

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

PUBLIC MEETING

MINUTES

SEPTEMBER 10, 2018

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Vargo, Mayor Cicala
Also Present: Township Manager Tucci, Attorney Cutalo for Township Attorney Zielinski,
Township Clerk Stutz, Alternate Counsel Semeraro

The flag salute was led by Mayor Cicala.

Mayor Cicala 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 28, 2017, 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. PUBLIC HEARING

- a) To consider adoption of Pending Ordinance #18-831 Amending Chapter 190 of the
Township Code entitled "Peddling and Soliciting"

The ordinance was read by title only as follows:

**ORDINANCE AMENDING CHAPTER 190 OF THE CODE OF THE
TOWNSHIP OF CEDAR GROVE ENTITLED "PEDDLING AND
SOLICITING"**

Mayor Cicala opened the public hearing on this item. There being no one present wishing to be
heard, Mayor Cicala 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 Vargo, and passed by the following vote:

AYE: Councilman Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

- b) To consider adoption of Pending Ordinance #18-832 Amending Chapter 186 of the
Township Code entitled "Parental Supervision of Minors"

The ordinance was read by title only as follows:

**AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX,
STATE OF NEW JERSEY AMENDING CHAPTER 186 OF THE TOWNSHIP CODE
ENTITLED "PARENTAL SUPERVISION OF MINORS"**

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

Councilwoman Peterson 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 Tanella, and passed by the following vote:

AYE: Councilman Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

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

Mayor Cicala 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 Cicala closed this portion of the meeting.

4. REPORTS OF TOWNSHIP OFFICIALS

a) Township Manager – The Manager noted receipt of a copy of a letter sent to the County from the State Dept. of Transportation regarding sign display on the former railroad trestle near Foodtown. Mr. Tucci explained that the County may utilize the trestle to display signs only to advertise the County Parks. Mr. Tucci advised that the Township is no longer able to display advertising signs for local organizations/events. The Manager also noted a letter from the Dept. of Corrections advising that the Township's detention facility (Jail) is in full compliance with State regulations. The Manager also noted recommendations from the Municipal Engineer to award two contracts for professional engineering services for Reconstruction of the Upper Playground at Community Park and Replacement of Church Street and Elm Drive Water Main. Mr. Tucci requested authorization to proceed, to which the governing body agreed. Mr. Tucci also noted two block party requests, Ridgewood Acres and Brunswick Road, to which the governing body agreed. The Manager also noted the Municipal Engineer's recommendation to award the bid for Improvements to Bowden Road, subject to attorney review, to which the governing body agreed. Mr. Tucci requested an executive session regarding PBA negotiations.

b) Township Clerk – The Clerk noted receipt of a purported initiative and referendum petition submitted to the Clerk's Office that is currently under legal review for sufficiency.

c) Township Attorney – No report

d) Other Reports

Mayor Cicala noted the joint 9/11 remembrance ceremony (Township Council and Board of Education) scheduled for 9/11 at Cedar Grove High School at approximately 8:40 a.m. Mayor Cicala stated that the Township is currently in contract with the City of Newark to acquire 53 acres of property across from the reservoir to be preserved as open space without impacting the tax rate. The Manager responded to Councilman Tanella's inquiries regarding demolition of existing buildings on the acquired property and future plans for the reservoir itself. Mr. Tucci advised that the Township will eventually undertake building demolition and the City of Newark will implement an ultraviolet disinfecting system for the reservoir to address DEP issues.

Deputy Mayor Vargo commended David Schoner for the CG Waves display. Deputy Mayor Vargo provided information regarding the Downtown Advisory Committee sponsored "Craftoberfest" event scheduled for October 20th from 4:00 – 8:00 p.m. at LRP School property.

Councilman Kumburis commended fellow councilmembers on the acquisition of referenced City of Newark property. Councilman Kumburis requested to discuss at next staff meeting potential formation of a regional flood board to include Verona. Councilman Kumburis also suggested that the Council present a proclamation to David Schoner in recognition of annual 9/11 flag display, to which the governing body agreed.

Councilwoman Peterson also commended Mr. Schoner for his 9/11 remembrance efforts. Councilwoman Peterson advised that Municipal Alliance Committee members will be present at back to school night to provide and accept "safe home" pledges..

5. CONSENT AGENDA

- a) To consider resolution concerning re-appointment of Municipal Judge

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

BE IT RESOLVED that the Township Council of the Township of Cedar Grove of Essex, New Jersey, that NICHOLAS BRINDISI be and is hereby re-appointed as the Municipal Court Judge of the Township of Cedar Grove, with all the powers and duties pertaining to said office, to serve for a three-year term, commencing September 22, 2018 and terminating September 22, 2021.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala
NO: None

- b) To consider resolution concerning approval of raffle application – CG Elks Club

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:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Cedar Grove Elks Club
405 Bowden Rd.
Cedar Grove NJ 07009

On-Premise 50/50 Raffle to be held
September 28, 2018 at 6:00 – 8:00 pm,
October 17, 2018 at 5:30 – 7:30 pm,
November 18, 2018 at 1:00 – 3:00 pm, and
December 11, 2018 at 6:00 – 8:00 pm at
405 Bowden Rd., Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and 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.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

- c) To consider resolution concerning approval of raffle application – Lupus Foundation

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

WHEREAS, an application for raffle license have been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Lupus Foundation of America
65 E. Northfield Rd. Unit D-L
Livingston NJ 07039

On-Premise 50/50 Raffle to be held
September 29, 2018 at 7:00 – 9:00 pm at
170 E. Lindsley 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 applications.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

6. NEW BUSINESS

- a) To consider resolution concerning submission/execution of 2019 NJDOT grant application agreement

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

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Improvements to Ozone Avenue project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Cedar Grove, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2019-Cedar Grove Township-**_____to the New Jersey Department of Transportation on behalf of the Township of Cedar Grove.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Cedar Grove and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

b) To consider resolution concerning renewal of ABC license – Down Neck LLC

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

WHEREAS, the following corporation has applied for the renewal of their Alcoholic Beverage Licenses for the period from July 1, 2018 through June 30, 2019, namely:

<u>LICENSE NO.</u>	<u>APPLICANT</u>	<u>TRADENAME</u>	<u>FEE</u>
0704-33-008-007	Down Neck LLC 599 Pompton Avenue	Lombardi's Bar & Rest.	\$2,002.00

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the application for renewal of the existing alcoholic beverage license from the above mentioned corporation 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, 2018 through June 30, 2019.

Deputy Mayor Vargo moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Deputy Mayor Vargo, Mayor Cicala

NO: None

ABSTAIN: Councilman Tanella

- c) To consider resolution concerning purchase from 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 (NJPA) for the purchase a 4-Ton Asphalt Hot Box, parts and accessories at the Cedar Grove Department of Public Works; and

WHEREAS, the contract amount for the a 4-Ton Asphalt Hot Box, parts and accessories at the Cedar Grove Department of Public Works will not exceed \$29,757.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract through Bond Ordinance No. 18-826.

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 4-Ton Asphalt Hot Box, parts and accessories for the Cedar Grove Department of Public Works from Falcon Road Maintenance Equipment, LLC for an amount not to exceed \$29,757.00.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

- d) To consider resolution concerning tax cancellation granted by Essex County Board of Taxation

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 the 2018 tax reductions granted by the Essex County Board of Taxation;

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 be made:

2018 Tax Reductions Granted by the Essex County Board of Taxation

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellation</u>
19	14	Boan Group, LLC 28 Buena Vista Road Cedar Grove, NJ 07009	\$649.31

160	54	Alessandra Badillo 76 Bowden Road Cedar Grove, NJ 07009	\$275.54
320	350	Balram & Manisha Hingorani 199 Eileen Drive Cedar Grove, NJ 07009	\$2,089.32

Councilwoman Peterson moved adoption of the resolution, seconded by Deputy Mayor Vargo, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala
NO: None

e) To consider resolution concerning tax cancellation – Block 201 Lot 48

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

WHEREAS, as a result of an error in the 2018 Extended Tax Duplicate there is a need to correct the assessed valuation for Block – 201 Lot – 48, Gary Grey, 52 Bortic Road from \$761,300 to \$434,100; and

WHEREAS, as a result of the 2018 assessed valuation correction there is a need to correct the 2018 property tax levy from \$18,240.75 to \$10,401.04.

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

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellation</u>
201	48	Gary Grey 52 Bortic Road Cedar Grove, NJ 07009	<u>\$7,839.71</u>

Councilman Tanella moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala
NO: None

7. 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 \$2,069,011.13

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

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

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

Mayor Cicala requested that anyone wishing to comment or ask questions regarding Cliffside Drive property and/or the recently submitted citizen petition related to Cliffside Drive property address the Council after all other speakers had been heard to simplify necessary recusal of a Councilmember and Township Attorney.

Paul Burns; 2 Elm Drive – Mr. Burns commented on the need for maintenance on the West Essex Bikeway for obstructions (fallen trees) and erosion. Mr. Burns raised concern regarding a recent article noting award of funding for the City of Newark to cover the reservoir and discontinue its use. Mayor Cicala advised that there has been no indication from the City of Newark of its intention to abandon current use of the reservoir.

Bob Farrell; 596 Ridge Rd. – Mr. Farrell commented that the award of funding (\$63 million) to the City of Newark for the reservoir can be found on the federal EPA website.

Kate Hartwyk; Essex County Liaison – Ms. Hartwyk addressed previous speaker's concern regarding West Essex Bikeway maintenance. Ms. Hartwyk provided dates and locations of several upcoming County-sponsored events; 9/11 Remembrance Ceremony, Senior Wellness Day, Paper Shredding, and Hazardous Waste Collection. Ms. Hartwyk responded to Councilman Kumburis' inquiry to advise that the abandoned well-head project has been completed.

Kevin McVey; 19 Briarwood Terr. – Mr. McVey thanked the governing body for the acquisition of property from the City of Newark. Mr. McVey stated that Councilmembers have lived up to campaign promises to keep Cedar Grove green with the acquisition. Mr. McVey requested clarification for maintenance after property acquisition. The Manager stated that the Township will be responsible for property maintenance.

David Snyder; 4 Granite Dr. – Mr. Snyder also commended the Council for land acquisition from the City of Newark. Mr. Snyder referred to previous speaker comments regarding the West Essex Bikeway trail and advised that the Environmental Commission has teamed up with Verona's Environmental Commission to effect trail clean-up and welcomes suggestions.

Arwin Desai; 44 Hilltop Dr. – Mr. Desai expressed concern regarding maintenance and effectiveness of drainage easement. Mr. Desai reported that he had sustained damage on his property from recent flash flood event.

Charlie Roussel; 26 Hillside Ave. – Mr. Roussel sought information regarding available open space within the Township and proposed development plans for those areas. The Manager cited the existing tracts of open space; 53.6 acres opposite reservoir on Ridge Road currently being acquired by the Township to be retained as open space, approximate 23 acres on Cliffside Drive, and small parcel with wetlands on Rt. 23 near Staples. Mr. Roussel suggested the inclusion of a bike path on

the west side of Cedar Grove Park along Fairview Ave. Mr. Roussel further commented that bike riding is permitted in Brookdale Park. Kate Hartwyk, Essex County Liaison, explained that by Essex County ordinance bike riding is only permitted on roadways within Essex County Parks. Mr. Roussel suggested that municipal/public officials remember to conduct themselves in a professional manner when utilizing/conversing on social media.

Mayor Cicala opened this portion of the meeting for discussion concerning the petition submitted relevant to Cliffside Drive and Ridge Road/Pompton Ave. property.

Councilman Kumburis recused himself from discussion, left the dais and took a seat in the audience. Attorney Cutalo recused himself from discussion and left the dais. Alternate Counsel Attorney Semeraro took the Township Attorney seat on the dais.

Deputy Mayor Vargo stated that preservation of open space is a priority of the Township Council both individually and collectively. Deputy Mayor Vargo further commented that over the course of numerous discussions related to preservation of open space and affordable housing issues, the Township Council, concluded it to be in the best interest of the Township to pursue the acquisition of City of Newark property across from the reservoir, the largest tract of undeveloped property within the Township. Deputy Mayor Vargo referenced the recently submitted initiative petition to establish a fund to acquire specific properties and noted that he was concerned with the accuracy of information disseminated to the community by social media. Deputy Mayor Vargo requested to address committee petitioner member (and Councilman) Harry Kumburis, 41 The Glen, to gain a full understanding of the petition, to which the governing body and Mr. Kumburis agreed. There followed a discussion between Deputy Mayor Vargo and Mr. Kumburis concerning Mr. Kumburis' knowledge of new information related to the properties cited in the petition, since as a councilmember, Mr. Kumburis had been part of governing body discussions and decisions regarding acquisition of open space. During further commentary, Mr. Kumburis explained his reasons for circulating petition. Mr. Kumburis stated that preservation of open space is a priority, and that residents should play bigger role in decisions related preservation of open space, specifically by placing a question on the ballot. Responding to inquiry from Mayor Cicala, Mr. Kumburis further explained that he commenced petition action subsequent to his required recusal from governing body discussions. Following additional commentary, Deputy Mayor Vargo read an excerpt from Manager's recent memo to the governing body concerning acquisition of open space as follows: "It is my understanding there is some desire in the community to acquire all open space properties and bond for the acquisition dollars, which was previously discussed by the governing body and would be the desire of all, but this may not be feasible. First, some of the subject properties are not currently on the market, secondly, one is currently under contract with a proposed development plan pending and was subject of a law suit as the current owner sold it to two developers at the same time." Mr. Kumburis stated that he did not have any new and/or additional information relevant to the Ridge Rd./Pompton Ave. property. There followed discussion between Mayor Cicala and Mr. Kumburis concerning Mr. Kumburis's knowledge of second petition. Mr. Kumburis deferred comment regarding second petition to other committee petitioners present. Mr. Kumburis commented that preservation of open space is of paramount importance. Mr. Kumburis further requested that the Township Council postpone the public hearing of Pending Ord. 18-829 in light of the citizen petition submitted to the governing body.

Councilwoman Peterson conversed with another committee of petition member David Snyder, 4 Granite Drive concerning how properties cited in petition were identified and selected for acquisition.

During discussion, Mr. Snyder acknowledged that he does not know if the subject properties are available for purchase, if either property owner is willing to sell to the Township, or know a purchase price for either property.

Mayor Cicala cited a portion of the Township Manager's recent memo to the governing body concerning acquisition of open space to provide some insight to residents of issues that are facing the governing body. Mayor Cicala read the following: "While we all desire more open space and acquisition seems the most logical and simplistic option, Cedar Grove would still have its obligation to meet the Council on Affordable Housing Criteria set out by the courts, if it were to acquire all available open space. This will subject the township to builders remedy lawsuits and allow for development, as directed by the courts, without township input. In a worst case Cedar Grove taxpayers could be left with a large debt service for over 20 years and still incur unwelcomed development."

Leo Stringer; 4 Highview Terr. - Mr. Stringer stated that the Township needs to prevent further development. Mr. Stringer further noted his desire that the Township fight the development in court.

Kevin McVey; 19 Briarwood Terr. – Mr. McVey requested that the governing body reject the pending zoning ordinances (No. 18-829 and 18-830).

Councilman Tanella stated that it is not possible for the governing body to just say no to development Based on information provided by professionals. Councilman Tanella also stated that he is not willing to leave affordable housing decisions to the court. Councilman Tanella also acknowledged comments of previous speakers.

Paul Burns, 2 Elm Dr. – Mayor Cicala addressed Mr. Burns concerning existence and subject of second petition in circulation. Mr. Burns confirmed that a second petition is being circulated to

John Martinelli; 30 Hillside Ave. – Mr. Martinelli noted his appreciation for the 9/11 remembrance ceremony. Mr. Martinelli commented that residents' actions regarding submission of petition emanate from a sense of helplessness regarding continued development, particularly following Hilltop property redevelopment approval. Mayor Cicala stated that the 9/17 public hearing should provide information to residents regarding recent decisions made by the governing body related to development.

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

Mayor Cicala requested an executive session to discuss property acquisition.

Councilman Kumburis returned to the dais.

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
2. The general nature of the subject matters to be discussed is PBA negotiations and acquisition of property.
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 Tanella moved adoption of the resolution, seconded by Deputy Mayor Vargo, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

9. ADJOURNMENT

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

AYE: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala

NO: None

The meeting adjourned at 9:00 p.m.

JOSEPH CICALA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK