

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

**PUBLIC MEETING**

**MINUTES**

**MAY 3, 2021**

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

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

Present: Councilmen Cicala, Maceri, Zichelli, Mayor Peterson

Also Present: Township Manager Tucci, Attorney Nabbi for Township Attorney Giacobbe  
Township Clerk Stutz

Absent: Deputy Mayor Tanella

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 24, 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 5, 2021

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

AYE: Councilmen Maceri, Zichelli, Mayor Peterson

NO: None

ABSTAIN: Councilman Cicala

ABSENT: Deputy Mayor Tanella

**3. AWARD OF BID**

- a) To consider resolution awarding bid for Removal of Sludge from WWTP

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 Removal of Liquid Sludge and were publicly opened and read by the Township Clerk on March 11, 2021 as follows:

BIDDER	Passaic Valley Sewerage Commission			Spectraserv, Inc		
	1 yr/gal	2 yr/gal	3 yr/gal	1yr/gal	2yr/gal	3 yr/gal
Spectraserv Kearny NJ	0.03	0.03	0.032	0.031	0.031	0.035
R & D Trucking West Milford NJ	0.03	0.03	0.031	0.029	0.029	0.029
Russell Reid Services Keasby NJ	0.0366	0.0366	0.393	0.0459	0.0482	0.0506

**WHEREAS**, the Municipal Engineer reviewed the bids and recommended awarding the bid for a three-year contract to R & D Trucking, the apparent low bidder in the bid amount of \$0.031/gallon; and

**WHEREAS**, during legal review by the Township Attorney it was determined that the bid bond of apparent low bidder contained a material defect that cannot be waived which renders the bid non-responsive to the bid specifications per N.J.S.A. 40A:11-23.2; and

**WHEREAS**, the bid of the second apparent low bidder, Spectraserv, was responsive to the specifications; and

**WHEREAS**, funds are available to satisfy our obligations under this contract in the 2021 Sewer Utility – Other Expenses Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove that the award of the bid be made to Spectraserv of Kearny, New Jersey for a three-year term.

**BE IT FURTHER RESOLVED** that the proper officials be instructed to execute a contract on behalf of the Township.

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

AYE: Councilmen Cicala, Maceri, Zichelli, Mayor Peterson

NO: None

ABSENT: Deputy Mayor Tanella

**4. 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.

Deputy Mayor Tanella joined the meeting at 7:05 p.m.

**5. REPORTS OF TOWNSHIP OFFICIALS**

- a) Township Manager – The Manager commented that this is Teacher Appreciation Week and recognized all teachers. The Manager noted the ribbon cutting ceremony for the new

South End Fire House scheduled for Thursday, May 6<sup>th</sup> at 3:00 p.m. Mr. Tucci advised that the Arbor Day Ceremony was rescheduled for Friday, May 7<sup>th</sup>. The Manager noted the Finance Director’s recommendation for no adjustment on Acct. #2-2114370, to which the governing body agreed.

b) Township Clerk – The Township Clerk noted that there is a Municipal Election on Tuesday, May 11<sup>th</sup> for three Council positions. Ms. Stutz provided information regarding the conduct of election which has also been posted on the Township’s website.

c) Township Attorney – No report

d) Other Reports

Councilman Maceri – Councilman Maceri also thanked teachers for their service. Councilman Maceri requested an update on the status of multi-purpose field construction on Board of Education property (LRP School). The Manager advised that the construction is currently ahead of schedule.

Councilman Cicala – No report

Councilman Zichelli – No report

Councilman Zichelli requested an executive session to discuss a personnel matter.

Deputy Mayor Tanella – Deputy Mayor inquired about the Township’s ability to accept credit card payments online. The Manager advised that certain departments can accept payments electronically. The Manager further noted that the Township is currently looking into additional online payment options.

Mayor Peterson also commended and recognized all teachers for their efforts particularly during the pandemic.

**6. CONSENT AGENDA**

a) To consider resolution concerning approval of raffle applications – CG Elks club

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**

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

Instant Raffle to be held September 1, 2021 to  
August 31, 2022 at  
405 Bowden Rd., Cedar Grove NJ 07009

Cedar Grove Elks Lodge #2237  
405 Bowden Rd.

Off-Premise Draw Raffle to be held  
September 11, 2021 at 5:00 pm at

Cedar Grove NJ 07009

405 Bowden Rd., Cedar Grove NJ 07009

Cedar Grove Elks Lodge #2237

On-Premise 50/50 Raffle to be held

405 Bowden Rd.

June 19, 2021 at 1:00 - 6:00 pm at

Cedar Grove NJ 07009

405 Bowden Rd., 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.

Deputy Mayor Tanella 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

- b) To consider resolution concerning appointment of member to Zoning board

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 that Alex Conte is hereby appointed to serve as member of the Zoning Board of Adjustment as Alternate #2 for an unexpired two-year term, effective immediately and terminating June 30, 2021.

Deputy Mayor Tanella 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

- c) To consider resolution concerning appointment of member to Advisory Health Council

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 Dr. Kirk Kalogiannis be appointed as a member of the Advisory Health Council to fill a vacancy, effective immediately and expiring December 31, 2021.

Deputy Mayor Tanella 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

## **7. NEW BUSINESS**

- a) To consider introduction of Pending Ord. #21-870, Amending Chapter 268 of the township code entitled "Zoning"

The clerk read the Ordinance by title only:

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 268 ENTITLED "ZONING" SECTION 268-8 ENTITLED "PROHIBITED BUILDINGS, STRUCTURES, AND USES" OF THE ORDINANCES OF THE TOWNSHIP OF CEDAR GROVE**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

**WHEREAS**, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as "a cannabis

cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, Section 31b of the Act further provides that a municipality may prohibit the operation of any one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services, but not the delivery of cannabis items and related supplies by a delivery service within the jurisdiction of the municipality through the enactment of an ordinance and that only an ordinance to prohibit one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services enacted pursuant to the specific authority to do so by this section shall be valid and enforceable; and

**WHEREAS**, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

**WHEREAS**, the failure of a municipality to enact an ordinance prohibiting the operation of one or more classes of cannabis establishment or cannabis distributors or cannabis delivery services within 180 days after the effective date of the Act, shall result in any class of cannabis establishment or a cannabis distributor or cannabis delivery services that is not prohibited from operating within the municipality as being permitted for a five-year period from the date of the Act; and

**WHEREAS**, any ordinance enacted by a municipality prior to the effective date of this section addressing the issue of prohibiting one or more types of cannabis-related activities within the jurisdiction of the municipality is null and void; and

**WHEREAS**, the Township Council of the Township of Cedar Grove has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on Township of Cedar Grove in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Township of Cedar Grove’s residents and members of the public who visit, travel, or conduct business in Township of Cedar Grove, to amend the Township of Cedar Grove’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Township of Cedar Grove; and

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Township of Cedar Grove, in the County of Essex, State of New Jersey, as follows:

**Section 1.**

1. Ordinance No. 79-88 amending Chapter 179 “Nuisances, Public Health”, Article II (Controlled Dangerous Substances), Section 179-4 (Advertisement, display or sale of paraphernalia) and Section 179-5 (Maintenance of premises for certain uses) of the Code of the Township of Cedar Grove is, by operation of law, null and void solely as to any references to the word “marijuana;” otherwise, Ordinance No. 79-88 remains in full force and effect; and

2. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Cedar Grove, except for the delivery of cannabis items and related supplies by a delivery service.
3. Chapter 268 “Zoning” Article IV (General Regulations), Section 268-8 (Prohibited buildings, structures, and uses) of the Township of Cedar Grove is hereby amended by adding a new subsection under ¶ 268-8(E) to the list the following: “All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service.”

## **SECTION 2.**

As required by N.J.S.A. 40:55D-64, prior to the hearing on adoption of this ordinance, the Township Clerk shall send a copy of this ordinance to the Cedar Grove Planning Board for its review and comment pursuant to N.J.S.A. 40:55D-26. The Township Clerk shall also send a copy of this ordinance upon introduction and adoption to the Essex County Planning Board pursuant to N.J.S.A. 40:55D-16.

## **SECTION 3.**

All other provisions of Chapter 268, “Zoning” of the Code of the Township of Cedar Grove shall remain unchanged.

## **SECTION 4: Severability.**

The provisions of this Ordinance are declared to be severable and if any section, sub-section, sentence, clause, phrase, or any other part of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the validity of the remaining sections, subsections, sentences, clauses, and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

## **SECTION 5: Repeal of Inconsistent Provisions.**

All ordinances or parts thereof in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

## **SECTION 6: Codification.**

This Ordinance shall be a part of the Code of the Township of Cedar Grove as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Cedar Grove in the event that the codification of this Ordinance reveals that there is a conflict between the

numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

### SECTION 7.

This ordinance shall take effect twenty days after final passage by council and approval by the mayor in the manner prescribed by law at N.J.S.A. 40:69A-181.

Deputy Mayor Tanella moved that Pending Ordinance #21-870 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 21, 2021, seconded by Councilman Zichelli, and passed by the following vote:

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

NO: None

- b) To consider resolution concerning 2020 LOSAP for Fire Department volunteers

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

**WHEREAS**, pursuant to N.J.S.A. 40A:14-191, the Cedar Grove Volunteer Fire Department has certified to the Township of Cedar Grove a list of all volunteer members who have qualified for credit under the LOSAP program for the year 2020; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-14.10 (b), the Township of Cedar Grove has reviewed and accepted the attached certified list of the Cedar Grove Volunteer Fire; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-14.10 ( c ), the Township of Cedar Grove shall return the certified list to the Cedar Grove Volunteer Fire for posting to allow for sufficient time for membership review.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township Cedar Grove that the attached certified list herein of the Cedar Grove Volunteer Fire Department is hereby accepted and returned to the emergency service organization for posting to allow sufficient time for membership review.

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

- c) To consider resolution concerning renewal of Morris County Cooperative Pricing Council membership

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



**AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE  
PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026**

**WHEREAS**, THE Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education, and other public bodies located in the County of Morris and adjoining counties; and

**WHEREAS**, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

**WHEREAS**, the Township of Cedar Grove desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to **renew** its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. Township Council of the Township of Cedar Grove hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A.40A:11-11(5). Said Agreement is for **renewal** of membership in the CCPC for a five (5) year period from October 1, 2021, through September 30, 2026.
2. The Township of Cedar Grove Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Cedar Grove officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

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

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

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 \$256,609.90

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

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

NO: None

**9. CONTRACTS AND AGREEMENTS**

- a) To consider resolution concerning award of contract for professional engineering design services for ADA Ramps at Various Municipal Intersections

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 professional engineering design services for the Reconstruction of ADA Ramps at Various Municipal Intersections project; 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 March 26, 2021 as follows; and

<u>PROPOSER</u>	<u>AMOUNT</u>
Greenman-Pederson Inc.	\$ 15,830.
Brightview Engineering	\$ 21,575.

**WHEREAS**, the Municipal Engineer has recommended that a contract for the above referenced professional services be awarded to Greenman-Pedersen.; and

**WHEREAS**, funds are now available for this purpose in 2020 Community Development Block Grant.

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

1. The Township Manager is hereby authorized and directed to execute an agreement with Greenman-Pedersen, Inc. of Morris Plains, NJ, for an amount not to exceed \$15,830.00 in accordance with the proposal dated March 26, 2021.
2. This agreement is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because of the technical of the professional services required for this project; and
3. A notice of this agreement shall be published in the Verona-Cedar Grove Times as required by law.

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

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

NO: None

**10. 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 reported that the recent County Household Hazardous Waste Collection Day was successful. Ms. Hartwyk also announced the upcoming County Computer/Electronics Recycling Day on May 15<sup>th</sup> at 99 W. Bradford Ave.

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

AUTHORIZATION TO GO INTO EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings' Act (N.J.S.A.10:4-12 (b) (1-9) permits the exclusion of the public from a Meeting of the Mayor and Council in certain circumstances; and

WHEREAS, the Mayor and Council of the Township of Cedar Grove are of the opinion that such circumstances exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Cedar Grove, County of Essex, State of New Jersey that:

1. The public shall be excluded from discussion of any action on the Executive Session of the Meeting of the Mayor and Council of May 3, 2021.
2. The general nature of the subject matters to be discussed is personnel.
3. It is anticipated at this time that the above stated subject matter will be made public as soon thereafter as it is deemed in the public interest to do so.
4. This Resolution shall take effect immediately.

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

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

NO: None

**11. ADJOURNMENT**

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

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

NO: None

The meeting adjourned at 7:20 p.m.

\_\_\_\_\_  
KERRY PETERSON      MAYOR

ATTEST:

\_\_\_\_\_  
KATHLEEN R. STUTZ      MUNICIPAL CLERK