

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

**PUBLIC MEETING**

**MINUTES**

**MAY 4, 2020**

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

Mayor Vargo called the meeting to order at 7:00 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 26, 2019 and updated April 8, 2020 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 April 6, 2020

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

ABSENT: Deputy Mayor Peterson

- b) To consider approval of minutes of special public meeting – April 20, 2020

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

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

**3. AWARD OF BID**

- a) To consider resolution concerning award of bid for Replacement of Morgan's Farm Main House Roof

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 Morgan’s Farm House Main Roof Replacement, and were publicly opened by the Township Clerk on , as follows:

<u>BIDDER</u>	<u>TOTAL BASE BID</u>
Northeast Roof Maintenance, Inc.	\$ 38,000.00
Slate Roof Professionals	42,500.00
Hahr Construction	82,000.00
Roof Management Inc.	117,000.00

WHEREAS, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend that the award bid to Northeast Roof Maintenance, Inc. of Perth Amboy, New Jersey, the apparent low bidder, in the amount of \$ 38,000.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract from Bond Ord. 18-828.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the award of bid be made to Northeast Roof Maintenance, Inc. of Perth Amboy, New Jersey.

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 Maceri, and passed by the following vote:

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

**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.

Kevin McVey; 19 Briarwood Terr. – Mr. McVey urged the governing body to approve the extension of property tax payment grace period.

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

**5. REPORTS OF TOWNSHIP OFFICIALS**

At the Mayor’s request the Township Manager provided updated information concerning the COVID-19 Pandemic. Mr. Tucci provided the most recent numbers of positive cases and deaths.

Mr. Tucci explained that nursing homes constitute 63% of the Township's statistics, and the recent spike in a particular nursing home resulted from its decision to test all residents and staff.. The Manager reported that two Township parks, Community Park and Morgan's Farm were opened as of May 1<sup>st</sup> for passive recreation with social distancing. Mr. Tucci advised that he had received an offer from a local doctor to provide free COVID-19 testing for employees and first responders. Mr. Tucci further commented that the testing is voluntary. Mayor Vargo commented that current and updated information regarding the pandemic can be found on the Township's website.

- a) Township Manager – The Manager noted correspondence received from a resident (Frey) regarding the Farmer's Market at Morgan's Farm.
- b) Township Clerk – No report
- c) Township Attorney – No report
- d) Other Reports

Councilman Cicala noted the importance of residents to continue compliance with social distancing guidelines and proper disposal of PPE items.

Councilman Maceri requested an update on the Police Department. The Manager reported that all Police Department personnel are well and healthy and that the Department has sufficient supply of PPE.

Councilman Tanella inquired the health status of employees in respect to COVID. The Manager advised that one employee had contracted the virus outside of employment, has fully recovered and returned to work. The Manager advised despite the staggered work schedules all municipal services are continuing to be provided. Mr. Tucci also noted that resident donation/volunteer offers currently exceed current need and advised residents to contact the Manager's Office for further information. Councilman Tanella inquired the status of construction of new turf athletic field on Board of Education property. The Manager advised that the project is currently on hold because of the pandemic. Councilman Tanella also inquired status of construction of South End Fire House. Mr. Tucci advised that the project is complete, and an opening ceremony date also subject to pandemic restrictions.

Mayor Vargo commented on new sidewalk installation along Pompton Ave. in the vicinity of Commerce Rd. bus stop. Mayor Vargo requested to put Mr. Frey's correspondence on the 5/18 staff agenda, to which the governing body concurred.

## 6. NEW BUSINESS

- a) To consider introduction of Pending Ordinance #20-859 – Amending Chapter 208 of the Township Code entitled "Rent Control"

The clerk read the Ordinance by title only:

**AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF  
ESSEX, STATE OF NEW JERSEY AMENDING CHAPTER 208 OF THE  
TOWNSHIP CODE ENTITLED "RENT CONTROL"**

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**WHEREAS**, the Township Council wishes to amend Chapter 208 of the Code of the Township of Cedar Grove regarding Rent Control and the Rent Leveling Board; and

NOW THEREFORE BE IT ORDAINED that the Township hereby amends Chapter 208 of the Township Code to read as follows:

Section 1:

**§208-6. Increases granted for hardship or capital improvements.**

The landlord may seek additional rental for major capital improvements. The landlord seeking a capital improvement surcharge shall appeal for said surcharge to the Board, who shall determine if said improvement is a major capital improvement as provided by this chapter and, if so, shall allow and direct the manner in which the increase shall take place. The landlord must provide notice in accordance with §208-8.1, and the statement of reasons shall include the nature and total actual cost of each of the completed capital improvements for which a surcharge is sought, the number of years of useful life of the improvements as claimed by the landlord to represent the actual useful life of the improvement, the total number of rooms of the dwelling or garden apartment complex, the total number of rooms occupied by the tenant, the capital improvement surcharge sought from the tenant, and the manner in which the tenant's surcharge was computed. In order to qualify as a major capital improvement, the improvement must provide a new and additional benefit to the tenants which improves their housing accommodations in a substantial way and be one that is not already required by law or lease. Normal upkeep, maintenance, repair and replacements shall not be deemed major capital improvements for the purposes of this chapter. Replacement of a heating system with another type of heating system shall not be considered a major capital improvement for the purposes of this chapter. In the event that the Board grants the surcharge, the actual cost of a major capital improvement may be recovered by a landlord over the actual useful life, as opposed to the depreciable life, of the improvement in equal monthly installments proportioned fairly among the tenants in a manner approved by the Board. If said increase is granted, it shall not be considered rental and calculated in cost of living increases. In any event, no increase authorized by this section shall exceed 15% of the tenant's rent.

**§208-7. Creation of Rent Leveling Board.**

- C. In the alternative, the Township Council may appoint a separate Rent Leveling Board. Such a Board shall be established upon the adoption of a resolution appointing the initial members to that Board. The initial term of members shall be staggered so that the terms of three members of the Board end on June 30 following the establishment of such Board and two members' terms shall end one year later. Thereafter, as the term of each member expires, a successor shall be appointed at the Township's annual Reorganization Meeting for a term of two calendar years. In the event of a resignation of any member of such Rent Leveling Board or upon death, inability to serve or absence from 50% or more of the regularly scheduled meetings of the Board in any twelve-month period, in which latter event removal shall be automatic, the Township Council shall fill said vacancy for the remainder of the unexpired term.

Section 2:

All provisions of the Township Code not referenced in this Ordinance shall remain in full force and effect.

Section 3:

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

Councilman Cicala moved that Pending Ordinance #20-859 be passed at first reading, published in the Star Ledger as a pending ordinance with a public hearing of May 18, 2020, 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 extension of grace period for second-quarter property tax payments

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

**WHEREAS**, the Executive Order No. 130 signed by Philip D. Murphy Governor of the State of New Jersey permits municipalities to extend the grace period for the payment of 2020 second-quarter property taxes to June 1, 2020; and

**WHEREAS**, the COVID-19 outbreak has caused substantial economic disruption for the many taxpayers throughout the State of New Jersey, making it difficult for many residents to meet the May 1, 2020 due date for timely payment of property taxes; and

**WHEREAS**, it is the desire of the Township Council of the Township of Cedar Grove to extend the grace period for the payment of 2020 second-quarter property taxes to June 1, 2020 in order to alleviate economic disruption on Township of Cedar Grove taxpayers caused by COVID-19; and

**WHEREAS**, property tax payments received for the 2020 second-quarter property taxes after the extended grace period date of June 1, 2020 will be assess statutory interest from the statutory due date of May 1, 2020.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Cedar Grove, hereby authorizes the grace period for the payment of the 2020 second-quarter property taxes be extended to June 1, 2020 with statutory interest assessed from the statutory due date of May 1, 2020 for property tax payments received after the extended June 1, 2020 grace period.

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

**7. 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 \$2,937,504.78

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

**8. CONTRACTS & AGREEMENTS**

- a) To consider resolution concerning award of contract for professional services – COAH legal services

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

**WHEREAS**, The Township has a need for appointment of special legal counsel for affordable housing (COAH) legal services; and

**WHEREAS**, pursuant to advertising duly made for a fair and open contract in accordance with N.J.S.A. 19:44A-20.1 et. seq., proposals were received and publicly opened by the Township Clerk on February 27, 2020 as follows; and

<u>PROPOSER</u>	<u>AMOUNT</u>
Surenian, Edwards & Nolan, LLC	\$ 70.00 – 200.00/hr.
Michael Jedziniak, Esq. of the	\$ 70.00 – 200.00/hr.

**WHEREAS**, the Township Manager has recommended that a contract for the above referenced professional services be awarded to Surenian, Edwards & Nolan, LLC.; and

**WHEREAS**, funds are now available for this purpose in 2020 Municipal Budget – Line Item 0140 – Legal Services.

**NOW, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that it does hereby appoint Surenian, Edwards & Nolan, LLC to serve as special legal counsel for affordable housing (COAH) commencing January 1, 2020 and terminating 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 agreement shall be published in the Verona-Cedar Grove Times as required by law.

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

AYE: Councilmen Cicala, Maceri, Tanella, Mayor Vargo

NO: None

ABSENT: Deputy Mayor Peterson

**9. 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.

Kevin McVey; 19 Briarwood Terr. – Mr. McVey expressed appreciation for the governing body approving extension of property tax payment grace period.

Jodi Lejuez; 35 Cedar Grove Pkwy. – Ms. Lejuez thanked the Recreation Dept. for providing the Cedar Grove Strong tee shirts as a morale builder. Ms. Lejuez noted the Township’s recent decision to open Community Park and Morgan’s Farm for passive recreation purposes and requested consideration of opening the track Panther Park for the same purpose.

Lisa Snyder; 4 Granite Dr. – Ms. Snyder expressed appreciation for the continual posting of COVID situation reports on the Township’s website and property tax payment extension. Ms. Snyder inquired the status of opening the Community Pool for the summer season. The Township Manager advised that a decision has not yet been made.

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

**10. ADJOURNMENT**

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

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

NO: None

The meeting adjourned at 8:10 p.m.

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ROBBIE VARGO                      MAYOR

ATTEST:

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KATHLEEN R. STUTZ              MUNICIPAL CLERK