

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

PUBLIC MEETING

MINUTES

MAY 2, 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.

2. APPROVAL OF MINUTES

(a) To consider approval of special public meeting minutes of March 21, 2016

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

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

NO: None

ABSTAIN: Councilman Longo

(b) To consider approval of special public meeting minutes of March 24, 2016

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

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

NO: None

ABTAIN: Mayor Chiusolo

(c) To consider approval of regular public meeting minutes of April 4, 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, Deputy Mayor Tanella, Mayor Chiusolo

NO: None

3. PUBLIC HEARING AND ADOPTION

(a) To consider adoption of 2016 Municipal Budget

The Township Manager provided a brief overview of the budget. Mr. Tucci advised that the budget results in approximately a \$47.00 increase in the municipal portion of the tax bill for a averaged assessed home of \$464,000.

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

Charles Dovico; 11 Holly Lane (Four Seasons) – Mr. Dovico inquired the means to resolve the pool utility deficit. Mayor Chiusolo stated that the pool utility should repay the subsidy over a period of time, and suggested five years. Deputy Mayor Tanella recommended that the matter warrants further discussion, and suggested discussion at a staff meeting, to which the governing body agreed.

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 Mayor and Council of the Township of Cedar Grove, County of Essex that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the authorization of the amount of: \$14,083,836.98

GENERAL REVENUE

Surplus Anticipated	\$ 1,055,000.00
Miscellaneous Revenue Anticipated	\$ 2,333,686.09
Receipts from Delinquent Taxes	\$ 375,000.00

AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	\$ 9,550,342.18
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AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	\$ 769,808.71
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TOTAL REVENUE	\$ 14,083,836.98
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Councilman Longo 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

(b) To consider adoption of 2016 Solid Waste Collection District Budget

Mayor Chiusolo opened this portion of 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.

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, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the

purposes stated of the sums therein set forth as appropriations, and authorization of the amount \$1,567,152.00.

Deputy Mayor Tanella 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 Councilman Kumburis, and passed by the following vote:

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

NO: None

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

5. REPORTS OF TOWNSHIP OFFICIALS

(a) Township Manager – The Manager noted a memo from the Municipal concerning award of contract to sole proposer for marketing of recyclables, to which the governing body agreed subject to inclusion of a default clause. The Manager requested an executive session to discuss a personnel matter regarding salaries of unrepresented employees.

(b) Township Clerk – The Clerk noted a previously agreed to ribbon cutting ceremony on 5/7 at 10:00 a.m. at Limitless Performance.

(c) Township Attorney – No report

(d) Other Reports

Councilman Kumburis announced that National Night Out is scheduled to be conducted on August 2, 2016 and the Municipal Alliance will participate. The Manager explained that National Night Out is a public outreach event that is planned and organized by the Police Dept.

Deputy Mayor Tanella requested an executive session to discuss a litigation matter regarding K. Hovnanian.

6. CONSENT AGENDA

(a) To consider resolution concerning appointment of student member to Recreation Advisory Board

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 Alyssa Mega be appointed as the student member of the Recreation Advisory Board to fill a vacancy, effective immediately and terminating December 31, 2018.

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

- (b) To consider resolution concerning approval of raffle application – Somerset Hills Learning Institute

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>
Somerset Hills Learning Institute 1810 Burnt Mills Rd.. Bedminster, NJ 07921	Off-Premise Merchandise Raffle October 21, 2016 at 11:00 p.m. at 691 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, Longo, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo
NO: None

7. NEW BUSINESS

- (a) To consider introduction of Pending Bond Ordinance #16-794 – Water Utility Improvements

The Clerk read the Ordinance by title only:

BOND ORDINANCE AUTHORIZING VARIOUS WATER UTILITY IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$381,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$362,000 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 \$381,000, such sum includes the sum of \$19,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down is now available by virtue of provision in the currently adopted Water Utility Budget, or in a previously adopted Water Utility Budget, and is currently available for down payment purposes.

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 \$362,000 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 \$362,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
1) VFW Tank Restoration, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$225,000	\$213,800	15 Years
2) Francisco Pump Station Motor Controls, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	75,000,	71,250	40 Years
3) Geological Information System, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	10,000	9,500	10 Years

<u>Improvements</u>	Appropriation and <u>Estimated</u> <u>Cost</u>	Estimated Maximum Amount <u>of Bonds or Notes</u>	Period of <u>Usefulness</u>
4) Annual System Leak Survey, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	15,000	14,250	5 Years
5) Water Meter Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	20,000	19,000	15 Years
6) Acquisition of Landscape Trailer, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	3,600	3,420	15 Years
7) Club Way Water Tank Rehabilitation, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	27,000	25,650	15 Years
8) Acquisition of Pump Station Alarm System, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	5,400	5,130	15 Years
TOTAL	\$381,000	\$362,000	

(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 \$362,000.

(c) The estimated cost of the Improvements is \$381,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

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 19.39 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 \$362,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 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 \$362,000.

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.

Councilman Maffucci moved that Pending Ordinance #16-794 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of May 16, 2016, seconded by Councilman Kumburis, and passed by the following vote:

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

NO: None

- (b) To consider introduction of Pending Bond Ordinance #16-795 – Sewer Utility Improvements

The Clerk read the Ordinance by title only:

BOND ORDINANCE AUTHORIZING VARIOUS SEWER UTILITY ACQUISITIONS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$76,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$72,000 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 \$76,000. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as this Bond Ordinance authorizes obligations for a purpose which is self-liquidating and deductible from the gross debt of the Township as set forth in N.J.S.A. 40A2-7(h) of the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, *et. seq.* (the "Local Bond Law"). Notwithstanding the foregoing, the appropriation includes the sum of \$4,000 appropriated herein as the down payment (the "Down Payment") under the Local Bond Law from the Sewer Capital Improvement Fund. The \$4,000 for down payment purposes is hereby appropriated and is now available by virtue of a provision in the currently adopted Sewer Utility Budget, or in a previously adopted Sewer Utility Budget, and is currently available for down payment purposes.

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 \$72,000 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 \$72,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
1) Acquisition of Sewer Utility Truck with Plow, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$35,000	\$33,250	5 Years
2) Acquisition of a Mason Dump Truck, including all costs, improvements, equipment and/or appurtenances	41,000	38,750	5 Years

<u>Improvements</u>	Appropriation and <u>Estimated</u> <u>Cost</u>	Estimated Maximum Amount <u>of Bonds or Notes</u>	<u>Period of</u> <u>Usefulness</u>
necessary therefore and/or related thereto.			
TOTAL	\$76,000	\$72,000	

(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 \$72,000.

(c) The estimated cost of the Improvements is \$76,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

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 5 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 \$72,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$1,000 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.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in paragraph (h) of Section 40A:2-7 of the Local Bond Law, and the obligations authorized by this bond ordinance are to be issued for a purpose which is self-liquidating within the meaning and limitation of Section 40A:2-45 of said Local Bond Law and are deductible pursuant to paragraph (c) of Section 40A:2-44 et. seq. of said Local Bond Law from the gross debt of the Township.

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 \$72,000.

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 #16-795 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of May 16, 2016, seconded by Councilman Kumburis, and passed by the following vote:
AYE: Councilman Kumburis, Longo, Maffucci, Deputy Mayor Tanella, Mayor Chiusolo
NO: None

- (c) To consider introduction of Pending Bond Ordinance #16-796 – Various General Improvements

The Clerk read the Ordinance by title only:

BOND ORDINANCE AUTHORIZING VARIOUS GENERAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$690,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$655,000 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 \$690,000, such sum includes the sum of \$35,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

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 \$655,000 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 \$655,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
1) Acquisition of 10 cubic yard dump truck with spreader and plow, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$170,000	\$161,250	5 Years
2) Acquisition of truck for Parks Department, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	35,000	33,250	5 Years
3) Acquisition of Turf Management equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	23,000	21,850	15 Years
4) Acquisition of Fire Department safety equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	10,000	9,500	15 Years
5) Replacement of Library Bridge, including all costs, improvements, equipment and/or appurtenances	40,000	38,000	15 Years

<u>Improvements</u>	Appropriation and <u>Estimated</u> <u>Cost</u>	Estimated Maximum Amount of Bonds or Notes	<u>Period of</u> <u>Usefulness</u>
necessary therefore and/or related thereto.			
6) Replacement of video equipment for Interview Room, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	8,000	7,600	15 Years
7) Acquisition of breath test instrumentation, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	20,000	19,000	15 Years
8) Tree Replanting Program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	40,000	38,000	5 Years
9) Road Overlay Program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	200,000	189,750	10 Years
10) Acquisition of safety equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	15,000	14,250	15 Years
11) Curb and side-walk replacement program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	12,000	11,400	10 Years
12) Acquisition of Fire Department pagers, including all costs, improvements, equipment and/or	10,000	9,500	5 Years

<u>Improvements</u>	Appropriation and <u>Estimated</u> <u>Cost</u>	Estimated Maximum Amount <u>of Bonds or Notes</u>	<u>Period of</u> <u>Usefulness</u>
appurtenances necessary therefore and/or related thereto.			
13) Acquisition of Fire Department breathing apparatus, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	8,000	7,600	5 Years
14) Acquisition of computer hardware and software, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	12,000	11,400	5 Years
15) Acquisition of IP communication logging equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	49,000	46,550	5 Years
16) Acquisition of a mail machine, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	23,000	21,850	5 Years
17) Engineering costs related to improvements to Route 23 and Bradford Avenue.	15,000	14,250	5 Years
TOTAL	\$190,000	\$155,000	\$169,000

(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 \$655,000.

(c) The estimated cost of the Improvements is \$690,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

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 8.65 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 \$655,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 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 \$655,000.

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.

Councilman Kumburis moved that Pending Ordinance #16-796 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of May 16, 2016, seconded by Deputy Mayor Tanella, and passed by the following vote:

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

NO: None

(d) To consider resolution concerning amendment of 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 various water utility improvements, various sewer utility improvements and various general improvements.

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>
Various General Improvements	<u>\$690,000.00</u>	<u>\$655,000.00</u>	<u>\$35,000.00</u>
Various Water Utility Improvements	<u>\$381,000.00</u>	<u>\$362,000.00</u>	<u>\$19,000.00</u>
Various Sewer Utility Improvements	<u>\$76,000.00</u>	<u>\$72,000.00</u>	<u>\$4,000.00</u>

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

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

(e) To consider resolution concerning cancellation of sewer charges

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

WHEREAS, it has been determined upon investigation of the Township Manger that the sewer charges assessed to the account listed herein should be cancelled:

<u>Name & Address</u>	<u>Sewer</u>	<u>Total Cancelled</u>
Thomas & Grace Curivan 5 North Mountain Avenue Cedar Grove, NJ 07009 Acct. No. 3-3001701	<u>\$1,662.80</u>	<u>\$1,662.80</u>

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Chief Financial Officer is hereby authorized to cancel the sewer charges for the above account.

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

- (f) To consider resolution concerning 2015 LOSAP for Fire Department and Ambulance & Rescue Squad

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

WHEREAS, pursuant to N.J.S.A. 40A:14-191, the Cedar Grove Ambulance & Rescue Squad and Cedar Grove Fire Department has certified to the Township of Cedar Grove a list of all volunteer members who have qualified for credit under the LOSAP program for the year 2015; and

WHEREAS, pursuant to N.J.A.C. 5:30-14.10 (b), the Township of Cedar Grove has reviewed and accepted the attached certified list of the Cedar Grove Ambulance & Rescue Squad and Cedar Grove Fire Department; and

WHEREAS, pursuant to N.J.A.C. 5:30-14.10 (c), the Township of Cedar Grove shall return the certified list to the Cedar Grove Ambulance & Rescue Squad and Cedar Grove Fire Department for posting to allow for sufficient time for membership review.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township Cedar Grove that the attached certified list herein of the Cedar Grove Ambulance & Rescue Squad and Cedar Grove Fire Department is hereby accepted and returned to the respective emergency service organization for posting to allow sufficient time for membership review.

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

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

NO: None

- (g) To consider resolution authorizing execution of pool concession agreement

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

WHEREAS, a sole proposal for the operation of the Cedar Grove Community Pool Concession Service was received and publicly read by the Township Clerk on March 16, 2016 as follows:

BIDDER	OPTION #1	OPTION #2
	1 year contract	2 year contract
Bagelwich Bagel Bakery, Verona, NJ	\$ 17,251.50	\$34,753.00

WHEREAS, the Director of Recreation has reviewed the proposal; and

WHEREAS, the Director of Recreation recommends award of a one year contract.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that the Community Pool Food Concession Service for the 2016 season be awarded to Bagelwich Bagel Bakery, Verona, NJ, for \$17,251.50.

BE IT FURTHER RESOLVED that the proper township officials be directed to execute a contract on behalf of the township.

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

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 \$3,508,137.01

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

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

NO: None

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

Elisa Charters; 30 Forest Hills Way – Ms. Charters referred to the pool concession concerns and suggested mobile food truck(s) as a solution should the concessionaire default on the contract.

Jolie Ruffalo; 14 Woodstone Drive – Ms. Ruffalo expressed traffic and occupancy concerns related to religious services that took place at the Coptic Church on Woodstone Drive on 4/30/16. The Manager suggested that the Police Dept. submit a report of the incident in response to Ms. Ruffalo's request for investigation by the Township, to which the governing body agreed.

Ann Ponte; 3 Club Way – Ms. Ponte also expressed traffic safety concern and recounted an a personal medical emergency issue she experienced a couple of years ago that was impacted by church traffic on Woodstone Dr.

Elisa Charters; 30 Forest Hills Way – Ms. Charters stated that she has cited several traffic concerns regarding the Woodstone Drive/Bradford Avenue intersection that so far have not been resolved. Mayor Chiusolo recalled that Ms. Charters' traffic concerns included traffic along several roadways that were not under the Township's jurisdiction, rather the County and/or State.

Molly Cotton; 9 Wimbledon Ct. – Ms. Cotton noted the number of cars that were parked on Township streets in the vicinity of the Coptic Church for religious services.

AU THORIZATION 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 May 2, 2016.
2. The general nature of the subject matters to be discussed is personnel regarding salaries of unrepresented employees and 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.

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

10. ADJOURNMENT

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

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

NO: None

The meeting adjourned at 8:05 p.m.

JOSEPH CHIUSOLO MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK