

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

**PUBLIC MEETING**

**MINUTES**

**JULY 16, 2018**

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

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

Present: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz

Absent: Deputy Mayor Vargo

The flag salute was led by Mayor Cicala.

Mayor Cicala 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) Presentation Body Camera Grant Money - Representatives from Investors Bank presented Police Chief Joseph Cirasa with a \$10,000 donation for the purchase of body cameras through State grant.

b) Presentation NJIIF Safety Incentive Award – NJIIF representatives Eric Nemeth, Esq. and John Serapiglia, Risk Manager presented a plaque to Mayor Cicala in recognition of the Township being named as a safe municipality in which to work, based on its very low number of workman comp claims. Attorney Nemeth noted that the Township has been a member of the NJIIF for the past twenty years.

c) Recognition of Eagle Scout – Dwight Luke Thomas

Mayor Cicala stated that he had attended Eagle Scout Court of Honor on June 16<sup>th</sup> and presented a Certificate of Achievement and letter of commendation. Mayor Cicala highlighted the requirements necessary to achieve the highest rank of Eagle Scout. Mayor Cicala commended Dwight for his prestigious accomplishment.

**3. APPROVAL OF MINUTES**

a) To consider approval of regular public meeting minutes of June 4, 2018

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- b) To consider approval of special public meeting minutes of June 18, 2018

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

#### 4. PUBLIC HEARING

Township Attorney Zielinski recused himself from the matters pertaining to Pending Ord. 18-829 and 18-830 and left the meeting. Alternate Counsel Semeraro joined the meeting and took the Township Attorney's seat on the dais. Mayor Cicala requested that Councilman Kumburis also leave the dais, based on his previous recusal from introduction of the ordinance for a conflict of interest.

Councilman Kumburis advised that he had sought additional legal counsel independently, who advised that Councilman Kumburis did not have a conflict of interest with the proposed ordinance. Councilman Kumburis stated that he would no longer recuse himself from actions on the proposed ordinance (#18-829).

- a) To consider adoption of Pending Ordinance #18-829 – Amending Chapter 268 of the Township Code entitled “Zoning”

The ordinance was read by title only as follows:

**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**

Mayor Cicala advised that public hearing needed to be postponed until September 17, 2018 to accommodate schedules of Township professionals and officials. Attorney Semeraro explained the purpose of the proposed ordinances and summarized the procedure for adoption in accordance with Municipal Land Use Law (MLUL). Attorney Semeraro further stated that following introduction of the Pending Ordinances #18-829 and 18-830 scheduling issues arose and the governing body determined it necessary to postpone the public hearings and final adoption of ordinances. Attorney Semeraro explained that in conformance with the MLUL the governing body must open the public hearings as noticed at introduction, and may then set forth a subsequent date on the record.

Following Attorney Semeraro's explanation, Councilman Tanella moved to carry the public hearing and adoption to September 17, 2018 at 7:00 p.m., seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- b) To consider adoption Pending Ordinance #18-830 – Amending Chapter 268 of the Township Code entitled “Zoning”

The ordinance was read by title only as follows:

**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**

Councilman Tanella moved to carry the public hearing and adoption until September 17, 2018 at 7:00 p.m., seconded by Councilwoman Peterson and passed by the following vote:

AYE: Councilmembers Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

**5. MEETING OPEN TO RESIDENTS OF THE TOWNSHIP WISHING TO BE HEARD ON ANY ITEM ON THE AGENDA**

Mayor Cicala opened this portion of the meeting to anyone wishing to be heard on any item on the agenda.

The following residents commented and/or raised questions related to the pending zoning ordinances that were carried to September 17th for public hearing and adoption:

Robert Cunniff; 36 Hillcrest Ave.

Mark Petracho; 100 Lakewood Ave.

Kevin McVey; 19 Briarwood Terr.

Ryan Mattesky; 55 Myrtle Ave.

Jeff Freitas; 19 Woodlawn Terr.

Emmett Acocello; 321 Bowden Rd.

Angelo Algieri; 90 Lakewood Ave.

Paul Burns; 2 Elm Dr.

Following advice from Attorney Semeraro, Mayor Cicala explained to the speakers that the September 17<sup>th</sup> public hearing was the proper forum to make their comments/ask questions on the zoning ordinances. Mayor Cicala advised that the public hearings will include presentations and explanations by the Township's professionals, including the special Court master that resulted in the pending ordinances. Mayor Cicala further advised that following the presentations residents will have the opportunity to comment/ask questions.

Isabel Spagnardi; 511 Holly Lane – Ms. Spagnardi commented that a new Lindsley Rd. development referenced by one of the speakers was actually in Little Falls, not Cedar Grove.

There being no one present wishing to be heard, Mayor Cicala closed this portion of the meeting.

**6. REPORTS OF TOWNSHIP OFFICIALS**

a) Township Manager – The Manager provided a memo from the Finance Director on the sale of bond anticipation notes. Mr. Tucci requested authorization for the sale of the old senior bus that is no longer in service, to which the governing body agreed. Mr. Tucci noted that a resolution to effect the sale is on the agenda. The Manager also advised that a request for waiver of a developer agreement was received from St. Catherine of Siena’s attorney pertaining to their site plan application for renovation of an existing building, to which the governing body agreed. Mr. Tucci noted that the a letter has been sent to renew a third five year lease of County property along Grove Ave.

b) Township Clerk – The Clerk noted a request from a family member for a resolution/proclamation to recognize the 100<sup>th</sup> birthday of long-time resident Everett Underhill, to which the governing body agreed.

c) Township Attorney – No report

d) Other Reports

Councilwoman Peterson noted the upcoming Municipal Alliance Committee-sponsored movie nights.

Councilman Tanella requested an executive session to discuss a personnel matter.

**7. CONSENT AGENDA**

a) To consider resolution concerning appointment of Zoning Board 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 that Joseph Muszynski is hereby appointed to fill a vacancy as a member of the Zoning Board of Adjustment for a four-year term effective immediately and terminating July 1, 2022.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

**8. NEW BUSINESS**

a) To consider resolution concerning 2017 Municipal Audit

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

**WHEREAS**, N.J.S.A.40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, The Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

**WHEREAS**, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS**, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52-27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Cedar Grove, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- b) To consider resolution concerning Corrective Action Plan

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 Cedar Grove, Essex County, New Jersey, that:

**WHEREAS**, the 2017 Annual Audit of the Township of Cedar Grove, conducted by Nisivoccia and Company, contained certain recommendations requiring action; and

**WHEREAS**, these recommendations have been reviewed by the Township’s Chief Financial Officer; and

**WHEREAS**, The Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditor;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove that the Corrective Action Plan for the 2017 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the New Jersey Division of Local Government Services.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- c) To consider resolution concerning purchase of sport utility vehicles through State Contract

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 has availed itself of the right to purchase Sport Utility Vehicles (SUV) entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 40A:11-12; and

**WHEREAS**, it is desirable from time to time to purchase Sport Utility Vehicles (SUV) under contracts entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in cases where no bids have been received; and

**WHEREAS**, it is desirable to purchase Sport Utility Vehicles (SUV) under such contracts enter into on behalf of the State of New Jersey by said Division during the year 2018;

**WHEREAS**, funds for the purchase of three (3) Sport Utility Vehicles (SUV) are available in the 2018 Municipal Budget, Police – Other Expenses.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, that the purchase of three (3) Sport Utility Vehicles (SUV) be awarded to Winner Ford, through State Contract No. A88728.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- d) To consider resolution concerning purchase and installation of Belgium block curbing, asphalt repairs on driveways and resetting of pavers through Morris county Cooperative Pricing Council Contract #6

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 utilizes the Morris County Cooperative Pricing Council Contract #6 for road resurfacing; and

**WHEREAS**, the contract amount for road resurfacing including the purchase and installation of Belgium block curbing, asphalt repairs on driveways and the resetting of pavers will not exceed \$86,293.00; and

**WHEREAS**, the funds are available to satisfy our obligations under this contract through Bond Ordinance No. 17-806 and 18-826.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of Cedar Grove authorizes the Township of Cedar Grove to purchase from the Morris County Cooperative Pricing Council Contract #6 for road resurfacing including the purchase and installation of Belgium block curbing, asphalt repairs on driveways and the resetting of pavers from Cifelli & Son General Contracting, Inc. for an amount not to exceed \$86,293.00.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- e) To consider resolution concerning award of bid for furnishing & delivery of polyaluminum chloride blend to WWTP

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

**WHEREAS**, pursuant to advertising duly made, a sole bid was received for furnishing and delivery of Polyaluminum Chloride Blend to WWTP, and was publicly opened by the Township Clerk on May 8, 2018 as follows:

<b>BIDDER</b>	<b>BID AMOUNT 2018</b>	<b>BID AMOUNT 2019</b>
Main Pool and Chemical Dupont PA	\$ 2.37/gal.	\$ 2.47/gal.

**WHEREAS**, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend awarding the bid for 2018 and 2019 to Main Pool and Chemical of Dupont, PA, the lowest responsible bidder, in the amount of \$ 2.37 per gallon for 2018 and \$2.47 per gallon for 2019 for an estimated quantity of 40,000 gallons per year; and

**WHEREAS**, the funds are available to satisfy our obligations under this contract from the 2018 Sewer Utility Budget – Other Expenses.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that the award of bid be made to Main Pool and Chemical of Dupont, PA.

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

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- f) To consider resolution concerning addendum to 2019 Municipal Alliance grant

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

**WHEREAS**, the Township Council of the Township of Cedar Grove previously authorized submission of a strategic plan for the Cedar Grove Municipal Alliance grant for fiscal year 2019 by resolution on March 5, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that the Township Council hereby approves the attached addendum for increased funding now available through Essex County.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- g) To consider resolution concerning 2017 LOSAP for Fire Department Volunteers

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



**WHEREAS**, pursuant to N.J.S.A. 40A:14-191, the Cedar Grove Fire Department has certified to the Township of Cedar Grove a list of all volunteer members who have qualified for credit under the LOSAP program for the year 2017; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-14.10 (b), the Township of Cedar Grove has reviewed and accepted the attached certified list of the Cedar Grove Fire Department; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-14.10 ( c ), the Township of Cedar Grove shall return the certified list to the Cedar Grove Fire Department for posting to allow for sufficient time for membership review.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township Cedar Grove that the attached certified list herein of the Cedar Grove Fire Department is hereby accepted and returned to the emergency service organization for posting to allow sufficient time for membership review.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

h) To consider resolution concerning sale of surplus municipal property

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

**WHEREAS**, N.J.S.A.40A:11-36 provides for the sale of municipal property not needed for public use;

**NOW THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove that the property listed below, which is no longer needed for public use, shall be advertised for sale and sold to the highest bidder at public auction via GovDeals.com

1. 2009 Ford E450 Goshen Coach Passenger Bus  
VIN# 1FDFF45S19DA50128 Miles 37,840

**BE IT FURTHER RESOLVED**, that such items shall be sold on an "as is, where is" basis.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

## **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 \$3,403,763.92.

Councilman Kumburis moved adoption of the resolution, seconded by Councilman Tanella. Councilwoman Peterson recused herself from approval of Wear Your Pride invoice only. Motion passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

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

Mayor Cicala opened this portion of the meeting to anyone wishing to be heard.

Paul Burns; 2 Elm Rd. – Mr. Burns expressed concern regarding the overabundant deer population in the Township. Mr. Burns also inquired the status of development of athletic field on Board of Education property (LRP). The Manager responded that a concept plan is currently under review by the Board of Education and approval is required before proceeding.

There being no one else present wishing to be heard, Mayor Cicala closed this portion of the meeting.

AUTHORIZATION TO GO INTO EXECUTIVE SESSION

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

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

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

1. The public shall be excluded from discussion of any action on the Executive Session of the Meeting of the Mayor and Council of July 16, 2018.
2. The general nature of the subject matter to be discussed is personnel.
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.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

**11. ADJOURNMENT**

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

The meeting adjourned at 8:15 p.m.

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JOSEPH CICALA                      MAYOR

ATTEST:

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KATHLEEN R. STUTZ              MUNICIPAL CLERK