

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

SPECIAL PUBLIC MEETING

MINUTES

JUNE 15, 2020

1. ROLL CALL AND FLAG SALUTE

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

Present: Councilmembers Cicala, Maceri, Tanella, Deputy Mayor Peterson

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

The flag salute was led by Deputy Mayor Peterson.

Deputy Mayor Peterson 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 by fax and on June 4, 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.

Deputy Mayor Peterson announced the resignation of Mayor Vargo as of June 12, 2020. Deputy Mayor Peterson thanked the former Mayor/Councilman for his service to the Township.

2. PUBLIC HEARING

- a) To consider adoption of 2020 Municipal Budget

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 Mayor and Council of the Township of Cedar Grove, County of Essex that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the authorization of the amount of: \$16,184,249.16

GENERAL REVENUE

| | |
|---|-------------------------|
| Surplus Anticipated | \$ 1,793,813.00 |
| Miscellaneous Revenue Anticipated | \$ 2,670,545.40 |
| Receipts from Delinquent Taxes | \$ 285,000.00 |
| | |
| AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES | \$ 10,646,071.99 |
| | |
| AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY | \$ 788,818.77 |
| | |
| TOTAL REVENUE | \$ 16,184,249.16 |

The Township Manager provided an overview of 2020 Municipal Budget. The Manager noted that the amount to be raised by taxation for municipal purposes is \$10,646,071, which is \$417,490 less than the maximum amount increase allowed under the 2% CAP law. Mr. Tucci cited several line item increases that impact the budget; group medical, P & F pension contributions, and debt service payments. The Manager anticipated a \$49.37 increase in the local portion of the average assessed home's (\$469,600) tax levy.

Deputy Mayor Peterson opened the public hearing on this item.

Joseph Zichelli, 92 Westland Rd. – Mr. Zichelli commended the governing body for the minimal increase to the 2020 municipal budget.

Linda Cohen; 319 Little Falls Rd. – Ms. Cohen inquired where to find the municipal budget.

Jocelyn Lemly; 71 Westland Rd. – Ms. Lemly inquired where to find municipal budget.

There being no one else present wishing to be heard, Deputy Mayor Peterson closed the public hearing.

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

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

NO: None

b) To consider adoption of 2020 Solid Waste Collection District Budget

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, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount \$1,619,090.00 for the amount to be raised by taxation for Solid Waste Collection District.

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

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

NO: None

3. NEW BUSINESS

a) To consider introduction of Pending Bond Ordinance #20-861 – Reconstruction of Ozone Ave.

The clerk read the Ordinance by title only:

BOND ORDINANCE AUTHORIZING THE RECONSTRUCTION OF OZONE AVENUE IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$275,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$20,000 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 \$275,000, such sum includes the sum of \$255,000 expected to be received as a grant from the New Jersey Department of Transportation (the "Grant"). No down payment is required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law") as the purpose authorized herein involve a project funded by State grants from the New Jersey Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment and the Grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$20,000 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 \$20,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purpose for the financing of which said obligations are to be issued is for the reconstruction of Ozone Avenue, including but not limited to curbing, milling, paving, drainage, site preparations and including all work and materials necessary therefor and incidental thereto.

(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 \$20,000.

(c) The estimated cost of the Improvements is \$275,000 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 and the Grant 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 20 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 \$20,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9.

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$20,000.

SECTION 11:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Cicala moved that Pending Bond Ordinance #20-861 be passed at first reading, published in the Verona-Cedar Grove Times as a pending bond ordinance with a public hearing of July 13, 2020, seconded by Councilman Tanella, and passed by the following vote:
AYE: Councilmember Cicala, Maceri, Tanella, Deputy Mayor Peterson
NO: None

b) To consider resolution concerning amendment of 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 2020 Capital Budget of said municipality by inserting Reconstruction of Ozone Avenue.

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 2020
METHOD OF FINANCING

| <u>Project</u> | <u>Estimated Cost</u> | <u>Debt Authorized</u> | <u>Department of Transportation Grant</u> |
|--------------------------------|-----------------------|----------------------------|---|
| Reconstruction of Ozone Avenue | <u>\$275,000.00</u> | <u>\$20,000.00</u> | <u>\$255,000.00</u> |

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

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

c) To consider resolution concerning self-exam of municipal budget

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

RESOLUTION AUTHORIZING PARTICIPATION IN SELF-EXAMINATION PROGRAM
OF THE MUNICIPAL BUDGET FOR THE 2020 BUDGET YEAR

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Cedar Grove has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2020 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Cedar Grove that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

NO: None

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

Deputy Mayor Peterson opened this portion of the meeting to anyone wishing to be heard. on any item on the agenda.

Jocelyn Lemley; 71 Westland Rd. – Ms. Lemley inquired what Cedar Grove is doing to remedy racial injustice in the community, specifically cited recent graffiti incident at South End School as an example of existence of racial injustice in the Township.

Linda Cohen; 319 Little Falls Rd. – Ms. Cohn raised concern regarding reduction/elimination of funds for remote learning from the municipal budget. The Manager advised that issue should be addressed to the Board of Education.

Vincent Vollero; 92 The Fairway – Mr. Vollero commented that Cedar Grove is not a racist town, the Police Dept. is not a racist organization, and the overwhelming majority of Cedar Grove residents do not want to defund the Police Dept. Mr. Vollero further commented that the citizens of Cedar Grove do not need to be lectured or ridiculed.

Jocelyn Lemley; 71 Westland Rd. – Ms Lemley commented on “racial imbalance” in Police Dept. personnel. The Township Attorney responded that Cedar Grove is an equal opportunity employer. Following additional racial allegations against the Police Dept. and numerous questions posed to the governing body by Ms. Lemley, the Township Attorney defined the purpose of the public comment portion of a meeting. Attorney Semeraro explained that “public comment” is not a question and answer period or back and forth debate/discussion between individuals and the governing body.

Jodi Lejeuz; 35 Cedar Grove Parkway – Ms. Lejeuz inquired the status of community pool opening for the summer and other plans for recreation activities. Deputy Mayor Peterson advised the pool issue will be discussed during the staff meeting that immediately follows the special public meeting. The Manager advised that the Township will be following the Governor’s guidelines.

Randi Vissering; 27 Rose Terr. – Ms. Vissering commented that the purpose of the recent protest was not to defund/abolish police.

Francene Faieta; 8 Reservoir Place – Ms. Faieta voiced support for the Police Department and recounted numerous positive personal experiences with Police Department personnel.

Mayra Medina; 76 Old Orchard Ct. – Ms. Medina commented that she has had both bad and good experiences with local Police Dept. personnel. Ms. Medina inquired if there is a community day for

residents to meet police officers. Deputy Mayor Peterson detailed the annual National Night Out event in Community Park the first Tuesday in August.

Cassie Cosby; 219 Stevens Ave. – Ms. commented that she was unaware of National Night Out.

Renee Mitrano; 101 Lakewood Ave. – Ms. Mitrano inquired if there is a program where police address students in school regarding racism.

Marjorie Fernandez; 86 Sherman Ave. – Ms. Fernandez commented that the recent march was conducted in a peaceful manner and suggested a Town Hall meeting for resident complaints.

Marcy Speigel; 37 Laura Drive – Ms. Speigel stated that she has been a resident of Cedar Grove for 22/23 years and commended the Police Department for their service to residents.

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

5. ADJOURNMENT

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

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

NO: None

The meeting adjourned at 8:05 p.m.

KERRY PETERSON

MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK