

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

**PUBLIC MEETING**

**MINUTES**

**NOVEMBER 1, 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, Mayor Tanella

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

Absent: Deputy Mayor Maceri

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. AWARD OF BID**

- a) To consider resolution concerning award of bid for Reconstruction of ADA Ramps

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 ADA Ramp Improvements at Municipal Intersections, and were publicly opened by the Township Clerk on September 15, 2021 as follows:

<u>BIDDER</u>	<u>TOTAL BASE BID</u>
Covino & Sons Construction Co.	\$ 66,583.00
AA Berms LLC	\$ 66,737.50
Cifelli & Son General Constr. Inc.	\$ 68,359.50
Diamond Construction	\$ 79,198.96

**WHEREAS**, the Municipal Engineer reviewed the bids submitted, and recommended award of bid to Covino & Sons Construction Co. of Fair Lawn, New Jersey, the apparent low bidder; and

**WHEREAS**, legal review by the Township Attorney determined that the bid bond of apparent low bidder contained a material defect in the bid bond 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, AA Berms LLC of Belleville, NJ was responsive to the specifications; and

**WHEREAS**, the funds are available to satisfy our obligations under this contract from Bond Ord. 21-872 and 2020 Community Development Block Grant.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Cedar Grove, that the award of bid be made to AA Berms LLC of Belleville, New Jersey in the amount of \$66,737.50.

**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 Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Zichelli, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

### **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 Manager provided an update concerning creation of Cedar Grove-Verona Flood Board. Mr. Tucci advised that draft ordinances have been prepared by both municipalities for review. The Manager also provided an update on the status of Peckman River cleaning and de-snagging. Mr. Tucci commented that the Township of Verona is to conduct similar work in the riverbed by the same contractor. The Manager further advised that the County has hired National Water Main to clean the pipe by Little Falls Road bridge and a contractor has been hired to install a second basin. Mr. Tucci commended Recreation Director Marisa Landolfi-Jefferson for conduct of recent Breast Cancer Awareness Walk in conjunction with Minette’s Angels, a Verona non-profit. Mr. Tucci noted the event was the most successful thus far, raising \$13,947 to date. The Manager reported that he and the Township Attorney met with County counsel regarding Mountain Ave./West Lindsley Road flooding concerns. Mr. Tucci noted that the County committed to improvements to the outfall structure, ravine along culvert, and slowing run-off velocity. Mr. Tucci further noted that both the County and Municipal Engineers met with area residents to discuss impending remediation work. Mr. Tucci requested an executive session to discuss contract litigation regarding Occidental Chemical.

b) Township Clerk – On behalf of the Clerk, the Manager reminded residents that November 2<sup>nd</sup> is the General Election.

c) Township Attorney – Attorney Nabbi requested an executive session to discuss potential litigation.

d) Other Reports

Councilwoman Peterson – No report

Councilwoman Skabich – Councilwoman Skabich also commended the Recreation Director on the Breast Cancer Awareness event.

Councilman Zichelli – No report

Mayor Tanella – No report

**5. CONSENT AGENDA**

- a) To consider resolution concerning approval of raffle application – 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 application for raffle license has been received from:

**APPLICANTS**

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

**EVENTS, DATES TIMES & PLACE**

Off-Premise 50/50 Raffle to be held  
Jan. 5, Feb. 2, Mar. 2, Apr. 6, May 4,  
Jun. 1, July 6, Aug. 3, Sep. 7, Oct. 5,  
Nov. 2, and Dec. 7, 2022 at 10:00 am at  
39 E. Bradford 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, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

- b) To consider resolution concerning approval of raffle application – CG Elks Club

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

**EVENTS, DATES TIMES & PLACE**

On-Premise 50/50 Raffle to be held  
December 14, 2021 at 5:30 – 7:30 p.m. and  
January 14, 2022 at 5:30 – 7:30 p.m. at  
405 Bowden 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 Peterson, Skabich, Zichelli, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

**6. NEW BUSINESS**

- a) To consider introduction of Pending Ord. #21-882 – An Ordinance Adopting Redevelopment Plan for Block 280, Lots 347, 320, 330, 551.1 and 552

The clerk read the Ordinance by title only:

**ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, NEW JERSEY ADOPTING THE REDEVELOPMENT PLAN FOR 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 LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ. (36 CLIFFSIDE DRIVE)**

**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 et seq. (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**, on August 9, 2021, 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 for an area in need of redevelopment; and

**WHEREAS**, on October 4, 2021, the Township Council 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)-(f) and N.J.S.A. 40A:12A-15 of the Redevelopment Law, the Township's staff and/or Planning Board professionals are permitted to prepare a redevelopment plan; and

**WHEREAS**, a redevelopment plan for the Redevelopment Area titled "36 Cliffside Drive Redevelopment Area Redevelopment Plan", was prepared by Benecke Economics and submitted to the Township Council (the "**Redevelopment Plan**"); and

**WHEREAS**, the Township Council intends to adopt the Redevelopment Plan in order to effectuate a plan that is consistent with the goals and objectives of the Township for the redevelopment of the Redevelopment Area; and

**WHEREAS**, on October 18, 2021, pursuant to the Redevelopment Law, the Township has designated a conditional redeveloper (the "Entity") to develop the Redevelopment Area in accordance with the Redevelopment Plan; and

**WHEREAS**, as an incentive for the Entity to participate in the Redevelopment Project, the Township intends to negotiate a Financial Agreement with the designated redeveloper pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq.; and

**WHEREAS**, the Planning Board reviewed the Redevelopment Plan and determined the Redevelopment Plan was consistent with the Township's Master Plan by Resolution dated October 19, 2021; and

**WHEREAS**, the Township Council believes that the adoption of the Redevelopment Plan is in the best interest of the Township for the redevelopment of the Redevelopment Area.

**NOW THEREFORE, BE IT ORDAINED 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 Redevelopment Plan titled "36 Cliffside Drive Redevelopment Area Redevelopment Plan" is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

**Section 3.** The zoning district map in the zoning ordinance of the Township is hereby amended to include the Redevelopment Area per the boundaries described in the Redevelopment Plan and the provisions thereon.

**Section 4.** The Township’s professionals are hereby authorized and directed to negotiate a Financial Agreement with the Entity pursuant to the Long Term Tax Exemption Law.

**Section 5.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 6.** A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

**Section 7.** This Ordinance shall take effect in accordance with all applicable laws.

Councilwoman Peterson moved that Pending Ordinance #21-882 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 6, 2021, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Mayor Tanella

NO: None

ABSTAIN: Councilman Zichelli

ABSENT: Deputy Mayor Maceri

- b) To consider introduction of Pending Ord. #21-883 – An Ordinance Setting Maximum Allowable Rent Increase

The clerk read the Ordinance by title only:

**AN ORDINANCE SETTING THE MAXIMUM ALLOWABLE RENT INCREASE PURSUANT TO CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE**

BE IT ORDAINED by the Township Council of the Township of Cedar Grove that the maximum allowable rent increase in the Township for the year 2022 pursuant to Chapter 208 of the Code of the Township of Cedar Grove is hereby set at 4.2%.

This Ordinance shall take effect upon final reading, adoption, and publication in accordance with the law.

Councilman Zichelli moved that Pending Ordinance #21-883 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 6, 2021, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Zichelli, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

- c) To consider resolution concerning 2021 Best Practices Inventory

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

**WHEREAS**, the State's Fiscal Year 2021 Budget requires a Best Practices Inventory be completed by each municipality; and

**WHEREAS**, the Chief Financial Officer has completed and submitted the Best Practices Inventory to the Township Manager; and

**WHEREAS**, the Township Manager has provided a copy of said inventory to the Township Council; and

**WHEREAS**, the required certifications have been made and the inventory has been submitted to the Division of Local Government Services; and

**WHEREAS**, the Township Manager has reviewed and discussed the results of the inventory with the Township Council during its public meeting of November 1, 2021.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council that the Best Practices Inventory has been reviewed by the Township Council.

The Township Manager discussed and presented the 2021 Best Practices Inventory. Mr. Tucci advised that based on the number of affirmative responses the Township should receive 100% of its CMPTRA and ETR Aid entitlement.

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

AYE: Councilmember Peterson, Skabich, Zichelli, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

- d) To consider resolution concerning form, maturities and other details of refunding bonds

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

**RESOLUTION PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF THE REFUNDING BONDS OF THE TOWNSHIP OF CEDAR GROVE IN AN AGGREGATE AMOUNT NOT TO EXCEED \$7,500,000 IN ORDER TO PROVIDE DEBT SERVICE SAVINGS TO THE TOWNSHIP OF CEDAR GROVE**

**WHEREAS**, the Township Council of the Township of Cedar Grove, in the County of Essex, New Jersey (the "Township"), has heretofore issued its General Obligation Bonds, Series 2013 in the original aggregate principal amount of \$19,860,000, dated February 20, 2013, (i) which consist 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 2023, in an aggregate amount of \$1,190,000, (ii) which consist 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, inclusive, in an aggregate amount of \$1,725,000, (iii) which consist 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 through 2033, inclusive, are outstanding in the principal amount of \$3,197,000; and (iv) which consist 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 (collectively, the "Refunded Bonds"); and

**WHEREAS**, the Township desires to refund the Refunded Bonds, and has adopted a bond ordinance entitled "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," which authorized refunding bonds to be issued to refund the Refunded Bonds;

**BE IT RESOLVED** BY 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) that:

Section 1. There shall be issued bonds of the Township in an amount not to exceed \$7,500,000 pursuant to the following bond ordinance (#21-877):

"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."

Section 2. The bonds referred to in Section 1 hereof are hereby combined into one consolidated issue of bonds in the aggregate principal amount not to exceed \$7,500,000 and are sometimes hereinafter collectively referred to as the "Bonds." The Bonds will be issued in four series as "General Improvement Refunding Bonds, Series 2021," "Water Utility Refunding Bonds, Series 2021," "Sewer Utility Refunding Bonds, Series 2021," and "Swimming Pool Utility Refunding Bonds, Series 2021." The Bonds of said issue (i) shall be dated the date of delivery of the Bonds, (ii) shall mature on February 1 in each of the years 2023 through 2033, inclusive, or such other years as may be determined by the Chief Financial Officer, (iii) shall bear interest at the interest rates per annum as determined by the Chief Financial Officer, (iv) shall be sold at such price or prices as determined by the Chief Financial Officer, and (v) may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 10 hereof. The Bonds shall be numbered one consecutively upward, and will be issued in fully registered form. When issued, the Bonds will be registered in the name of and held by Cede & Co., as the owner thereof and nominee for The Depository Trust Company, New York, New York ("DTC"), an automated depository for securities and clearinghouse for securities transactions. Upon issuance, the Bonds will be delivered to DTC in single denominations for each maturity of the Bonds. Individual purchases of beneficial interests in the Bonds will be made in book-entry form (without certificates) in the denomination of \$5,000 each or any integral multiple thereof.

Section 3. The Bonds shall bear interest from their date based on their outstanding principal amount at the rate to be set forth in Section 2 hereof, shall be payable as to principal in lawful money of the United States of America at the administration office of the Township in Cedar Grove, New



Jersey, payable semi-annually on the first day of February and August in each year until maturity or prior optional redemption, commencing on February 1, 2022, or such other commencement date as may be determined by the Chief Financial Officer, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding January 15 and July 15. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Notwithstanding any other provision herein to the contrary, so long as DTC or its nominee, Cede & Co., is the registered owner of the Bonds, payments of the principal of and interest on the Bonds will be made directly to Cede & Co., as nominee of DTC in accordance with the provisions of the DTC Letter of Representations to be executed by the Township and DTC. Disbursal of such payments to the DTC participants is the responsibility of DTC, and disbursal of such payments to the beneficial owners of the bonds is the responsibility of the DTC participants.

The Bonds shall be subject to the parameters set forth as follows: (i) the aggregate principal amount of the Bonds does not exceed \$7,500,000, (ii) the present value savings of the refunding is at least three percent (3.00%), (iii) the new debt service shall be structured such that no annual debt service payment is more than it was under the original debt service schedule, (iv) the final maturity of the Bonds does not extend past the budget year in which such final maturity was originally scheduled to mature, (v) the debt savings are substantially level across the life of the refunding, and (vi) this resolution shall have been adopted by at least a 2/3 vote of the full membership of the Township Council.

Section 4. The Bonds shall be signed by the Mayor and the Township Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 5. The Bonds and the registration provisions endorsed thereon shall be in substantially the form as provided by Township's Bond counsel, Gibbons, P.C.

Section 6. The Township Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Township Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by CUSIP Global Services, which is managed on behalf of the American Bankers Association by S&P Global Market Intelligence, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 7. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to DTC on behalf of the purchaser and the payment of the purchase price thereof in accordance with the Bond Purchase Agreement (as hereinafter defined), the Township Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue

Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C. as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 8. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 9. The Mayor and Township Chief Financial Officer are hereby authorized and directed to approve the Preliminary Official Statement of the Township issued in connection with the Bonds, the Official Statement of the Township issued in connection with the Bonds, the DTC Letter of Representation, the Escrow Deposit Agreement and the Continuing Disclosure Certificate and their use in connection with the sale of the Bonds and are further authorized, as is the Township Clerk, to execute all documents, including, but not limited to, the Preliminary Official Statement, the Official Statement, the DTC Letter of Representation, and Continuing Disclosure Certificate necessary for the sale and delivery of said Bonds.

Section 10. The Bonds are hereby authorized to be sold to Raymond James & Associates, Inc. (the "Underwriter") pursuant to the terms of a Bond Purchase Agreement between the Township and the Underwriter (the "Bond Purchase Agreement"). The Mayor and the Township Chief Financial Officer are hereby authorized to award the Bonds and directed to execute, and the Clerk to attest to the Bond Purchase Agreement.

Section 11. The Township Chief Financial Officer is hereby authorized to purchase securities in an amount necessary to effectuate the refunding of the outstanding amount of the Refunded Bonds and to execute all documents necessary in connection therewith.

Section 12. Raymond James & Associates, Inc. is hereby appointed as the underwriter for the Bonds.

Section 13. Manufacturers and Traders Trust Company is hereby appointed as the escrow agent for the Refunded Bonds.

Section 14. 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, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

- e) To consider resolution concerning execution of temporary access & construction easements agreements for properties on Little Falls Road

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

**A RESOLUTION AUTHORIZING THE EXECUTION OF TEMPORARY ACCESS AND CONSTRUCTION EASEMENT AGREEMENTS FOR PROPERTIES LOCATED ON LITTLE FALLS ROAD**

**WHEREAS**, the Township desires to desnag and remove debris associated with Hurricane Ida from the Peckman River and to stabilize the banks of the River with Riprap (the “Peckman River Project”); and

**WHEREAS**, the following property owners have received Temporary Access and Construction Easement Agreements in the event the Township needs access via their properties:

- Franklin P. Turner, 201 Little Falls Road (Block 212, Lot 19);
- Christopher M. and Puzio K. Cappararo, 195 Little Falls Road (Block 212, Lot 18);
- Daniel C. and Jeaneen Dwyer, 187 Little Falls Road (Block 212, Lot 17);
- Michael P. and Cosima Verga, 181 Little Falls Road (Block 212, Lot 16);
- Charles Schmitt, 177 Little Falls Road (Block 212, Lot 15);
- James Reilly, 173 Little Falls Road (Block 212, Lot 14);
- Michael and Gail Topoleski, 169 Little Falls Road (Block 212, Lot 13);
- Yao Hua Chen, 165 Little Falls Road (Block 212, Lot 12);
- Kevin and Deborah Noreika, 159 Little Falls Road (Block 212, Lot 11);
- Tadeusz and Maria Komperda, 153 Little Falls Road (Block 212, Lot 10);
- WDFS, 151 Little Falls Road (Block 212, Lot 9);
- Michael and Dena Drobish, 147 Little Falls Road (Block 212, Lot 8); and
- Jo Ellen Preihs and Patrick Clough, 143 Little Falls Road (Block 212, Lot 7); and

**WHEREAS**, the Township may enter into a Temporary Access and Construction Easement Agreement with each of the abovementioned property owners; and

**WHEREAS**, the Cedar Grove Mayor and Council, by adoption of this Resolution, approve the entry into said Agreements and such other agreements with other affected property owners and authorizes the Township Manager, Thomas Tucci, to execute same.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Cedar Grove that the Mayor and Council Township of Cedar Grove authorize the Township Manager to execute the necessary Temporary Access and Construction Easement Agreements.

The Manage noted that one agreement was modified by a property owner, which will not be executed/used for access by the Township.

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

AYE: Councilmember Peterson, Skabich, Zichelli, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

## **7. 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 \$ 253,358.58

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

AYE: Councilmember Peterson, Skabich, Zichelli, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

## **8. 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.

Spencer Sujjaporamest; 201 Little Falls Rd. – Mr. Sujjaporamest thanked the governing body for Peckman River remediation work following Storm Ida. Mr. Sujjaporamest requested that the second catchbasin to be installed have larger drainage holes.

Frank Turner; 201 Little Falls Rd. – Mr. Turner also thanked the governing body for efforts to address/remediate flooding on Little Falls Rd. from Storm Ida. Mr. Turner also inquired the timing for rip wrap installation, which the Manager responded should occur at conclusion of cleaning & desnagging work.

Patrick Clough; 143 Little Falls Rd. – Mr. Clough commented that he had observed leaves being blown into Peckman River from Township property. Mr. Clough concerns regarding bridge near Community Park Road and need to replace. Mr. Clough also expressed concern with water flow from Verona Park that impacts Peckman River. The Manager suggested that Mr. Clough discuss specific concerns with Municipal Engineer.

Christine Dye; 49 The Glen – Ms. Dye stated that she was speaking as a member of the Board of Education and made inquiries regarding distribution of PILOT funds by the Township to the Board of Education, the Township's request for information from Board of Education, amount of PILOT monies received by Township to date, and use of PILOT monies by Township. Speaking as a resident, Ms. Dye requested an explanation regarding a letter of endorsement for gubernatorial candidate signed by Mayor and Councilmembers.

David Vissering; 27 Rose Terr. – Mr. Vissering thanked several Township officials for prompt responses to his previous concerns. Mr. Vissering commented on inaccuracies in the candidate endorsement letters signed by Councilmembers.

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 November 1, 2021.
2. The general nature of the subject matters to be discussed is contract litigation regarding Occidental Chemical Co., potential litigation, and 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 Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Zichelli, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

**9. 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, Mayor Tanella

NO: None

ABSENT: Deputy Mayor Maceri

The meeting adjourned at 7:35 p.m.

---

PETER TANELLA                      MAYOR

ATTEST:

---

KATHLEEN R. STUTZ      MUNICIPAL CLERK