

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

COUNCIL STAFF MEETING

**MINUTES
7:00 P.M.**

JANUARY 25, 2016

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Chiusolo called the meeting to order at 7:00 p.m. and made the required announcement concerning the Open Public Meetings Act as follows: Adequate notice of this meeting was duly provided to the Verona-Cedar Grove Times and the Star Ledger, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building's lobby in accordance with the Open Public Meetings Act.

Present: Councilman Kumburis, Longo, Mayor Chiusolo

Absent: Councilman Maffucci, Deputy Mayor Tanella

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

2. APPROVAL OF MINUTES

a) Staff Meeting – December 21, 2015

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

AYE: Councilman Kumburis, Longo Tanella, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

b) Executive Session – January 11, 2016 (Interview)

There was consensus to table approval of the minutes until the next staff meeting

3. TOWNSHIP MANAGER – The Manager commended the DPW employees for snow removal efforts during the weekend snow event. Mr. Tucci also commended the Police Dept., Fire Dept. and A&RS personnel for their service throughout the snowstorm.

a) Tax List Summary – The Manager provided information from the Tax Assessor's memo. Mr. Tucci cited the Township's 2016 ratable total \$2,215,245,600 and further noted that the 2016 average residential assessment is \$464,100, which constitutes a \$200 increase from 2015.

b) Historical Society Lease – Mr. Tucci provided a copy of the expired lease agreement and ordinance with the Cedar Grove Historical Society for the use of Morgan's Farm. The Manager recommended renewal of the lease for another 25 year period to which the governing body agreed. The Township Attorney was directed to prepare and update the necessary documents.

- c) Budget Hearing Schedule – The Manager confirmed the budget hearings schedule (Tuesday and Wednesday 2/2 and 2/3 at 5:00 p.m.)

Mr. Tucci noted the passing of Community Pool Manager and resident Lou Manganiello.

4. **TOWNSHIP ATTORNEY** – Attorney Zielinski provided a memo regarding concerns raised in conjunction with a proposed ordinance to prohibit sale of weapons from a home business.
5. **TOWNSHIP CLERK** – The Clerk provided an explanation for the resolutions on the agenda pertaining to transfer of an ABC license.

6. COUNCIL REPORTS

Mayor Chiusolo commented on Sen. O’Toole’s decision not to seek re-election and requested that the governing body present Sen. O’Toole a plaque in appreciation of his service to the Township. Mayor Chiusolo advised that the joint meeting with Mayor Kazmark of Woodland Park, the Mayor of Little Falls and Congressman Frelinghuysen is scheduled to take place on 2/5. Mayor Chiusolo reported being contacted by a resident regarding snow removal concerns around school property. Mayor Chiusolo suggested that revisit snow removal agreements currently in place with the Board of Education, to which the governing body agreed. Mayor Chiusolo also noted that he received numerous positive comments from residents regarding snow removal efforts during the weekend snow storm.

7. NEW BUSINESS

- a) To consider introduction of Pending Ordinance #16-790, Amending Chapter 268 of the Township Code

The following ordinance was read by title only:

Pending Ordinance No. 16-790

AN ORDINANCE AMENDING PART II ENTITLED “GENERAL LEGISLATION,” CHAPTER 268 ENTITLED “ZONING,” ARTICLE IV ENTITLED “GENERAL REGULATIONS”

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of every municipality may make, amend, repeal and enforce ordinances to regulate and prohibit the sale and use of guns, pistols, firearms, and fireworks of all descriptions; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of every municipality may make, amend, repeal and enforce ordinances to regulate, in conformity with the statutes of this State, the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62, the governing body of a municipality may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land in connection with its police power exercised for the public welfare; and

WHEREAS, the Township of Cedar Grove (the “Township”) finds the implications for public safety and the public welfare warrant regulating the sale of guns, pistols, firearms, and fireworks from a home occupation as defined by the Township Code; and

WHEREAS, the Township of Cedar Grove (the “Township”) finds the implications for public safety and the public welfare warrant regulating the manufacture, storage, sale, keeping or conveying of gunpowder, nitroglycerine, dynamite and other explosives from a home occupation as defined by the Township Code; and

WHEREAS, the Township wishes to amend Part II of *The Township of Cedar Grove Municipal Code* entitled “General Legislation,” Chapter 268 entitled “Zoning,” Article IV, entitled “General Regulations” to further the goal of promoting public safety and the public welfare; and

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, as follows:

Section 1.

Part II of *The Township of Cedar Grove Municipal Code* entitled “General Legislation,” Chapter 268 entitled “Zoning,” Article IV, entitled “General Regulations,” Subsection 10.9 entitled “Home occupations” is amended, such that it states:

§268-10.9. Home Occupations.

- 1) Home occupations shall be compatible with the underlying residential use of the properties and the neighborhoods in which they are located. No home occupation shall impair the residential character of the dwelling or neighborhood in which it is located. Home occupations shall be permitted as an accessory use in all one-family residential zones, except as provided in subsection 2, below, in accordance with the following standards:

...

- 2) The following home occupations shall be prohibited:

- A. Any use which shall constitute a threat to public health, safety, welfare, or morals.

- B. Any illegal or illicit use.
- C. The sale, lease, or rental of guns, pistols, firearms, and fireworks of all descriptions.
- D. The manufacture, storage, sale, keeping, or conveying of gunpowder, nitroglycerine, dynamite, and other explosives;

Section 2:

All ordinances of the Township of Cedar Grove which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 3.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

The Township Clerk is hereby directed to publish notice of the proposed ordinance pursuant to N.J.S.A. 40:49-2.1.

Section 5.

After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Cedar Grove for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Planning Board deems appropriate.

Section 6.

This Ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

Following discussion, there was consensus to table introduction of Pending Ordinance No. 16-790 until the next public meeting (2/8).

- b) To consider resolution concerning appointment of Recreation Advisory Board members

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 Rob DiMattia and Kevin Brown be appointed as members of the Recreation Advisory Board to fill an unexpired terms, effective immediately and terminating December 31, 2017 and December 31, 2018 respectively.

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

AYE: Councilman Kumburis, Longo, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

- c) 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, County of Essex, New Jersey, that Cheryl Brown be appointed as a member of the Zoning Board Adjustment to fill an unexpired term, effective immediately and terminating June 30, 2016.

INTRODUCED BY: Councilman Longo

SECONDED BY: Councilman Kumburis

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

AYE: Councilman Kumburis, Longo, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

- d) To consider resolution concerning rescindment of person-to-person transfer of ABC license

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 approved the person to person of Plenary Retail Consumption License No. 0704-33-011-006 on January 11, 2016; and

WHEREAS, the transfer application had been amended to include a place to place transfer for extension of premises; and

WHEREAS, the resolution of January 11, 2016 omitted the approval of the place to place transfer; and

WHEREAS, a single application for a person to person and place to place transfer of a Plenary Retail Consumption License must be approved simultaneously.

NOW, THEREFORE BE IT RESOLVED that the resolution of approval dated January 11, 2016 for the person to person transfer of Plenary Retail Consumption License No. 0704-33-011-006 is hereby rescinded.

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

AYE: Councilman Kumburis, Longo, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

- e) To consider resolution concerning approval of person-to-person and place-to-place transfer of an ABC license

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

WHEREAS, an application has been filed for a person to person and place to place transfer of Plenary Retail Consumption License No. 0704-33-011-006, heretofore issued to The Gourmet Group, LLC for premises located at 505 Pompton Avenue, Cedar Grove, New Jersey;

WHEREAS, the application was amended to include a place-to-place transfer for the extension of premises located at 505 Pompton Ave., Cedar Grove, New Jersey;

WHEREAS, the submitted application and amendment form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term;

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33;

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove does hereby approve, effective January 25, 2016 the person to person and place to place transfer of the aforesaid Plenary Retail Consumption License to Caidie, LLC, for expansion of premises at 505 Pompton Avenue, Cedar Grove, New Jersey, to include the outside patio area, and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Caidie, LLC at 505 Pompton Avenue, Cedar Grove, New Jersey effective January 25, 2016."

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

AYE: Councilman Kumburis, Longo, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

- f) To consider resolution concerning award of contract for professional services for special legal counsel – Jeffrey R. Surenian and Associates, LLC

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

WHEREAS, there exists a need for the re-appointment of special legal counsel for affordable housing for the Township of Cedar Grove, and funds are available for this purpose; and

WHEREAS, the Township of Cedar Grove desires to enter into an agreement with Jeffrey R. Surenian and Associates, LLC in conjunction with a specific legal matter concerning affordable housing; and

WHEREAS, N.J.S.A. 40A:11-5 states “no local unit be required to advertise for bids for professional services”; and

WHEREAS, fees for said services shall be paid on an hourly rate basis ranging from \$70.00-\$185.00 per hour in accordance with said agreement; and

WHEREAS, funds are available in the 2016 municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby appoint Jeffrey R. Surenian and Associates, LLC to serve as special legal counsel commencing January 1, 2016 and terminating December 31, 2016; and

BE IT FURTHER RESOLVED that the appropriate Township officials be authorized to execute and agreement; and

BE IT FURTHER RESOLVED that notice of this agreement shall be published in accordance with law.

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

AYE: Councilman Kumburis, Longo, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

g) To consider resolution concerning re-appointment of Planning Board members

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 Ann C. Mega be re-appointed as a member of the Planning Board for a four-year term, effective January 1, 2016 and terminating December 31, 2019.

BE IT FURTHER RESOLVED that Richard Hamilton be re-appointed as the Class II member of the Planning Board for a one-year term, effective January 1, 2016 and terminating December 31, 2016.

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

AYE: Councilman Kumburis, Longo, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

8. 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 \$ 3,983,581.34.

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

AYE: Councilman Kumburis, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo

NO: None

ABSENT: Councilman Maffucci, Deputy Mayor Tanella

9. PUBLIC COMMENT

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

Robert O'Toole; 3 Old Orchard Ct. – Mr. O'Toole commended the Township Manager and DPW employees for snow removal during and following the weekend snow storm.

Leslie Andrews; 35 Upland Way – Ms. Andrews inquired how to obtain a copy of proposed ordinance #16-790. Ms. Andrews noted concerns regarding snow removal near schools.

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

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:30 p.m. by acclaim.