

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

PUBLIC MEETING

MINUTES

MARCH 4, 2019

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

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

Also Present: Township Manager Tucci, Township Attorney Semeraro, Township Clerk Stutz

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 published in the Verona-Cedar Grove Times and the Star Ledger on December 27, 2018, 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

a) Joint Meeting with Board of Education – Mayor Cicala welcomed the following members of Board of Education: Christine Dye, President, Nicole DiChiara, Michele Mega, Peter Prvulovic, David Schoner, Michael Devita, Board Secretary, Michael Fetherman, Supt. of Schools. Mayor Cicala stated that the purpose of the joint meeting was to highlight and update several issues that both bodies work collaboratively on for the benefit of residents.

b) Discussion Items

1) Polling Locations – Mayor Cicala recapped the desire of both the Board of Education and Township Council to remove polling sites from schools. The Township Manager discussed the Township’s ongoing efforts to address Board of Election concerns including a site visit by an Election Commissioner that prompted revised recommendations. The Clerk noted that official written approval of revised recommended polling sites has not yet been received from the Clerk of Board of Elections, although anticipated shortly.

2) Safe Access for Schools – The Manager commented that the Township traffic safety officer conducts an annual review of drop-off zones and walking routes to make any necessary changes for convenience and/or safety reasons. Supt. Fetherman further commented that he communicates with the Manager any such issues as they arise regarding convenience/safety access. Mayor Cicala requested an update on the status of the passed bond referendum for security improvements in the schools. Board Secretary Devita provided a projected timeline for receipt of bids, award of contract, and construction commencement (June) and completion (September).

3) New LRP Ballfield Update – The Manager advised that final design plans are not yet available and are subject to wetlands permit approval from NJDEP. The Manager explained that once final plans are received a public hearing will be held. The Manager

further advised that the anticipated start date for the project is May 2019 with completion in November of 2019.

4) Proposed Joint 9/11 Ceremony – Mayor Cicala thanked the Board of Education for the invitation to the Township Council to participate the first joint 9/11 ceremony conducted at the high school and focused on the renowned “Cedar Grove Waves” flag display created by Board of Education member David Schoner. BOE President Dye stated that the joint ceremony was well received and provides an important teachable moment. Ms. Dye further credited and thanked Mr. Schoner for creation of the annual display. Mr. Schoner commented that the joint ceremony effectively makes the ceremony a community-wide event.

5) Creation of Sub-committee on Pilot Program – Mayor Cicala commented on concerns of unknown impact of Hilltop development on schools. Mayor Cicala stated that it is the desire of both the Council and Board of Education to be proactive in addressing impact in a collaborative manner. Mayor Cicala proposed the formation of a sub-committee consisting of two Board of Education members, and two Township Council members to facilitate exchange of ideas between the Township and Board of Education to address prospective impact. Mayor Cicala further stated that the Township Council is to discuss membership at its next staff meeting and will advise the Board of Education accordingly. On behalf of the Board, President Dye concurred with proposed formation of a sub-committee.

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

Paul Burns; 2 Elm Dr. – Mr. Burns inquired the availability of plans of the proposed athletic field on LRP school property. The Manager explained that final plans are pending wetlands approval from NJDEP.

There being nothing further to discuss, Mayor Cicala closed this portion of the meeting. Board of Education members left the meeting at 7:30 p.m.

3. APPROVAL OF MINUTES

- a) To consider approval of minutes of special public meeting of September 17, 2018

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

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

NO: None

ABSTAIN: Councilman Kumburis

- b) To consider approval of minutes of special public meeting of October 29, 2018

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

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

NO: None

- c) To consider approval of minutes of regular public meeting of February 4, 2019

Councilwoman Peterson moved approval of the minutes, seconded by Councilman Kumburis, and passed by the following vote:

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

NO: None

- d) To consider approval of minutes of special public meeting of February 11, 2019

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

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

NO: None

4. PUBLIC HEARING

- a) To consider adoption of Pending Ord. #19-838 – Amending Chapters 217 and 259 of the Township Code entitled “Sewer” and “Water” respectively

The ordinance was read by title only:

AN ORDINANCE AMENDING THE CHAPTER 217 ENTITLED “SEWERS” AND CHAPTER 259 ENTITLED “WATER” OF THE TOWNSHIP CODE OF THE TOWNSHIP OF CEDAR GROVE TO PROVIDE FOR THE INCREASE IN CERTAIN FEES.

Mayor Cicala opened the meeting to anyone wishing to be heard on this item only.

Paul Burns; 2 Elm Dr. – Mr. Burns requested an overview of the purpose of the ordinance. The Township Manager explained that the ordinance increases water and sewer connection fees for new development.

Joe Maceri; 28 Bruce Court – Mr. Maceri inquired the effective date of the ordinance. The Manager explained fees are assessed based on the date of permit application submission. The Manager further advised that the increases in the ordinance take effect twenty days after publication of the adopted ordinance.

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

5. 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.

6. REPORTS OF TOWNSHIP OFFICIALS

a) Township Manager – The Manager noted a memo from the Police Chief stating no objection to an ordinance to prohibit sale of recreational marijuana, and requested to review such proposed ordinance. Following discussion, there was consensus for the Township Attorney to review the previously drafted ordinance and provide comments/recommendations. The Manager reported receipt of required written notification from K. Hovnanian regarding change of ownership as set forth in the Financial Agreement for Hilltop development. Mr. Tucci explained that the change is for financing purposes. The Manager noted a memo from the Recreation Director concerning pool fees and recommended discussion at 3/18 staff meeting, to which the governing body agreed.

b) Township Clerk – No report

c) Township Attorney – Attorney Semeraro noted memo pertaining to the Township’s rent control ordinance and recommended discussion at next staff meeting, to which the governing body agreed. Attorney Semeraro explained a proposed tax appeal settlement for Block 160, Lot 11 and Block 160, Lot 2, and requested authorization to proceed, to which the governing body agreed.

d) Other Reports

Councilman Kumburis – Councilman Kumburis inquired the status of availability of listening devices for hearing impaired for Council meetings. The Manager advised the equipment is available upon notification of need.

Councilman Tanella – No report

Councilwoman Peterson – No report

Deputy Mayor Vargo provided an update on proposed Downtown Advisory Committee sponsored events; Cedar de Mayo – 5/18, Art Walk – 6/13, and Crafts & Drafts –late September/early October.

Mayor Cicala

7. CONSENT AGENDA

- a) To consider resolution concerning approval of raffle application – St. Catherine of Siena Church

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 has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

St. Catherine of Siena Church
339 Pompton Ave..
Cedar Grove NJ 07009

Off-Premise 50/50 Raffle to be held
April 27, 2019 at 9:30 pm at
339 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.

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

- b) To consider resolution concerning renewal of limo license – Call Me Gus Limo LLC

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

WHEREAS, application for limousine license for 2019 has been received from:

APPLICANT	TRADE NAME
Call Me Gus Limo, LLC 32 Bergen Dr. Cedar Grove, NJ 07009	Call Me Gus

WHEREAS, a satisfactory investigation has been conducted by the Police Chief.

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

BE IT FURTHER RESOLVED that the Township Clerk be directed to renew said limousine license for the above named applicant.

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 approval of raffle application – Susan G. Komen Breast Cancer 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 has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Susan G. Komen Breast Cancer Found.
4 Campus Dr..
Parsippany NJ 07054

On-Premise Merchandise Raffle to be held
March 22, 2019 at 6:30 pm – Midnight at
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.

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. NEW BUSINESS

- a) To consider resolution concerning truck traffic along West Lindsley Road

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

WHEREAS, the Township Council of the Township of Cedar Grove request the Office of the County Engineer to prohibit truck traffic (4 tons and over) along West Lindsley Road from State Highway Rt. 23 to its terminus at Main Street; and

WHEREAS, the Township Manager and Township Engineer met with NJDOT officials to discuss the proposed improvements at Rt. 23 and Lindsley Road intersection as part of the State's Rt. 23 Roadway Improvement project; and

WHEREAS, the proposed truck restriction will allow the installation of a left turn lane for movement onto the northbound side of Rt. 23, thus allowing unobstructed movement of vehicles easterly through said intersection eliminating the congestion at the signal during both morning and afternoon rush hour.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove, hereby requests the County to restrict trucks (4 tons and over) along West Lindsley Road from Rt. 23 to its terminus at Main Street.

Deputy Mayor Vargo 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

- b) To consider resolution concerning transfer of appropriations

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:4-59 permits certain transfers of appropriations during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the following transfers of appropriations listed herein in the 2018 Municipal Budget be approved:

CURRENT FUND MUNICIPAL BUDGET

To:	
Building Inspector:	
Other Expenses	\$1,000.00
Legal Services and Costs:	
Other Expenses	45,000.00
Utility Expenses and Bulk Purchase:	
Utilities	<u>14,000.00</u>
	<u>\$60,000.00</u>
From:	
Police:	
Salaries and Wages	<u>\$60,000.00</u>

Councilman Tanella moved approval of the minutes, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

- c) To consider resolution concerning return of developer agreement escrow – 450 Pompton Avenue Realty, 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:
450 Pompton Avenue Realty, LLC
450 Pompton Ave.
Block 110 Lot 61

WHEREAS, 450 Pompton Avenue Realty, LLC. received final site plan approval from the Planning Board for construction of on-site improvements on Block 110 Lot 61; and

WHEREAS, a developer's agreement was approved by the Mayor and Council of the Township of Cedar Grove on March 21, 2016; and

WHEREAS, sureties were posted to guarantee construction of site improvements consistent with the Planning 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 Planning 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. S296827 in the amount of \$440,484.89
- (b) Cash Performance Guarantee in the amount of \$44,942.77
- (c) Post approval escrow in the amount of \$22,471.38

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

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

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 \$ 535,103.14.

Deputy Mayor Vargo 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

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

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

Kate Hartwyk; Essex County Liaison – Ms. Hartwyk announced the schedule for the County’s deer management program on Hilltop reservation. Ms. Hartwyk also advised that the County will host a second job fair at Turtle Back Zoo for part-time employment at that location.

Doug Wassel; 101 W. Lindsley Rd. – Mr. Wassel raised questions concerning reconfiguration of West Lindsley, Mountain Ave. intersection. The Township Manager explained the proposed reconfiguration. Mr. Wassel also inquired the possibility of implementing speed control measures on West Lindsley Road to slow traffic. Mr. Tucci commented that speed limit reduction could be an effective solution. Mr. Wassel voiced concerns regarding the Little Falls Road/E. Lindsley Road intersection. The Manager explained the jurisdictional process necessary to make any intersection changes at that location.

