

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

**SPECIAL PUBLIC MEETING**

**MINUTES**

**MARCH 21, 2016**

**1. ROLL CALL AND FLAG SALUTE**

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

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

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

Absent: Councilman Longo

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 by fax and on March 8, 2016, 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. PUBLIC HEARING**

- a) To consider adoption of Pending Ord. #16-791, Amending Chapter 55 of the Township Code entitled "Police Department"

The ordinance was read by title only:

AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF THE TOWNSHIP  
OF CEDAR GROVE, ENTITLED "POLICE DEPARTMENT."

Mayor Chiusolo opened the meeting to anyone wishing to be heard on this item only. There being no one present wishing to be heard, Mayor Chiusolo closed this portion of the meeting.

Councilman Maffucci moved that the ordinance be adopted at second reading, published in the Verona-Cedar Grove Times as a passed ordinance to take effect as prescribed by law, 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

**3. NEW BUSINESS**

- a) To consider introduction of Pending Ordinance #16-792 to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank

The Clerk read the Ordinance by title only:

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION  
LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Council of the Township of Cedar Grove in the County of Essex finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$396,939.37 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Council of the Township of Cedar Grove, in the County of Essex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Cedar Grove shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$396,939.37, and that the CY 2016 municipal budget for the Township of Cedar Grove be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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: Mayor Longo

## b) To consider Introduction of 2016 Municipal Budget

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

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2016; and

**BE IT FURTHER RESOLVED** that a summary of said budget be published in the Verona-Cedar Grove Times in the issue of April 7, 2016.

**BE IT FURTHER RESOLVED** that a Hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 2, 2016 at which time and place objections to said Budget and Tax Resolution for the year 2016 may be presented by taxpayers or other interested persons.

General Appropriations for:

1.	Appropriations within "CAPS"	
	(a) Municipal Purposes	\$11,432,268.00
2.	Appropriations excluded from "CAPS"	
	(a) Municipal Purposes	\$ 2,091,568.98
3.	Reserve for Uncollected Taxes	\$ 560,000.00
4.	Total General Appropriations	\$14,083,836.98
5.	Less Anticipated Revenues Other Than Current Property Tax	\$ 3,763,686.09
6.	Difference: Amount to be raised by taxes	
	(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	\$ 9,550,342.18
	(b) Addition to Local District School Tax	
	(c) Minimum Library Tax	\$ 769,808.71

The Township Manager provided an overview of the 2016 Municipal Budget. Mr. Tucci advised that the total general appropriation for 2016 is \$14,083,836, which is \$110,066 more than the 2015 budget. Mr. Tucci advised that the amount to be raised by taxation for municipal purposes is \$9,550,342 and is \$106,269 below the maximum allowable 2% CAP. Mr. Tucci cited other factors outside the Township's control that continue to drive the budget. The Manager further noted that the proposed local tax rate of \$0.466, compared to \$0.456 in 2015 represents approximately a \$47 increase in the municipal portion of the tax bill based on the average assessed value of \$464,100. Mayor Chiusolo noted concern regarding the Swimming Pool Utility shortfall resulting subsidy. Mayor Chiusolo stated that he was reluctant to approve a budget that required all taxpayers to bear the cost, rather than only the users of the utility. Mayor Chiusolo further suggested that the utility repay the amount of subsidy over a defined period of time. The Manager recommended that the governing body move forward with the budget introduction to comply with statutory requirements. Mr. Tucci noted that

Councilman Kumburis moved approval 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

c) To consider Introduction of 2016 Solid Waste Collection District Budget

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

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Solid Waste Collection District Budget for the year 2016 and

**BE IT FURTHER RESOLVED** that a summary of said budget be published in the Verona-Cedar Grove Times in the issue of April 7, 2016; and

**BE IT FURTHER RESOLVED** that a Hearing on the Budget and Tax Resolution will be held at the Municipal Building on May 2, 2016 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2016 may be presented by taxpayers or other interested persons;

General Appropriations for:

Total Solid Waste Collection District Appropriations	\$ 1,819,028.00
Amount to be raised by Taxation for Support of Solid Waste Collection District	\$ 1,567,152.00

Councilman Maffucci moved approval 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

d) To consider resolution concerning deferral of school tax levy

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

**WHEREAS**, the Local School District Tax for the year July 1, 2015 to June 30, 2016 was raised in the 2015 Tax Levy in the sum of \$26,274,455.00 ; and

**WHEREAS**, the statutes permit the deferral of the cash liability of such School Tax up to fifty (50%) of the School Tax Levy or \$13,137,227.50.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, that the Deferred School Tax for the Local School District be increased from the sum of \$12,846,613.00 which was deferred as of December 31, 2014 to the sum of \$13,137,227.50.

**BE IT FURTHER RESOLVED** that the certified copies of this resolution be filed with the Director of the Division of Local Government Services.

Deputy Mayor Tanella moved approval 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 concerning participation in self-examination program for 2016 budget year

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

**RESOLUTION AUTHORIZING PARTICIPATION IN SELF-EXAMINATION PROGRAM  
OF THE MUNICIPAL BUDGET FOR THE 2016 BUDGET YEAR**

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Cedar Grove has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Cedar Grove that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Deputy Mayor Tanella moved approval 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

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

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

Robert O’Toole; 3 Old Orchard Court – Mr. O’Toole commended the various department heads, Township Manager and Finance Director for being so fiscally responsible. Mr. O’Toole raised questions concerning the proposed pilot program, which were addressed by the Township Manager.

Charles Dovico; 111 Holly Lane – Mr. Dovico raised concerns regarding the sale of VFW property.

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

**5. ADJOURNMENT**

Deputy Mayor Tanella moved adjournment of the meeting, 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 meeting adjourned at 7:35 p.m.

ATTEST:

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JOSEPH CHIUSOLO      MAYOR

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KATHLEEN R. STUTZ      MUNICIPAL CLERK