

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

PUBLIC MEETING

MINUTES

AUGUST 9, 2021

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmembers Peterson, Skabich, Zichelli, Deputy Mayor Maceri

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

Absent: Mayor Tanella

The flag salute was led by Deputy Mayor Maceri.

Deputy Mayor Maceri acknowledged the passing of Township youth Nicky Storm and extended condolences to his family.

Deputy Mayor Maceri 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 reorganization meeting of July 1, 2021

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

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

NO: None

ABSENT: Mayor Tanella

- b) To consider approval of minutes of regular public meeting of July 12, 2021

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

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

NO: None

ABSENT: Mayor Tanella

3. PUBLIC HEARING

- a) To consider adoption of Pending Ordinance #21-877 – Refunding Bond Ordinance

The ordinance was read by title only as follows:

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.

Deputy Mayor Maceri opened the public hearing on this item. There being no one present wishing to be heard, Deputy Mayor Maceri closed the public hearing.

Councilwoman Peterson 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 Zichelli, and passed by the following vote:

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

NO: None

ABSENT: Mayor Tanella

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

Deputy Mayor Maceri 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, Deputy Mayor Maceri closed this portion of the meeting.

5. REPORTS OF TOWNSHIP OFFICIALS

a) Township Manager – The Manager noted a memo from the Municipal Engineer concerning recommendation for award of bid for removal, pruning and spraying of Township trees for a two-year contract term. The Manager also noted recommendations from the Finance Director regarding water/sewer bill adjustments for 550 Pompton Ave., 312 Ridge Rd., and 259 Ridge Rd., and a waiver on delinquent taxes, to which the governing body agreed. Mr. Tucci commented on the resolution to renew the Township's Affordable Housing Administrative Agent contract. The Manager also noted a resident's request for extension of tax payment period for extenuating circumstances. Mr. Tucci recommended a 3 month waiver of interest (until November 10th), to which the governing body agreed.

b) Township Clerk – No report

c) Township Attorney – Attorney Chewcaskie noted revision to proposed shared services agreement with Board of Education concerning multi-purpose athletic field on LRP school property. Deputy Mayor Maceri requested further discussion of agreement at next staff meeting, to which the governing body agreed.

d) Other Reports

Councilwoman Peterson – No report

Councilwoman Skabich – No report

Councilman Zichelli – No report

Deputy Mayor Maceri – Deputy Mayor Maceri noted that the September Environmental Commission meeting will be in-person.

6. CONSENT AGENDA

- a) To consider resolution concerning approval of raffle application – St. Kiril and Metodiz Macedonia Church

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

WHEREAS, an application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

St. Kiril and Metodij Macedonian Church
1050 Pompton Ave.
Cedar Grove NJ 07009

On-Premise Merchandise Raffle to be held
October 23, 2021 at 6:00 – 11:00 p.m. at
1050 Pompton Ave., Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and the application has 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 application.

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

NO: None

ABSENT: Mayor Tanella

- b) To consider resolution concerning approval of raffle application – Somerset Hills Learning Institute

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

WHEREAS, an application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Somerset Hills Learning Institute
1810 Burnt Mills Rd.
Bedminster NJ 07921

Off-Premise Cash Raffle to be held
October 22, 2021 at 11:00 p.m. at
691 Pompton Ave., Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and the application has 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 application.

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

NO: None

ABSENT: Mayor Tanella

- c) To consider resolution concerning approval of raffle application – Cedar Grove Engine Company #3

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

WHEREAS, an application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Cedar Grove Engine Company #3
154 Pompton Ave.
Cedar Grove NJ 07009

Off-Premise 50/50 Raffle to be held
October 2, 2021 at 3:30 p.m. at
154 Pompton Ave., Cedar Grove NJ 07009

WHEREAS, the fees have been paid, and the application has 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 application.

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

NO: None

ABSENT: Mayor Tanella

7. NEW BUSINESS

- a) To consider introduction of Pending Bond Ordinance #21-878 – Acquisition of Real Property

The clerk read the Ordinance by title only:

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,250,000

THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,190,000 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 improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Township of Cedar Grove, New Jersey (the “Township”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$1,250,000, such sum includes the sum of \$60,000 as the down payment (the “Down Payment”) 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”). The Down Payment in the amount of (a) \$27,920 is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes and (b) \$32,080 is now available by virtue of an emergency appropriation.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,190,000 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 \$1,190,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Acquisition of real property located at 560 Fairview Avenue and Vincent Road, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$1,250,000	\$1,190,000	40 Years
TOTAL	\$1,250,000	\$1,190,000	

(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 \$1,190,000.

(c) The estimated cost of the Improvements is \$1,250,000 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 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 40 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 \$1,190,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$800,000 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 \$1,190,000.

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 Zichelli moved that Pending Bond Ordinance #21-878 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of September 13, 2021, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

ABSENT: Mayor Tanella

- b) To consider introduction of Pending Ordinance #21-879 – Ordinance Repealing Chapter 21 of the Township Code entitled “Downtown Advisory Committee”

The clerk read the Ordinance by title only:

AN ORDINANCE REPEALING CHAPTER 21 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE, ENTITLED “DOWNTOWN ADVISORY COMMITTEE.”

WHEREAS, the Township Council of the Township of Cedar Grove enacted Ordinance No. 17-803 establishing the Downtown Advisory Committee; and

WHEREAS, the Township Council has determined to dissolve the Downtown Advisory Committee, as same is no longer necessary and is not achieving the purpose for which it was created.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Cedar Grove, as follows:

Section 1. Ordinance No. 17-803, which is codified as Chapter 21 of the Code of the Township of Cedar Grove is hereby repealed.

Section 2. All Ordinances inconsistent with this Ordinance are hereby repealed.

Section 3. This Ordinance shall take effect immediately in accordance with law.

Councilman Zichelli moved that Pending Ordinance #21-879 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of September 13, 2021, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

ABSENT: Mayor Tanella

- c) To consider resolution concerning amendment of 2021 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 2021 Capital Budget of said municipality by inserting Acquisition of Real Property.

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 2021
METHOD OF FINANCING

<u>Project</u>	<u>Estimated Cost</u>	<u>Debt</u> <u>Authorized</u>	<u>Down Payment</u>
Acquisition of Real Property	<u>\$1,250,000.00</u>	<u>\$1,190,000.00</u>	<u>\$60,000.00</u>

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

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

NO: None

ABSENT: Mayor Tanella

- d) To consider resolution concerning emergency appropriation

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

WHEREAS, an emergency has arisen with respect to N.J.S.A. 40A:2-11, no bond ordinance shall be finally adopted unless it appropriates a sum as a down payment which is not less than 5% of the obligations authorized and no adequate provision was made in the 2021 budget for the aforesaid purposes, and N.J.S. 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$32,080.00 and the three (3) percent of the total operating appropriations in the budget for 2021 is \$401,900.19, and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2021.

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S. 40A:4-48:

1. An emergency appropriation is hereby made for Capital Improvements:
Down Payment on Improvements in the amount of \$32,080.00.

2. That said emergency appropriation shall be provided for in full in the 2022 budget and is requested to be excluded from CAPS pursuant to N.J.S. 40A:4-53.3c(1).
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

NO: None

ABSENT: Mayor Tanella

- e) To consider resolution concerning insertion of item of special revenue – American Rescue Plan Act

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 \$1,307,205.58, which is now available as a revenue from the American Rescue Plan Act of 2021, which is administered by the Department of Treasury, pursuant to the provision of statute; and

BE IT FURTHER RESOLVED that a like sum of \$1,307,205.58 is hereby appropriated under the caption:

American Rescue Plan Act of 2021 \$1,307,205.58

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

NO: None

ABSENT: Mayor Tanella

- f) To consider resolution concerning purchase of radio communication equipment and accessories through State Contract

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 has availed itself of the right to purchase Radio Communication Equipment and Accessories entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, it is desirable from time to time to purchase Radio Communication Equipment and Accessories under contracts entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in cases where no bids have been received; and

WHEREAS, it is desirable to purchase Radio Communication Equipment and Accessories under such contracts enter into on behalf of the State of New Jersey by said Division during the year 2021;

WHEREAS, funds for the purchase of the Radio Communication Equipment and Accessories are available in the Bond Ordinance #20-868.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the purchase of the Radio Communication Equipment and Accessories be awarded to Motorola Solutions, Inc., through State Contract No. A83909.

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

NO: None

ABSENT: Mayor Tanella

- g) To consider resolution concerning purchase of road resurfacing and associated material through Morris County Cooperative Pricing Council Contract

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 utilizes the Morris County Cooperative Pricing Council Contract #6 for road resurfacing; and

WHEREAS, the contract amount for road resurfacing, including granite and concrete vertical curbing at various locations will not exceed \$22,291.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract through Bond Ordinance No. 20-856 and No. 21-872.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove authorizes the Township of Cedar Grove to purchase from the Morris County Cooperative Pricing Council Contract #6 for road resurfacing, including granite and concrete vertical curbing at various locations from Cifelli & Son General Contracting, Inc. for an amount not to exceed \$22,291.00.

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

NO: None

ABSENT: Mayor Tanella

h) To consider resolution concerning 2020 Municipal Audit

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:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2020 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52-27BB-52 – “A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.”

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Cedar Grove, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

NO: None

ABSENT: Mayor Tanella

- i) To consider resolution concerning Corrective Action Plan for 2020 Municipal Audit

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 Cedar Grove, Essex County, New Jersey, that:

WHEREAS, the 2020 Annual Audit of the Township of Cedar Grove, conducted by Nisivoccia and Company, contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer; and

WHEREAS, The Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditor;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Corrective Action Plan for the 2020 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the New Jersey Division of Local Government Services.

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

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

NO: None

ABSENT: Mayor Tanella

- j) To consider resolution authorizing Planning Board to undertake preliminary investigation of Block 280, Lots 24, 320, 330, 551 and 552 o determine qualification as an area in need of redevelopment

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

**A RESOLUTION OF THE TOWNSHIP OF CEDAR GROVE AUTHORIZING
THE CEDAR GROVE PLANNING BOARD TO UNDERTAKE A PRELIMINARY
INVESTIGATION TO DETERMINE IF BLOCK 280, LOTS 247, 320, 330,
551 AND 552 (ALSO KNOWN COLLECTIVELY AS 36 CLIFFSIDE DRIVE)
QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT**

WHEREAS, the Township Council of the Township of Cedar Grove has identified Block 280, Lots 247, 320, 330, 551 and 552 (also collectively known as 36 Cliffside Drive and referred to herein as the “Property”) as an area that may qualify as an “area in need of redevelopment”, as that term is defined in the “Local Redevelopment and Housing Law” (N.J.S.A. 40A:12A-1 et seq.); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, prior to making such a determination, the Planning Board of the Township of Cedar Grove (“Planning Board”) must be authorized by a Township Council Resolution to undertake a preliminary investigation, including, but not limited to conducting public hearings on the matter; and

WHEREAS, at its meeting of July 12, 2021, the Township Council of the Township of Cedar Grove, by motion, referred this matter to the Planning Board and authorized the Board to undertake such preliminary investigation; and

WHEREAS, the redevelopment area determination shall authorize the Township of Cedar Grove to use all those powers provided by the legislature for use in a redevelopment area, excluding the power of eminent domain (“Non-Condensation Redevelopment Area”).

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove, pursuant to law, hereby ratifies and confirms that the question of whether the afore described Property or any portion thereof should be deemed to be “an area in need of redevelopment” is referred to the Planning Board of the Township of Cedar Grove for preliminary investigation, public hearing and preparation of a recommendation to the Township Council as provided by statute.

BE IT FURTHER RESOLVED THAT the redevelopment area determination shall authorize the Township of Cedar Grove to use all those powers provided by the legislature for use in a redevelopment area, excluding the power of eminent domain (“Non-Condensation Redevelopment Area”).

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

AYE: Councilmember Peterson, Skabich, Deputy Mayor Maceri

NO: None

ABSTAIN: Councilman Zichelli

ABSENT: Mayor Tanella

k) To consider resolution concerning display of flags on Municipal Building flagpole

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

A RESOLUTION OF THE TOWNSHIP OF CEDAR GROVE RESPECTING THE DISPLAY OF FLAGS ON THE TOWNSHIP FLAGPOLE LOCATED AT THE CEDAR GROVE MUNICIPAL BUILDING

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 a flagpole at its Municipal Building located at 525 Pompton Avenue, Cedar Grove, New Jersey (referred to as the “Municipal Building Flagpole”), which is located on Township owned property; and

WHEREAS, the Township Council wishes to establish a formal policy regarding the display of flags upon the Municipal Building Flagpole 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 the Municipal Building Flagpole as a form of expression of government speech:

- 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. The Municipal Building Flagpole is not intended to serve as a forum for free expression by the public and same shall 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 flagpole at the Municipal Building to sponsor the expression of a third party.

4. No person shall display or place upon the Municipal Building 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, and passed by the following vote:

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

NO: None

ABSENT: Mayor Tanella

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 \$7,086,077.30

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

NO: None

ABSENT: Mayor Tanella

9. CONTRACTS AND AGREEMENTS

- a) To consider resolution authorizing renewal and execution of contract for Township Affordable Housing Administrative Agent

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, Essex County, New Jersey that the Township Manager is hereby authorized and directed to renew and execute the agreement with Community Grants, Planning & Housing LLC of Cranbury, NJ, to serve as the Township's Affordable Housing Administrative Agent.

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

NO: None

ABSENT: Mayor Tanella

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

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

Frank Sekulic; 120 Anderson Pkwy. – Mr. Sekulic inquired the timeframe for repaving of Anderson Pkwy. and neighboring streets.

Don Elting; 43 Greendale Rd. – Mr. Elting stated that he was seeking assistance from the governing body to obtain communication from the Board of Education. Mr. Elting recounted negative experience regarding conduct of the Board of Education with the public during public meetings. Mr. Elting also expressed concerns regarding the Board's lack of transparency and failure to provide requested explanations related to actions taken by the Board of Education. Mr. Elting commented on the difference in the conduct of Council meetings compared to the Board of Education meetings. Mr. Elting appealed to the Council, possibly through a meeting of liaisons, to effect positive change in the conduct of Board of Education meetings and communication with the public.

Mark Ruthman; 125 Cedar Grove Pkwy. – Mr. Ruthman provided the governing body a packet of information, including surveys that were distributed to students at elementary, middle school, and high school levels during school, and read the enclosed letter that detailed grievances and frustrations of residents with the Board of Education. Mr. Ruthman also commented on the conduct of Board of Education meetings and treatment of the public by BOE members. Mr. Ruthman noted that a petition is being circulated calling for the resignation of the President of the Board of Education.

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

11. ADJOURNMENT

Councilman Zichelli moved adjournment of the public council meeting, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

ABSENT: Mayor Tanella

The meeting adjourned at 7:50 p.m.

PETER TANELLA

MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK