

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

**PUBLIC MEETING**

**MINUTES**

**JUNE 4, 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, 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) Dedication of Municipal Court Chambers – Mayor Tanella formally dedication the chambers to former long-time Municipal Judge Robert A. Scanlon with a plaque as a memorial tribute. Mayor Tanella highlighted Judge Scanlon’s service to the Township, first serving Municipal Prosecutor for five years in 1965, then as Municipal Judge from 1965 – 1997. Mayor Tanella commented that Judge Scanlon had been a resident of the Township since 1950 until his passing in October 2017, the father of nine children, and a founding parishioner of St. Catherine of Siena. Mayor Tanella also recounted some personal memories of Judge Scanlon. Family representative and son Bill Scanlon thanked the governing body for the dedication.

**3. APPROVAL OF MINUTES**

- a) To consider approval of regular public meeting minutes of May 7, 2018

Councilman Vargo moved approval of the minutes as presented, seconded by Deputy Mayor Cicala, and passed by the following vote:

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

NO: None

**4. PUBLIC HEARING**

- a) To consider adoption of Pending Ordinance #18-825 2018 Salaries Unrepresented Municipal Employees

The ordinance was read by title only as follows:

AN ORDINANCE FIXING SALARY GRADES AND RANGES, WAGES AND FEES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF CEDAR GROVE FOR FISCAL YEAR 2018.

Mayor Tanella opened the public hearing on this item. There being no one present wishing to be heard, Mayor Tanella closed the public hearing.

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

NO: None

**5. 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.

**6. REPORTS OF TOWNSHIP OFFICIALS**

a) Township Manager – The Manager provided a memo from the Police Chief that recommended enforcement of the recent amendment to Chapter 205, prohibiting swimming in public waterways in regards to offenses by juveniles to cite parents/guardians, to which the governing body concurred.

b) Township Clerk – The Clerk noted a memo pertaining to the annual renewal of ABC licenses by the governing body. The Clerk noted that a resolution is scheduled for the June 18<sup>th</sup> meeting agenda. The Clerk also advised that June 5<sup>th</sup> is the Primary Election and provided polling hour (6:00 a.m. – 8:00 p.m.).

c) Township Attorney – Attorney Zielinski requested an executive session to discuss a pending litigation matter regarding Coptic Church and a potential litigation matter concerning the Township's canvassing/soliciting ordinance.

d) Other Reports

Deputy Mayor Cicala commented on residential property damage sustained by property owners due to Cedar Street reconstruction issues. The Manager advised that the damage issues were being addressed. The Manager also commented that the NJDOT Rt. 23 roadway overlay project has been delayed until October.

Councilwoman Peterson provided dates of Municipal Alliance Committee-sponsored movie nights. Councilwoman Peterson noted that the Cedar Grove High School Softball Team earned the titles of Essex County Champions for the first time in eight years, and Sectional State Champions. Councilwoman Peterson requested to recognize the team for its successful season, to which the

governing body agreed. The Clerk was requested to co-ordinate with the high school Athletic Director.

Councilman Kumburis noted that the Environmental Commission is seeking input from the Downtown Advisory Committee regarding location of vehicle charging port.

Councilman Vargo reported that the Cedar de Mayo event had to be cancelled for the second time for weather. Councilman Vargo advised that the Downtown Advisory Committee intends to auction the art from the Art Walk at the first Chamber of Commerce concert on July 10. Councilman Vargo provided an update on the status of the Bill Fearon memorial in Panther Park and requested an update on the status of pedestrian crosswalk on W. Bradford Ave. The Manager reported that the Traffic Safety Officer is preparing a report.

Mayor Tanella noted that the annual "Clean Sweep" event was rescheduled to Friday, June 8, at 4:30 p.m. Mayor Tanella also extended congratulations to the incoming Mayor and Deputy Mayor.

## 7. CONSENT AGENDA

- a) To consider resolution concerning appointment of Municipal Alliance Committee member

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

**BE IT RESOLVED** by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Molly Bauer be appointed to fill a vacancy as student member of the Alliance for Substance Abuse Prevention Committee for a three-year term, effective immediately and terminating December 31, 2019.

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

## 8. NEW BUSINESS

- a) To consider introduction of Pending Bond Ord. #18-826 – Various Capital Improvements

The clerk read the Ordinance by title only:

**BOND ORDINANCE AUTHORIZING VARIOUS GENERAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,250,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,213,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Cedar Grove, in the County of Essex, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$1,250,000. Such sum includes the sum of (a) \$52,920 expected to be received from a Community Development Block Grant in connection with the Improvement described in Section 3(a)(9) and (b) \$37,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes. No down payment is required by the Local Bond Law for the Improvement described in Section 3(a)(9) as the purpose authorized therein involves a project funded by a State grant in the amount of \$270,000 from the New Jersey Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,213,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$1,213,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

| <u>Improvements</u>   | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|---|---|---|-----------------------------|
| 1) Reconstruction of police bathroom, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto. | \$10,000                                | 9,500   | 15 Years                    |
| 2) Road Overlay Program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.              | 250,000                                 | 238,000   | 10 Years                    |
| 3) Acquisition of turf management equipment, including all costs,   | 17,000                                  | 16,170  | 15 Years                    |

| <u>Improvements</u>   | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|---|---|---|-----------------------------|
| improvements, equipment and/or appurtenances necessary therefore and/or related thereto.  |   |   |                             |
| 4) Acquisition of a tree chipper for the Public Works Department, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto. | 40,000                                  | 38,080  | 15 Years                    |
| 5) Morgan Farm sign replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                                  | 10,000                                  | 9,500   | 10 Years                    |
| 6) Acquisition of Fire Department safety equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.               | 8,000                                   | 7,600   | 15 Years                    |
| 7) Acquisition of a batting cage for Panther Park, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                | 10,000                                  | 9,500   | 15 Years                    |
| 8) Tree Replanting Program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                                       | 40,000                                  | 38,080  | 5 Years                     |
| 9) Reconstruction of Bowden Road, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                                 | 485,000                                 | 485,000   | 20 Years                    |
| 10) Acquisition of safety equipment, including all costs, improvements, equipment and/or appurtenances  | 10,000                                  | 9,500   | 15 Years                    |

| <u>Improvements</u>   | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|---|---|---|-----------------------------|
| necessary therefore and/or related thereto.   |   |   |                             |
| 11) Curb and side-walk replacement program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.             | 12,000                                  | 11,400  | 10 Years                    |
| 12) Acquisition of Fire Department pagers, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.              | 8,000                                   | 7,600   | 5 Years                     |
| 13) Acquisition of Fire Department breathing apparatus, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto. | 8,000                                   | 7,600   | 5 Years                     |
| 14) Acquisition of computer hardware and software, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.      | 12,000                                  | 11,400  | 5 Years                     |
| 15) Acquisition of hot box 4 ton, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                       | 30,000                                  | 28,500  | 15 Years                    |
| 16) Replacement of Windows at Municipal Building, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.       | 10,000                                  | 9,500   | 15 Years                    |
| 17) Acquisition of dump truck with spreader and plow including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.    | 185,000                                 | 176,190   | 5 Years                     |

| <u>Improvements</u>  | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|--|---|---|-----------------------------|
| 18) Acquisition of diagnostic computers for the Public Works Department, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto. | 8,000                                   | 7,600   | 5 Years                     |
| 19) Acquisition of HVAC equipment for Road Department, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                   | 6,000                                   | 5,700   | 15 Years                    |
| 20) Improvements to Panther Park turf, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                                   | 65,000                                  | 61,880  | 15 Years                    |
| 21: Installation of Bocce Courts at Community Park, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                      | 20,000                                  | 19,000  | 15 Years                    |
| 22) Replacement of air conditioner at Municipal Building, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                | 6,000                                   | 5,700   | 15 Years                    |
| <b>TOTAL</b>   | <b>\$1,250,000</b>                      | <b>\$1,213,000</b>                                |                             |

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,213,000.

(c) The estimated cost of the Improvements is \$1,250,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 13.76 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,213,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9:

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

#### SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,213,000.

#### SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Deputy Mayor Cicala moved that Pending Bond Ordinance #18-826 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 4, 2018, seconded by Councilman Vargo, and passed by the following vote:

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

NO: None

- b) To consider introduction of Pending Bond Ord. #18-827 – Sewer Utility Improvements

The clerk read the Ordinance by title only:

**BOND ORDINANCE AUTHORIZING VARIOUS SEWER UTILITY IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$140,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$133,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Cedar Grove, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$140,000, such sum includes the sum of \$7,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the ”Local Bond Law”). The Down is now available by virtue of provision in the currently adopted Sewer Utility Budget, or in a previously adopted Sewer Utility Budget, and is currently available for down payment purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$133,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$133,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

| <u>Improvements</u>  | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|--|---|---|-----------------------------|
| 1) Improvements to Sewer Plant, including all costs, improvements, | \$30,000                                | \$28,500  | 40 Years                    |

| <u>Improvements</u>   | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|---|---|---|-----------------------------|
| equipment and/or appurtenances necessary therefore and/or related thereto.  |   |   |                             |
| 2) Acquisition of a Sewer Utility Truck with Snow Plow, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto. | 45,000                                  | 42,750  | 5 Years                     |
| 3) Improvements to Pump Station, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                        | 15,000                                  | 14,250  | 40 Years                    |
| 4) New Filter Study, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                                    | 15,000                                  | 14,250  | 15 Years                    |
| 5) Security Fence Upgrades, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                             | 15,000                                  | 14,250  | 15 Years                    |
| 6) Renovations to Rotating Biological Contactor, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.        | 20,000                                  | 19,000  | 15 Years                    |
| TOTAL   | \$140,000                               | \$133,000   |                             |

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$133,000.

(c) The estimated cost of the Improvements is \$140,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 19.82 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$133,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$12,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9:

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

#### SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$133,000.

#### SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Vargo moved that Pending Bond Ordinance #18-827 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 18, 2018, 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 introduction of Pending Ord. #18-828 – Water Utility Improvements

The clerk read the Ordinance by title only:

**BOND ORDINANCE AUTHORIZING VARIOUS WATER UTILITY IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$518,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$493,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Cedar Grove, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$518,000, such sum includes the sum of \$25,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down is now available by virtue of provision in the currently adopted Water Utility Budget, or in a previously adopted Water Utility Budget, and is currently available for down payment purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$493,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$493,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

| <u>Improvements</u>  | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|--|---|---|-----------------------------|
| 1) HVAC Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto. | \$8,000                                 | \$7,600   | 15 Years                    |

| <u>Improvements</u>   | <u>Appropriation and Estimated Cost</u> | <u>Estimated Maximum Amount of Bonds or Notes</u> | <u>Period of Usefulness</u> |
|---|---|---|-----------------------------|
| 2) Geological Information System, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.         | 10,000                                  | 9,500   | 10 Years                    |
| 3) Annual System Leak Survey, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.             | 15,000                                  | 14,250  | 5 Years                     |
| 4) Water Meter Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.               | 51,000                                  | 48,550  | 15 Years                    |
| 5) Acquisition of Landscape Trailer, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.      | 10,000                                  | 9,500   | 15 Years                    |
| 6) Fire Hydrant Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto               | 24,000                                  | 22,800  | 15 Years                    |
| 7) Patten Terrance Pump Station Upgrades, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto. | 30,000                                  | 28,560  | 40 Years                    |
| 8) Water Utility Truck Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.       | 45,000                                  | 42,840  | 5 Years                     |
| 9) Water Main Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.                | 275,000                                 | 261,800   | 40 Years                    |
| 10) Insertion Valve Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto           | 50,000                                  | 47,600  | 15 Years                    |
| TOTAL   | \$518,000                               | \$493,000   |                             |

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$493,000.

(c) The estimated cost of the Improvements is \$518,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

#### SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 28.46 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed

in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$493,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9.

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

## SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$493,000.

## SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilwoman Peterson moved that Pending Bond Ordinance #18-828 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 18, 2018, 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 introduction of Pending Ord. #18-829 Amending Chapter 268 of the Township Code entitled "Zoning" to establish inclusionary development regulations for multi-family housing to address municipal affordable housing obligations

The clerk read the Ordinance by title only:

**AN ORDINANCE AMENDING CHAPTER 268, ZONING, OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE COUNTY OF ESSEX AND STATE OF NEW JERSEY, TO ESTABLISH INCLUSIONARY DEVELOPMENT REGULATIONS FOR MULTI-FAMILY HOUSING TO ADDRESS MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS**

**Explanatory Statement:** This ordinance is a rezoning ordinance to repeal and replace the existing zoning on Block 280, Lots 247, 320, 330, 551.1, 552, 601 and a portion of Lot 551 and replace it with a new "Multi Family Affordable MF-AH Zone" as depicted on the attached map entitled Zoning Map Amendment, June 2018, MF-AH Zone. The new zone will permit multi-family apartment development at a gross density of 15 dwelling units per acre with a 15% affordable housing set-aside if the affordable units will be for rent and a 20% affordable housing set-aside if the affordable units will be for sale or attached townhouse development at a gross density of 12 dwelling units per acre with a 20% affordable housing set-aside, with the required set-aside to be provided within the development. The purpose of the rezoning is to address a portion of the Township of Cedar Grove's Third Round affordable housing obligations. A maximum of 347 multi-family apartments will be permitted on Block 280, Lots 247, 320 and 330 under this new zoning designation, including 52 affordable units. Alternatively, a maximum of 276 attached single-family or townhouse units will be permitted on Block 280, Lots 247, 320 and 330, including 56 affordable units.

**WHEREAS**, Cedar Grove Township has maintained full compliance in addressing its constitutional Mount Laurel affordable housing obligations, first through the New Jersey Council on Affordable

Housing (COAH) substantive certification process and most recently through the municipalities' participation in the Court process established by the New Jersey Supreme Court in March of 2015; and

**WHEREAS**, Cedar Grove Township is desirous of implementing zoning ordinance amendments responsive to meeting its Third Round municipal affordable housing obligations and maintaining full compliance in addressing its constitutional Mount Laurel affordable housing obligations; and

**WHEREAS**, through the Court Process and under the supervision of a Special Court Master appointed by the Superior Court, Cedar Grove Township has identified zoning mechanisms to address the Third Round municipal affordable housing obligations; and

**WHEREAS**, it is necessary to amend Chapter 268, Zoning, of the Code of the Township of Cedar Grove to implement inclusionary zoning development regulations to provide a zoning opportunity to address Third Round municipal affordable housing obligations, and the governing body of the Township of Cedar Grove has identified undeveloped land designated Block 280, Lots 247, 320, 330, 551.1 and 552 that is controlled under one entity that has expressed interest in developing inclusionary development including affordable housing that will address the municipal Third Round affordable housing obligations;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Cedar Grove, County of Essex, and State of New Jersey that Chapter 268, Zoning, of the Code of the Township of Cedar Grove is hereby amended, supplemented and revised, to establish affordable housing development standards for the provision of affordable housing development to address Cedar Grove Township's Mount Laurel constitutional obligations, as follows:

**SECTION I.** Amend and supplement the Code of the Township of Cedar Grove, Chapter 268, Zoning, as follows:

1. Amend Chapter 268, Zoning, § 268-3. "Designation of Zones" by adding the following new zoning designation as subsection (capital letter) "O.":

O. Multi Family Affordable Housing (MF-AH) Zone.

2. Amend § 268-4, "Zoning map established", by repealing and replacing the existing zoning on Block 280, Lots 247, 320, 330, 551.1, 552, 601 and a portion of Lot 551 as depicted on the attached map entitled Zoning Map Amendment, June 2018, MF-AH Zone, and establishing the "Multi Family Affordable MF-AH Zone" designation as depicted thereon for Block 280, Lots 247, 320, 330, 551.1, 552, 601 and a portion of Lot 551.

**SECTION II.** The Code of the Township of Cedar Grove, Chapter 268 Article VII, District Regulations is hereby amended and supplemented by adding the following new Section § 268-32A. Multi Family Affordable Housing (MF-AH) Zone, as follows:

§ 268-32A. Multi Family Affordable Housing (MF-AH) Zone. The Multi Family Affordable Housing Zone requires a twenty (20) percent affordable housing set aside for affordable sale units and a fifteen (15) percent affordable housing set aside for affordable rental units. Affordable housing shall be provided in accordance with the requirements of the New Jersey Fair Housing Act, N.J.S.A. 5:80-26.1 et seq., the Uniform Housing Affordability Controls (UHAC), and the Township's Court-approved Affordable Housing Ordinance.

- A. Permitted principal uses.
  - (1) Multi-family housing.
  - (2) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, each in accordance with N.J.S.A. 40:55D-66.1.
  
- B. Permitted accessory uses.
  - (1) Customary accessory structures, buildings and uses, provided that such are incidental to that of the principal building and use, subject to the provisions of § 268-10 and applicable requirements of this section.
  - (2) Private recreational facilities for the exclusive use of residents, such as swimming pools, tennis courts, and playgrounds, and customary accessory buildings shall include such buildings as clubhouses, storage buildings, or garages, subject to the provisions of § 268-10 and applicable requirements of this section.
  - (3) Signs as permitted in Article V.
  - (4) Driveways and off-street parking as provided in Article VI.
  - (5) Indoor and surface parking for multi-family housing.
  - (6) Family day-care homes as regulated in N.J.S.A. 40:55D-66.5b.
  
- C. Area, yard, bulk, parking and open space requirements. The following table identifies the area, yard, bulk, parking and open space requirements for the Multi Family Affordable Housing Zone:

Multi Family Affordable Housing Zone

|   |                        |
|---|------------------------|
| A. Min. tract area                                | 23 acres               |
| B. Maximum tract development area:                | 16.25 acres            |
| C. Min Lot Width (Tract)                          | 200 Feet               |
| D. Min Lot Depth (Tract)                          | 600 Feet               |
| E. Min Front Yard Setback                         | 30 Feet                |
| F. Min Side Yard Setback <sup>1</sup> ,           | 30 Feet                |
| G. Min Rear Yard Setback <sup>1</sup> ,           | 30 Feet                |
| H. Min. Setback from Buildings Onsite:            |                        |
| Front to Front; Front to Side; Side to Side:      | 100 Feet               |
| Rear to Rear                                      | 100 Feet               |
| Rear to Side                                      | 100 Feet               |
| I. Min. Building Setback to Internal Roadway      | 20 Feet                |
| J. Max. Building Coverage (residential)           | 15%                    |
| K. Max. Impervious Coverage                       | 35%                    |
| L. Max. Building Height:                          | 5-stories / 55 feet    |
| M. Maximum number of apartments:                  | 347                    |
| N. Max. gross density of apartments:              | 15 du/ac. <sup>2</sup> |
| O. Min. % set-aside (affordable rental units):    | 15% of all units       |
| P. Min. % set-aside (affordable for-sale units):  | 20% of all units       |
| Q. Maximum number of townhouses:                  | 278                    |
| R. Max. gross density of attached/townhouse units | 12 du/ac.              |
| S. Min. % set-aside for attached/townhouse units: | 20% of all units       |
| T. Maximum # affordable units per building        | 20                     |
| U. Impervious coverage (Parking) Setbacks:        |                        |

|   |   |
|---|---|
| From Building   | 15 Feet   |
| From Property Line or Public Street   | 15 Feet   |
| V. Parking spaces:  | 2/unit <sup>3</sup><br>Plus 1 visitor space/ 5 dwelling units |
| W. Two-way drive aisle width:   | 24'   |
| X. Minimum landscaped perimeter buffer  | 25' <sup>4</sup>  |
| Y. Open Space Area – minimum:   | 30% developed tract area <sup>5</sup>                         |
| <ol style="list-style-type: none"> <li>1. Patios, decks, balconies and fences shall be located within required building setbacks.</li> <li>2. Density shall be calculated for all lots in the Zone to determine the number of residential apartments that shall be permitted on Lots 247, 320 &amp; 330.</li> <li>3. There shall be a minimum of one garage or underground parking space per unit.</li> <li>4. Landscaped buffer shall be continuously planted with double rows of trees 15' on center at least 8' in height at the time of planting.</li> <li>5. Developed tract area is that portion of the tract upon which development is situated. Areas in required setbacks and landscaped buffers may be counted toward the minimum open space area.</li> </ol> |   |

D. Other requirements.

(1) Tract Development Area.

(a) All residential development and associated improvements shall be limited to Block 280, Lots 247, 320 & 330.

(b) An open space management plan shall be submitted for Block 280, Lots 551.1 and 552 at the time of site plan approval for development of Lots 247, 320 & 330, which shall be subject to Planning Board approval at the time of site plan development approval. Lots 551.1 and 552 may be donated to the Township of Cedar Grove as open space or held by the owner or an open space organization established to own and maintain such open space, provided the open space is appropriately deed restricted to ensure its continued maintenance as such.

(c) The development shall include improved pedestrian trail linkages to access the West Essex Trail from the development.

(2) Affordable housing requirements / very low-, low- and moderate-income units.

(a) Except as specifically provided in D.(2)(c) below, affordable units shall conform to the requirements of the NJ Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. (“FHA”), the “Round 2” regulations adopted by the NJ Council on Affordable Housing, N.J.A.C. 5:93-1.1 et. seq., the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq., all other relevant statutes, regulations, and policies, and the Cedar Grove Township’s Court-approved Third Round Affordable Housing Ordinance.

(b) Affordability average; bedroom distribution. Affordable units shall be provided in accordance with N.J.A.C. 5:80-26.3 Affordability average; bedroom distribution.

(c) Very low, low and moderate-income housing shall be constructed and rented in accordance with the NJ Fair Housing Act and the Uniform Housing Affordability Controls (“UHAC”) found at N.J.A.C. 5:80-26.1 et seq., including standards for the split between very low-, low- and moderate-income housing, except that, consistent with N.J.S.A. 52:27D-329.1, at least 13% of the affordable units shall be very low-income units, i.e., affordable to households earning 30% or less of the regional median household income by household size; and at least 37% of the affordable units shall be low income units. The balance of the affordable units shall be moderate income units.

(d) Affordable units shall be affirmatively marketed in accordance with the affirmative marketing provisions identified at N.J.A.C. 5:80-26.15.

(e) Controls on affordability. There shall be an income control period pursuant to N.J.A.C. 5:80-26.11 of at least 30 years, and thereafter until Cedar Grove takes action to release the controls on affordability, for all affordable units.

[1] The applicant shall submit a copy of the draft deed restriction to be placed on the affordable units at the time of application for site plan approval for Planning Board Attorney review and approval prior to the Planning Board granting preliminary site plan approval.

[2] Affordability controls shall be established in the form of a deed restriction, which shall be approved by the Planning Board Attorney and recorded with the County Clerk and filed with Cedar Grove Municipal Clerk and Cedar Grove Municipal Housing Liaison.

(f) Affordable units shall be administered by a qualified administrative agent in accordance with the administrative procedures for affordable units identified in the UHAC. The developer shall be responsible for the cost for all aspects of administering the affordable units, including but not limited to affirmative marketing, income qualification, tenant placement/purchaser selection, maintenance of controls, etc.

(3) Site plan review required as set forth under Article X. An application for site plan approval shall comply with the Township’s submission requirements procedures for a site plan application.

(a) A comprehensive traffic study shall be submitted with the application for development. This study will include a matrix with estimated projections for vehicle movements in and out of the facility in each hour of each day in a typical seven-day week. The projections for each hour will be built up from separate estimates for ingress and egress, and for different categories of use. The latter will include, but not be limited to, residents, deliveries and visitors. Added together the separate categories will equal all traffic in and out. The study will also include background traffic in each direction on the public road servicing the facility in the same twenty-four-hour, seven-day format. The factual and analytical basis for all estimates will be explained.

(b) The Planning Board may use the traffic study to foster proper design, such as, but not limited to, ingress and egress, and to determine the applicant’s pro-rata share

of off-site and off-tract improvements, if any, that may be required. The Planning Board shall not use the traffic study to alter the density of sites to be developed with inclusionary zoning.

(c) The applicant shall have the option of preparing the traffic study or choosing a consultant from a list of at least two professionals (prepared by the municipality) to prepare the studies. If the developer chooses a consultant from the municipally prepared list, the developer and municipality shall both rely on the consultant's recommendations.

(4) Open Space. Not less than 30% of the developed tract area of a permitted multifamily development shall be dedicated to common open space areas. Such space may include required buffers, setback areas, stormwater management facilities, active recreational areas, as well as natural, undeveloped areas, and shall be maintained by the owner or a homeowners' association and appropriately deed restricted.

(a) Of the tract area dedicated to common open space and recreation facilities, at least 1/2 (or 15% of the tract area) shall consist of natural, undeveloped open space, which may include perimeter buffering. Such buffer areas with pre-development natural vegetative cover shall be retained and appropriately protected from root damage during construction, which shall include drip-line limits of disturbance for trees within the required buffer, which shall be approved by the Township Engineer prior to site disturbance.

(5) Required off-street parking spaces pursuant to the requirements of Article VI, and specifically restricted as follows:

(a) No parking area shall be located within 50 feet of a property line nor between any building or a public road.

(b) No parking shall be permitted on any access driveway.

(c) Dwelling units shall each be provided with a minimum of one garage parking space of at least nine feet by 18 feet.

(d) Not more than 100 parking spaces shall be provided as surface parking.

(6) A landscaped buffer shall be required on any side or rear yard adjacent to any property used or zoned for lower density residential purposes. The buffer shall be a minimum of 25 feet in width and shall be landscaped via massed evergreen trees and/or shrubs having a minimum height of eight feet (8') at the time of planting. Such buffer areas may also be required upon site plan review to have walls and/or fences in order to further screen the multifamily use from surrounding uses and zones. No building or other structure, parking area, driveway or storage area shall encroach upon such buffer area.

(7) Buildings shall conform to the following additional limitations and requirements:

(a) All buildings and accessory structures shall be designed with a unified architectural theme that is visually compatible with the surrounding area. Said design shall consider such elements as building materials and colors, facade treatments, rooflines, light fixtures, and site amenities such as street furniture. All buildings shall have pitched roofs as an integral component of their design. Exterior building

material colors shall be earth-tone and designed to blend into the surrounding neighborhood.

(b) Limitations on size.

[1] Buildings exceeding 100' in length shall be interrupted by offset planes not exceeding 100' in length. Each plane shall be recessed or offset by 2' or more. Exterior finishes shall vary for each offset plane, which shall be subject to Planning Board approval.

(8) Telephone and electric lines. There shall not be permitted overhead telephone and electric transmission lines traversing a lot. Telephone and electric transmission lines shall be placed at the rear of the lot. Where this is not practical or possible, overhead transmission lines may be placed alongside the lot line, and service to a building or group of buildings on a lot from the transmission line shall be by underground conduit.

(9) Fire hydrants. Fire hydrants shall be installed in number and location as directed by the Township Engineer acting upon the advice of the Chief of the Township Fire Department and the Office of Fire Prevention, or as required by the New Jersey Residential Site Improvement Standards.

(10) Interior roads, access drives, and sidewalks. All road and sidewalk construction shall be pursuant to the New Jersey Residential Site Improvement Standards. A grass area of a minimum width of two feet shall be provided between the sidewalks and interior roads and between the sidewalks and access drives.

(11) Recycling. There shall be included within each new multifamily building an indoor recycling area for the collection and storage of residentially generated recyclable materials.

(12) Solid waste. Solid waste collection and storage areas shall be similarly provided within each multi-family building. for the facility, and may be indoors or outdoors. Outdoor areas shall be enclosed by a maximum seven foot high fence or wall enclosure compatible with the architectural style of the building, and landscaped as required by the reviewing board.

(13) Lighting. Exterior lighting in accordance with § 268-7, with the exception that the maximum height of a fixture shall not exceed 20 feet measured from the ground level to the top of the light source.

(a) All light fixtures shall be downward directed and side shielded to prevent direct view of the light source of light fixtures from off site. The Planning Board shall have the authority to approve the type and style of light fixtures used, which may be a decorative design, or shoebox style fixture with a 150° beam spread.

(b) The lamp of light fixture shall be sufficiently recessed to prevent direct view of the light source from off site.

(14) Landscaping. The overall site design shall include a comprehensive landscaping plan providing a variety of trees, shrubs, and ground cover(s) designed to shade parking and recreation areas, reduce stormwater runoff and soil erosion, offer visual screening, accent and complement buildings, and soften the lines of paved roadways on the interior and exterior of the site. The preservation of existing natural features such as rock outcroppings, woodlands,

and topographic elements shall be an integral part of the site planning process, and at its discretion, the reviewing board may waive additional screening requirements where such features are present within a required buffer area.

**SECTION III. RENUMBERING.** This ordinance may be renumbered for codification purposes.

**SECTION IV. SEVERABILITY.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

**SECTION V. REPEALER.** Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

**SECTION VI. EFFECTIVE DATE.** This Ordinance shall not take effect until approved by the Court.

Deputy Mayor Cicala moved that Pending Ordinance #18-829 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of July 16, 2018, seconded by Councilman Vargo, and passed by the following vote:

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

NO: None

ABSTAIN: Councilman Kumburis

- e) To consider introduction of Pending Ord. #18- 830, Amending Chapter 268 of the Township Code entitled “Zoning” to establish overlay inclusionary zoning standards for townhouse & multi-family housing to address unmet need affordable housing obligations

The clerk read the Ordinance by title only:

**AN ORDINANCE AMENDING CHAPTER 268, ZONING, OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX AND STATE OF NEW JERSEY, TO ESTABLISH OVERLAY INCLUSIONARY ZONING STANDARDS FOR TOWNHOUSE & MULTI-FAMILY HOUSING TO ADDRESS CEDAR GROVE TOWNSHIP’S CONTINUING LONG TERM AFFORDABLE HOUSING OBLIGATIONS**

**Explanatory Statement:** This ordinance is an inclusionary zoning overlay ordinance affecting certain non-residentially zoned and developed parcels of land in the Township of Cedar Grove, which overlay permits a market-rate and affordable housing development option in addition to the non-residential zoning of parcels reclassified with this proposed inclusionary zoning overlay ordinance amendment. Existing non-residential developed lots may continue to exist with lawfully existing structures and permitted uses in accordance with underlying zoning and may change in accordance with existing nonresidential development ordinance standards. The residential development options provided in this overlay zone will permit (1) townhouse development at a gross density of 10 dwelling units including a 20% affordable housing set-aside; and (2) apartments at a gross density of 14 dwelling units per acre including a 15% affordable housing set-

aside, if the affordable units will be for rent, and a 20% set-aside if the affordable units will be for sale.

**WHEREAS**, Cedar Grove Township has maintained full compliance in addressing its constitutional Mount Laurel affordable housing obligations, first through the New Jersey Council on Affordable Housing (COAH) substantive certification process and most recently through the municipalities' participation in the Court process established by the New Jersey Supreme Court in March of 2015; and

**WHEREAS**, Cedar Grove Township is desirous of implementing overlay zoning ordinance amendments to capture future affordable housing opportunities on suitable sites in order to maintain such compliance over the long term; and

**WHEREAS**, this effort is being undertaken through the Court Process and under the supervision of a Special Court Master appointed by the Superior Court; and

**WHEREAS**, it is necessary to amend Chapter 268, Zoning, of the Code of the Township of Cedar Grove to implement the inclusionary overlay zoning development regulations; and

**WHEREAS**, the governing body of the Township of Cedar Grove has identified certain non-residentially-developed land that appears to be capable of supporting future inclusionary affordable housing development if zoning standards are established to permit alternative residential development options to the existing non-residential development zoning;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Cedar Grove, County of Essex, and State of New Jersey that Chapter 268, Zoning, of the Code of the Township of Cedar Grove is hereby amended, supplemented and revised, to establish affordable housing development standards for the provision of affordable housing development to address Cedar Grove Township's Mount Laurel constitutional obligations, as follows:

**SECTION I.** Amend the Code of the Township of Cedar Grove, Chapter 268, Zoning, as follows: 1. Amend Chapter 268, Zoning, § 268-3. "Designation of Zones" by adding the following new zoning designation as subsection (capital letter) "O.":

P. Multi Family Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone.

2. Amend § 268-4, "Zoning map established", by adding the following new Multi Family Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone designation for the two areas depicted on the attached map entitled: "Zoning Map Amendment MF-AH-IO, Affordable Housing Overlay Zones" and dated June 2018.

**SECTION II.** The Code of the Township of Cedar Grove, Chapter 268 Article VII, District Regulations is hereby amended and supplemented by adding the following new Section § 268-32.2 Multi Family Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone, as follows:

§ 268-32.2 Multi Family Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone. The Multi Family Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone adds an inclusionary residential development option in addition to the underlying non-residential zoning that permits:

(1) Townhouse development at a gross density of 10 dwelling units per acre including a twenty percent (20%) affordable housing set-aside; and

(2) Multi-family apartments at a gross density of 14 dwelling units per acre including a fifteen percent (15%) affordable housing set-aside if the affordable housing units will be for rent or a twenty percent (20%) affordable housing set-aside if the affordable units will be for sale.

Affordable Housing shall be provided in accordance with the requirements of the New Jersey Fair Housing Act and N.J.S.A. 5:80-26.1 et seq., the Uniform Housing Affordability Controls (UHAC).

A. Permitted principal uses.

(1) Multi-family apartment buildings, including affordable housing as prescribed above.

- (2) Attached townhouses, including affordable housing as prescribed above.
- (3) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, and community residences for persons with head injuries, each in accordance with N.J.S.A. 40:55D-66.1.
- (4) Uses permitted and developed in accordance with the existing underlying zoning that are in existence as of date of adoption of this ordinance amendment, which uses shall be permitted to continue and/or expand in accordance with the provisions of underlying zoning without the need for an application for use variance approval from the Zoning Board of Adjustment as a non-permitted use, provided that no existing non-residential use, even if permitted and conforming to the zoning as of date of adoption of this ordinance amendment, shall be permitted to expand beyond the limits of the tax lot(s) upon which such use is located as of date of adoption of this ordinance amendment.

B. Permitted accessory uses.

- (1) Customary accessory structures, buildings and uses, provided that such are incidental to that of the principal building and use, subject to the provisions of § 268-10 and applicable requirements of this section.
- (2) Private recreational facilities for the exclusive use of residents, such as swimming pools, tennis courts, and playgrounds, and customary accessory buildings shall include such buildings as clubhouses, storage buildings, or garages, subject to the provisions of § 268-10 and applicable requirements of this section.
- (3) Signs as permitted in Article V.
- (4) Driveways and off-street parking as provided in Article VI.
- (5) Family day-care homes as regulated in N.J.S.A. 40:55D-66.5b.

C. Area, yard, bulk, parking and open space requirements. All residential development within the Multi Family Affordable Housing Inclusionary Overlay (MF-AH-IO) Zone shall conform in all respects to § 268-25 Multifamily Zone, subsections C. – D.

D. Affordable housing requirements / very low-, low- and moderate-income units.

- (1) Except as specifically provided in D.(3) below, affordable units shall conform to the requirements of the NJ Fair Housing Act, N.J.S.A. 52:27D-301 et. seq. (“FHA”), the “Round 2” regulations adopted by the NJ Council on Affordable Housing, N.J.A.C. 5:93-1.1 et. seq., the Uniform Housing Affordability Controls (“UHAC”), N.J.A.C. 5:80-26.1 et seq., all other relevant statutes, regulations, and policies and the Cedar Grove Township Third Round Affordable Housing Ordinance.
- (2) Affordability average; bedroom distribution. Affordable units shall be provided in accordance with N.J.S.A. 5:80-26.3 Affordability average; bedroom distribution.
- (3) Very low, low and moderate-income housing shall be constructed and rented in accordance with the NJ Fair Housing Act and Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low-, low- and moderate-income housing, except that, consistent with N.J.S.A. 52:27D-329.1, at least 13% of the affordable units shall be very low-income units, i.e., affordable to households earning 30% or less of the regional median household income by household size; and at least 37% of the affordable units shall be low income units. The balance of the affordable units shall be moderate income units.
- (4) Affordable units shall be affirmatively marketed in accordance with the affirmative marketing provisions identified at N.J.A.C. 5:80-26.15.

(5) Controls on affordability. There shall be an income control period pursuant to N.J.A.C. 5:80-26.11 of at least 30 years for all affordable units and thereafter until Cedar Grove takes action to release the controls on affordability.

(a) The applicant shall submit a copy of the draft deed restriction to be placed on affordable units at the time of application for site plan approval for Planning Board Attorney review and approval prior to the Planning Board granting preliminary site plan approval.

(b) Affordability controls shall be established in the form of a deed restriction, which shall be approved by the Planning Board Attorney and recorded with the County Clerk and filed with Cedar Grove Municipal Clerk and the Cedar Grove Municipal Housing Liaison.

(6) Affordable units shall be administered by a qualified administrative agent in accordance with the administrative procedures for affordable units identified in the UHAC. The developer shall be responsible for the cost for all aspects of administering the affordable units, including but not limited to affirmative marketing, income qualification, tenant placement/purchaser selection, maintenance of controls, etc.

E. Site plan review required as set forth under Article X. An application for site plan approval shall comply with the Township's submission requirements and procedures for a site plan application.

(a) A comprehensive traffic study shall be submitted with the application for development. This study will include a matrix with estimated projections for vehicle movements in and out of the facility in each hour of each day in a typical seven-day week. The projections for each hour will be built up from separate estimates for ingress and egress, and for different categories of use. The latter will include, but not be limited to, residents, deliveries and visitors. Added together the separate categories will equal all traffic in and out. The study will also include background traffic in each direction on the public road servicing the facility in the same twenty-four-hour, seven-day format. The factual and analytical basis for all estimates will be explained.

(b) The Planning Board shall use the traffic study to foster proper design, such as, but not limited to ingress and egress, and to determine the applicant's pro-rata share of off-site and off-tract improvements, if any, that may be required. The Planning Board shall not use the traffic study to alter the density of sites to be developed with inclusionary zoning.

(c) The applicant shall have the option of preparing the traffic study or choosing a consultant from a list of at least two professionals (prepared by the municipality) to prepare the studies. If the developer chooses a consultant from the municipally prepared list, the developer and municipality shall both rely on the consultant's recommendations.

F. A landscaped buffer shall be required on any side or rear yard adjacent to any property used or zoned for nonresidential purposes. The buffer shall be a minimum of 25 feet in width and shall be landscaped via massed evergreen trees and/or shrubs having a minimum height of eight feet (8') at

the time of planting. Such buffer areas may also be required upon site plan review to have walls and/or fences in order to further screen the multifamily development from surrounding land uses. No building or other structure, parking area, driveway or storage area shall encroach upon such buffer area.

**SECTION III. RENUMBERING.** This ordinance may be renumbered for codification purposes.

**SECTION IV. SEVERABILITY.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**SECTION V. REPEALER.** Any Ordinances or parts thereof in conflict with the provisions of these Ordinance are hereby repealed as to their inconsistencies only.

**SECTION VI. EFFECTIVE DATE.** This Ordinance shall not take effect until approved by the Court.

Deputy Mayor Cicala moved that Pending Ordinance #18-830 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of July 16, 2018, seconded by Councilwoman Peterson, and passed by the following vote:  
AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella  
NO: None

- f) To consider resolution concerning referral of zoning ordinances to Planning Board

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

RESOLUTION REFERRING ORDINANCE NUMBERS 18-829 & 18-830 ENTITLED ORDINANCE AMENDING CHAPTER 268 OF TOWNSHIP CODE ENTITLED "ZONING" TO ESTABLISH INCLUSIONARY DEVELOPMENT REGULATIONS FOR MULTI\_FAMILY HOUSING TO ADDRESS MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS & ORDINANCE AMENDING CHAPTER 268 OF TOWNSHIP CODE ENTITLED "ZONING" TO ESTABLISH OVERLAY INCLUSIONARY ZONING STANDARDS FOR TOWNHOUSE & MULTI-FAMILY HOUSING TO ADDRESS UNMET NEED AFFORDABLE HOUSING OBLIGATIONS RESPECTIVELY, TO THE PLANNING BOARD FOR REVIEW AND COMMENT

WHEREAS the governing body of the Township of Cedar Grove ("Township") is considering adopting two zoning ordinances entitled ORDINANCE AMENDING CHAPTER 268 OF TOWNSHIP CODE ENTITLED "ZONING" TO ESTABLISH INCLUSIONARY DEVELOPMENT REGULATIONS FOR MULTI-FAMILY HOUSING TO ADDRESS MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS & ORDINANCE AMENDING CHAPTER 268 OF TOWNSHIP CODE ENTITLED "ZONING" TO ESTABLISH OVERLAY INCLUSIONARY ZONING STANDARDS FOR TOWNHOUSE & MULTI-FAMILY HOUSING TO ADDRESS UNMET NEED AFFORDABLE

HOUSING OBLIGATIONS respectively in the forms attached hereto as Exhibit "A" and Exhibit "B"; and

WHEREAS the Township is desirous of meeting its obligations to provide for its fair share of Affordable Housing within the Township; and

WHEREAS the proposed Ordinances will provide a Realistic Development Opportunity for the creation of Affordable Housing; and

WHEREAS the Township has been represented by Jeffrey Surenian & Associates, LLC in connection with an action for Declaratory Relief pending under Docket Number:ESX-L-4659-15, to determine the Township's Affordable Housing Obligation; and

WHEREAS Michael Jedziniak, Esq. of Jeffrey Surenian & Associates, LLC has consulted with the Borough's Planner, Mayor and Council and other Township professionals and recommends the adoption of the attached proposed ordinances in connection with bringing the aforementioned litigation to conclusion; and

WHEREAS continued litigation and uncertainty creates a possibility that the Township's Zoning Ordinance could be invalidated in its entirety leading to unchecked and undesirable over-development; and

WHEREAS prior to the final adoption of a land use ordinance certain procedural requirements must be completed otherwise the ordinance is *void ab initio*, and

WHEREAS the Township requires, pursuant to N.J.S.A 40:55D, that the Planning Board review the proposed ordinance for consistency with the master plan (and updates thereto) in accordance with N.J.S.A. 40:55D-26 and report back to the Township with its Report and identify any provisions in the proposed ordinances which are inconsistent with the Master Plan, recommendations concerning any inconsistencies and any other matters the Planning Board deems appropriate; and

WHEREAS the Township requests that such review be conducted expeditiously but in no event outside of the 35 Days provided for under N.J.S.A. 40:55D-26(a);

NOW THEREFORE BE IT RESOLVED that the Clerk of the Township shall transmit the within Resolution with Attachments A and B to the Planning Board Secretary, Planning Board Counsel and Planning Board Professional Planner for action at its next scheduled meeting pursuant to N.J.S.A 40:55D and N.J.S.A. 40:55D-26(a).

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

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

NO: None

ABSTAIN: Councilman Kumburis

g) To consider resolution concerning amendment of 2018 Capital Budget

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

**WHEREAS**, the Township of Cedar Grove desires to amend the 2018 Capital Budget of said municipality by inserting various water utility improvements, various sewer utility improvements and various general improvements.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove as follows:

AMENDMENT  
CAPITAL BUDGET OF THE TOWNSHIP OF CEDAR GROVE  
COUNTY OF ESSEX, NEW JERSEY

PROJECTS SCHEDULE FOR 2018  
METHOD OF FINANCING

| <u>Project</u>                     | <u>Estimated Cost</u> | <u>Debt</u><br><u>Authorized</u> | <u>Down Payment</u> |
|------------------------------------|-----------------------|----------------------------------|---------------------|
| Various General Improvements       | <u>\$1,250,000.00</u> | <u>\$1,213,000.00</u>            | <u>\$37,000.00</u>  |
| Various Water Utility Improvements | <u>\$518,000.00</u>   | <u>\$493,000.00</u>              | <u>\$25,000.00</u>  |
| Various Sewer Utility Improvements | <u>\$140,000.00</u>   | <u>\$133,000.00</u>              | <u>\$7,000.00</u>   |

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

h) To consider resolution concerning estimated tax bills

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

**WHEREAS**, the Essex County Board of Taxation is unable to certify tax rates for the year 2018 in a timely manner; and

**WHEREAS**, without a 2018 certified tax rate the Tax Collector of the Township of Cedar Grove will be unable to issue 2018 tax bills on a timely basis; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, as follows:

1. The Tax Collector of the Township of Cedar Grove is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Cedar Grove for the third installment of 2018 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.

2. The total estimated tax levy for 2018 is \$53,993,707.00. The estimated tax rate for 2018 is \$2.424.

Councilman Vargo 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 \$430,989.67.

Councilwoman Peterson 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.

Paul Burns; 2 Elm Rd. – Mr. Burns expressed concern regarding antiquated water lines in the Township and inquired about plans to replace, particularly on Elm Rd. The Manager responded that the Township's water consultant is in the process of prioritizing the lines for replacement, similar to the Township's road inventory. Mr. Burns also noted safety concerns at the intersection of Grove Ave. and Rt. 23. Mr. Burns also noted property maintenance concerns at the intersection (corner) of Church St. and Pompton Ave. The Township Manager explained that both issues are under the jurisdiction of NJDOT, and have been addressed with NJDOT by the Township.

Patrick Mullen; 28 Brookdale Rd. and Amy Tufaro; 73 The Fairway – Addressed the governing body on behalf of the Municipal Alliance Committee. Mr. Mullen and Ms. Tufaro expressed concern regarding the impact of legalization of marijuana on grant funding.

## **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 June 4, 2018.
2. The general nature of the subject matters to be discussed is Coptic Church litigation, anticipated litigation, COAH litigation, and pending land negotiations.
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: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

**11. ADJOURNMENT**

Councilman Vargo moved adjournment of the public council meeting, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

The meeting adjourned at 8:20 p.m.

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JOSEPH CICALA                      MAYOR

ATTEST:

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KATHLEEN R. STUTZ      MUNICIPAL CLERK