

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

PUBLIC MEETING

MINUTES

JULY 11, 2016

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

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

Also Present: Township Manager Tucci, Attorney Visconi for Township Attorney Zielinski, and Township Clerk Stutz

The flag salute was led by Mayor Tanella.

Mayor Tanella 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. EXTRAORDINARY BUSINESS OF THE TOWNSHIP COUNCIL

(a) To consider resolution concerning appointment of councilmember to fill vacancy

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

WHEREAS, on June 24, 2016, Mayor Chiusolo submitted a letter of resignation from his elected office on the Township of Cedar Grove Township Council (the "Council"), effective July 1, 2016; and

WHEREAS, pursuant to the Municipal Vacancy Law, the remaining members of the Council may appoint a successor to fill the vacancy within 30 days of the effective date thereof; and

WHEREAS, the Council wishes to appoint someone to fill the vacancy until a successor is elected at the next general election to serve the remainder of the unexpired term; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, hereby finds Mr. Joseph Cicala to be qualified to serve as a member of the Council and hereby appoints Mr. Cicala to serve as a Councilperson until the election of a successor to fill the remainder of the unexpired term; and

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

Deputy Mayor Maffucci moved approval of the resolution. There was no second.

(b) Ceremonial Swearing-in of Police Lieutenants

Mayor Tanella ceremonially administered oaths of office to Lt. Eileen O'Toole and Lt. Frank Pumphrey.

(c) Ceremonial Swearing-in of Police Sergeant

Mayor Tanella ceremonially administered oaths of office to Sgt. Jose Rodriguez and Sgt. Jason Wolfstirn.

(d) Ceremonial Swearing-in of new police officers

Mayor Tanella ceremonially administered oaths of office to new Ptl. Anthony Cardona and Ptl. Joseph Johnson.

Mayor Tanella provided a brief work biography of each officer prior to administering the oath. Deputy Mayor Maffucci and Councilman Kumburis and Longo congratulated the officers and thanked all members of the Police Department for their service to the Township and residents.

3. APPROVAL OF MINUTES

(a) To consider approval of regular public meeting minutes of June 6, 2016

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

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

NO: None

4. PUBLIC HEARING

(a) To consider adoption of Pending Bond Ordinance #16-798 – Amending Bond Ord. #16-793 Various Capital Improvements

The ordinance was read by title only as follows:

**BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 16-793
FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF CEDAR GROVE, NEW JERSEY ON APRIL 4, 2016**

Mayor Tanella opened the public hearing on this item. There being no one present wishing to be heard, Mayor Tanella closed the public hearing.

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

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

NO: None

5. AWARD OF BID

(a) To consider resolution awarding bid for Improvements to Commerce Road

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

WHEREAS, pursuant to advertising duly made, bids were received for Improvements to Commerce Road, and were publicly opened by the Township Clerk on May 18, 2016, as follows:

BIDDER	TOTAL BID AMOUNT
AJM Contractors Inc.	\$ 372,677.50
American Asphalt & Milling Services LLC	\$ 393,575.00
Mike Fitzpatrick Equipment Co.	\$ 406,922.50
Top Line Construction Corp.	\$ 421,233.90
4 Clean Up	\$ 435,868.75
DLS Contracting Inc.	\$ 455,651.25

WHEREAS, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend awarding the bid to AJM Contractors Inc. of Clifton, New Jersey, the lowest responsible bidder, in the amount of \$ 372,677.50; and

WHEREAS, the funds are available to satisfy our obligations under this contract from Bond Ord. 16-793 and 16-798 and Department of Transportation Grant.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the award of bid be made to AJM Contractors Inc. of Clifton, New Jersey.

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

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

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

(b) To consider resolution awarding bid for Improvements to Panther Park

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

WHEREAS, pursuant to advertising duly made, bids were received for Improvements to Panther Park, and were publicly opened by the Township Clerk on July 7, 2016, as follows:

BIDDER	TOTAL BID AMOUNT
Diamond Construction	\$ 83,030.00
Consolidated Maintenance Solutions	\$ 98,440.00
Tec Con Contractors	\$115,920.00

WHEREAS, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend awarding the bid to Diamond Construction of Brick, New Jersey, the lowest responsible bidder, in the amount of \$ 83,030.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract from Bond Ord. 13-756 and 15-783.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the award of bid be made to Diamond Construction of Brick, New Jersey.

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

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

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

NO: None

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

Mayor Tanella 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 Tanella closed this portion of the meeting.

7. REPORTS OF TOWNSHIP OFFICIALS

(a) Township Manager – The Township Manager reported that the Township received a \$165,000 grant from the State for back-up generators at certain public facilities. Mr. Tucci provided a synopsis of a memo from the Finance Director regarding implementation of on-line payment of taxes. The Manager noted the resignation of long-time crossing guard Thomas DeFrancisci. Mr. Tucci also referred to two block party requests (Winding Way and Upland Way) to which the governing body agreed.

(b) Township Clerk – The Clerk noted a letter of resignation from a Zoning Board member. Following discussion, the Clerk was directed to ascertain interest of recent previously interested residents to re-interview, advertise the new vacancy and schedule interviews for executive session on 8/8 at 6:30 p.m.

(c) Township Attorney – Attorney Visconi noted the resolution on the agenda to update the “Green Team” membership. Attorney Visconi also noted a request from special COAH counsel for additional funding for the COAH Consortium. Attorney Visconi reported that Court has granted an extension for immunity of builder remedy lawsuits. Attorney Visconi requested an executive session to discuss a K. Hovnanian litigation matter and personnel matter regarding Judge Carver.

(d) Other Reports

Councilman Kumburis announced the upcoming Chamber of Commerce sponsored concert at Morgan’s Farm and Municipal Alliance sponsored movie night.

Councilman Longo commented that he chose not to second the motion for appointment to fill a vacancy because he would like to see the vacancy advertised.

8. NEW BUSINESS

- (a) To consider introduction of Pending Ordinance #16-799 Amending Chapter 146 of the Township Code entitled “Garbage, Rubbish, and Refuse”

The clerk read the Ordinance by title only:

AN ORDINANCE AMENDING CHAPTER 146 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE, ENTITLED “GARBAGE, RUBBISH AND REFUSE.”

BE IT ORDAINED by the Township Council of the Township of Cedar Grove, as follows:

The Code of the Township of Cedar Grove, Chapter 146 entitled, “GARBAGE, RUBBISH AND REFUSE” is hereby amended as follows:

Section 1.

ARTICLE III, Recycling.

- A. Paragraph 146-8 Definitions is hereby deleted in its entirety and replaced with the following language in its place and stead:

§146-8 Definitions.

As used in this article, the following terms shall have the meanings indicated:

ALUMINUM BEVERAGE CONTAINERS – All containers normally used in the consumption of alcoholic and non-alcoholic beverages both in the home and in retail establishments dispensing the same for on- or off-premises consumption, the same being made entirely of aluminum.

BIMETAL (Tin/Steel) CANS – Aluminum and tin or tin-plated steel food and beverage containers, including those for fruits, vegetables, juices and pet food.

COMMERCIAL SOURCE – Wholesale, retail, service or manufacturing establishments, including but not limited to restaurants, markets, offices, retail and wholesale outlets, industrial establishments and theaters.

OLD CORRUGATED CONTAINERS – All corrugated cardboard of the type commonly used for boxes, shipping containers and packing material having exterior cardboard plies separated by air spaces created by one or more fabricated cardboard plies.

FERROUS SCRAP – Metal that is magnetic and rusts such as structural steel or cast iron components.

GLASS FOOD AND BEVERAGE CONTAINERS – All containers and objects commonly used in residential and nonresidential premises, such as bottles, jars, glasses, jugs and all other vessels made entirely and exclusively of glass.

INSTITUTIONAL SOURCES – Churches, synagogues, colleges, schools, municipal or municipally supported bodies, not-for-profit organizations and the like.

LEAD ACID BATTERIES (vehicle batteries) – Types that contain lead and lead oxide with the sulfuric acid electrolyte produces a voltage.

LEAVES – Foliage material naturally formed from trees and bushes that are suitable for composting and mulching.

MIXED OFFICE PAPER – A combination of paper products found in an office environment, typically, it means high-grade papers such as copier paper, computer printout, and stationery. It also includes magazines, catalogs, brochures, white envelopes, advertising flyers and most mail.

- B. Paragraph 146-9 shall be deleted in its entirety and replaced with the following language in its place and stead:

There is hereby established a program for the mandatory source separation from the municipal solid waste stream by the single-family and multifamily residential, commercial, office park, industrial, institutional and governmental solid waste generators of the Township at the point of generation of the following items:

RESIDENTIAL:	COMMERCIAL:	INSTITUTIONAL:
Newspapers	Newspapers	Newspapers
Mixed paper (i.e. junk mail, office paper, all marketable grades)	Office paper (all marketable grades)	Office paper (all marketable grades)
Old corrugated containers	Old corrugated containers	Old corrugated containers
Glass food and beverage containers	Glass food and beverage containers	Glass food and beverage containers
Aluminum beverage containers	Aluminum beverage containers	Aluminum beverage containers
Leaves	Leaves	Leaves
Used motor oil	Used motor oil	Used motor oil

White goods	White goods	White goods
Lead acid batteries (vehicle batteries)	Lead acid batteries (vehicle batteries)	Lead acid batteries (vehicle batteries)
Plastics (#1 and #2)	Plastics (#1 and #2)	Plastics (#1 and #2)
Steel/Tin Containers	Steel/Tin Containers	Steel/Tin Containers
Ferrous Scrap	Ferrous Scrap	Ferrous Scrap

And such other recyclable material to be added or deleted as designated recyclables by the County of Essex pursuant to a duly adopted amendment to the County Solid Waste Management Plan approved by the New Jersey Department of Environmental Protection.

C. Paragraph 146-11(A)7 is hereby amended to add the following item:

- g) Used motor oil

Section 2.

ARTICLE III, Recycling, Paragraph 146-13 Violations and penalties is hereby deleted in its entirety and replaced with the following language in its place and stead.

Any person, firm or organization found guilty of who violating a provision of this Chapter shall, upon conviction, forfeit and pay a fine of \$75 for the first offense, \$150 for the second offense and, for the third and any subsequent offenses, shall be subject to one or more of the following: a minimum fine of \$250 but not exceeding \$1,250, a term of imprisonment not exceeding 90 days or a period of community service not exceeding 90 days.

In addition to the foregoing penalties, where a container includes designated recycling material mixed with solid waste, the container will not be collected.

Fines levied and collected pursuant to the provisions of this chapter shall be immediately deposited into the Municipal Recycling Trust Fund (or equivalent).

Section 3.

All ordinances of the Township of Cedar Grove which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 4.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 5.

This Ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

Deputy Mayor Maffucci moved that Pending Ordinance #16-799 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of August 8, 2016, seconded by Councilman Longo, and passed by the following vote:
AYE: Councilman Kumburis, Longo, Deputy Mayor Maffucci, Mayor Tanella
NO: None

(b) To consider resolution concerning approval of raffle applications

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

WHEREAS applications for raffle licenses have been received from:

<u>APPLICANT</u>	<u>EVENT, DATE, TIME, AND PLACE</u>
Cedar Grove Elks Lodge #2237 405 Bowden Rd. Cedar Grove, NJ 07009	Off-Premise 50/50 Raffle October 1, 2016 at 1:00 – 5:00 p.m. at 405 Bowden Rd., Cedar Grove NJ
Cedar Grove Elks Lodge #2237 405 Bowden Rd. Cedar Grove, NJ 07009	On-Premise Draw Raffle October 1, 2016 at 1:00 – 5:00 p.m. at 405 Bowden Rd., Cedar Grove NJ
Cedar Grove Elks Lodge #2237 405 Bowden Rd. Cedar Grove, NJ 07009	Off-Premise 50/50 Raffle October 15, 2016 at 5:00 – 7:30 p.m. at 405 Bowden Rd., Cedar Grove NJ

WHEREAS the fees have been paid, the applications have been reviewed by the Township Clerk and found acceptable;

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve said applications.

Deputy Mayor Maffucci moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:
AYE: Councilman Kumburis, Longo, Deputy Mayor Maffucci, Mayor Tanella
NO: None

(c) To consider resolution concerning 2015 Municipal Audit

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:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52-27BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Cedar Grove, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

NO: None

(d) To consider resolution concerning Corrective Action Plan

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 Cedar Grove, Essex County, New Jersey, that:

WHEREAS, the 2015 Annual Audit of the Township of Cedar Grove, conducted by Nisivoccia and Company, contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer; and

WHEREAS, The Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditor;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Corrective Action Plan for the 2015 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the New Jersey Division of Local Government Services.

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

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

NO: None

(e) To consider resolution concerning purchase of vehicles through State contract

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 has availed itself of the right to purchase Sport Utility Vehicles (SUV) entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, it is desirable from time to time to purchase Sport Utility Vehicles (SUV) under contracts entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in cases where no bids have been received; and

WHEREAS, it is desirable to purchase Sport Utility Vehicles (SUV) under such contracts enter into on behalf of the State of New Jersey by said Division during the year 2016;

WHEREAS, funds for the purchase of Sport Utility Vehicles (SUV) are available in the 2016 Municipal Budget, Police – Other Expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the purchase of Sport Utility Vehicles (SUV) be awarded to Winner Ford, through State Contract No. A88728.

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

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

NO: None

(f) To consider resolution concerning sewer bill adjustment

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>
Shirley Goldberg 21 Mountain Ridge Drive Cedar Grove, NJ 07009 Acct. No. 3-3001310	<u>\$532.50</u>	<u>\$532.50</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 Maffucci moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

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

NO: None

(g) To consider resolution concerning purchase through National Joint Powers Alliance

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 utilizes the National Joint Powers Alliance for the purchase of 400 person capacity bleacher system for Panther Park multi-purpose field; and

WHEREAS, the contract amount for the purchase of the bleacher system vehicle will not exceed \$72,000.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract through Account Nos. 6050.213.01 and 6054.215.12.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove authorizes the Township of Cedar Grove to purchase from the National Joint Powers Alliance the purchase of a 400 person capacity bleacher system for the “visitors” section from Dant Clayton Corporation for an amount not to exceed \$72,000.00.

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

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

NO: None

(h) To consider resolution concerning return of escrow – Second Gen Catering Co. Inc.

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

In the Matter of:
Second Gen Catering Co., Inc.
669 Pompton Avenue
Block 210 Lot 12

WHEREAS, Second Gen Catering Co., Inc. received final site plan approval from the Zoning Board for construction of on-site improvements on Block 210 Lot 12; and

WHEREAS, a developer's agreement was approved by the Mayor and Council of the Township of Cedar Grove on April 21, 2014; and

WHEREAS, sureties were posted to guarantee construction of site improvements consistent with the Zoning Board approval of the project; and

WHEREAS, the developer has requested release of said sureties; and

WHEREAS, the Director of Community Development and Municipal Engineer have advised that all required improvements have been completed as stipulated in the condition of the Zoning Board resolution of approval.

NOW, THEREFORE BE IT RESOLVED the Mayor and Council authorize the release of said surety and any applicable interest to the applicant in the amount as follows:

- (a) Performance Bond No. 76109588 in the amount of \$340,934.40
- (b) Cash Performance Guarantee in the amount of \$37,881.00
- (c) Post approval escrow in the amount of \$15,784.00

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

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

NO: None

- (i) To consider resolution concerning waiver of developer agreement – 25 Canfield Rd. LLC

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

**In the Matter of:
25 Canfield Rd. LLC
25 Canfield Rd.
Block 293, Lot 5**

BE IT RESOLVED by the Township Council of the Township of Cedar Grove that pursuant to Section 38-32.1 of the Code of the Township of Cedar Grove, the governing body does hereby waive the requirements for a developer's agreement, performance guarantee and insurance certificate in connection with the above referenced project.

BE IT FURTHER RESOLVED that submission of the 5% post approval escrow required per Chapter 38-26.2 of the Code of the Township of Cedar Grove is also waived.

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

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

NO: None

- (j) To consider resolution concerning “Green Team” membership

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

WHEREAS, by resolution, dated July 18, 2011, the Township of Cedar Grove (the “Township”) created the Sustainable Jersey “Green Team” acknowledging that the residents of the Township desire a stable, sustainable future for themselves and future generations; and

WHEREAS, the Township wishes to continue building a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, the Township Council wishes to update the membership of the “Green Team” and ensure its continued success; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of Cedar Grove, that the following persons are hereby appointed to the GTA from July 1, 2016 through June 30, 2017:

Mayor Peter Tanella or the Mayor’s appointed designee,
Alex Palumbo, Township Engineer,
Staci Molinaro, Township Resident,
Dinah Perkins, Township Resident, and
Daniella Maffettone, Township Resident

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

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

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

NO: None

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 \$2,643,177.03

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

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

NO: None

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

Ron Mega; 82 Hillsdale Rd. – Mr. Mega raised concerns that a decision was made to undertake an investigation of a 19-year councilmember based on anonymous letter. Mr. Mega also raised concern regarding the cost of investigation and retainment of the investigator. Mayor Tanella suggested that Mr. Mega obtain the public documents prior to any further discussion.

Charles Dovico; 111 Holly Lane (Four Seasons) – Mr. Dovico commented that the governing body has set a precedent concerning receipt of anonymous letters, that it is now incumbent on the governing body to act on anonymous letters in the future.

Doug Ruccione; 11 Hillside Rd., Ringwood – Mr. Ruccione explained issues of concern regarding proposed remediation (capping) of a Superfund site approximately two miles upstream of the Wanaque Reservoir located in Ringwood, and the long-term impact on the reservoir's water quality. Since the Township of Cedar Grove is a user of water from the Wanaque Reservoir, Mr. Ruccione requested that the governing body consider approval of a resolution to request the governing body of Ringwood to postpone/withdraw its remediation request to the EPA to cap the site, and support complete removal of all toxic contamination. Township Manager Tucci stated that he has been in contact with Ringwood municipal officials regarding the issue, and also is in the process of obtaining information from the NJDWSC.

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 July 11, 2016.
2. The general nature of the subject matters to be discussed is K. Hovnanian litigation and personnel matter regarding investigative report of Judge Carver.
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 Longo moved adoption of the resolution, seconded by Deputy Mayor Maffucci, and passed by the following vote:

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

NO: None

11. ADJOURNMENT

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

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

NO: None

The meeting adjourned at 8:17 p.m.

PETER H. TANTELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK