

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

COUNCIL STAFF MEETING

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

APRIL 18, 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, Mayor Chiusolo

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

Absent: Deputy Mayor Tanella

2. EXTRAORDINARY BUSINESS

a) Hearing of Appeal of Zoning Board Decision – Soccer Dome, Inc. Cal. #2588

Mayor Chiusolo announced that at the request of the appellant the hearing was postponed until the meeting of May 16, 2014 at 7:00 p.m.

3. APPROVAL OF MINUTES

a) Executive Session – March 7, 2016

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

AYE: Councilman Longo, Maffucci, Mayor Chiusolo

NO: Councilman Kumburis

ABSENT: Deputy Mayor Tanella

4. TOWNSHIP MANAGER – The Manager advised that two cases of legionella disease have been reported at Alaris Healthcare and is under investigation by the Montclair Dept. of Health and State Dept. of Health. The Manager advised that following further review, he was able to reduce capital budget from \$952,000 to \$690,000 and requested authorization for preparation of the necessary bond ordinances, to which the governing body agreed. Mr. Tucci highlighted 2015 recycling tonnage report statistics, and noted an increase in recycling from the previous year. Mr. Tucci also commented on the importance mandatory source separation and recycling and the fiscal benefit reaped by taxpayers in the solid waste budget.

5. TOWNSHIP ATTORNEY – Attorney Zielinski noted memos pertaining to tax appeals and requested authorization to represent the Township, to which the governing body agreed. To

Attorney Zielinski advised that temporary immunity from exclusionary lawsuits has been extended until the Court rules on the Declaratory Judgment. Attorney Zielinski recommended approval of the request from the Township's Affordable Housing Counsel to contribute an additional \$2000 to the joint municipal consortium, and referred to the resolution on the agenda. Attorney Zielinski requested an executive session to discuss a litigation matter regarding K. Hovnanian.

6. TOWNSHIP CLERK – No report

7. COUNCIL REPORTS

Councilman Longo commented that the Township receives the same tax appeals year after year from certain property owners.

Mayor Chiusolo commented that he had represented the Township Council at a recent Four Seasons Condo Association meeting. Mayor Chiusolo reported that the Association raised two issues: relocation of the NJ Transit bus stop on the northbound side of Pompton Avenue near Commerce Rd. to align with the bus stop on the southbound side, and the possibility of sidewalk installation at CVS.

8. NEW BUSINESS

- a) To consider resolution concerning submission of 2015 Tonnage Grant application

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

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2015 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that Cedar Grove hereby endorses the submission of the year 2015 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas Tucci, Township Manager, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

AYE: Councilman Kumburis, Longo, Maffucci, Mayor Chiusolo

NO: None

ABSENT: Deputy Mayor Tanella

- b) To consider resolution concerning payment to joint municipal consortium

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

WHEREAS, the Township Council has reaffirmed its voluntary commitment to satisfy its affordable housing obligations, however they may ultimately be defined by COAH or a court; and

WHEREAS, the Township entered into a professional services agreement with Jeffrey R. Surenian and Associates, LLC, to represent the Township as its Mount Laurel Special Counsel in connection with its affordable housing compliance and related legal actions for certification of same; and

WHEREAS, on Mr. Surenian's recommendation, the Township joined with the other municipalities to contract with and hire a professional expert to prepare an expert report calculating the municipalities' affordable housing obligation, and to serve as the Township's expert in any associated litigation; and

WHEREAS, on April 1, 2016, Mr. Surenian wrote to the joint municipal consortium requesting \$2,000 in additional funds from each participating municipality for experts and legal costs in litigation in furtherance of the Township's voluntary commitment to satisfy its affordable housing obligations; and

WHEREAS, in order to facilitate the Township's efforts to comply voluntarily with its Mount Laurel obligations and to enable the Township to make informed decisions, the Township Council finds it to be in the best interests of the Township of Cedar Grove and its citizens to contribute an additional \$2,000 to the joint municipal consortium.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, hereby authorizes the payment of \$2,000 to the joint municipal consortium in response to the request by the Township's Mount Laurel Special Counsel to pay the costs associated with professional experts to prepare an expert report calculating the municipalities' affordable housing obligation, and to serve as the Township's expert in any associated litigation.

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 the Mayor, Township Clerk, Township Manager, Township Attorney, Mount Laurel Special Counsel and other appropriate Township officials are hereby authorized and directed to take all required actions to complete the authorizations in this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law. Councilman Maffucci moved adoption of the resolution, seconded by Councilman Kumburis and passed by the following vote:

AYE: Councilman Kumburis, Longo, Maffucci, Mayor Chiusolo

NO: None

ABSENT: Deputy Mayor Tanella

9. 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 \$ 2,596,678.78.

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

AYE: Councilman Kumburis, Longo, Maffucci, Mayor Chiusolo

NO: None

ABSENT: Deputy Mayor Tanella

10. PUBLIC COMMENT

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

Charles Dovico; 111 Holly Lane – Mr. Dovico raised questions regarding the purposes of recycling which were addressed by the Township Manager. Mr. Tucci explained that recycling or source separation of specified materials is mandatory by law, and also provides budgetary advantages to the Township.

P.J. Candido; 316 Ridge Rd. – Mr. Candido inquired the outcome of the Zoning Board Appeal hearing and was advised that the hearing was postponed until May 16, 2014 at 7:00 p.m.

There being no one else 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 April 18, 2016.
2. The general nature of the subject matter to be discussed is 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.

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

AYE: Councilman Kumburis, Longo, Maffucci, Mayor Chiusolo

NO: None

ABSENT: Deputy Mayor Tanella

11. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:20 p.m. by acclaim.