

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

COUNCIL STAFF MEETING

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

JANUARY 28, 2019

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Cicala 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: Councilmember Kumburis, Peterson, Tanella, Deputy Mayor Vargo, Mayor Cicala
Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz

2. APPROVAL OF MINUTES

- a) Executive Session – December 17, 2018

Deputy Mayor Vargo moved approval of the minutes as presented, seconded by Councilwoman Peterson, and passed unanimously.

- b) Staff Meeting – December 17, 2018

Councilman Tanella moved approval of the minutes as presented, seconded by Deputy Mayor Vargo, and passed unanimously.

- 3. TOWNSHIP MANAGER** – The Township Manager reported receipt of a thank you letter from the Historical Society for the new signs at Morgan's Farm. Manager Tucci announced the retirement of two DPW employees effective April 1st. The Manager provided a memo from the Recreation Director concerning 2019 fireworks display. The Manager referenced a previous memo from the Finance Director requesting to increase water and sewer usage and connection fees. The Manager stated that connection fees have not been increased in decades and requested that the governing body reconsider the connection fees immediately. Mr. Tucci offered to recirculate the Finance Director's memo, to which the governing body agreed.
- 4. TOWNSHIP ATTORNEY** –The Township Attorney requested authorization to proceed with three proposed tax appeal settlements. Councilman Tanella moved to concur, seconded by Deputy Mayor Vargo and agreed to unanimously.
- 5. TOWNSHIP CLERK** – The Clerk noted a sole proposal received for the RFP for professional services for Township Attorney and Tax Attorney. Following a brief discussion the governing body concurred with the proposed compensation.

6. COUNCIL REPORTS

Councilwoman Peterson inquired the status of the proposed Township ordinance to prohibit use and sale of marijuana. The Manager advised that comments received from the Police Chief and unresolved State legislation have delayed revision of an ordinance. Councilwoman Peterson requested additional information from Councilman Kumburis concerning recreational fishing opportunities at the reservoir. Councilwoman Peterson raised concerns regarding impact on public safety and responsibility. Councilman Kumburis anticipated that permitting and oversight would be performed by Newark watershed personnel. Deputy Mayor Vargo commented that the request should have been made through the Manager.

Councilman Tanella – No report

Deputy Mayor Vargo – No report

Mayor Cicala referred to additional information concerning reconsideration of water/sewer bill penalty fee waiver (Acct. #2-2305700). Following discussion, there was consensus to adhere to the policy guideline regarding penalty fee waiver and uphold the previous decision to decline waiver of the penalty fee.

7. NEW BUSINESS

- a) To consider introduction of Pending Bond Ord. #19-837 – Resurfacing of Little Falls Road Tennis Courts

The Clerk read the ordinance by title only:

BOND ORDINANCE AUTHORIZING THE RESURFACING OF LITTLE FALLS ROAD TENNIS COURTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$65,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$61,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Cedar Grove, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$65,000, such sum includes the sum of \$4,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$61,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$61,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

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

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Resurfacing of Little Falls Road tennis courts, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$65,000	\$61,000	15 Years
TOTAL	\$65,000	\$61,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$61,000.

(c) The estimated cost of the Improvements is \$65,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the “Chief Financial Officer”); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or

delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$61,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$2,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$61,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Deputy Mayor Vargo moved that Pending Bond Ordinance #199-837 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of February 11, 2019, 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 amendment of 2019 Capital Budget

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

WHEREAS, the Township of Cedar Grove desires to amend the 2019 Capital Budget of said municipality by inserting Resurfacing of Little Falls Road Tennis Courts.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove as follows:

AMENDMENT
CAPITAL BUDGET OF THE TOWNSHIP OF CEDAR GROVE
COUNTY OF ESSEX, NEW JERSEY

PROJECTS SCHEDULE FOR 2019
METHOD OF FINANCING

<u>Project</u>	<u>Estimated</u> <u>Cost</u>	<u>Debt</u> <u>Authorized</u>	<u>Down</u> <u>Payment</u>
Resurfacing Little Falls Road Tennis Courts	<u>\$65,000.00</u>	<u>\$61,000.00</u>	<u>\$4,000.00</u>

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

- c) To consider resolution concerning appointment of Township Attorney and Tax Appeal Attorney

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

WHEREAS, there exists a need for the appointment of a Township Attorney and Tax Appeal Attorney for the Township of Cedar Grove, and funds are available for this purpose; and

WHEREAS, N.J.S.A. 40A:11-5 states "no local unit shall be required to advertise for bids for professional services", and

WHEREAS, **MARK SEMERARO** is an attorney-at-law in the State of New Jersey and comes under the "professional services" provision of the Local Public Contracts Law:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that it does hereby appoint **MARK SEMERARO** of the firm Kaufman Semeraro & Leibman, LLP to serve as the Township Attorney and Tax Attorney commencing January 28, 2019 through December 31, 2019; and

BE IT FURTHER RESOLVED that the appropriate Township officials be authorized to execute agreements; and

BE IT FURTHER RESOLVED that notice of the appointments shall be published in the Verona-Cedar Grove Times.

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

AYE: Councilmember Peterson, Tanella, Mayor Cicala

NO: Councilman Kumburis

ABSTAIN: Deputy Mayor Vargo

- d) To consider resolution concerning re-appointment of Recreation Advisory Board member

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 Sam Ventola be re-appointed as a member of the Recreation Advisory Board for three-year terms, effective January 1, 2019 and terminating December 31, 2021.

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

- e) To consider resolution concerning appointment of CDBG representative

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 William Homa, Finance Director is hereby appointed to serve as Cedar Grove’s second representative to the Community Development Block Grant Committee for 2019:

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

- f) To consider resolution concerning approval of raffle applications – Memorial Middle School

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

WHEREAS, applications for raffle license have been received from:

APPLICANTS

Memorial Middle School FSA
500 Ridge Rd.
Cedar Grove NJ 07009

EVENTS, DATES TIMES & PLACE

On-Premise 50/50 Raffle to be held on
April 18, 2019 at 7:00 - 11:00 pm at
1131 Pompton Ave., Cedar Grove, NJ 07009

Memorial Middle School FSA
500 Ridge Rd.
Cedar Grove NJ 07009

On-Premise Merchandise Raffle to be held on
April 18, 2019 at 7:00 - 11:00 pm at
1131 Pompton Ave., 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.

Councilman Tanella 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

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 \$ 2,962,344.73.

Councilwoman Peterson 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

9. PUBLIC COMMENT

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

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:35 p.m. by acclaim.