

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

COUNCIL STAFF MEETING

MINUTES

MAY 20, 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, Mayor Cicala

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

Absent: Deputy Mayor Vargo

2. APPROVAL OF MINUTES

a) Staff Meeting – April 15, 2019

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

3. TOWNSHIP MANAGER – The Township Manager noted a memo from Municipal Engineer recommending award of contract for removal of leaves to the apparent low bidder, to which the governing body agreed subject to attorney review. The Manager request an executive session to discuss personnel matter regarding 2019 salaries for unrepresented employees.

4. TOWNSHIP ATTORNEY – No report

5. TOWNSHIP CLERK – The Clerk certified the results of the 2019 Municipal Election as follows:

I, Kathleen R. Stutz, Township Clerk of the Township of Cedar Grove, County of Essex, New Jersey, do hereby certify that the following is a true and correct canvass of the voters of the Township of Cedar Grove at the Municipal Election held on Tuesday, May 14, 2019.

I certify that the number of votes opposite the names of the candidates is the correct number of votes received by said candidate from the legally qualified voters of the Township of Cedar Grove in said Municipal Election.

**FOR TWO (2) COUNCILMAN-AT-LARGE SEATS FOR
FULL FOUR YEAR TERMS EXPIRING JULY 1, 2023**

Peter H. Tanella	918
Joseph Maceri	804
Harry Kumburis	777
James Palma	749

Total Number of Registered Voters: 9628
Total Number Voted in this Election: 1692

Total Number Needed by Top Vote-Getter (50% plus 1 of total votes cast): 847
Total Number Received by Top Vote-Getter: 918

The elected Councilmen-At-Large for a four year term for the Township of Cedar Grove are as follows:

Peter H. Tanella	17 Vincent Rd.
Joseph Maceri	28 Bruce Ct.

6. COUNCIL REPORTS

Mayor Cicala commented on events that occurred following close of polls related to the municipal election; video of Councilman Kumburis ringing a resident's doorbell after 10:00 p.m., and unusual delivery of five mail-in ballots to Essex County Board of Elections. Mayor Cicala reported that mail-in ballot delivery issue has been referred to the County Prosecutor and Attorney General Office for investigation. Mayor Cicala also noted press releases by the Township's State legislators that announced their introduction of new legislation in both legislative houses to change the 2018 mail-in ballot law and specifically cited the after close of poll activity that occurred. Mayor Cicala read the legislators comments from the referenced press releases. Mayor Cicala asserted that the actions displayed by Councilman Kumburis in the video are unjustifiable, particularly in a municipal election. Mayor Cicala addressed a question to Councilman Kumburis, who declined to respond.

Mayor Cicala noted the upcoming July 1st reorganization meeting, and requested nomination for Mayor. Councilwoman Peterson nominated Robbie Vargo as Mayor, seconded by Councilman Tanella, and agreed by consensus. Councilman Tanella nominated Kerry Peterson to serve as Deputy Mayor, seconded by Councilman-elect Maceri, and agreed by consensus. Mayor Cicala also appointed Kathleen Stutz as a member to the Library Board of Trustees to fill a vacancy. Mayor Cicala requested the Clerk to schedule an interview for the resident who expressed interest in serving on the Library Board, to which the governing body agreed.

Councilman Kumburis requested an update on the status of closing of the City of Newark property. The Manager responded that he anticipates the closing to take place next week.

Councilman Tanella concurred with Mayor Cicala's disapproval of Councilman Kumburis' actions following close of polls for municipal election. Councilman Tanella congratulated Joseph

Maceri on his election and stated that he looks forward to working with Councilman-elect Maceri and the entire governing body.

Councilman-elect Maceri thanked residents for their support and stated that he also looks forward to working with the governing body. Councilman-elect Maceri also commented that he will attend UNICO scholarship night and four high school students are recipients of scholarships.

Councilwoman Peterson commented that the election night activity of Councilman Kumburis is an embarrassment for Cedar Grove. Councilwoman Peterson congratulated both Peter Tanella and Joseph Maceri on their re-election/election.

7. NEW BUSINESS

- a) To consider introduction of Pending Bond Ord. #19-841 – Various Capital Improvements

The Clerk read the ordinance by title only:

BOND ORDINANCE #19-841

BOND ORDINANCE AUTHORIZING VARIOUS GENERAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$831,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$740,000 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 improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Cedar Grove, in the County of Essex, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$831,000. Such sum includes the sum of (a) \$52,920 expected to be received from a Community Development Block Grant in connection with the Improvement described in Section 3(a)(9) and (b) \$38,080 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 for 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 \$740,000 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 \$740,000 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>
1) Reconstruction of police locker room, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$77,000	\$73,147	15 Years
2) Road Overlay Program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	250,000	237,876	10 Years
3) Acquisition of turf management equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	15,000	14,265	15 Years
4) Center Fire Company bay floor and cabinets, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	23,000	21,873	5 Years
5) Acquisition of Fire Department command vehicle, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	38,000	36,138	5 Years
6) Acquisition of Fire Department safety equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	8,000	7,608	15 Years

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
7) Replacement of roof at Municipal Building, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	17,000	16,167	15 Years
8) Tree Replanting Program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	40,000	38,040	5 Years
9) Acquisition of playground equipment for Community Park, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	75,000	20,998	15 Years
10) Acquisition of safety equipment, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	10,000	9,510	15 Years
11) Curb and side-walk replacement program, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	12,000	11,412	10 Years
12) Acquisition of Fire Department pagers, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	8,000	7,608	5 Years
13) Acquisition of Fire Department breathing apparatus, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	8,000	7,608	5 Years
14) Acquisition of computer hardware and software, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	12,000	11,412	5 Years

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
15) Acquisition of live scan fingerprint system, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	28,000	26,628	15 Years
16) Replacement of windows at Municipal Building, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	10,000	9,510	15 Years
17) Updates to police policy and procedures including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	40,000	38,040	5 Years
18) Improvements to Catherine Court catch basin inlets, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	10,000	9,510	15 Years
19) Improvements to Bradford Avenue mid-block crosswalk, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	70,000	66,570	10 Years
20) Stevens Avenue stream improvements, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	7,000	6,657	20 Years
21) Acquisition of ride on mower for the Parks Department including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	27,000	25,677	5 Years
22) Acquisition of enclosed landscape trailer for the Parks Department including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	10,000	9,510	15 Years

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
23) Acquisition of shed and concrete pad for the Parks Department including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	5,000	4,755	15 Years
24) Replacement of roof at Morgan Fam House, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	31,000	29,481	15 Years
TOTAL	\$831,000	\$740,000	

(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 \$740,000.

(c) The estimated cost of the Improvements is \$831,000 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 10.35 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 \$740,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$20,000 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 \$740,000.

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.

Councilwoman Peterson moved that Pending Bond Ordinance #19-841 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 17, 2019, seconded by Councilman Tanella, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- b) To consider introduction of Pending Bond Ord. #19-842 – Sewer Utility Improvements

The Clerk read the ordinance by title only:

BOND ORDINANCE #19-842

BOND ORDINANCE AUTHORIZING VARIOUS SEWER UTILITY IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$225,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$225,000 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 \$225,000. No down payment is 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”) as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the additional cost of the Improvements, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$225,000 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 \$225,000 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>
1) Glendale Pump Station Infiltration, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$100,000	\$100,000	40 Years
2) Sewer Treatment Plant Controls, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	50,000	50,000	40 Years
3) Improvements to the Sewer Treatment Plant, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	75,000	75,000	40 Years

	<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
TOTAL		\$225,000	\$225,000	

(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 \$225,000.

(c) The estimated cost of the Improvements is \$225,000 which amount represents the initial appropriation made by the Township.

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 40 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 \$225,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 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.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in paragraph (h) of Section 40A:2-7 of the Local Bond Law, and the obligations authorized by this bond ordinance are to be issued for a purpose which is self-liquidating within the meaning and limitation of Section 40A:2-45 of said Local Bond Law and are deductible pursuant to paragraph (c) of Section 40A:2-44 et. seq. of said Local Bond Law from the gross debt of the Township.

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 \$225,000.

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.

Councilman Tanella moved that Pending Ordinance #19-842 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 3, 2019, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

- c) To consider introduction of Pending Bond Ord. #19-843 – Water Utility Improvements

The Clerk read the ordinance by title only:

BOND ORDINANCE #19-843

BOND ORDINANCE AUTHORIZING VARIOUS WATER UTILITY IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$385,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$385,000 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 \$385,000. No down payment is 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”) as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this ordinance.

SECTION 2:

In order to finance the additional cost of the Improvements, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$385,000 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 \$385,000 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>
1) Replacement of Lighting in Garage, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$ 5,000	\$ 5,000	15 Years
2) Geological Information System, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	10,000	10,000	10 Years
3) Annual System Leak Survey, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	15,000	15,000	5 Years
4) Water Meter Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	51,000	51,000	15 Years
5) VFW Electronic Controls, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	15,000	15,000	15 Years

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
6) Acquisition of computer hardware and software, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	8,000	8,000	5 Years
7) Fire Hydrant Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto	21,000	21,000	15 Years
8) Water Main Replacement, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	185,000	185,000	40 Years
9) Francisco Avenue Oil Tank Removal, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	75,000	75,000	15 Years
TOTAL	\$385,000	\$385,000	

(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 \$385,000.

(c) The estimated cost of the Improvements is \$385,000 which amount represents the initial appropriation made by the Township.

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 26.28 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 \$385,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 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.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in paragraph (h) of Section 40A:2-7 of the Local Bond Law, and the obligations authorized by this bond ordinance are to be issued for a purpose which is self-liquidating within the meaning and limitation of Section 40A:2-45 of said Local Bond Law and are deductible pursuant to paragraph (c) of Section 40A:2-44 et. seq. of said Local Bond Law from the gross debt of the Township.

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 \$385,000.

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.

Councilman Tanella moved that Pending Ordinance #19-843 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 3, 2019, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

d) 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 various water utility improvements, various sewer utility improvements and various general improvements.

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 Cost</u>	<u>Debt Authorized</u>	<u>Community Development Block Grant</u>	<u>Down Payment</u>
Various General Improvements	<u>\$831,000.00</u>	<u>\$740,000.00</u>	<u>\$52,920.00</u>	<u>\$38,080.00</u>
Various Water Utility Improvements	<u>\$385,000.00</u>	<u>\$385,000.00</u>		
Various Sewer Utility Improvements	<u>\$225,000.00</u>	<u>\$225,000.00</u>		

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

e) To consider resolution concerning purchase through Morris County Cooperative Pricing Contract – Road Resurfacing Hillcrest Road

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 Morris County Cooperative Pricing Council Contract #6 for road resurfacing; and

WHEREAS, the contract amount for road resurfacing of Hillcrest Road will not exceed \$44,664.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract through Bond Ordinance No. 16-798.

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 Morris County Cooperative Pricing Council Contract #6 for road resurfacing of Hillcrest Road from Cifelli & Son General Contracting, Inc. for an amount not to exceed \$44,664.00.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

f) To consider resolution concerning *Click It or Ticket* mobilization

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

WHEREAS, there were 565 motor vehicle fatalities in New Jersey in 2018; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

WHEREAS, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 20 – June 2, 2019 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94.5% to 95.5%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Township of Cedar Grove declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 20 – June 2, 2019 and pledges to increase awareness of the mobilization and the benefits of seat belt use..

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

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 \$ 2,751,803.63.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

9. PUBLIC COMMENT

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

Richard DeRose; 10 Pilgrim Court – Mr. DeRose cited concerns regarding 125 W. Lindsley Rd related to drainage from the property, run-off and application to the Township to construct a new house on the property. Mr. DeRose appealed to the governing body to prohibit construction on the site. The Manager provided an update on the status of the referenced property; Construction Official issued a notice to demolish the existing house, permit issued by DEP, no plans have been submitted to Township for construction. The Manager further noted that Mr. Tucci also provided an update on Township efforts to make responsible parties aware of Pilgrim Court residents' run-off concerns. Mr. Tucci advised that Township officials met with Essex County Engineer and North Caldwell officials because the run-off issues emanate from recent development in North Caldwell.

Lisa & Rich Cassilli; 12 Dogwood Court – Mr. & Mrs. Cassilli discussed concerns regarding the detention basin adjacent to their property that is owned and maintained by the development's homeowner association. There followed a lengthy discussion/explanation of actions undertaken to date by the residents to address detention basin concerns, including filing suit with the homeowners association. Attorney Visconi and Township Manager clarified the Township's responsibility concerning the detention basin. Following a protracted discussion, Attorney Visconi suggested that the resident appeal directly to NJDEP to obtain necessary permits with proof of homeowners association's failure to respond to attempted legal recourse.

There being no one else present wishing to be heard, Mayor Cicala 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 May 20, 2019
2. The general nature of the subject matter to be discussed is personnel, 2019 salaries of unrepresented employees.
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.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 8:20 p.m. by acclaim.