

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

COUNCIL STAFF MEETING

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

FEBRUARY 22, 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, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo
Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz

2. APPROVAL OF MINUTES

- a) Executive Session – January 11, 2016 (Interview)

Deputy Mayor Tanella moved approval and release of the minutes as presented, seconded by Councilman Longo, and passed unanimously.

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

Councilman Longo moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed unanimously.

- c) Staff Meeting – January 25, 2016

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

AYE: Councilman Kumburis, Longo, Maffucci, Mayor Chiusolo

NO: None

ABSTAIN: Deputy Mayor Tanella

- d) Executive Session – February 8, 2016 (Interview)

Deputy Mayor Tanella moved approval and release of the minutes as presented, seconded by Councilman Longo, and passed unanimously.

- e) Executive Session – February 8, 2016

Councilman Longo moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed unanimously.

3. **TOWNSHIP MANAGER** – The Manager provided the memo from the Police Chief that recommended a revised Police Dept. Table of Organization. Following discussion, there was consensus to introduce the required ordinance at the 3/7 meeting.
4. **TOWNSHIP ATTORNEY** – Attorney Zielinski provided a memo pertaining to the notice of appeal of Zoning Board decision on the Soccer Domain application. Attorney Zielinski advised that the appellant filed the notice of appeal prematurely as the Zoning Board has not yet memorialized its decision by resolution. Attorney Zielinski further commented that the procedural time constraints imposed on the governing body commence upon the date of required publication of the decision once it has been memorialized by resolution.
5. **TOWNSHIP CLERK** – The Clerk noted two water/sewer bill adjustment recommendations from the Finance Director. Deputy Mayor Tanella moved to concur with the recommendations, seconded by Councilman Maffucci, and agreed to unanimously. The Clerk noted the Municipal Engineer's recommendation pertaining to a request for release of performance bond from K. Hovnanian. Deputy Mayor Tanella moved to concur with the Municipal Engineer's recommendation for reduction of the performance bond, seconded by Councilman Maffucci, and agreed to unanimously. The Clerk also noted outstanding Board/Committee re-appointments. Deputy Mayor Tanella recommended re-appointment of outstanding re-appointments, to which the governing body agreed. Deputy Mayor Tanella further suggested that the governing body receive 2016 term expirations in July, to which the governing body agreed.

6. COUNCIL REPORTS

Councilman Maffucci noted the Environmental Commission's interest in creating Friends of West Essex Trail. The Manager provided information regarding a similar group that was previously formed, which was a non-profit, volunteer group (The Friends of Peckman River) and mechanism by which it was formed. Councilman Maffucci noted the Environmental Commission's request for 900 trees to organize an Arbor Day Celebration involving the local schools. Councilman Maffucci also advised that Essex County liaison Kate Hartwyk is addressing the Environmental Commission's concerns regarding West Essex trail erosion. Councilman Maffucci reported a complaint of chronic speeding Lakewood Ave. The Manager explained the protocol response to such complaints by the Police Dept.

Deputy Mayor Tanella requested an executive session to discuss potential land acquisition.

Mayor Chiusolo provided an update on meeting with Congressman Frelinghuysen and the Mayors of Little Falls and Woodland Park. Mayor Chiusolo voiced concern regarding information provided to him involving Councilman Kumburis and an attorney of a pending development application. Mayor Chiusolo commented that it is a Councilman Kumburis's responsibility to familiarize himself with the duties and powers of a councilman and governing body under the Township's form of government. Mayor Chiusolo further commented that a lack of understanding or disregard of the Township's form of government places not only the individual councilmember, but the entire governing body at risk of improper action. Mayor Chiusolo questioned Councilman Kumburis regarding the reported meeting at the request of state

official with the attorney for a pending development application. Mayor Chiusolo requested that Councilman Kumburis disclose the nature of any meetings and discussions with subject attorney. Following Councilman Kumburis's responses, comments and further discussion, there was consensus that the Township Attorney provide an opinion of the existence of any impropriety.

7. NEW BUSINESS

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

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

AYE: Councilman Kumburis, Longo, Maffucci, Mayor Chiusolo

NO: None

ABSTAIN: Deputy Mayor Tanella

- b) To consider resolution concerning appointment of Planning 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, Essex County, New Jersey that Joseph Wood is hereby appointed as the Council Class I Member to the Planning Board of Cedar Grove effective immediately and terminating July 1, 2016.

Councilman Maffucci 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

- c) To consider resolution concerning removal of deed restriction

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

WHEREAS, the prior owner of Block 290, Lot 5 ("Lot 5") and Block 294, Lot 21 ("Lot 21") obtained site plan approval from the Township of Cedar Grove Planning Board (the "Planning Board") to construct a warehouse on Lot 21 and maintain a separate parking lot to service the warehouse on Lot 5; and

WHEREAS, as the result of the site plan approval, a restriction requiring that the property owner not convey either of the properties separately without written consent of the Township of Cedar Grove (the "Township") was memorialized in a covenant restricting transfer of premises, dated November 26, 1974, and recorded in the records of the County Clerk, Book 4492, Pages 186-187 (the "Restriction"); and

WHEREAS, the current property owner has since obtained a new site plan approval, wherein the Planning Board noted the existence of sufficient parking on Lot 21 to service the facility on that lot and thus, no longer requiring a separate parking area on Lot 5 to service the facility; and

WHEREAS, the Planning Board noted the original purpose of the Restriction – to ensure the existence of a parking area on Lot 5 to service the facility on Lot 21 – is no longer at issue, and thus, the Restriction is no longer necessary; and

WHEREAS, the property owner has requested the Township provide written consent to remove the Restriction as required therein; and

WHEREAS, after reviewing the history of the Restriction, and upon the recommendation of the Planning Board, the Township Council of the Township of Cedar Grove now wishes to provide written authorization to remove the Restriction.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, hereby provides written consent for the property owner to convey either Lot 21 or Lot 5 separately, and remove the Restriction.

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized and directed to execute any documents required to memorialize this authorization.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

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

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

NO: None

- d) To consider resolution concerning submission of 2016-2017 Municipal Alliance Grant application

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

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for prevention of Alcoholism and Drug Abuse in 1989 to educate residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of Cedar Grove, County of Essex, State of New Jersey, hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Cedar Grove Municipal Alliance grant for fiscal year 2016-2017 in the amount of:

DEDR	22,852.00
Cash Match	5,713.00
In-Kind	17,139.00

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

AYE: Councilman Kumburis, Longo, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo
 NO: None

e) To consider resolution concerning transfer of appropriations

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:4-59 permits certain transfers of appropriations during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the following transfers of appropriations listed herein in the 2015 Municipal Budget be approved:

CURRENT FUND MUNICIPAL BUDGET

To:

Treasurer-Controller’s Office:	
Other Expenses	\$1,500.00
Legal Services and Costs:	
Other Expenses	37,000.00
Public Buildings and Grounds:	
Other Expenses	<u>5,500.00</u>
	<u>\$44,000.00</u>

From:

Road Repairs and Maintenance:	
Salaries and Wages	\$27,000.00
Senior Citizen Transportation:	
Salaries and Wages	<u>17,000.00</u>
	<u>\$44,000.00</u>

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

- f) To consider resolution concerning approval of raffle applications – 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 applications 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	On-Premise 50/50 June 2, 3, 4, 2016 at 6:00 – 10:00 p.m. and June 5, 2016 at 4:00 – 8:00 p.m. at 339 Pompton Ave., Cedar Grove NJ
St. Catherine of Siena Church 339 Pompton Ave. Cedar Grove, NJ 07009	Non-Draw Wheels June 2, 3, 4, 2016 at 6:00 – 10:00 p.m. and June 5, 2016 at 4:00 – 8:00 p.m. at 339 Pompton Ave., Cedar Grove NJ

WHEREAS the fee has been paid, the applications have 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.

Councilman Longo 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. 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 \$ 518,604.95.

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

9. PUBLIC COMMENT

Mayor Chiusolo opened this portion of the meeting to anyone wishing to be heard. There being no one present wishing to be heard, Mayor Chiusolo 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 February 22, 2016
2. The general nature of the subject matters to be discussed is potential property acquisition.
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.

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:50 p.m. by acclaim.