

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

COUNCIL STAFF MEETING

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

MARCH 21, 2016

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Chiusolo called the meeting to order at 7:35 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, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo
Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz
Absent: Councilman Longo

2. APPROVAL OF MINUTES

a) Staff Meeting – February 22, 2016

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

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

NO: None

ABSENT: Councilman Longo

b) Executive Session – February 22, 2016

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

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

NO: None

ABSENT: Councilman Longo

3. TOWNSHIP MANAGER – The Manager noted a letter sent to the County Executive regarding acquisition/lease of County property (B1 70 L1). Mr. Tucci also noted a letter of response sent to the Supt. of Schools concerning extension of allowable work hours to accommodate school construction over the summer months. The Manager provided a letter from Caputo Bros., lessee of municipal property requesting waiver of the escalator clause. Following a brief discussion, Deputy Mayor Tanella moved to waive the automatic increase, seconded by Councilman Maffucci, and passed by the following vote:

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

NO: None

ABSENT: Councilman Longo

The Manager provided correspondence from the Municipal Prosecutor regarding the outcome of municipal appeal, Cedar Grove v. Andrea Hall-Adebowale (Municipal Appeal No. MA2015-031). Following discussion, Councilman Kumburis moved that the Prosecutor proceed to appeal the Court ruling, seconded by Deputy Mayor Tanella, and agreed to unanimously.

Mr. Tucci noted the recommendation from the Municipal Engineer for award of bid for rehabilitation of the Club Way Water Tank, to which the governing body concurred, subject to attorney review.

4. TOWNSHIP ATTORNEY – Attorney Zielinski noted correspondence from COAH counsel pertaining to affordable housing litigation. Attorney Zielinski referred to transcripts provided to the governing body by the Township Clerk relevant to the appeal filed of the Zoning Board decision of Soccer Domain, Inc. Attorney Zielinski advised that the notice of the memorialized decision was published March 18th and commences the timeframe in which the governing body is required to render a decision. There was consensus to conduct the hearing of the appeal April 18, 2016 at 7:00 p.m. Attorney Zielinski requested an executive session to discuss a personnel matter.

5. TOWNSHIP CLERK – The Clerk provided the governing body with the Zoning Board memorialized resolution of decision of the Soccer Domain, Inc. application and transcripts of hearings.

6. COUNCIL REPORTS

a) Discussion presentation to outgoing Senator O’Toole

The following tributes were suggested and briefly discussed:

- Deputy Mayor Tanella - Dedicate Panther Park Multi-Purpose Turf Field to Kevin O’Toole
- Councilman Kumburis – Name the new County Park after Kevin O’Toole
- Mayor Chiusolo – Bust/sculpture of Kevin O’Toole outside Municipal Building

There was consensus to revisit the issue again at a later date.

Councilman Kumburis reported that the Municipal Alliance Committee is looking to resurrect National Night Out event. The Manager advised that the event is a police recognition event hosted and organized by the Police Dept. The Manager further recommended that the MAC should consult with the Police Dept. prior to undertaking any planning efforts.

Deputy Mayor Tanella suggested the possibility of viewing town meetings on U-tube. The Manager advised that the CATV Committee is currently researching options and needs.

Mayor Chiusolo expressed concern regarding the railroad tunnel on Little Falls Rd. and suggested installation of warning signs/signals. The Manager noted that since Little Falls Rd. is a County road the issue must be discussed with the County.

7. NEW BUSINESS

- a) To consider introduction of Pending Bond Ord. #16-793, Improvements to Commerce Road

The following ordinance was read by title only:

BOND ORDINANCE AUTHORIZING IMPROVEMENTS TO COMMERCE ROAD IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$295,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$295,000 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 \$295,000, consisting of a grant from the New Jersey Department of Transportation in the amount of \$235,000. No down payment is required by the Local Bond Law in connection with the Improvement described in Section 3(a) as the purpose authorized herein involves a portion of the Improvement funded by a State grant in the amount of \$235,000 from the 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 \$295,000 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 \$295,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for improvements to Commerce Road in the Township, including all work and materials necessary therefor and incidental thereto.

(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 \$295,000.

(c) The estimated cost of the Improvements is \$295,000 which amount represents the initial appropriation made by the Township.

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 20 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 \$295,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 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:

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 \$295,000.

SECTION 10:

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 Tanella moved that Pending Ordinance #16-792 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of April 4, 2016, seconded by Councilman Kumburis, and passed by the following vote:
AYE: Councilman Kumburis, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo
NO: None
ABSENT: Councilman Longo

- b) To consider resolution concerning approval of raffle application – CG Chamber of Commerce

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 Chamber of Commerce
579 Pompton Ave.
Cedar Grove, NJ 07009

EVENT, DATE, TIME, AND PLACE

Off-Premise 50/50
May 6, 2016 at 1:00 p.m. at
792 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.

Councilman Maffucci 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 Longo

- c) To consider resolution concerning approval of raffle application – Cedar Grove 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

On-Premise 50/50
April 23, 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.

Councilman Maffucci 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 Longo

- d) To consider resolution concerning approval of raffle application – CG Jr. Baseball & Softball League

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 Jr. Baseball & Softball League
P.O. Box 112
Cedar Grove, NJ 07009

EVENT, DATE, TIME, AND PLACE

Off-Premise 50/50
June 14, 2016 at 7:30 p.m. at
116 Harper Terr., 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.

Councilman Maffucci 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 Longo

- e) To consider resolution authorizing execution of a developer's agreement – 450 Pompton Ave. Realty

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

In the Matter of:**450 Pompton Ave., LLC****450 Pompton Ave.****Block 110, Lot 61**

BE IT RESOLVED, that the appropriate municipal officials are hereby authorized to sign a Developers Agreement with 450 Pompton Ave., LLC in connection with the development of Block 110, Lot 61, Cedar Grove, New Jersey, after satisfaction of the following:

- A. Submission of a performance guarantee in the amount of \$449,427.66 as set forth in the Agreement, which consists of ten percent (10%) cash in the amount of \$44,942.77.
- B. The posting of an escrow in the amount of \$22,471.38 pursuant to the Agreement
- C. The submission of an appropriate insurance certificate in the amount of \$1,000,000.00; and
- D. The signing of the Developer's Agreement by the Developer.

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

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

NO: None

ABSENT: Councilman Longo

- f) To consider resolution concerning award of contract for professional engineering design services – Panther Park ADA walkway and bleachers

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

WHEREAS, The Township has a need for professional engineering design services for Bleachers and ADA Walkway at Panther Park project; and

WHEREAS, two proposals were received by the Municipal Engineer as follows; and

<u>PROPOSER</u>	<u>AMOUNT</u>
Neglia Engineering	\$ 12,400.
H2M	\$ 18,225.

WHEREAS, the Municipal Engineer and the Township Manager have recommended that a contract for the above referenced professional services be awarded to Neglia Engineering; and

WHEREAS, funds are now available for this purpose in Bond Ordinance No. 15-783.

NOW, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, as follows:

1. The Township Manager is hereby authorized and directed to execute an agreement with Neglia Engineering of Clark, New Jersey, for an amount not to exceed \$ 12,400.00 in accordance with the proposal dated January 29, 2016.
2. This agreement is awarded as a “Professional Service” in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because of the technical nature of the professional services required for this project; and
3. A notice of this agreement shall be published in the Verona-Cedar Grove Times as required by law.

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

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

NO: None

ABSENT: Councilman Longo

- g) To consider resolution concerning cancellation of outstanding checks

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

WHEREAS, the Municipal Court and Bail Account account reconciliations reflect the following stale dated outstanding checks:

MUNICIPAL COURT

<u>Check Number</u>	<u>Date</u>	<u>Amount</u>
4640	6-27-14	\$ 1.00
4641	6-30-14	1.00
4661	9-11-14	250.00
4674	11-5-14	3.00
4687	1-7-15	1.00
4689	1-28-15	1.00
4716	6-10-15	<u>4.00</u>
		<u>\$261.00</u>

BAIL ACCOUNT

<u>Check Number</u>	<u>Date</u>	<u>Amount</u>
8421	12-12-14	\$ 49.00
8496	4-23-15	500.00
8527	5-27-15	1.00
8531	6-3-15	<u>1.00</u>
		<u>\$551.00</u>

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the above listed checks are hereby voided and cancelled.

Councilman Maffucci 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 Longo

h) To consider resolution concerning amendment of 2016 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 2016 Capital Budget of said municipality by inserting Improvements to Commerce Road.

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 2016
METHOD OF FINANCING

<u>Project</u>	<u>Estimated Cost</u>	<u>Debt Authorized</u>	<u>Down Payment</u>
Improvements to Commerce Road	<u>\$295,000.00</u>	<u>\$295,000.00</u>	<u>\$0.00</u>

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

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

NO: None

ABSENT: Councilman Longo

- i) 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 \$1,000.00

Legal Services and Costs:

Other Expenses 3,000.00

Township Manager's Office:

Other Expenses 750.00

\$4,750.00

From:

Public Buildings and Grounds:

Salaries and Wages \$4,750.00

Deputy Mayor Tanella 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 Longo

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 \$ 2,616,727.68.

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

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

NO: None

ABSENT: Councilman Longo

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 March 21, 2016
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 Maffucci moved adoption of the resolution, seconded by Deputy Mayor Tanella, and passed by the following vote:

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

NO: None

ABSENT: Councilman Longo

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 8:10 p.m. by acclaim.