

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

## COUNCIL STAFF MEETING

## MINUTES

NOVEMBER 18, 2019

## **1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR**

Mayor Vargo called the meeting to order at 7:15 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 Maceri, Tanella, Deputy Mayor Peterson, Mayor Vargo

Also Present: Attorney Visconi for Township Attorney Semeraro and Attorney Semeraro,  
Township Clerk Stutz

Absent: Councilman Cicala

## **2. APPROVAL OF MINUTES**

a) Executive Session – October 21, 2019 - Interviews

Deputy Mayor Peterson moved approval of the minutes as presented, seconded by Councilman Maceri, and passed by the following vote:

AYE: Councilman Maceri, Tanella, Deputy Mayor Peterson, Mayor Vargo

NO: None

**ABSENT:** Councilman Cicala

b) Staff Meeting – October 21, 2019

Councilman Maceri moved approval of the minutes as presented, seconded by Deputy Mayor Peterson, and passed by the following vote:

AYE: Councilman Maceri, Tanella, Deputy Mayor Peterson, Mayor Vargo

NO: None

**ABSENT:** Councilman Cicala

c) Executive Session – October 21, 2019

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

AYE: Councilman Maceri, Tanella, Deputy Mayor Peterson, Mayor Vargo

NO: None

**ABSENT:** Councilman Cicala

d) Executive Session – November 4, 2019

Councilman Maceri moved approval of the minutes as presented, seconded by Deputy Mayor Peterson, and passed by the following vote:

AYE: Councilman Maceri, Tanella, Deputy Mayor Peterson, Mayor Vargo

NO: None

**ABSENT:** Councilman Cicala

- 3. TOWNSHIP MANAGER** – No report
- 4. TOWNSHIP ATTORNEY** – Attorney Semeraro noted a memo and recommendation to amend zoning ordinance to clarify circumstances when site plan approval is required. Attorney Semeraro also provided additional information concerning deed restriction of acquired reservoir property and recommended further discussion in executive session. There was consensus to postpone further discussion on both issues until Township Manager is present.
- 5. TOWNSHIP CLERK** – The Clerk noted a block party request, to which the governing body agreed, subject to the Township Manager's approval. The Clerk provided a draft resolution regarding creation of a study commission to review OPRA, to which the governing body agreed to place on the next meeting agenda. The Clerk reported that review of executive minutes for release in progress. The Clerk also noted the upcoming ecumenical Thanksgiving celebration 11/26 at 7:30 pm at the Macedonian Church.

## **6. COUNCIL REPORTS**

Councilman Maceri – Councilman Maceri noted the annual UNICO turkey drive in progress in conjunction with St. Catherine of Siena.

Deputy Mayor Peterson – Deputy Mayor Peterson noted an upcoming fundraising event at the high school 11/20 at 6:30 p.m. to benefit Walton children

Mayor Vargo stated that after attending a recent meeting with Historical Society Board of Trustees, it became apparent Township communications does not reach all trustee members. Mayor Vargo commented on recent logistical issues regarding concurrent repaving of Rt. 23, Harper Terrace, and Bradford Ave.

## **7. NEW BUSINESS**

- a) To consider introduction of Pending Bond Ord. #19-850 – Various General Improvements

The clerk read the Ordinance by title only:

### **BOND ORDINANCE #19-850**

**BOND ORDINANCE AUTHORIZING VARIOUS GENERAL IMPROVEMENTS IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,100,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$800,000 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 \$1,100,000. Such sum includes the sum of \$300,000 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 from moneys then actually held by the Township and previously contributed for such purpose other than by the Township, specifically by K. Hovnanian Companies, LLC.

## 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 \$800,000 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 \$800,000 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) Acquisition of self-contained breathing apparatus, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$300,000	\$250,000	5 Years
2) Acquisition of a Fire Pumper Truck, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	800,000	550,000	10 Years
<b>TOTAL</b>	<b>\$1,100,000</b>	<b>\$800,000</b>	

(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 \$800,000.

(c) The estimated cost of the Improvements is \$1,100,000 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 8.43 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 \$800,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$22,000 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 \$800,000.

**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 Peterson moved that Pending Bond Ordinance #19-850 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 2, 2019, seconded by Councilman Maceri, and passed by the following vote:

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

NO: None

ABSENT: Councilman Cicala

- b) To consider introduction of Pending Ord. #19-851 – Allowable Rent Increase

The clerk read the Ordinance by title only:

**AN ORDINANCE SETTING THE MAXIMUM ALLOWABLE RENT INCREASE  
PURSUANT TO CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF CEDAR  
GROVE**

BE IT ORDAINED by the Township Council of the Township of Cedar Grove that the maximum allowable rent increase in the Township for the year 2020 pursuant to Chapter 208 of the Code of the Township of Cedar Grove is hereby set at 2.1%.

This Ordinance shall take effect upon final reading, adoption, and publication in accordance with the law.

Councilman Maceri moved that Pending Ordinance #19-851 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 2, 2019, seconded by Deputy Mayor Peterson, and passed by the following vote:

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

NO: None

- c) To consider resolution concerning rejection of bid – Community Park Playground Improvements

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, bids were received for Community Park Playground Improvements project and were publicly opened and read by the Township Clerk on October 8, 2019 as follows; and

<b><u>BIDDER</u></b>	<b><u>BID AMOUNT</u></b>
Picerno-Giordano Construction LLC Kenilworth NJ	\$ 231,852.00

Sports and Golf Solutions, LLC                            \$ 281,480.00  
Verona NJ

**WHEREAS**, the bids submitted substantially exceed the appropriation for the project.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that the bid for the Community Park Playground Improvements project be rejected.

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

AYE: Councilmember Maceri, Tanella, Deputy Mayor Peterson

NO: None

ABSENT: Councilman Cicala

ABSTAIN: Mayor Vargo

- d) To consider resolution concerning 2019 Volunteer Fire Department stipends

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:

**WHEREAS**, the Township Council of the Township of Cedar Grove shall establish the following 2019 fee schedule for stipends and mileage allowance for volunteer firemen of the Township of Cedar Grove:

Fire Chief	\$1,664.00
Deputy Fire Chief	\$1,040.00
Fire Captains	\$ 520.00
Fire Lieutenants	\$ 391.00
Fire Chiefs Secretary	\$ 936.00
Fire Prevention Bureau Dir.	\$ 728.00
Fire Inspector	\$ 312.00
Fire Prev. Bureau Secretary	\$ 312.00
Fire Dept. Secretary	\$ 183.00
Fire Relief Secretary	\$ 391.00
NFIR Secretary	\$ 416.00
Public Relations Info Officer	\$ 312.00
Clothing Allowance	\$ 907.00
Fire Prevention Bureau Mileage	\$ 99.00
IT Support	\$ 228.00
Respirator Protection Officer	\$ 312.00
Drivers/SCBA	\$ 158.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, that 2019 fee schedule for stipends and mileage allowance for Volunteer Firemen be hereby established.

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

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

NO: None

ABSENT: Councilman Cicala

- e) To consider resolution concerning purchase of Police ballistic vests and accessories through State contract

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 has availed itself of the right to purchase Police Ballistic Vests and Accessories entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 40A:11-12; and

**WHEREAS**, it is desirable from time to time to purchase Police Ballistic Vests and Accessories under contracts entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in cases where no bids have been received; and

**WHEREAS**, it is desirable to purchase Police Ballistic Vests and Accessories under such contracts enter into on behalf of the State of New Jersey by said Division during the year 2019;

**WHEREAS**, funds for the purchase of the Police Ballistic Vests and Accessories are available in the Bond Ordinance #16-796 and the Body Worn Camera Assistance Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, that the purchase of the Police Ballistic Vests and Accessories be awarded to Lawmen Supply Company, through State Contract No. A81351.

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

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

NO: None

ABSENT: Councilman Cicala

- f) To consider resolution concerning purchase of Desktop Live Scan System and Accessories through State contract

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 has availed itself of the right to purchase Desktop Live Scan System and Accessories entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 40A:11-12; and

**WHEREAS**, it is desirable from time to time to purchase Desktop Live Scan System and Accessories under contracts entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in cases where no bids have been received; and

**WHEREAS**, it is desirable to purchase Desktop Live Scan System and Accessories under such contracts enter into on behalf of the State of New Jersey by said Division during the year 2019;

**WHEREAS**, funds for the purchase of the Desktop Live Scan System and Accessories are available in the Bond Ordinance #19-841.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, that the purchase of the Desktop Live Scan System and Accessories be awarded to Idemia Identity & Security USA LLC, through State Contract No. A81520.

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

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

NO: None

ABSENT: Councilman Cicala

g) 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 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</u>	<u>Authorized</u>	<u>Down Payment</u>
Various General Improvements	\$1,100,000.00		\$800,000.00	\$300,00.00

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

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

NO: None

ABSENT: Councilman Cicala

- h) To consider resolution concerning cancellation of outstanding checks

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

WHEREAS, the Current Fund and Payroll account reconciliations reflect the following stale dated outstanding checks:

**CURRENT FUND**

<u>Check Number</u>	<u>Date</u>	<u>Amount</u>
61996	1-22-18	\$ 20.00
62373	3-5-18	300.00
63850	9-24-18	67.85
63976	10-1-18	3,060.00
64228	11-5-18	450.00
64443	12-3-18	898.00
64450	12-3-18	898.00
64686	12-17-18	170.00
64692	12-17-18	<u>595.00</u>
		<u>\$6,458.85</u>

**PAYROLL ACCOUNT**

<u>Check Number</u>	<u>Date</u>	<u>Amount</u>
15221	6-22-18	\$ 23.72
15609	8-3-18	362.97
15624	8-3-18	29.80
15855	8-31-18	56.83
15999	9-28-18	358.86
16101	10-26-18	948.76
16151	11-9-18	445.02
16272	12-7-18	<u>191.55</u>
		<u>\$2,417.51</u>

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the above listed checks are hereby voided and cancelled.

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

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

NO: None

ABSENT: Councilman Cicala

- i) To consider resolution concerning 2020 municipal holidays

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 the following official holidays shall be observed by the Township of Cedar Grove for the year 2020.

#### 2020 HOLIDAY SCHEDULE

January 1	Wednesday	New Year's Day
January 20	Monday	Martin Luther King Day
February 17	Monday	President's Day
April 10	Friday	Good Friday
May 25	Monday	Memorial Day
July 3	Friday	Independence Day
September 7	Monday	Labor Day
October 12	Monday	Columbus Day
November 11	Wednesday	Veterans Day
November 26	Thursday	Thanksgiving Day
November 27	Friday	Thanksgiving
December 25	Friday	Christmas Day

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

AYE: Councilmember Cicala, Maceri, Tanella, Deputy Mayor Peterson, Mayor Vargo  
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 \$ 3,308,150.46.

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

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

**9. PUBLIC COMMENT**

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.

**10. ADJOURNMENT**

There being nothing further to discuss, the staff council meeting adjourned at 7:55 p.m. by acclaim.