

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

PUBLIC MEETING

MINUTES

FEBRUARY 8, 2016

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilman Kumburis, Longo, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo

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

The flag salute was led by Mayor Chiusolo.

Mayor Chiusolo 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 31, 2015 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.

Mayor Chiusolo announced the removal of Agenda Item No. 6(a), Pending Ordinance No. 16-790 from the agenda.

2. APPROVAL OF MINUTES

(a) To consider approval of regular public meeting minutes of January 11, 2016

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

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

NO: None

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

Prior to opening this portion of the meeting, Mayor Chiusolo advised that Agenda Item 6(a) Pending Ordinance No. 16-790 is removed from the agenda, and will not be considered.

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

4. REPORTS OF TOWNSHIP OFFICIALS

(a) Township Manager – For informational purposes, the Township Manager noted receipt of a bankruptcy filing by a local business (United Support Solutions). The Manager also noted receipt of a complementary letter from Reservoir Ridge Condo Assoc. regarding snow removal during the recent snow storm. Mr. Tucci advised receipt of the first case

management order in response to the declaratory judgment action regarding COAH. Mr. Tucci commented that he has received several telephone calls from Sterling Properties regarding a development concept plan. Mr Tucci suggested that the Township Attorney and COAH counsel communicate, since they are an interested party in the current COAH litigation, to which the governing body agreed. Mr. Tucci provided an updated road inventory prepared by the DPW.

- (b) Township Clerk – The Clerk reported receipt of a notice of appeal filed pertaining to the Zoning Board’s approval of the Soccer Domain application.
- (c) Township Attorney – Attorney Zielinski requested an executive session to discuss a potential litigation matter regarding K. Hovnanian. Attorney Zielinski noted a request received from Klabin Eco Development, LLC to reconsider a deed restriction issue. Following explanation, Attorney Zielinski recommended that the Township grant relief of the subject deed restriction by resolution, to which the governing body concurred.

(d) Other Reports

Councilman Maffucci requested authorization to contact the County Executive on behalf of the Environmental Commission to discuss West Essex Bikeway maintenance concerns, to which the governing body agreed.

Mayor Chiusolo advised that he attended the recent annual Fire Dept. and Ambulance & Rescue Squad installation dinners. Mayor Chiusolo commented on the Squad’s outstanding call response rate and urged residents’ generosity. Mayor explained the purpose of the proposed ordinance that was removed from the agenda was to promote public safety of residents by only prohibiting sale of weapons through a home occupation. Mayor Chiusolo further explained that the ordinance did not prohibit the sale of weapons within the Township nor deny anyone’s second amendment rights, only restricted that type of business from being conducted in a residential zone. Mayor Chiusolo also commented that efforts undertaken by a councilmember to politicize the issue through outside intervention and intimidation, rather than discussion among peers, demonstrates a lack of respect and disregard for the Township’s governing process, and fellow councilmembers, particularly himself. Mayor Chiusolo recounted an exchange that occurred at neighboring rifle range by a fellow councilmember and rifle range employee/patron regarding the proposed ordinance.

5. CONSENT AGENDA

- (a) To consider resolution concerning approval of raffle application – CG Elks

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

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

APPLICANT
 Cedar Grove Elks Lodge #2237
 405 Bowden Rd.
 Cedar Grove, NJ 07009

EVENT, DATE, TIME, AND PLACE
 Off-Premise 50/50
 April 16, 2016 at 5:00 – 7:30 p.m. at
 405 Bowden Rd., Cedar Grove NJ

WHEREAS the fee has been paid, the application has been reviewed by the Township Clerk and found acceptable;

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

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

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

NO: None

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

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

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

<u>APPLICANT</u>	<u>EVENT, DATE, TIME, AND PLACE</u>
St. Catherine of Siena Church 339 Pompton Ave. Cedar Grove, NJ 07009	Off-Premise 50/50 June 5, 2016 at 7:30 p.m. at 339 Pompton Ave., Cedar Grove NJ

WHEREAS the fee has been paid, the application has been reviewed by the Township Clerk and found acceptable;

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

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

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

NO: None

6. NEW BUSINESS

- (a) To consider introduction of Pending Ordinance #Pending Ord. No. 16-790

This item was withdrawn from the agenda by consensus.

7. 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 \$5,633,304.89

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

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

NO: None

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

Bill Fearon; 87 Union St. – Mr. Fearon commented that he is a NJ State Trooper and also an employee at the referenced rifle range where the exchange in question occurred. Mr. Fearon voiced his support of Mayor Chiusolo as a businessman and public official.

Robert O’Toole; 3 Old Orchard Court – Mr. O’Toole voiced his appreciation for withdrawal of the proposed ordinance.

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 February 8, 2016.
2. The general nature of the subject matters to be discussed is potential litigation regarding K. Hovnanian.
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.

9. ADJOURNMENT

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

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

NO: None

The public meeting adjourned at 7:25 p.m.

JOSEPH CHIUSOLO MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK