

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

PUBLIC MEETING

MINUTES

DECEMBER 16, 2019

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmen Cicala, Maceri, Deputy Mayor Peterson, Mayor Vargo

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

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 3, 2019, 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 regular public meeting of – November 4, 2019

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

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

NO: None

ABSENT: Councilman Tanella

Councilman Tanella joined the meeting at 7:10 p.m.

3. PUBLIC HEARING

- a) To consider adoption of Pending Bond Ordinance #19-850 – Various General Improvements

The ordinance was read by title only as follows:

**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**

Mayor Vargo opened the public hearing on this item. There being no one present wishing to be heard, Mayor Vargo closed the public hearing.

Deputy Mayor Peterson 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 Cicala, and passed by the following vote:

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

NO: None

- b) To consider adoption of Pending Ordinance #19-851

The ordinance was read by title only as follows:

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

Mayor Vargo opened the public hearing on this item. There being no one present wishing to be heard, Mayor Vargo closed the public hearing.

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

NO: None

- c) 2020 Community Development Block Grant

The Township Manager explained the required process of applying for funding. Mr. Tucci advised that two public hearings are required to be held to solicit input from the public on potential projects. Mr. Tucci advised that the Township intends to apply for funding barrier-free work at public locations, such as last year's application for barrier-free improvements to upper playground at Community Park.

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.

4. 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.

5. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager – No report
- b) Township Clerk – No Report

- c) Township Attorney – No Report
- d) Other Reports

Councilman Maceri reported that the Environmental Commission has been actively discussing potential installation electric charging stations within the Township for public use. Councilman Maceri stated that he has met with the Township Manager to research the means to do so and requested support of governing body to include installation of two stations in 2020 budget. Councilman Maceri advised that there is DEP grant money available and the Manager has identified two locations, one at Town Hall for public use by residents, and one at DPW for Township owned vehicles. Councilman Maceri provided proposed costs for each station and anticipated grant funding offset. There was consensus to include in 2020 capital projects. Councilman Maceri also thanked the Manager for changing the date of the annual tree lighting ceremony and activities. Councilman Maceri noted that the Police Dept. is conducting a toy drive in Municipal Building lobby for St. Joseph Hospital Pediatrics Unit. Councilman Maceri also reminded residents of the Fire Dept. annual Santa escort throughout the Township on Sunday, 12/22 from 10:00 a.m. – 6:00 p.m.

Councilman Cicala, Councilman Tanella and Deputy Mayor Peterson extended holiday wishes to all residents.

Mayor Vargo announced the appointment of Damian Laljie to the Library Board of Trustees to fill a vacancy. Mayor Vargo also thanked all participants of the annual tree lighting ceremony.

6. CONSENT AGENDA

- a) To consider resolution concerning re-appointment of Advisory Health Council members

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

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Michael Marchese and Linda Schoner be re-appointed as members of the Advisory Health Council for three-year terms, effective January 1, 2020 and expiring December 31, 2022.

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

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

NO: None

- b) To consider resolution concerning re-appointment of CATV Committee members

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

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Thomas Grabas and Andrew Fistner be re-appointed as members of the CATV Committee for three-year terms, effective January 1, 2020 and expiring December 31, 2022.

Councilman Tanella moved adoption of the resolution, 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 re-appointment/appointment of Downtown Advisory Committee members

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

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Robbie Vargo be re-appointed as Council member of the Downtown Advisory Committee for a three-year term, effective January 1, 2020 and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Ashley San Giacomo be appointed as a member of the Downtown Advisory Committee for a three-year term effective January 1, 2020 and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Kaushal Patel be appointed to fill a vacancy for an unexpired term on the Downtown Advisory Committee effective immediately and expiring December 31, 2020.

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

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

NO: None

- d) To consider resolution concerning appointment/re-appointment of Environmental Commission members

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

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Mara Silgailis and Robert Maxwell be re-appointed as members of the Environmental Commission for a three-year term effective January 1, 2020 and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Yvan Beausoleil be appointed as a member of the Environmental Commission for a three-year term effective immediately and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Dan Gogerty and Sharon Duhaney be appointed to fill vacancies on the Environmental Commission as the Alt. 1 and Alt. 2 member respectively, effective immediately and expiring December 31, 2021 and expiring December 31, 2020 respectively.

Councilman Tanella moved to amend the resolution to remove re-appointment of Robert Maxwell, seconded by Councilman Cicala, and passed by the following vote:

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

NO: None

The resolution was amended as follows:

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Mara Silgailis be re-appointed as a member of the Environmental Commission for a three-year term effective January 1, 2020 and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Yvan Beausoleil be appointed as a member of the Environmental Commission for a three-year term effective immediately and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Dan Gogerty and Sharon Duhaney be appointed to fill vacancies on the Environmental Commission as the Alt. 1 and Alt. 2 member respectively, effective immediately and expiring December 31, 2021 and expiring December 31, 2020 respectively.

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

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

NO: None

- e) To consider resolution concerning appointment of Municipal Alliance Committee members

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

BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Anthony Freitas be appointed to fill a vacancy on the Alliance for Substance Abuse Prevention Committee (aka Municipal Alliance Committee) for a three-year term, effective immediately and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Kathleen Statile be appointed as a member to the Alliance for Substance Abuse Prevention Committee for a three-year term effective January 1, 2020 and expiring December 31, 2022.

BE IT FURTHER RESOLVED that Molly Bauer be re-appointed as a member of the Alliance for Substance Abuse Prevention Committee for a three-year term effective January 1, 2020 and expiring December 31, 2022

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

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

NO: None

- f) To consider resolution concerning re-appointment of Recreation Advisory Board members

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

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that Rich Mattesky, Michele Cammarata, and Michele Mega be re-appointed as members of the Recreation Advisory Board for three-year terms, effective January 1, 2020 and expiring December 31, 2022.

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

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

NO: None

- g) To consider resolution concerning re-appointment of Township Officials
 - (i.) Township Attorney

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that it does hereby re-appoint **MARK SEMERARO** of the firm Kaufman, Semeraro, & Leibman, LLP to serve as the Township Attorney commencing January 1, 2020 through December 31, 2020; and

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

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

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

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

NO: None

- (ii.) Municipal Prosecutor

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that it does hereby re-appoint **ROBERT J. CANDIDO** to serve as the Township Prosecutor commencing January 1, 2020 through December 31, 2020; and

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

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

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

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

NO: None

(iii.) Public Defender

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

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

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

WHEREAS, PETER D. RUSSO is an attorney-at-law in the State of New Jersey and comes under the "professional services" provision of the Local Public Contracts Law:

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that it does hereby re-appoint **PETER D. RUSSO** to serve as the / commencing January 1, 2020 through December 31, 2020; and

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

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

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

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

NO: None

(iv.) Court Administrator

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 Theresa Platvoet be re-appointed to serve as the Court Administrator for a one-year term commencing January 1, 2020 and terminating December 31, 2020.

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

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

NO: None

(v.) Deputy Court Administrator

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 Courtney Demarest be re-appointed to serve as the Deputy Court Administrator for a one-year term commencing January 1, 2020 and terminating December 31, 2020.

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

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

NO: None

h) To consider resolution concerning re-appointment of Auditor

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

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

WHEREAS, N.J.S.A. 40A:11-5 states "no local unit shall be required to advertise for bids for professional services" pursuant to N.J.S.A. 40A:5-4, the annual audit and

WHEREAS, the firm of Nisivoccia & Company is a registered municipal accounting firm in the State of New Jersey and comes under the "professional services" provision of the Local Public Contracts Law;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, New Jersey, that it does hereby appoint Nisivoccia & Company to serve as Township Auditor for the calendar year 2020.

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

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

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

NO: None

- i) To consider resolution concerning re-appointment of Bond Counsel

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

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds or notes of the Township of Cedar Grove, and funds are available for this purpose; and

WHEREAS, such services were solicited pursuant to N.J.S.A. 19:44A-20.1 et seq.. under a fair and open process; and

WHEREAS, qualifications/proposal for said appointment were received and publicly opened by the Township Clerk on November 6, 2019; as follows

| | |
|-----------------------------|----------------|
| Gibbons, P.C. | Newark, NJ |
| Parker McCay | Mt. Laurel, NJ |
| Walters, McPherson, McNeill | Secaucus, NJ |
| Winnie Banta | Hackensack, NJ |

NOW, THEREFORE, BE IT RESOLVED by the Township Council that the law firm of Gibbons, P.C. of Newark, New Jersey is hereby re-appointed for the calendar year 2020 to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township.

BE IT FURTHER RESOLVED that the resolution and agreement can be reviewed in the Township Clerk’s Office.

BE IT FURTHER RESOLVED that a notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Verona-Cedar Grove Times.

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

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

NO: None

- j) To consider resolution concerning re-appointment of representatives to New Jersey Intergovernmental Insurance Fund

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, that the following municipal officials are hereby appointed as the Commissioner and Alternate to the New Jersey Intergovernmental Insurance Fund for the calendar year 2020:

Commissioner – Thomas J. Tucci, Jr., Township Manager
 Alternate – William M. Homa, Chief Finance Officer

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

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

NO: None

- k) To consider resolution concerning re-appointment of representatives to Community Development Block Grant Committee

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 Alex Palumbo, Municipal Engineer and, William M. Homa, Finance Director are hereby re-appointed to serve as Cedar Grove’s representatives to the Community Development Block Grant Committee for 2020.

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

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

NO: None

- l) To consider resolution concerning re-appointment of Public Agency Compliance Officer

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

WHEREAS, N.J.A.C. 17:27-3.5 requires that each public agency annually designate an officer or employee to serve as its Public Agency Compliance Officer (P.A.C.O.).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that Kathleen R. Stutz is hereby re-appointed as the Public Agency Compliance Officer for the Township of Cedar Grove.

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

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

NO: None

- m) To consider resolution concerning renewal of Amusement Business licenses for 2020

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

WHEREAS, the following businesses have applied for renewal of their Amusement Business Licenses for 2020:

| APPLICANT | TRADE NAME | LICENSE FOR |
|-------------------------------|-----------------|-------------|
| Pompton Restaurant Assoc. | Il Tulipano | Night Club |
| Second Gen Catering Co., Inc. | The Grove | Night Club |
| Edward Fitzpatrick, Inc. | The Grasshopper | Night Club |

WHEREAS, the applications have been reviewed, the fees have been paid, and the Fire Prevention Bureau, Code Enforcement Official, the Police Department have all made inspections and certify that the above locations comply with local ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the Township Clerk be directed to renew the licenses of the above-named establishments.

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

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

- n) To consider resolution concerning renewal of Amusement Device Licenses for 2020

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

WHEREAS, the following entities has applied for renewal of their Amusement Device License for 2020:

| APPLICANT | LICENSE FOR |
|--------------------------|-----------------------|
| Cedar Grove Elks #2237 | Juke Box |
| Edward Fitzpatrick, Inc. | Video Game & Juke Box |

WHEREAS, the applications have been reviewed, the fees have been paid, and the Fire Prevention Bureau, Code Enforcement Official, the Police Department have all made inspections and certify that the above locations comply with local ordinances;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the Township Clerk be directed to renew the licenses of the above-named establishments.

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

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

- o) To consider resolution concerning approval of raffle applications – Parents Assoc. of Montclair Kimberly Academy

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

Parents Assoc. of MKA
201 Valley Rd.
Montclair NJ 0704

Off-premise 50/50 raffle to be held
April 17, 2020 at 10:00 p.m. at
691 Pompton Ave., Cedar Grove NJ 07009

Parents Assoc. of MKA
201 Valley Rd.
Montclair NJ 07042

On-premise Merchandise raffle to be held
April 17, 2020 at 6:30 – 10:30 p.m. 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 Tanella moved adoption of the resolution, seconded by Deputy Mayor Peterson, and passed by the following vote:

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

NO: None

- p) To consider resolution concerning approval of raffle application – Cedar Grove Elks Club

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

Cedar Grove Elks Lodge #2237
405 Bowden Rd.
Cedar Grove, NJ 07009

On-Premise 50/50 Raffles to be held
January 24 at 5:30-7:30 p.m., February 29 at
7:00-8:00 p.m., March 14 at 5:30-8:00 p.m.
and March 27, 2020 at 5:30-7:30 p.m. at
405 Bowden Rd., Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and the application has been reviewed by the Township Clerk and found acceptable.

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

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

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

NO: None

7. NEW BUSINESS

- a) To consider resolution concerning 2020 Council Meeting schedule

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

WHEREAS, Section 4 of Chapter 231, Public Laws of 1975, also known as the Open Public Meetings Act, requires that the governing body compile and disseminate a schedule of meetings to be held by it during the coming year 2020;

WHEREAS, meetings of the governing body are held in the Municipal Building, 525 Pompton Avenue at 7:00 p.m. and are open to the public with the exception of executive sessions;

NOW, THEREFORE, BE IT RESOLVED, that the following schedule of the meetings of the Township Council is hereby approved for publication:

REGULAR COUNCIL MEETINGS shall be held in the Council Chambers the first Monday of each month, excluding holidays, according to the following schedule:

| | |
|------------|--------------|
| January 13 | June 1 |
| February 3 | September 14 |
| March 2 | October 5 |
| April 6 | November 2 |
| May 4 | December 7 |

STAFF COUNCIL MEETINGS shall be held in the 2nd Floor Conference Room the third Monday of each month, excluding holidays, according to the following schedule:

| | |
|-------------|--------------|
| January 27 | June 15 |
| February 10 | September 28 |
| March 16 | October 19 |
| April 20 | November 16 |
| May 18 | December 21 |

BE IT FURTHER RESOLVED that the governing body shall conduct meetings according to a summer meeting schedule for the months of July and August as follows:

| TYPE OF MEETING | DATE |
|------------------------|-------------|
| Regular | July 13 |
| Regular | August 17 |

BE IT FURTHER RESOLVED, that official action will be taken at Regular Meetings and may be taken at any Staff Meeting; and

BE IT FURTHER RESOLVED, that closed/executive sessions may take place at Regular Meetings or Staff Meetings; and

BE IT FURTHER RESOLVED, that the annual Re-organization Meeting shall be held on Wednesday, July 1st at 7:00 P.M. in the Council Chambers.

BE IT FURTHER RESOLVED, that the schedule of meetings shall be posted on the Bulletin Board on the first floor of the Municipal Building Lobby.

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

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

b) To consider resolution designating official newspapers of the Township for 2020

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 Verona/Cedar Grove Times, The Herald News, and the Star Ledger, are hereby designated as the official newspapers of the Township of Cedar Grove for 2020.

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

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

c) To consider resolution concerning transfer of appropriations

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

WHEREAS, N.J.S.A. 40A:4-58 permits certain transfers of appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, BY THE Township Council of the Township of Cedar Grove, that the following transfers of appropriation listed herein in the 2019 Municipal Budget be approved:

CURRENT FUND MUNICIPAL BUDGET

To:

Township Manager’s Office:

Salaries and Wages \$ 8,347.00

Township Clerk’s Office:

Salaries and Wages 3,859.00

Treasurer-Controller’s Office:

Salaries and Wages 5,966.00

| | |
|--|--------------------|
| Assessment of Taxes: | |
| Salaries and Wages | 2,406.00 |
| Collection of Taxes: | |
| Salaries and Wages | 4,616.00 |
| Planning Board: | |
| Salaries and Wages | 844.00 |
| Zoning Board of Adjustment: | |
| Salaries and Wages | 844.00 |
| Public Defender: | |
| Other Expenses | 602.00 |
| Board of Health: | |
| Salaries and Wages | 1,410.00 |
| Building Inspector: | |
| Salaries and Wages | 8,042.00 |
| Recreation: | |
| Salaries and Wages | 3,650.00 |
| Utility Expenses and Bulk Purchases: | |
| Utilities | 47,280.00 |
| Public Building and Grounds: | |
| Salaries and Wages | 1,015.00 |
| Road Repairs and Maintenance: | |
| Other Expenses | <u>2,000.00</u> |
| | <u>\$90,881.00</u> |
| From: | |
| Operating: | |
| Salary and Wage Personnel Adjustment Program | \$75,881.00 |
| Statutory Expenditures: | |
| Unemployment Compensation Insurance | <u>15,000.00</u> |
| | <u>\$90,881.00</u> |

WATER OPERATING FUND BUDGET

| | |
|---------------------------|-------------------|
| To: | |
| Operating: | |
| Salaries and Wages | <u>\$7,381.00</u> |
| From: | |
| Operating: | |
| Salary Adjustment Program | <u>\$7,381.00</u> |

SEWER OPERATING FUND BUDGET

| | |
|---------------------------|-------------------|
| To: | |
| Operating: | |
| Salaries and Wages | <u>\$9,339.00</u> |
| From: | |
| Operating: | |
| Salary Adjustment Program | <u>\$9,339.00</u> |

SWIM POOL OPERATING FUND BUDGET

To:
 Operating:
 Salaries and Wages \$4,691.00

From:
 Operating:
 Salary Adjustment Program \$4,691.00

SOLID WASTE COLLECTION DISTRICT BUDGET

To:
 Operating:
 Salaries and Wages \$55,000.00

From:
 Operating:
 Disposal Fees \$55,000.00

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

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

NO: None

- d) To consider resolution concerning dedication by rider for recycling program

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

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR RECYCLING PROGRAM REQUIRED BY CHAPTER 102 PUBLIC LAW 1987

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as dedicated by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, Chapter 102 Public Law 1987 provides for receipt of Recycling Program funds by the Township of Cedar Grove to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the dedicated revenues anticipated from the Recycling Program are hereby anticipated as a revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey as follows:

1. The Township Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Recycling Program as per Chapter 102 Public Law 1987.
2. The Municipal Clerk of the Township of Cedar Grove is hereby directed to forward two (2) certified copies of this resolution to the Director of the Division of Local Government Services.

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

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

NO: None

- e) To consider resolution concerning formation of a Study Commission to review the Open Public Meetings Act

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

Resolution Calling for Study Commission to Review the Open Public Records Act

WHEREAS, the Township of Cedar Grove strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS, on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS, over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS, the Township of Cedar Grove has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS, the Township of Cedar Grove received and responded to 135 OPRA requests in 2017, 165 OPRA requests in 2018, and to date has received and responded to 170 OPRA requests as of September 1, 2019; and

WHEREAS, the Township of Cedar Grove municipal staff has spent approximately 170 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 150 hours since 2017; and

WHEREAS, due to the often conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Township of Cedar Grove must often times rely on the municipal legal counsel to review certain OPRA requests, resulting in additional fees; and

WHEREAS, the majority of OPRA requests received are for commercial gain, such as ongoing requests for motor vehicle accident reports from law firms, building permit records and property tax record cards from real estate agents, attorneys and prospective buyers, delinquent tax records from third parties, construction permit logs; and

WHEREAS, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

WHEREAS, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Township of Cedar Grove appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission's findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Assembly Representatives Christopher P. DePhillips and Kevin J. Rooney, Senator Kristin M. Corrado, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

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

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

NO: None

f) To consider resolution concerning cancellation of tax overpayments

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

WHEREAS, the following tax overpayments appear on the Tax Collector's tax overpayment list; and

WHEREAS, the Tax Collector has determined that actions are required as recommended by the municipal auditors to cancel the following tax overpayments from the records of the Township of Cedar Grove;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the following tax overpayments be cancelled:

| <u>BLOCK</u> | <u>LOT</u> | <u>YEAR -2014</u> | <u>AMOUNT</u> |
|----------------------------------|------------|--------------------|--------------------|
| 51 | 61 Co006 | | 2,125.00 |
| 66 | 27 | | 1,492.61 |
| 140 | 39 | | 2,520.74 |
| 300 | 11 Co014 | | 270.09 |
| 310 | 70 | | 4,083.40 |
| 331 | 251 | | 2,331.29 |
| | | <u>YEAR – 2015</u> | |
| 30 | 51 | | 64.10 |
| 93 | 29 | | 1,156.80 |
| 130 | 299 | | 196.92 |
| 191 | 8 | | 2,289.77 |
| 200 | 6 Co008 | | 1,882.45 |
| 210 | 12 | | 6,839.87 |
| 261 | 51 Co050 | | 117.78 |
| 275 | 1 | | 97.28 |
| 302 | 25 | | 2,450.00 |
| 344 | 9 | | <u>139.30</u> |
| Total Tax Overpayments Cancelled | | | <u>\$28,057.40</u> |

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

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

NO: None

g) To consider resolution concerning cancellation of tax overpayments

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

WHEREAS, the following tax overpayments appear on the Tax Collector's tax overpayment list: and

WHEREAS, the Tax Collector has determined that actions are required to cancel the following tax overpayments from the records of the Township of Cedar Grove;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the following tax overpayments be cancelled.

Township of Cedar Grove
Schedule of Tax Overpayments
\$15.00 and Under

| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | <u>AMOUNT</u> |
|---------------------|-------------------|-----------------------|----------------------|
| 130 | 50 | 2 Alicia Court | .40 |
| 195 | 18 Co027 | 904-A2 Pompton Avenue | .01 |
| 201 | 98 | 43 Old Orchard Court | .27 |
| 261 | 51 Co118 | 82 Glen Rock Road | .30 |
| 300 | 11 Co141 | 1209 Holly Lane | .76 |
| | | Total | <u>\$1.74</u> |

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

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

NO: None

- h) To consider resolution concerning submission of 2020 Essex County Open Space Grant Application

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

WHEREAS, the 2020 Essex County Recreation and Open Space Fund is available to assist Essex County municipalities with projects that qualify for funding; and

WHEREAS, the Township of Cedar Grove is desirous of obtaining funds for the rehabilitation of the upper playground at Community Park which is Township property; and

WHEREAS, an Essex County municipality is required to submit an application for said funds.

NOW, BE IT RESOLVED that the Township Council of the Township of Cedar Grove, Essex County, New Jersey, hereby approves the submission of a grant application for the 2020 Open Space Local Aid Program.

BE IT FURTHER RESOLVED that the Municipal Engineer is hereby authorized to submit the prescribed application on behalf of the Township of Cedar Grove.

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

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

NO: None

- i) To consider resolution concerning 2020 Police Department salaries

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 did adopt Ordinance No. 18-836 fixing salary grades and ranges, wages and fees of the officers of the Cedar Grove Police Department of the Township of Cedar Grove; and

WHEREAS, said ordinance provides that the Township Council shall, by resolution, fix the salary of each officer within the salary ranges as set forth in Section One of the Salary Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the salaries as hereinafter enumerated shall constitute the salaries for the Fiscal Year 2020, which shall become effective January 1, 2020 for officers of the Cedar Grove Police Department covered under Section One of the Salary Ordinance.

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

AYE: Councilmen 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 \$697,038.02.

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

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

NO: None

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

Kevin McVey; 19 Briarwood Terr. – Mr. McVey thanked municipal officials for their service to the community and commended the Road Dept. for snow removal efforts during recent weather event. Mr. McVey requested consideration of repaving of Briarwood Terrace. The Manager anticipated the repaving of Briarwood Terr. to be included in the 2020 roadway overlay program.

Charles Dovico; 111 Holly Lane – Mr. Dovico requested clarification of relationship of Cliffside Drive property and property recently purchased by Township from City of Newark. The Manager stated that there is no relationship; Cliffside Drive property is privately owned. Mr. Dovico inquired the process to address potholes on Township roadways. Mr. Dovico noted numerous potholes at the Commerce Rd./Pompton Ave. intersection. The Manager advised that the State and County has maintenance responsibility on respective roadways within 50 ft. of roadway interesections.

10. ADJOURNMENT

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

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

NO: None

The meeting adjourned at 7:55 p.m.

KERRY PETERSON

DEPUTY MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK