

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

PUBLIC MEETING

MINUTES

JULY 20, 2015

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

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

Also Present: Attorney Josh Zielinski for Township Attorney Scrivo, and Township Clerk Stutz

Absent: Councilman Longo

The invocation was given by Rabbi Laurence Groffman of Temple Shalom followed by the flag salute 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 January 1, 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 designating Deputy Mayor

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, Essex County, New Jersey, that John Zunic be and is hereby chosen in the absence of the Mayor of the Township of Cedar Grove to preside in his place and stead at all meetings of the Township Council of the Township of Cedar Grove, and that he is hereby designated the Deputy Mayor of the Township of Cedar Grove for a one-year term effective July 1, 2015 and terminating July 1, 2016.

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

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

NO: None

ABSENT: Councilman Longo

Mayor Chiusolo administered the oath of office to Deputy Mayor John Zunic. Deputy Mayor Zunic thanked residents and Council colleagues for their support and vote of confidence.

3. APPROVAL OF MINUTES

(a) To consider approval of regular public meeting minutes of May 4, 2015

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

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

NO: None

ABSENT: Councilman Longo

4. PUBLIC HEARING

(a) To consider adoption of Pending Ordinance #15-785

The ordinance was read by title only as follows:

AN ORDINANCE AUTHORIZING AND APPROVING THE TOWNSHIP OF CEDAR GROVE'S VACATION OF ITS DEED RESTRICTION ON PROPERTY KNOWN AS BLOCK 222, LOT 7

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

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

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

NO: None

ABSENT: Councilman Longo

5. AWARD OF BID

(a) To consider resolution awarding bid for Influent Screen at WWTP

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 Influent Screen Project at the WWTP and were publicly opened and read by the Township Clerk on May 19, 2015 as follows;

<u>BIDDER</u>	<u>AMOUNT</u>
TAM Enterprises, Inc.	\$ 231,000.00
Blooming Glen Contractors, Inc.	\$ 241,092.00
MBE Mark III Electric, Inc.	\$ 244,157.00
Spectraserv	\$ 268,700.00
Montana Construction Corp., Inc.	\$ 323,000.00

WHEREAS, the bids submitted have been reviewed by the Township Manager, Municipal Engineer, and Township Attorney; and

WHEREAS, the apparent low bidder failed to submit its Business Registration Certificate as set forth in the bid specifications on the bidder's checklist; and

WHEREAS, it has been determined that said omission constitutes an unwaivable material defect which renders the bid as non-responsive; and

WHEREAS, the apparent second low bidder submitted the required bid documents, but failed to sign Exhibit B of the Mandatory Equal Employment Opportunity Language acknowledgement; and

WHEREAS, the apparent second low bidder did execute the Affirmative Action Compliance Notice listed as a mandatory item on the bidder's checklist; and

WHEREAS, the Township has the right to waive minor irregularities and immaterial variances in bid documents; and

WHEREAS, it has been determined that the unsigned acknowledgement is a non-material, waivable defect, superseded by the mandatory executed Affirmative Action Compliance Notice; and

WHEREAS, the apparent second low bidder complied with the mandatory bid specifications by provided the required documents; and

WHEREAS, the Municipal Engineer and Township Attorney recommend award of bid to Blooming Glen Contractors, Inc. the apparent second bidder in the amount of \$241,092, and

WHEREAS, funds are available to satisfy our obligations under this contract through Bond Ordinance No. 12-740.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the non-material defect of the apparent second low bidder is waived and the award of bid be made to Blooming Glen Contractors, Inc. of Skippack, PA.

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

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

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

NO: None

ABSENT: Councilman Longo

6. 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.

7. REPORTS OF TOWNSHIP OFFICIALS

(a) Township Manager – On behalf of the Township Manager, Mayor Chiusolo requested an executive session to discuss DPW contract negotiations and a personnel matter regarding salaries of Township Manager and Township Clerk. Additionally, the Clerk advised that the Manager requested authorization to put a resolution on the next meeting agenda to adopt the Personnel Policies and Procedures Manual previously provided to the governing body for review, to which the governing body agreed. The Clerk also noted the Manager's request to reschedule the August 17th regular public meeting to August 10th, to which the governing body agreed.

(b) Township Clerk – No report

(c) Township Attorney – Attorney Zielinski requested authorization for a tax appeal settlement for Block 297, Lot 40, to which the governing body agreed. Attorney Zielinski also advised that declaratory action and motion to reaffirm the Township's immunity from exclusionary zoning lawsuits was made.

(d) Other Reports – Mayor Chiusolo suggested that the governing body consider enacting an ordinance to require a developer to use local licensed contractors on development projects within the Township. Mayor Chiusolo explained that the ordinance would benefit Township residents not only through the employment of local qualified contractors, but also purchasers of said development units. There was consensus that the Township Attorney provide an opinion on the issue. During discussion, Councilman Kumburis further recommended that the governing body also consider legislation to require priority employment of union apprentices for public development projects. Councilman Kumburis stated that such legislation/policy has been effective in other municipalities and offered to provide supporting documentation. Mayor Chiusolo advised Councilman Kumburis to submit the documentation through the Clerk's Office for further consideration.

Deputy Mayor Zunic noted two block party requests, to which the governing body agreed. Deputy Mayor Zunic also noted recommendations from the Finance Director regarding two requests for water/sewer bill adjustments. Deputy Mayor moved to concur with Finance Director's recommendations, seconded by Councilman Tanella, and passed unanimously.

Councilman Kumburis reminded residents of upcoming movie night at Morgan's Farm on 7/21 sponsored by Municipal Alliance Committee and Recreation Dept.

8. CONSENT AGENDA

(a) To consider resolution concerning approval of park permit

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

WHEREAS application for request to use Community Park facilities has been received from:

<u>APPLICANT</u>	<u>EVENT</u>	<u>DATE</u>	<u>TIME</u>
Cedar Grove Touchdown Club Rugby Road Cedar Grove, NJ	Barbeque	8/23/15	Noon – 5:00 p.m.

WHEREAS said application has been reviewed by the Recreation Director and found acceptable

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, does hereby approve said application in accordance with Chapter 205.1 – 205.9 of the Township Ordinance

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

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

NO: None

ABSENT: Councilman Longo

- (b) To consider resolution concerning approval of raffle application – Cedar Grove High School APT

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

WHEREAS, application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

CG High School APT
90 Rugby Rd.
Cedar Grove NJ 07009

On-Premise 50/50 raffle
to be held Sept. 4, 25, Oct. 2, 16, and
30, 2015 at 7:00 – 9:00 pm at
90 Rugby Rd., Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and 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.

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

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

NO: None

ABSENT: Councilman Longo

9. NEW BUSINESS

(a) To consider resolution concerning 2014 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 2014 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 Zunic moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

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

NO: None

ABSENT: Councilman Longo

(b) To consider resolution concerning 2014 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 2014 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 2014 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.

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

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

NO: None

(c) To consider resolution concerning tax reductions granted by Tax Court of New Jersey

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

WHEREAS, the Tax Collector of the Township of Cedar Grove has determined that action is required as a result of 2011 - 2014 tax reductions granted by the Tax Court of New Jersey;

WHEREAS, the Tax Collector has certified to the foregoing as well as to the amount of the tax cancellations, which are set forth along with the name and address of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the required tax cancellations and refunds be made:

2011 Tax Reductions Granted by the Tax Court of New Jersey

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellations and Tax Refund</u>
100	300	GIJO, LLC 282 Cedar Grove Avenue Cedar Grove, NJ 07009	\$10,041.37

2012 Tax Reductions Granted by the Tax Court of New Jersey

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellations and Tax Refund</u>
100	300	GIJO, LLC 282 Cedar Grove Avenue Cedar Grove, NJ 07009	\$10,322.40

2013 Tax Reductions Granted by the Tax Court of New Jersey

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellations and Tax Refund</u>
91	4	Kevin & Diana Lay 16 Upland Way Cedar Grove, NJ 07009	\$921.99
100	300	GIJO, LLC 282 Cedar Grove Avenue Cedar Grove, NJ 07009	\$5,875.06

2014 Tax Reductions Granted by the Tax Court of New Jersey

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellations and Tax Refund</u>
100	202	Loesser Realty, LLC 7 Lewis Road Cedar Grove, NJ 07009	\$2,198.00
100	300	GIJO, LLC 282 Cedar Grove Avenue Cedar Grove, NJ 07009	\$6,134.62

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

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

NO: None

ABSENT: Councilman Longo

- (d) To consider resolution concerning renewal of membership in New Jersey Intergovernmental Insurance Fund

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

WHEREAS, the Municipal Council of the Township of Cedar Grove (hereafter the “Local Unit”) has determined that membership in the New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund”) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et. seq.), is in the best interest of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Cedar Grove, in the County of Essex and the State of New Jersey, as follows:

Section 1. The Township of Cedar Grove hereby agrees to continue its membership in the “Fund” for a period commencing January 1, 2016 and terminating on December 31, 2018 for the following types of insurance coverage:

- (x) a) Workers Compensation and Employers Liability
- (x) b) General Liability Coverage (including Police Professional & Excess Public Official Liability)
- (x) c) Motor Vehicle and Equipment Liability Coverage
- (x) d) Property Damage Coverage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, and Boiler and Machinery)
- (x) e) Environmental Impairment Liability

Section 2. Local Unit agrees to enter into and abide by the terms of the Indemnity and Trust Agreement, attached hereto as Exhibit 1. Local Unit hereby authorizes and directs Township of Cedar Grove to execute the Indemnity and Trust Agreement and such other documents as are necessary to comply with the requirements in the Fund.

Section 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund have been adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the “Fund” according to the rights and obligations set forth therein.

Section 4. The Township of Cedar Grove certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for nonpayment of premium for a period of at least two (2) years prior to this application.

Section 5. Inconsistent Resolutions. All resolutions, or parts thereof, inconsistent with provisions of this Resolution are hereby repealed as to such inconsistency.

Section 6. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Resolution shall be deemed valid and effective.

Section 7. Effective Date This Resolution shall take effect upon its passage.

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

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

NO: None

ABSENT: Councilman Longo

10. 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 \$ 8,708,004.56

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

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

NO: None

ABSENT: Councilman Longo

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

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.

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 20, 2014.
2. The general nature of the subject matters to be discussed is DPW salary negotiations and personnel regarding salary of Township Manager and Township Clerk.
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 Zunic moved approval of the resolution, seconded by Councilman Tanella, and passed by the following vote:

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

NO: None

12. ADJOURNMENT

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

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

NO: None

The public meeting adjourned at 7:28 p.m.

JOSEPH CHIUSOLO MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK