

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

PUBLIC MEETING

MINUTES

JULY 12, 2021

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella
Also Present: Township Manager Tucci, Attorney Nabbi for Township Attorney Giacobbe
Township Clerk Stutz

The flag salute was led by Mayor Tanella.

Mayor Tanella 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 June 7, 2021

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

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

NO: None

ABSTAIN: Councilwoman Skabich

- b) To consider approval of minutes of special public meeting of June 21, 2021

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

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

NO: None

ABSTAIN: Councilwoman Skabich

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

Mayor Tanella 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 Tanella closed this portion of the meeting.

4. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager – The Township Manager reported the sale of bond anticipation notes to take advantage of favorable interest rates. The Manager also noted explained the refunding bond ordinance on the agenda, which after adoption will provide approximately \$412,000 in savings to the Township. The Manager noted a request for PILOT agreement and Redevelopment Plan for Cliffside Drive property. Councilman Zichelli recused himself from discussion and left the meeting. Following discussion of the necessary procedure to declare an area in need of redevelopment, Deputy Mayor Maceri moved to refer the delineated area in the proposed plan to the Planning Board to conduct a preliminary investigation to determine if the area qualifies as an area in need of redevelopment in accordance with the “Redevelopment Law”. Motion was seconded by Councilwoman Skabich and passed by the following vote:

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

NO: None

Councilman Zichelli rejoined the meeting at 7:06 p.m. The Manager noted memos provided by the Township Attorney for informational purposes concerning the Township’s form of government, use of social media and the Open Public Meetings Act.

- b) Township Clerk – No report
- c) Township Attorney – Attorney Nabbi requested an executive session to discuss pending litigation regarding Rizzolant Realty.
- d) Other Reports

Mayor Tanella reported that he had met with the master board president and condo president of the Hilltop homeowners associations. Mayor Tanella requested the current status of the following projects noted during the reorganization meeting, which the Township Manager provided:

- Multi-purpose turf field on LRP property – Mr. Tucci advised that completion is anticipated by the end of August. The Manager further advised that the township Attorney is in the process of drafting a use agreement between the Township and Board of Education.
- North End Fire House – The Manager noted that a resolution to award contract for professional architectural design services for a new building is on tonight’s agenda. Mr. Tucci advised that Township should receive initial drawings in approximately 90-120 days. The Manager anticipated that construction could commence in the spring of 2022.
- Community Center – The Manager advised that the Township is in the early project planning stages, first step in the process is to issue an RFP for professional architectural design services. Mr. Tucci advised that there are currently no definitive timeframes established.
- Pickleball – The Manager reported that the four tennis courts on Little Falls Road will be temporarily lined for pickleball and the Recreation Dept. will host a pickleball tournament later in the summer, date to be determined. Mr. Tucci further commented that information will be posted on the Township website as it becomes available.

- Bocci ball – The Manager advised that a 4th court is in the planning stage and anticipates construction to occur in spring of 2022.

Deputy Mayor Maceri – No report

Councilwoman Peterson commented on the status of the cannabis ordinance that prohibits cannabis establishments, distributors, or delivery services from operating within the Township. The ordinance (#21-870) was adopted after public hearing at the June 21, 2021 special public meeting.

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

Councilwoman Skabich commented on the recent repaving roadways in the Ridgewood Acres neighborhood.

The Manager additionally reported that the Township will receive \$1.2 from the federal American Rescue Plan Act, also known as COVID-19 Stimulus Package. The Manager advised that \$600,000 has already been received, and a second payment of same amount is expected in 2022. The Manager requested to utilize the funds to obtain the architectural design services for reconstruction of Center Company #1 fire house, to which the governing body agreed.

5. NEW BUSINESS

- a) To consider introduction of Pending Ord. #21-877 – Refunding bond Ordinance

The clerk read the Ordinance by title only:

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF CEDAR GROVE, NEW JERSEY, APPROPRIATING \$7,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,500,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of Cedar Grove, New Jersey (the “Township”) is hereby authorized to pay an aggregate amount not exceeding \$7,500,000 for the redemption, including redemption premium of \$6,785,000 principal amount of the Township’s General Obligation Bonds issued in the original aggregate principal amount of \$19,860,000, dated February 20, 2013, (i) which consists of \$10,450,000 General Improvement Bonds which bonds are subject to redemption (on or after February 1, 2022) prior to their stated dates of maturity, and which mature on February 1, in the year 2022 in an aggregate amount of \$1,190,000 inclusive; (ii) which consists of \$2,780,000 Water Utility Bonds which bonds are subject to redemption (on or after February 1, 2022) prior to their stated dates of maturity, and which mature on February 1, in each of the years 2023 to 2033 in an aggregate amount of \$1,725,000 inclusive (iii) which consists of \$5,147,000 Sewer Utility Bonds which bonds are subject

to redemption (on or after February 1, 2022) prior to their stated dates of maturity, and which mature on February 1, in each of the years 2023 to 2033 in an aggregate amount of \$3,197,000 inclusive; (iv) which consists of \$1,483,000 Swimming Pool Utility Bonds which bonds are subject to redemption (on or after February 1, 2022) prior to their stated dates of maturity, and which mature on February 1, in each of the years 2023 to 2028 in an aggregate amount of \$673,000 inclusive (the "Refunded Bonds"), and in accordance with the provisions of the resolution of the Township Council of the Township, duly adopted January 7, 2013 and a copy of which is on file in the office of the Clerk of the Township.

Section 2. An aggregate amount not exceeding \$125,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$7,500,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by 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 Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds ore outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

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 governing body 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 Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$7,500,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e.

\$6,785,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$7,500,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Council shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. 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 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted or the requirements as set forth in N.J.A.C. 5:30-2.5 have been satisfied.

Councilman Zichelli moved that Pending Ordinance #21-877 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of August 9, 2021, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

- b) To consider resolution concerning display of flags on Township flagpoles

The clerk read the Ordinance by title only:

A RESOLUTION OF THE TOWNSHIP OF CEDAR GROVE RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Cedar Grove (the "Township"), may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (see *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township maintains flagpoles at various public buildings, on Township property and within public parks and playgrounds in the Township; and

WHEREAS, the Township Council wishes to establish a formal policy regarding the display of flags upon Township owned flagpoles as a form of government expression.

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. In addition to the Flag of the United States, the following flags are hereby permitted to be displayed upon Township owned flagpoles, as a form of expression of government speech, in the manner set forth above:

- A. Flag of the State of New Jersey;
- B. Flag of the County of Essex;
- C. Flag of the Township of Cedar Grove;
- D. P.O.W.-M.I.A. flag, pursuant to N.J.S.A. 52:3-10;
- E. “Honor and Remember Flag”, pursuant to N.J.S.A. 52:3-13; and
- F. Killed In Action (K.I.A.) flag, pursuant to N.J.S.A. 52:3-14.

2. The Flag of the United States shall be displayed highest and any such additional flags shall be flown below the Flag of the United States. The Flag of the United States shall be displayed in accordance with and in the manner prescribed by 4 U.S.C. §§ 1-10.

3. In addition to the Flag of the United States, and the flags expressly permitted herein, the Township of Cedar Grove may display such additional flags on Township owned flagpoles as the Township Council may authorize by Resolution, as a form of government speech, provided the display of same shall not show religious preference. Owing to their very nature as expressive locations meant for contemplation and reflection, monuments and memorials in the Township shall not be deemed locations for flying flags via Resolution.

4. The Township’s flagpoles are not intended to serve as a forum for free expression by the public. Rather, the Township’s flagpoles are to be used exclusively by the Township. The Township will not display a flag based on a request from a third party, nor will the Township use its flagpoles to sponsor the expression of a third party.

5. No person shall display or place upon any Township owned flagpole any flag or other object not otherwise authorized as an expression of government speech by the Township Council of the Township of Cedar Grove and without the express written permission of the Township of Cedar Grove.

This Resolution shall take effect immediately.

Councilman Zichelli moved adoption of the resolution, seconded by Councilwoman Peterson. Following discussion there was consensus to table the resolution.

- c) To consider resolution concerning 2021 salaries of unrepresented municipal employees

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

WHEREAS, the Township Council of the Township of Cedar Grove did adopt Ordinance No. 21-876 fixing salary grades and ranges, wages and fees of the officers and employees of the Township of Cedar Grove; and

WHEREAS, said ordinance provides that the Township Council shall, by resolution, fix the salary of each officer and employee 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 corrected salaries for Fiscal Year 2021 of specific employees covered under Section One, Group I, of the Salary Ordinance.

Meding, Martina	\$ 56,368.	3	Dept. Secretary Building Dept.
Marrin, Carolyn	\$ 48,410.	4	Senior Library Assistant

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

AYE: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella
NO: None

- d) To consider resolution concerning insertion of item of special revenue – Clean Communities Program

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:4-87, provides that the Director of Local Government Services may approve the insertion of a special item of revenue in the Municipal Budget of the Township of Cedar Grove for 2021 when such items shall have been available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that it hereby requests that the Director of the Division of Local Government Services to approve the insert of an item of revenue in the budget of the year 2021 in the sum of \$23,294.17, which is now available as a revenue from the Clean Communities Program, which is administered by the Department of Environmental Protection, pursuant to the provision of statute; and

BE IT FURTHER RESOLVED that a like sum of \$23,294.17 is hereby appropriated under the caption:

Clean Communities Program \$23,294.17

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

AYE: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella
NO: None

6. 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 \$5,490,784.64

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

AYE: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

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

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

Kate Hartwyk; Essex County Liaison – Ms. Hartwyk advised that the County has added pickleball lines to tennis courts in Essex County Parks in Verona and West Caldwell. Ms. Hartwyk also announced that that the County will conduct its postponed 4th of July fireworks display on July 16th in Brookdale Park preceded by a concert. Ms. Hartwyk also advised that the County summer concerts will commence in August, and specific information can be found on the County's website.

There being no one else present wishing to be heard, Mayor Tanella 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 July 12, 2021.
2. The general nature of the subject matters to be discussed is pending litigation concerning Rizzolant Realty and 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.

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

AYE: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella
NO: None

8. ADJOURNMENT

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

AYE: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella
NO: None

The meeting adjourned at 7:35 p.m.

ATTEST:

PETER TANELLA MAYOR

KATHLEEN R. STUTZ MUNICIPAL CLERK