

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

**PUBLIC MEETING**

**MINUTES**

**AUGUST 12, 2019**

**1. ROLL CALL, INVOCATION AND FLAG SALUTE**

Mayor Vargo called the meeting to order at 7:05 p.m.

Present: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

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

Absent: Deputy Mayor Peterson

The flag salute was led by Mayor Vargo.

Mayor Vargo 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, 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. APPROVAL OF MINUTES**

- a) To consider approval of minutes of annual reorganization meeting of July 1, 2019

Councilman Cicala moved approval of the minutes, seconded by Councilman Maceri, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSTAIN: Deputy Mayor Peterson

- b) To consider approval of minutes of special public meeting of July 15, 2019

Councilman Cicala moved approval of the minutes, seconded by Councilman Maceri, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSTAIN: Deputy Mayor Peterson

**3. PUBLIC HEARING**

- a) To consider adoption of Pending Ord. #19-846 – Amending Chapter 190 Of the Township Code entitled “Peddling and Soliciting”

The ordinance was read by title only:

**AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING CHAPTER 190 OF THE TOWNSHIP CODE ENTITLED “PEDDLING AND SOLICITING**

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

The Township Manager suggested that stickers could be provided to individuals that register for the do not knock list, to which the governing body agreed.

Councilman Cicala 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: Councilmember Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

**4. AWARD OF BID**

- a) To consider resolution awarding bid for Removal, Pruning, and Spraying of Township Trees

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

**WHEREAS** pursuant to advertising duly made a sole bid was received for the Removal, Pruning, and Spraying of Township Trees and publicly opened and read by the Township Clerk on July 18, 2019 as follows; and

BIDDER	REMOVAL		PRUNING 1 or 2 YEAR	SPRAYING 1 or 2 YEAR
	1 YEAR	2 YEAR		
Caputo Bros Tree Service	0-12” \$300/ea 13-24” \$400/ea 25-36” \$750/ea < 36” \$1000/ea <b>\$90,400.00</b>	0-12” \$300/ea 13-24” \$400/ea 25-36” \$750/ea <36” \$1000/ea <b>\$180,800.00</b>	0-12” \$200/ea 13-24” \$350/ea 25-36” \$450/ea <36” \$650/ea	\$100/hr
Tree Tech	0-12” \$100/ea 13-24” \$1175/ea 25-36” \$2750/ea <36” \$3875/ea <b>\$345,300.00</b>	0-12” \$165/ea 13-24” \$1175/ea 25-36” \$2750/ea <36” \$3875/ea <b>\$345,300.00</b>	0-12” \$75/ea 13-24” \$175/ea 25-36” \$295/ea <36” \$380/ea	\$198/hr

**WHEREAS**, the Municipal Engineer and the Township Manager have reviewed the bid and recommend awarding the bid for a two year term to Caputo Brothers Tree Service, Inc. of Upper Montclair, New Jersey, the lowest responsible bidder, in the estimated bid amount of \$90,400.00 annually; and

**WHEREAS**, the bid price schedules submitted by Caputo Brothers Tree Service, Inc. for tree pruning and spraying have been reviewed and found acceptable; and

**WHEREAS**, funds are available to satisfy our obligations under this contract in the Shade Tree Budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that the award of bid for the Removal, Pruning, and Spraying of Township trees be made to Caputo Brothers Tree Service, Inc. of Upper Montclair, New Jersey, for the period of August 12, 2019 to August 12, 2021.

**BE IT FURTHER RESOLVED** that the proper officials be instructed to execute a contract on behalf of the Township.

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

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

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

Mayor Vargo 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 Vargo closed this portion of the meeting.

## **6. REPORTS OF TOWNSHIP OFFICIALS**

a) Township Manager – The Manager provided a revised City of Newark Use & Occupancy Agreement with suggested changes, to which the governing body agreed. Following discussion, there was consensus to introduce required ordinance subject to indemnification confirmation. The Manager provided correspondence from Township bond counsel concerning the procedure for the Board of Education to procure funding from the ECIA. Mr. Tucci explained that the Township is required to guarantee the payment of the loan by the Board of Education by ordinance. The Manager further commented that the BOE is to provide a letter to the Township confirming that should the BOE default on the loan, the amount will be deducted from the school tax payment. There was consensus to proceed with the guarantee. The Manager reported receipt of grant funding procured by the NJ Lions Foundation for two Township projects; Bill Fearon memorial and Rt. 23 trestle enhancement. The governing body concurred with the Manager's suggestion to invite representative(s) from

Columbia Bank and Lions Club for grant presentation. The Manager explained requests for several code amendments; property maintenance to establish fee for container placement in non-residential zone and container placement language; land use to eliminate option to make a financial payment to Township in lieu of building COAH units; and brush, grass and weeds ordinance to eliminate dead or dying trees from ordinance add Zoning Officer as an inspection agent, to which the governing body agreed. The Manager provided a report from the Township's engineering consultant concerning functionality of the detention basin in Dogwood Court development. Following discussion, the governing body concurred with the Manager's suggestion to invite affected residents to a meeting with Township officials to provide and discuss the consultant's report. Regarding the status of Rt. 23 roadway project, the Manager reported that a meeting with NJDOT Commissioner, local state legislators, and North Caldwell officials is scheduled to take place in Town Hall at 3:00 p.m. August 15<sup>th</sup> and the public is invited to attend.

b) Township Clerk – No report

c) Township Attorney – The Township Attorney advised that the Township's builder remedy immunity has been extended via a case management order.

d) Other Reports

Councilman Cicala thanked participating organizations for their involvement in the Township's recent National Night Out, sponsored by the Police Dept.

Councilman Mancer also commended the organizers of National Night Out and thanked the local businesses and civic organizations that participated.

Councilman Tanella requested status updates on LRP field and South End Fire House. The Manager advised the field design was delayed because of necessary wetlands permit. Mr. Tucci anticipated that the project will commence in approximately 2 weeks and completed in November. Mr. Tucci also advised that the fire house is on track for completion in mid-November. Councilman Tanella also requested an update on the status of trail refurbishment plans. The Manager advised that the RFP is currently under review by the Municipal Engineer and will provide recommendation for next staff meeting. Councilman Tanella also requested review of the vacant land/open space inventory at the next staff meeting.

Mayor Vargo also commended the National Night Out event. Mayor Vargo provided a draft of new banners for downtown business district. Mayor Vargo advised that the target date for dedication of the Bill Fearon memorial is September 26<sup>th</sup>. Mayor Vargo reported that he had been contacted by a resident seeking to designate Cedar Grove a stigma free municipality and invited her to attend the meeting to present the idea to governing body. Gabriella Preziosi; 34 The Glen, a senior at Montclair State explained her desire to see the Township designated as stigma free community. Following discussion, it was suggested that Ms. Preziosi pursue through the Advisory Health Council. Mayor Vargo also invited a Township youth to address the governing body. Master Silverman raised concerns regarding Township recycling efforts. The Township Manager explained the current recycling programs provided by the Township. Following further discussion, with the

consent of the Council, Mayor Vargo suggested that Master Silverman attend the next Environmental Commission meeting to discuss new/additional recycling ideas.

**7. CONSENT AGENDA**

- a) To consider resolution concerning approval of raffle application –Fairfield Police 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**

Fairfield Police Foundation  
309 Bloomfield Ave.  
Caldwell NJ 07006

Casino Night to be held  
October 24, 2019 at 6:00 - 11:00 pm at  
1131 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 Maceri moved adoption of the resolution, seconded by Councilman Tanella, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

- b) To consider resolution concerning approval of raffle applications – Foundation for Diabetes Research

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**

Sts. Kiril & Metodij Macedonian Church  
1050 Pompton Ave.  
Cedar Grove NJ 07009

On-premise Merchandise Raffle to be held  
October 19, 2019 at 6:00 - 11:00 pm at  
1050 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 Maceri moved adoption of the resolution, seconded by Councilman Tanella, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

- c) To consider resolution concerning approval of raffle applications – Cedar Grove Elks

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**

Foundation for Diabetes Research  
513 West Mount Pleasant Ave.  
Livingston NJ 07039

On-Premise Draw Raffle to be held  
October 16, 2019 at 6:00 – 9:30 pm at  
691 Pompton Ave., Cedar Grove NJ 07009

Foundation for Diabetes Research  
513 West Mount Pleasant Ave.  
Livingston NJ 07039

Off-Premise Draw Raffle to be held  
October 16, 2019 at 9:00 pm at  
691 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 Maceri moved adoption of the resolution, seconded by Councilman Tanella, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

**8. NEW BUSINESS**

- a) To consider resolution concerning purchase from Morris County Co-operative Pricing Council – Roadway Reconstruction of Harper Terrace

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 and Contract #36 for Roadway Reconstruction of Harper Terrace; and

**WHEREAS**, the contract amount for Roadway Reconstruction of Harper Terrace will be projected as follows; and

<u>Contract #6</u>	
Tilcon New York, Inc.	\$205,320.30
Cifelli and Son Contracting, Inc.	24,750.00
<u>Contract #36</u>	
Denville Line Painting, Inc.	4,916.92
<u>Contract Award</u>	
E. Andre Construction Services	<u>17,299.00</u>
<u>Total</u>	<u>\$252,286.22</u>

**WHEREAS**, the funds are available to satisfy our obligations under this contract through the 2018 Department of Transportation Grant – Harper Terrace.

**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 and Contract #36 for Roadway Reconstruction of Harper Terrace for projected contracts totaling \$252,286.22.

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

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

- b) To consider resolution concerning purchase from Morris County Co-operative Pricing Council – Road resurfacing various Township roads

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 Eastwood Place, Briarhill Road, Garret Street, Hillcrest Road and Sunrise Terrace will not exceed \$191,898.56; and

**WHEREAS**, the funds are available to satisfy our obligations under this contract through Bond Ordinance No. 19-841.

**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 Eastwood Place, Briarhill Road, Garret Street, Hillcrest Road and Sunrise Terrace from Tilcon New York, Inc. for an amount not to exceed \$191,898.56.

Councilman Cicala moved adoption of the resolution, seconded by Councilman Maceri, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

c) To consider resolution concerning 2019 salary of Municipal Judge

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 did adopt Ordinance 19-844 fixing salary grades and ranges, wages and fees of certain employees within the Department of Public Works of the Township of Cedar Grove; and

**WHEREAS**, said ordinance provides that the Township Council shall, by resolution, fix the salary of each employee within the salary ranges as set forth in Group II of the Salary Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that the salary as hereinafter enumerated shall constitute the corrected salary for Fiscal Year 2019 for the employees covered under Group II of the Salary Ordinance.

**REPRESENTED EIMPLOYEE**

**2019**

<b><u>EMPLOYEE</u></b>	<b><u>SALARY</u></b>	<b><u>GRADE</u></b>	<b><u>JOB TITLE</u></b>
Brindisi, Nicholas	\$40,941.	Fixed	Municipal Court Judge

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

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson



**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 \$ 7,758,157.93.

Councilman Maceri moved adoption of the resolution, seconded by Councilman Cicala, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

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

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

**11. ADJOURNMENT**

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

AYE: Councilmen Cicala, Maceri, Tanella, Deputy Mayor Peterson, Mayor Vargo

NO: None

The meeting adjourned at 8:27 p.m.

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ROBBIE VARGO                      MAYOR

ATTEST:

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KATHLEEN R. STUTZ              MUNICIPAL CLERK