

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

**COUNCIL STAFF MEETING**

**MINUTES**

**OCTOBER 18, 2021**

**1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR**

Mayor Tanella called the meeting to order at 7:00 p.m. and 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, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building's lobby in accordance with the Open Public Meetings Act.

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

**2. APPROVAL OF MINUTES**

a) Staff Meeting – September 27, 2021

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

AYE: Councilman Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

b) Executive Session – September 27, 2021

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

AYE: Councilman Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

**3. TOWNSHIP MANAGER** – The Manager an update on cleaning of Peckman River resulting from Storm Ida. Mr. Tucci advised that the contractor is conducting silt & sediment removal, access agreements have been mailed to affected Little Falls Rd. property owners to enable the bank stabilization. Mr. Tucci also noted that Essex County has hired National Water Main to clean storm drains on Little Falls Rd. an committed to installation of an additional storm drain. The Manager requested an executive session to discuss contract negotiations regarding Cedar Ridge Senior Citizens Building.

**4. TOWNSHIP ATTORNEY** –No report

**5. TOWNSHIP CLERK** – No report**6. COUNCIL REPORTS**

Councilwoman Skabich – Councilwoman Skabich proposed consideration of establishing a community garden following her discussion with a representative from Verona. Following Councilwoman's overview, there was consensus to obtain and review the details of the Verona project.

Councilman Zichelli – No report

Deputy Mayor Maceri – The Manager addressed Deputy Mayor Maceri's request for update on potential establishment of Joint Flood Board with Township of Verona. Mr. Tucci explained that Verona is in the process of establishing the membership of its Board. Deputy Mayor Maceri volunteered to serve on the joint board. Deputy Mayor Maceri requested clarification of the drug take-back program. The Manager advised that the program is conducted by the Police Department and information on the Township website.

Mayor Tanella requested an executive session regarding potential litigation concerning artist alliance and flood from Storm Ida.

**7. NEW BUSINESS**

- a) To consider resolution concerning purchase through Morris County Cooperative Pricing Council Contract for utility vehicle

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 #15-C for the acquisition of utility vehicles; and

**WHEREAS**, the contract amount for the acquisition of one (1) utility vehicle will not exceed \$29,220.00; and

**WHEREAS**, the funds are available to satisfy our obligations under this contract through Bond Ordinance 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 #15-C for the acquisition of one (1) utility vehicle from Route 23 Automall, LLC for an amount not to exceed \$29,220.00.

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

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

NO: None

ABSENT: Councilwoman Peterson

- b) To consider resolution concerning designation of are in need of redevelopment – Block 280, Lots 247, 320, 330, 551.1 and 552

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  
DESIGNATING BLOCK 280, LOTS 247, 320, 330, 551.1 and 552 AS AN AREA IN NEED  
OF REDEVELOPMENT**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., (“LRHL”) provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment and sets forth a specific procedure for establishing whether or not various properties constitute an “area in need of redevelopment”; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, prior to the Township Council making a determination as to whether the Study Area, as hereafter defined, qualifies as an area in need of redevelopment, the Township Council authorized and directed the Planning Board to undertake an investigation, to prepare reports and hold appropriate hearings to determine whether some or all of the properties in the Study Area meet the criteria of an area in need of redevelopment as set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, by Resolution dated August 9, 2021, the Township Council adopted a resolution directing the Cedar Grove Planning Board to review the properties identified herein as the Study Area, as hereafter defined, to determine if said properties would qualify as an area in need of redevelopment; and

**WHEREAS**, the Township engaged Jason L. Kasler, AICP, PP of Kasler Associates, PA to prepare a Redevelopment Area Designation Analysis (without condemnation) and all necessary studies and reports incident thereto in order to determine if the Study Area constitutes an “Area in Need of Redevelopment” and to otherwise guide the Planning Board in the redevelopment process, deliberations and public hearing(s); and

**WHEREAS**, the Board received a Memorandum dated September 3, 2021 which was prepared by Jason L. Kasler, AICP, PP of Kasler Associates, PA; and

**WHEREAS**, the following five lots identified herein constitute the Study Area; and

<u>Block</u>	<u>Lot</u>	<u>Location</u>
280	247	Collectively known as 36 Cliffside Drive
280	320	
280	330	
280	551.1	
280	552	

**WHEREAS**, in his Memorandum, Mr. Kasler stated the purpose of same was to determine whether the Benecke Economics Redevelopment Investigation Report authored by Chelsea Gleis, P.P., A.I.C.P., (the “Gleis Report”) meets the statutory requirements set forth in the LRHL; and

**WHEREAS**, the Gleis Report concluded that the five lots, which comprise the Study Area meet criteria “c” (vacant land), “e” (underutilization) and “h” (smart growth) of N.J.S.A. 40A:12A-5; and

**WHEREAS**, in his Memorandum, Mr. Kasler stated that he was in agreement with the analysis performed and conclusion found in the Gleis Report and, in Mr. Kasler’s professional opinion, the Planning Board may determine that all five lots meet criteria “c”, “e” and “h” of N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Planning Board conducted a public hearing on September 21, 2021, which was appropriately noticed and at which hearing, Mr. Kasler testified and presented his professional opinion that the five lots in the Study Area, as set forth in his Memorandum and on the record, meet the criteria set forth at N.J.S.A. 40A:12A-5(c) (vacant land), N.J.S.A. 40A:12A-5(e) (underutilization) and N.J.S.A. 40A:12A-5(h) (smart growth); and

**WHEREAS**, the Cedar Grove Planning Board determined that the subject properties meet criteria “c”, “e” and “h” of N.J.S.A. 40A:12A-5. Specifically, the Planning Board found that the properties qualify as an area in need under criterion “c”, “e” and “h” of N.J.S.A. 40A:12A-5 (without condemnation); and

**WHEREAS**, the Cedar Grove Planning Board concluded, as set forth in its memorializing Resolution, that based on its preliminary investigation, as well as the testimony and recommendation of Mr. Kasler, the delineated properties known and identified as Block 280, Lots 247, 320, 330, 551.1 and 552 in Block 280 (collectively known as 36 Cliffside Drive) qualifies as a non-condemnation area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5(c), (e) and (h) and for which the inclusion of parcels is necessary for the effective redevelopment of the area identified; and

**WHEREAS**, the Township Council accepts the recommendation of Kasler Associates, PA, and determination of the Cedar Grove Planning Board, as memorialized in the Planning Board’s memorializing Resolution adopted on September 21, 2021 and dated September 22, 2021.

**NOW THEREFORE, BE IT RESOLVED** that the properties identified herein as Block 280, Lots 247, 320, 330, 551.1 and 552 shall be and are hereby designated as an area in need of redevelopment, without condemnation, pursuant to N.J.S.A. 40A:12A-5(c), (e) and (h).

**BE IT FURTHER RESOLVED** that the foregoing redevelopment area determination shall further authorize the Township to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, except for the power of eminent domain, and the Redevelopment Area shall in no way be considered to be a “Condemnation Redevelopment Area”.

**BE IT FURTHER RESOLVED** that all appropriate Township professionals, employees, elected and appointed officials are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Township Clerk, Chief Financial Office and Township Planning Board Chairman and Secretary.

**BE IT FURTHER RESOLVED** that the Township Clerk shall, pursuant to N.J.S.A. 40A:12A-6(b)(5)(c), forthwith transmit a copy of this Resolution to the Commissioner of Community Affairs for review.

**BE IT FURTHER RESOLVED** that, pursuant to N.J.S.A. 40A:12A-6(b)(5)(d), the Township Clerk shall serve, within ten (10) days of the date of the adoption of this Resolution, notice of the foregoing determination upon (i) all record owners of property located within the Redevelopment Area; (ii) those whose names are listed on the Tax Assessor's records; and (iii) upon each person who filed a written objection to the determination and stated, in or upon such written submission, an address to which notice of determination may be sent.

This Resolution shall take effect immediately.

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

AYE: Councilmember Skabich, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSTAIN: Councilman Zichelli

ABSENT: Councilwoman Peterson

- c) To consider resolution concerning designation of conditional redeveloper and authorizing preparation of a Redevelopment Plan by Planning Board – Block 280, Lots 247, 320, 330, 551.1 and 552

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

**RESOLUTION OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, NEW JERSEY DESIGNATING 36 CLIFFSIDE DRIVE LLC AS CONDITIONAL REDEVELOPER OF THE PROPERTY LOCATED AT 36 CLIFFSIDE DRIVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 280, LOTS 247, 320, 330, 551.1 AND 552, AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CEDAR GROVE, PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 TO -89 AND AUTHORIZING THE NEGOTIATION AND PREPARATION OF A REDEVELOPMENT AGREEMENT WITH 36 CLIFFSIDE DRIVE LLC FOR THE REDEVELOPMENT OF SUCH PROPERTY**

**WHEREAS**, the Township of Cedar Grove, in the County of Essex, New Jersey (the “**Township**”), a public body corporate and politic of the State of New Jersey (the “**State**”), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to -89 (the “**Redevelopment Law**”), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

**WHEREAS**, N.J.S.A. 40A:12A-6 of the Redevelopment Law authorizes the governing body of any municipality, by resolution, to have its Planning Board conduct a preliminary investigation to determine whether an area of the municipality is a non-condemnation “area in need of redevelopment” pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the Mayor and Township Council adopted a Resolution authorizing and directing the Planning Board of the Township of Cedar Grove (the “**Planning Board**”) to undertake a preliminary investigation to determine if certain property located at 36 Cliffside Drive, which property is identified as Block 280, Lots 247, 320, 330, 551.1, and 552, as shown on the official Tax Map of the Township (the “**Study Area**”), constituted a non-condemnation “area in need of redevelopment,” in accordance with the Redevelopment Law; and

**WHEREAS**, the Planning Board, after conducting the required investigation and holding a public hearing on September 21, 2021, recommended that the Study Area met the statutory criteria; and

**WHEREAS**, the Township Council on October 4, 2021 adopted a Resolution accepting the Planning Board’s recommendation that the Study Area was found to meet the necessary statutory criteria, and designated the entire Study Area as a non-condemnation Area in Need of Redevelopment (the “**Redevelopment Area**”); and

**WHEREAS**, on October 18, 2021, the Township Council adopted a Resolution amending the Resolution adopted on October 4, 2021; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:12A-7(e and f) and N.J.S.A. 40A:12A-15 of the Redevelopment Law, the Township’s staff and/or Planning Board professionals, is permitted to prepare a redevelopment plan; and

**WHEREAS**, a redevelopment plan for the Redevelopment Area is being prepared and will be adopted by the Township Council by Ordinance in accordance with the Redevelopment Law; and

**WHEREAS**, **36 CLIFFSIDE DRIVE LLC** (the “**Entity**”) wishes to develop the Redevelopment Area, identified as Block 280, Lots 247, 320, 330, 551.1, and 552, in accordance with a redevelopment plan to be adopted by the Township Council; and use it for the purpose of implementing any redevelopment plan adopted by the Township; and

**WHEREAS**, the Entity has requested that the Township Council, as a redevelopment entity, prepare a redevelopment agreement with the Entity providing for the development of the Redevelopment Area in accordance with the redevelopment plan to be adopted by the Township; and

**WHEREAS**, the Township Council desires to designate 36 Cliffside Drive LLC as conditional redeveloper of the Redevelopment Area subject to the negotiation and entry of a Redevelopment Agreement with the Entity, as provided for and in accordance with the provisions of the Redevelopment Law.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, NEW JERSEY AS FOLLOWS:**

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Township Council hereby designates 36 Cliffside Drive LLC as conditional redeveloper concerning the Redevelopment Area identified as Block 280, Lots 247, 320, 330, 551.1, and 552, as shown on the official Tax Map of the Township of Cedar Grove.

**Section 3.** The Township Council hereby authorizes the negotiation of the Redevelopment Agreement with 36 Cliffside Drive LLC as redeveloper of the Redevelopment Area, as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

**Section 4.** This Resolution shall take effect immediately.

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

AYE: Councilmember Skabich, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSTAIN: Councilman Zichelli

ABSENT: Councilwoman Peterson

d) To consider resolution concerning approval of raffle application – CGHS Music Matters

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**

Cedar Grove High School Music Matters  
90 Rugby Rd.  
Cedar Grove NJ 07009

**EVENTS, DATES TIMES & PLACE**

Off-Premise 50/50 Raffle to be held  
January 18, 2022 at 8:00 p.m. at  
90 Rugby Rd., 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 Skabich, and passed by the following vote:

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

NO: None

ABSENT: Councilwoman Peterson

e) To consider resolution concerning approval of raffle applications – St. Catherine of Siena HSA

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

**WHEREAS**, an applications for raffle license have been received from:

**APPLICANT**

**EVENTS, DATES TIMES & PLACE**

St. Catherine of Siena HSA  
39 E. Bradford Ave.  
Cedar Grove NJ 07009

Off-Premise Merchandise Raffle to be held  
December 20, 2021 at 9:00 a.m. at  
39 E. Bradford Ave., Cedar Grove NJ 07009

St. Catherine of Siena HSA  
39 E. Bradford Ave.  
Cedar Grove NJ 07009

Calendar Raffle to be held  
Jan. 3, 18, Feb. 1, 22, March 1, 22, 2020  
at 9:30 am at  
39 E. Bradford Ave., 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.

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

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

NO: None

ABSENT: Councilwoman Peterson

**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 \$ 3,325,542.54.

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

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

NO: None

ABSENT: Councilwoman Peterson

**9. PUBLIC COMMENT**

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

The Township Manager responded to questions and comments concerning Peckman River storm damage remediation along Little Falls Rd. from the following residents:



Joe Handel; 204 Little Falls Rd. – Mr. Handel offered assistance in getting access agreements returned by Little Falls Rd. residents. Mr. Handel also noted a bridge concern.

Frank Turner; 201 Little Falls Rd. – Mr. Turner voiced concern regarding return of access agreements by all property owners. Mr. Tucci explained that access from every property is not required, that agreements were sent to all affected residents to facilitate the determination of best access points.

Spencer Sujjaporamest; 201 Little Falls Rd. – Mr. Sujjaporamest inquired the timeline for County work. Mr. Sujjaporamest expressed appreciation for Township efforts to address storm damage. The Manager commented that riprap is to be installed on both sides of the riverbank in response to Mr. Sujjaporamest's inquiry regarding riprap.

Pat Clough; 143 Little Falls Rd. – Mr. Clough raised concern regarding tree removal and trimming. The Manager explained that trees are a two-phase process; PVSC is to remove tree debris from the streambed and Township tree contractor is to conduct tree removal/trimming along the banks.

Jodi Preihs; 143 Little Falls Rd. – Ms. Preihs noted concern for steep drop-off on riverbank by old Little Falls Rd. tennis courts.

Kim Cappararo; 195 Little Falls Rd. – Ms. Cappararo inquired the frequency of permitted silt/sediment removal. Mr. Tucci advised that NJDEP permits up to 2 feet/year.

There being no one else present wishing to be heard, Mayor Tanella closed this portion of the meeting. Mayor Tanella requested an executive session regarding potential litigation.

#### 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 October 18, 2021.
2. The general nature of the subject matters to be discussed is contract negotiation regarding CG Senior Citizen Building and potential litigation.
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 Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

## **10. ADJOURNMENT**

There being nothing further to discuss, the staff council meeting adjourned at 7:40 p.m. by acclim.