

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

COUNCIL STAFF MEETING

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

SEPTEMBER 26, 2016

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Tanella called the meeting to order at 7:00 p.m. and made the required announcement concerning the Open Public Meetings Act as follows: Adequate notice of this meeting was duly provided to the Verona-Cedar Grove Times and the Star Ledger, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building's lobby in accordance with the Open Public Meetings Act.

Present: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci, Mayor Tanella, Mayor
Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz

2. APPROVAL OF MINUTES

a) Staff Meeting – May 16, 2016

Councilman Longo 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

ABSTAIN: Councilman Cicala

b) Executive Session – June 6, 2016

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

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

NO: None

ABSTAIN: Councilman Cicala

c) Staff Meeting – June 20, 2016

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

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

NO: None

ABSTAIN: Councilman Cicala

d) Executive Session – June 20, 2016

Councilman Cicala 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
ABSTAIN: Councilman Cicala

e) Executive Session – June 24, 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
ABSTAIN: Councilman Cicala

f) Executive Session – July 11, 2016

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

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

g) Executive Session – August 8, 2016

Councilman Kumburis moved approval and release of the minutes as presented, seconded by Deputy Mayor Maffucci, and passed unanimously.

h) Executive Session – September 12, 2016 (Interview)

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

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

i) Executive Session – September 12, 2016

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

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

3. TOWNSHIP MANAGER – No report

4. TOWNSHIP ATTORNEY – Attorney Zielinski referred to a memo previously provided regarding creation of municipal ethics board. Following Mayor Tanella's request for additional time to review the issue and Councilman Kumburis' submission of questions, there was consensus to postpone further discussion. Attorney Zielinski also referred to a previous memo regarding to establishment of a Redevelopment Advisory Committee by

ordinance. Deputy Mayor Maffucci requested that current committee members review the draft ordinance to obtain input prior to introduction, to which the governing body agreed. The Township Attorney requested an executive session to discuss the pending COAH litigation.

5. **TOWNSHIP CLERK** – The Clerk reported receipt of a letter of resignation from a member of the Municipal Alliance Committee. There was consensus to advertise the vacancy.

6. COUNCIL REPORTS

- a) Board/Committee Re-appointments – There was consensus to interview expiring term members of various boards/committees prior to considering re-appointment. The Clerk was requested to schedule interviews for executive session prior to Council meetings.
- b) Redevelopment Advisory Committee addressed by Township Attorney
- c) Local Ethics Board – Further discussion postponed

Mayor Tanella reported that he attended the recent grand opening of a new business. Mayor Tanella noted numerous complaints received regarding residents feeding wildlife, particularly deer. The Manager advised that there is no local ordinance to prohibit residents from feeding wildlife on their property, and explained that the practice is discouraged by the State Fish & Wildlife Dept.. Mr. Tucci suggested that residents my contact Fish & Wildlife Dept. to report such sightings. Mayor Tanella requested an executive session to discuss a personnel matter regarding investigation of former Mayor and Councilmember.

Deputy Mayor Maffucci reported that the recent NG Foundation fundraiser to raise money for scholarships for high school seniors was a successful event.

Councilman Kumburis noted the upcoming Municipal Alliance sponsored movie night on October 15th at Morgan’s Farm.

7. NEW BUSINESS

- a) To consider resolution concerning approval of raffle application – Roman Catholic Archdiocese of Newark

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

Roman Catholic Archdiocese of Newark
171 Clifton Ave.
Newark NJ 07104

EVENTS, DATES TIMES & PLACE

On-Premise 50/50 Raffle to be held
October 19, 2016 6:00 – 10:00 p.m.
to be held at The Grove, 691 Pompton Ave.
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 Maffucci moved adoption of the resolution, seconded by Councilman Cicala and passed by the following vote:

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

NO: None

b) To consider resolution awarding bid for lease of municipal property

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

In the Matter of the Bid Award for Public Land Located at Lot 1, Block 290, Commonly known as 350 Little Falls Road, Cedar Grove, New Jersey

RESOLUTION

WHEREAS, the Township of Cedar Grove ("Township") is desirous of leasing a parcel of land approximately 400 feet by 400 feet on Lot 1, Block 290, commonly known as 350 Little Falls Road, Cedar Grove, New Jersey; and

WHEREAS, the Local Lands and Buildings Law *N.J.S.A. 40A:12-14*, permits a municipality to lease any real property not needed for public use to the highest bidder by open public bidding at auction or by submission of sealed bids; and

WHEREAS, the subject portion of the said property is not needed for public use; and

WHEREAS, the Township prepared a bid package consisting of the following documents: Notice to Bidders, Instructions to Bidders, Specifications, Proposed Lease Agreement, Bid Proposal, Affidavit of Non-Collusion, Affirmative Action Compliance Certification, and Affidavit of Stockholder Disclosure; and

WHEREAS, the Township provided said bid package to prospective bidders; and

WHEREAS, the Lease Proposal was duly advertised in the Verona-Cedar Grove Times; and

WHEREAS, a sole bid was received by the Township on or before 10:00 AM on August 4, 2016.

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

1. The leasing of said parcel of land approximately 400 feet by 400 feet on property owned by the Township located on Lot 1, Block 290 on the Township tax map and commonly known as 350 Little Falls Road is hereby awarded to Caputo Bros. Tree Service.
2. Within ten (10) days of September 26, 2016, a lease is to be fully executed by the parties.

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

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

NO: None

- c) To consider resolution concerning appointment of members to Zoning 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 Jason Malyuk be appointed as a regular member of the Zoning Board of Adjustment to fill an unexpired term, effective immediately and terminating June 30, 2017.

BE IT FURTHER RESOLVED by the Township Council that Isabel Spagnardi be appointed as Alt. #1 member to the Zoning Board of Adjustment to fill an unexpired term, effective immediately and terminating June 30, 2018.

Deputy Mayor 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

- d) To consider resolution concerning approval of inactive ABC license – Shu Box Inc.

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

WHEREAS, the following corporations has applied for the renewal of its Alcoholic Beverage License for the period from July 1, 2016 through June 30, 2017, namely:

<u>LICENSE NO.</u>	<u>APPLICANT</u>	<u>TRADENAME</u>	<u>FEE</u>
0704-33-010-003	Shu Box, Inc. 256 Pompton Ave.	N/A	\$2,002.

WHEREAS, the above corporation has submitted its application for renewal to the Township Clerk, and said application complies with the State Laws regulating the sale and distribution of alcoholic beverages; and

WHEREAS, the licensee filed a verified petition to the Division of Alcoholic Beverage Control of the State of New Jersey requesting authorization for the local issuing authority to consider its renewal application for the 2016-2017 license term pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, the Division of Alcoholic Beverage Control of the State of New Jersey has authorized the Mayor and Council of the Township of Cedar Grove to consider the application of Shu Box,

Inc. for renewal of its license for the 2016-2017 license term as an inactive license and to grant or deny said application in the reasonable exercise of their discretion and;

WHEREAS, the licensee must file an amendment to said license application pursuant to N.J.A.C. 13:2-2.4 to activate the license during the 2016-2017 term.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the application for renewal of existing alcoholic beverage license from Shu Box, Inc. be approved; and

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby authorized to issue said license to the applicant for the period from July 1, 2016 through June 30, 2017.

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

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

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 \$ 386,947.26.

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

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

NO: None

9. PUBLIC COMMENT

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

Robert O'Toole; 3 Old Orchard Court – Mr. O'Toole suggested that the Township send a written thank you to Tzu Chi organization on Commerce Road for the use of their parking lot to facilitate vehicle parking for summer concerts at Morgan's Farm.

The following residents raised concerns regarding activity on Coptic Church property on Woodstone Drive:

Carol Hartnett; 15 Woodstone Drive and Jolie Ruffalo; 14 Woodstone Drive – Expressed concerns regarding large number of trees removed, proper permits, soil moving/grading/bull dozing activity on the property and insufficient Township oversight of the extensive activity on the property. The Manager advised that according to reports received from the Municipal Engineer the property owner is in compliance with required permits and ordinances.

Dianne Fairbrother Fitzpatrick; 18 Woodstone Drive – Ms. Fitzpatrick stated that many more trees were removed than reflected on permit and provided pictorial documentation. Following further discussion, the Township Manager and Mayor Tanella agreed to inspect the site (Noon 9/27). Ms. Fitzpatrick later voiced concern of the discrepancy of the vote that appears on a Zoning Board resolution as compared with the vote on an application.

Elisa Charters; 30 Forest Hills Way – Ms. Charters voiced previous concerns regarding traffic safety brought before the governing body approximately a year ago that have yet to be addressed. Ms. Charters also voiced support for the formation of a local ethics board.

Mary Beth LoRe Petracca; 34 Forest Hills Way – Ms. Petracca also raised neighborhood traffic safety concerns.

Robert Kievit; 43 Forest Hills Way – Mr. Kievit requested that Township officials inspect the Coptic Church property to ensure that the work being performed is in compliance with approved permits and ordinances. Mr. Keivit also requested that work be suspending pending municipal inspection.

Danielle Mazzurco; 26 Forest Hills Way – Ms. Mazzurco described traffic safety concerns at the intersection of Woodstone Drive & Forest Hills Way that directly impacts her property.

Jolie Ruffalo; 14 Woodstone Drive – Ms. Ruffalo referenced a 1992 Zoning Board resolution that denied a previous zoning application for church expansion.

Molly Cotton; 9 Wimbeldon Court – Ms. Cotton recounted history of ownership of current Coptic Church property. Ms. Cotton stated the original use of the property was very different from the use by the current property owner. Ms. Cotton further commented that the size of the property cannot accommodate the desired use expansion.

There being no one else present wishing to be heard, Mayor Tanella 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 September 26, 2016.
2. The general nature of the subject matters to be discussed is COAH litigation regarding K. Hovnanian, and a personnel matter regarding investigation of Councilman Kumburis and Mayor Chiusolo.

3. It is anticipated at this time that the above stated subject matter will be made public as soon thereafter as it is deemed in the public interest to do so.
4. This Resolution shall take effect immediately.

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

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

NO: None

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 8:45 p.m. by acclaim.