

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

**PUBLIC MEETING**

**MINUTES**

**OCTOBER 5, 2020**

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

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

Present: Councilmen Cicala, Maceri, Zichelli, Deputy Mayor Tanella, Mayor Peterson

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

The flag salute was led by Mayor Peterson.

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 on December 26, 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. EXTRAORDINARY BUSINESS**

- a) Donation to Board of Education – Councilman Zichelli presented 2250 masks for students and staff for return to school to Board of Education, that were donated by the law firm O’Toole Scrivo, LLC. President Dye commented that the district is most appreciative of the firm’s generosity and grateful for the positive working relationship between the Township Council and Board of Education.
  
- b) Domestic Violence Awareness Month Proclamation – Mayor Peterson presented a proclamation designating October as Domestic Violence Awareness Month to Sherry Bloomberg, representative of Rachel Coalition, an organization that services domestic violence victims. Ms. Bloomberg commented that 1 out of 4 women fall victim to domestic abuse. Ms. Bloomberg also noted that COVID pandemic has resulted in a sharp increase of occurrence of domestic abuse. Councilman Maceri noted the State’s domestic abuse hotline number 1 800/572-SAFE.

**3. APPROVAL OF MINUTES**

- a) To consider approval of minutes of regular public meeting of September 14, 2020

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

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

NO: None

**4. PUBLIC HEARING**

- a) To consider adoption of Pending Ordinance #20-864 – Creating Deed Restriction

The ordinance was read by title only as follows:

**AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY CREATING A DEED RESTRICTION ON PROPERTY OWNED BY THE TOWNSHIP OF CEDAR GROVE KNOWN AS BLOCK 250, LOTS 37, 81, 101, AND 141 TO DEDICATE SAID PARCELS FOR RECREATION AND CONSERVATION USES**

Mayor Peterson opened the public hearing on this item. There being no one present wishing to be heard, Mayor Peterson 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 Maceri, and passed by the following vote:

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

NO: None

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

Mayor Peterson 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 Peterson closed this portion of the meeting.

**6. REPORTS OF TOWNSHIP OFFICIALS**

a) Township Manager – The Manager provided added assessment information from the Tax Assessor. Mr. Tucci noted a request for a neighborhood trunk or treat event on Halloween, to which the governing body agreed.

b) Township Clerk – The Clerk noted that October 13<sup>th</sup> is the last day for anyone not already registered and wishes to vote in November 3<sup>rd</sup> election to register to vote. Ms. Stutz advised that personnel from the Clerk's Office will be available in the Municipal Building Lobby until 9:00 p.m.

c) Township Attorney – No report

d) Other Reports

Councilman Maceri announced the upcoming annual Breast Cancer Awareness Walk on October 22<sup>nd</sup> from 6:00 – 8:00 p.m. at Panther Park.

Councilman Cicala – No report

Councilman Zichelli reported debris/dumping on the recently acquired former City of Newark watershed property. The Manager advised that the issue has already been addressed with the City of Newark.

Deputy Mayor Tanella commended Councilman Zichelli for his suggestion that the Township host a Halloween drive-by. Deputy Mayor Tanella thanked former Senator O'Toole and former Township Attorney Scrivo of the firm O'Toole-Scrivo for donating masks for Cedar Grove school students and staff. Deputy Mayor Tanella commented that Kevin O'Toole and Tom Scrivo continue to serve the public, particularly Cedar Grove.

Mayor Peterson also thanked O'Toole Scrivo for their numerous donations to the Township. Mayor Peterson provided additional details of the Halloween drive-by event. For informational purposes, at the Mayor's request, the Manager provided clarification of political sign placement guidelines; size limit, not within municipal right-of-way, permission of property owner.

The Township Manager noted that the Township 2020 road overlay program is complete. Mr. Tucci noted that the Township's Recycling Center was included in this year's program and that paving will occur within the next days. Mr. Tucci further noted that Recycling Center will be temporarily closed.

## 7. NEW BUSINESS

- a) To consider introduction of Pending Ordinance #20-865 – Amending Chapter 251 Vehicles & Traffic Schedule IV: Time Limit Parking

The clerk read the Ordinance by title only:

**AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING CHAPTERS 251-9 OF THE TOWNSHIP CODE ENTITLED "PARKING TIME LIMITED" AND CHAPTER 251-37 ENTITLED "SCHEDULE IV: TIME LIMIT PARKING"**

**WHEREAS**, the Township Council wishes to amend Chapter 251-9 of the Code of the Township of Cedar Grove regarding the Schedule of Times where Parking is limited in the Township of Cedar Grove; and

**WHEREAS**, in December 2019, the Township Police Department Traffic Division had been contact with the State of New Jersey Department of Transportation, who shared the results of the investigation on the current parking restrictions on State Route 23 in the Township of Cedar Grove; and

**WHEREAS** the New Jersey of Department of Transportation determined that the parking restrictions on State Route 23 in the Township of Cedar Grove are no longer necessary and can be removed from the Township Code; and

**WHEREAS**, Section 251-37 of the Township Code sets for a schedule of all time-restrictions for parking in the Township; and

**WHEREAS**, in order to remove the regulations the New Jersey of Department of Transportation requires a resolution of support from the municipal governing body.

**WHEREAS** the Township of Cedar Grove concurs that any approved traffic regulations in conflict with or inconsistent with the provisions of this resolution be rescinded upon approval of the Traffic Regulation Order.

**NOW THEREFORE BE IT ORDAINED** that the Township hereby incorporates the above statements and amends Chapter 251-37 of the Township Code to delete the following from “Schedule IV: Time Limit Parking”:

Pompton Avenue	East	8:00 a.m. to 4:00 p.m.	1 hr. From Bowden Road to Little Falls Road
Pompton Avenue	East	8:00 a.m. to 4:00 p.m.	1 hr. From Bradford Avenue to a point 150 feet south of Bowden Road
Pompton Avenue	West	9:00 a.m. to 6:00 p.m.	1 hr. From Bradford Avenue to a point 260 feet south of Church Street
Pompton Avenue	West	9:00 a.m. to 6:00 p.m.	1 hr. From Church Street to Young Avenue
Route 23	East	8:00 a.m. to 4:00 p.m.	1 hr. From Bowden Road to Little Falls Road
Route 23	East	8:00 a.m. to 4:00 p.m.	1 hr. From East Bradford Avenue to a point 230 feet north of the intersection of Cedar Street
Route 23	West	9:00 a.m. to 6:00 p.m.	1 hr. From Brunswick Road to a point 650 feet south of Grove Avenue
Route 23	West	9:00 a.m. to 6:00 p.m.	1 hr. From a point 300 feet south of Church Street to Sweetwood Drive
Route 23	West	9:00 a.m. to 6:00 p.m.	1 hr. From a point 850 feet south of Grove Avenue to Church Street

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 prescribed by law.

Deputy Mayor Tanella moved that Pending Ordinance #20-865 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of November 2, 2020, seconded by Councilman Maceri, and passed by the following vote:

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

NO: None

- b) To consider introduction of Pending Ordinance #20-866 – Amending Chapter 251 Vehicles & Traffic Schedule II: No Parking Certain Hours

The clerk read the Ordinance by title only:

**AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING CHAPTERS 251-7 OF THE TOWNSHIP CODE ENTITLED “PARKING PROHIBITED DURING CERTAIN HOURS” AND CHAPTER 251-35 ENTITLED “SCHEDULE II: NO PARKING CERTAIN HOURS”**

**WHEREAS**, the Township Council wishes to amend Chapter 251-7 of the Code of the Township of Cedar Grove regarding the Schedule of No Parking Certain Hours in the Township of Cedar Grove; and

**WHEREAS**, the Chief of Police for the Township of Cedar Grove has provided guidance to the Township of Cedar Grove, by way of the Police Department’s Traffic Officer’s review of loading access to Unit Pack, 7 Lewis Road, and recommends that parking should be prohibited on Lewis Road to ensure the public safety and provide loading ingress and egress; and

**WHEREAS**, the Chief of Police has recommended that the Township’s parking prohibition be amended to include a prohibition on parking from a point 135 feet west of the curblineline of Grove Avenue to a point 500 feet west thereof; and

**WHEREAS**, the Township Counsel agrees with the findings and recommendations from the Chief of Police; and

**NOW THEREFORE BE IT ORDAINED** that the Township hereby incorporates the above statements and amends Chapter 251-35 of the Township Code to increase the No Parking Zone on Lewis Avenue by reducing the Parking Zone from 235 feet west of the curblineline from Grove Avenue to 130 feet west of Grove Avenue as follows:

Section 1:

Lewis Road [Added 12-17-1979 by Ord. No. 79-120; amended 11-16-1987 by Ord. No. 87-303]	North 8:00 a.m. to 5:00 p.m.	From a point 130 feet west of the curblineline of Grove Avenue to a point 500 feet west thereof
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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 prescribed by law.

Councilman Zichelli moved that Pending Ordinance #20-866 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of November 2, 2020, seconded by Councilman Cicala, and passed by the following vote:

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

NO: None

- c) To consider resolution concerning Altice USA, Inc. response to service outages following Tropical Storm Isaias

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

**A RESOLUTION CRITICIZING THE RESPONSE OF ALTICE USA, INC. TO SERVICE OUTAGES RESULTING FROM TROPICAL STORM ISAIAS**

**WHEREAS**, on August 4, 2020, Tropical Storm Isaias made landfall in the State of New Jersey; and

**WHEREAS**, strong winds and rainfall associated with Tropical Storm Isaias and Altice's failure to properly maintain service connectivity resulted in thousands of Cedar Grove residents without cable service, cellular service and internet access while still combatting the COVID-19 crisis; and

**WHEREAS**, many residents have reported that they were unable to get in touch with technical support at Optimum (Altice USA, Inc.), while others found that Altice/Optimum had no answers as to when they would have their services restored; and

**WHEREAS**, thousands remained without internet access and television service at a time when record numbers of Cedar Grove residents are forced to work from home.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Cedar Grove that

1. The above stated recitals are incorporated herein by reference.
2. The Mayor and Council of the Township of Cedar Grove hereby expresses their disapproval of the response of Altice USA, Inc. to service outages resulting from Tropical Storm Isaias.
3. The Mayor and Council of the Township of Cedar Grove hereby criticize the deficient response of Altice USA, Inc. to the storm-related damage and service outages suffered in the State of New Jersey, County of Essex, and Township of Cedar Grove.

4. The Mayor and all other officials of the Township of Cedar Grove are hereby directed and authorized to take any and all necessary and appropriate actions to carry out the subject and intent of this Resolution.
5. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

**BE IT FURTHER RESOLVED**, that a copy to this resolution shall be kept on file with the Township Clerk in accordance with law.

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

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

NO: None

- d) To consider resolution concerning PSE&G response to service outages following Tropical Storm Isaias

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

**TITLE: A RESOLUTION CRITICIZING THE RESPONSE OF PSE&G TO SERVICE OUTAGES RESULTING FROM TROPICAL STORM ISAIAS**

**WHEREAS**, on August 4, 2020, Tropical Storm Isaias made landfall in the State of New Jersey; and

**WHEREAS**, the electric and gas service provider to the Township of Cedar Grove is PSE&G; and

**WHEREAS**, strong winds and rainfall associated with Tropical Storm Isaias and PSE&G's failure to properly maintain power line clearance resulted in downed power lines and fallen trees; and

**WHEREAS**, the sustained loss of power caused a water shortage in the Township of Cedar Grove and two water main breaks caused by the change in water supply; and

**WHEREAS**, in the days after Tropical Storm Isaias, twenty (20%) percent of Essex County was without power and thousands left with no lights, refrigeration or air conditioning while forced to shelter in place because of the current COVID-19 public health crisis; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Cedar Grove that

1. The above stated recitals are incorporated herein by reference.
2. The Mayor and Council of the Township of Cedar Grove hereby expresses their disapproval of the response of PSE&G to service outages resulting from Tropical Storm Isaias.

3. The Mayor and Council of the Township of Cedar Grove hereby criticize the deficient response of PSE&G to the storm-related damage and service outages suffered in the State of New Jersey, County of Essex, and Township of Cedar Grove.
4. The Mayor and all other officials of the Township of Cedar Grove are hereby directed and authorized to take any and all necessary and appropriate actions to carry out the subject and intent of this Resolution.
5. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

**BE IT FURTHER RESOLVED**, that a copy to this resolution shall be kept on file with the Township Clerk in accordance with law.

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

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

NO: None

- e) To consider resolution opposing Executive Order No. 177 & 179 mandating conduct of November 3, 2020 General Election

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

**A RESOLUTION OPPOSING EXECUTIVE ORDER NOS. 177 AND 179**

**WHEREAS**, on August 14, 2020, New Jersey Governor Philip Murphy signed Executive Order No. 177, which authorizes the State of New Jersey to replace in-person voting with vote-by-mail ballots for the State's 6.3 million registered voters; and

**WHEREAS**, on August 25, 2020, New Jersey Governor Philip Murphy signed Executive Order No. 179, which continues to authorize the State of New Jersey to replace in-person voting with vote-by-mail ballots for the State's 6.3 million registered voters; and

**WHEREAS**, the Attorney General of the State of New Jersey has declared that 20% of the mail-in ballots submitted in the last primary election in Paterson, New Jersey were rejected due to fraud; and

**WHEREAS**, that such pervasive fraud will result in a delay in correctly tabulating general election results; that it alienates voters as it requires citizens unfamiliar with new technologies to proceed with an alternative and confusing means of voting that they are unfamiliar with; that voting-by-mail is not a secure method of voting and it serves no legitimate, scientific, or public health purpose; that potential voter fraud is a threat and a serious issue that Governor Murphy has consistently failed to address; and



**WHEREAS**, although the citizens of the State of New Jersey have been waiting in lines at the Motor Vehicle Commission for up to eight (8) hours a day and must wait in line to receive basic goods and services during the current public health crisis, Governor Murphy has done nothing to alleviate said wait times evidencing his belief that waiting in line with others for extended periods of time does not pose a health risk; and

**WHEREAS**, Executive Order Nos. 177 and 179 reduce the number of polling locations in the County of Essex by 50% and the number of polling locations in each municipality to one (1); and

**WHEREAS**, Executive Order Nos. 177 and 179 suspend N.J.S.A. 19:14-25 (mailed sample ballots), N.J.S.A. 19:59-15(d) (overseas ballots and federal write-in absentee ballots), N.J.S.A. 19:63-22 (opening of mail-in ballots), N.J.S.A. 19:63-18 (counting of mail-in ballots), N.J.S.A. 19:6-2 (residency requirements for poll workers), and N.J.S.A. 19:61-9(c)(8)(no certification of an election prior to an election audit), N.J.S.A. 19:53C-13 (opening of provisional ballot bag), and N.J.S.A. 19:63-6 (publication of notice to persons wanting mail-in ballots); and

**WHEREAS**, Executive Order Nos. 177 and 179 establish a plan for vote-by-mail that virtually eliminates in-person voting; and

**WHEREAS**, Executive Order Nos. 177 and 179 violate the right to vote guaranteed to the citizens of New Jersey by the 14<sup>th</sup> Amendment of the U.S. Constitution; and

**WHEREAS**, Executive Order Nos. 177 and 179 create opportunities for ineligible voters to cast ballots that invite fraud and negligence and undermine the public's confidence in the integrity of the electoral process by making fraud easier to commit and harder to detect; and

**WHEREAS**, Executive Order Nos. 177 and 179, in reaction to the COVID-19 public health crisis, does not warrant throwing out longstanding safeguards that protect the integrity of elections; and

**WHEREAS**, in issuing Executive Order Nos. 177 and 179, Governor Philip Murphy has exceeded the scope of powers granted to him under the Constitution of the State of New Jersey, the Elections Clause and Electors Clause of the U.S. Constitution, and 3 U.S.C. Sec. 1.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Cedar Grove that

1. The above stated recitals are incorporated herein by reference.
2. The Mayor and Council of the Township of Cedar Grove hereby expresses its objections to Executive Order Nos. 177 and 179 in their entirety.
3. The Mayor and Council of the Township of Cedar Grove hereby censure New Jersey Governor Philip Murphy for signing Executive Order Nos. 177 and 179 and by enforcing unconstitutional and illegal actions that threaten the integrity of the upcoming general election and all future elections in the State of New Jersey, County of Essex and Township of Cedar Grove.
4. The Mayor and all other officials of the Township of Cedar Grove are hereby directed and authorized to take any and all necessary and appropriate actions to carry out the subject and intent of this Resolution;
5. This Resolution shall take effect immediately upon passage and publication in accordance with law, if required.

**BE IT FURTHER RESOLVED**, that a copy to this resolution shall be kept on file with the Township Clerk in accordance with law.

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

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

NO: None

- f) To consider resolution concerning submission of amended Municipal Alliance Grant Strategic Plan

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

**AUTHORIZING THE SUBMISSION OF AN AMENDED STRATEGIC PLAN  
FOR THE CEDAR GROVE MUNICIPAL ALLIANCE GRANT FOR FISCAL  
YEAR 2019-20 AND FISCAL YEAR 2020-21**

**WHEREAS**, Agenda Item# 7 (b) was passed by the Township Council on January 27, 2020 authorizing the submission of the strategic plan for the Cedar Grove Municipal Alliance Grant for Fiscal Year 2020-21; and

**WHEREAS**, the State has extended the 2019-20 Fiscal Year to extend through September 30, 2020 which requires a 2019-20 strategic plan to be amended to include a 5<sup>th</sup> Quarter and an amendment of the 2020-21 strategic plan that was authorized by Agenda Item# 7 (b); and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Township Council recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

**WHEREAS**, the Township Council further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse (GCADA) through the County of Essex.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove, in the County of Essex, State of New Jersey does hereby authorize submission of an amended strategic plan for the Cedar Grove Municipal Alliance Grant for fiscal year 2019-20 to include a 5<sup>th</sup> Quarter in the amount of:

Drug Enforcement Demand Reduction Fund (DEDR)	\$800.00
Local Match	\$200.00
<u>In-Kind Match</u>	<u>\$600.00</u>
GRANT TOTAL	\$1,600.00

**BE IT FURTHER RESOLVED** that the Township Council hereby authorize submission of an amended strategic plan for the Cedar Grove Municipal Alliance Grant for fiscal year 2020-21 in the amount of:

Drug Enforcement Demand Reduction Fund (DEDR)	\$7,125.00
Local Match	\$1,781.25
<u>In-Kind Match</u>	<u>\$5,343.75</u>
GRANT TOTAL	\$14,250.00

**BE IT FURTHER RESOLVED** that the Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

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

NO: None

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

Mayor Peterson opened this portion of the meeting to anyone wishing to be heard.

Kate Hartwyk; Essex County Liaison – Ms. Hartwyk advised that the County is offering COVID testing sites, registration is required and information is on County website. Ms. Hartwyk also provided information regarding County food distribution event, emergency rental assistance program, and County sponsored computer/electronics recycling event.

Charles Dovico; 111 Holly Lane – Mr. Dovico raised several questions concerning receipt and allocation of PILOT funds from the Hilltop development. The Manager explained the monies received are incorporated in the current fund balance and per the governing body directive are to be utilized as capital funds rather than part of operating budget. Mr. Dovico referred to recent approval of 36 Cliffside Drive project and inquired the projections of assessed value of project.

**9. ADJOURNMENT**

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

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

NO: None

The meeting adjourned at 7:45 p.m.

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KERRY PETERSON      MAYOR

ATTEST:

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KATHLEEN R. STUTZ      MUNICIPAL CLERK