthony Carpinelli; 46 Skytop Rd. – Mr. Carpinelli inquired if the proposed development will satisfy the Township's COAH obligation. Noting that the Township's COAH obligation is directly related to the number of new housing units, Mr. Carpinelli suggested that 100 single family homes be developed on the property.

Jerry Havel; 115 Myrtle Ave. – Mr. Havel asked why the developer was presenting a development plan that for property it does not currently own and referred to the unresolved litigation between Essex County and the developer. Mr. Havel also stated his disagreement with the anticipated number of school children.

Joe Torlucci; 18 Lafayette Dr. – Mr. Torlucci requested clarification of the K. Hovnanian plans before the Zoning Board and the current plan to go to the Planning Board. Attorney Scrivo explained that the Zoning Board declined to hear the application and is in litigation with the developer over that decision. Attorney Scrivo further explained that current plan is a request to the governing body to amend the redevelopment plan and in accordance with redevelopment law, as part of that process, the governing body is obligated to convey the plan to the Planning Board for review and recommendation.

Bernadette Rosen; 27 Winding Way – Ms. Rosen expressed concern for the traffic impact on the Township, particularly in the central business area. The Township Attorney noted that the issue will be addressed by the Planning Board during its review. Ms. Rosen also voiced her disagreement with projected school children numbers. Mr. Fisher responded to Ms. Rosen's inquiry regarding the price for COAH units and anticipated the average price to be \$100,000, as low as \$60,000 and as high as \$160,000.

Cheryl Brown; 14 Briarhill Rd. – Ms. Brown expressed concern regarding the disbursement of COAH units throughout the development.

Vincent Trupia; 8 Dalewood Rd. – Mr. Trupia inquired if COAH units could be age restricted.

Leslie Anders; 35 Upland Way – Ms. Anders expressed concern regarding the impact of additional students on the local school system.

Charles Schaffer; 138 Brunswick Rd. – Mr. Schaffer requested clarification of the proposed development plan.

Dennis Quinn; 67 Brunswick Rd. – Mr. Quinn questioned available means to meet the Township's COAH obligation and also expressed concern regarding the impact of the proposed development on the local school system.

Irene Cadillo- 15 Skytop Rd. – Ms. Cadillo expressed concern regarding responsibility to maintain open space.

David Snyder; 14 Granite Dr. – Mr. Snyder inquired if the County will make comment on the proposed development. Attorney Scrivo advised that the County Executive endorses the proposal.

Following conclusion of the public comment the Clerk read the following resolution in its entirety:

RESOLUTION REFERRING HILLTOP REDEVELOPMENT PLAN ADDENDUM TO THE PLANNING BOARD FOR REVIEW AND COMMENT

WHEREAS, the Township of Cedar Grove designated a redevelopment area consisting of the former Essex County Hospital site (the "Redevelopment Area") and, via Ordinance No.01-552 and Ordinance No. 01-563, adopted a redevelopment plan for the Hilltop Redevelopment Area (the "Redevelopment Plan"), pursuant to *N.J.S.A.* 40A:12A-1, *et seq.* (the "Redevelopment Law"); and

WHEREAS, K. Hovnanian, by its engineers Maser Consulting, P.A., provided the Township Council with the Hilltop Redevelopment Plan Addendum #1 (the "Addendum") for the Redevelopment Area; and

WHEREAS, the Addendum includes provisions inconsistent with the Redevelopment Plan; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-7, the Township Council may refer a proposed redevelopment plan or proposed amendments to a redevelopment plan to the Planning Board for review and for a report containing its recommendations on the proposal.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the Addendum is hereby referred to the Township of Cedar Grove Planning Board for its review and for a report containing its recommendations regarding the Redevelopment Plan.

Councilman Tanella moved adoption of the resolution, seconded by Councilman Zunic, and passed by the following vote: AYE: Councilman Tanella, Zunic, Deputy Mayor Chiusolo, Mayor Longo NO: None ABSENT: Councilman O'Toole

Deputy Mayor Chiusolo urged residents to attend Planning Board meetings to follow the progress of the proposal, provide comment and/or concerns, and have an opportunity to ask questions.

11. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 8:35 p.m. by acclaim.