

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

PUBLIC MEETING

MINUTES

FEBRUARY 7, 2022

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

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

Absent: Councilwoman Peterson, Mayor Tanella

The flag salute was led by Deputy Mayor Maceri.

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 23, 2021, 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. EXTRAORDINARY BUSINESS

- a) Recognition of CGHS Girls Tennis Team

Deputy Mayor Maceri presented certificates to members of the 2021 team in recognition of their first-time in school history Conference title of Super Essex Conference Colonial Division Champions and perfect 7-0 record.

3. APPROVAL OF MINUTES

- a) To consider approval of minutes of regular public meeting of January 10, 2022

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

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

4. PUBLIC HEARING

- a) To consider adoption of Pending Ord. #22-885 – Establishing Verona-Cedar Grove Flood Control Board

The ordinance was read by title only as follows:

**AN ORDINANCE FORMING AND ESTABLISHING THE VERONA-CEDAR
GROVE FLOOD CONTROL BOARD.**

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

Councilman Zichelli 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 Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri,

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

Deputy Mayor Maceri advised that the public hearing for items 4(b), (c), and (d) is being conducted as scheduled, however the ordinances will be considered for adoption at the February 28th meeting.

- b) To consider adoption of Pending Ord. #22-886 – Ordinance vacating Public Rights in Right-of-Way Through Block 280, Lot 320

The ordinance was read by title only as follows:

AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE COUNTY OF ESSEX AND STATE OF NEW JERSEY, VACATING ALL PUBLIC RIGHTS IN A SIXTY-FOOT-WIDE RIGHT-OF-WAY THROUGH BLOCK 280, LOT 320.

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

- c) To consider adoption of Pending Ord. #22-887 – Ordinance Vacating Water Line Easement Through Lots 247 and 320 in Block 280

The ordinance was read by title only as follows:

AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX AND STATE OF NEW JERSEY, VACATING A WATER LINE EASEMENT THROUGH LOTS 247 AND 320, IN BLOCK 280, CEDAR GROVE TOWNSHIP, NEW JERSEY

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

- d) To consider adoption of Pending Ord. #22-888 – Ordinance Vacating Portion of Public Right-of-Way Known as Cliffside Drive

The ordinance was read by title only as follows:

AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX AND STATE OF NEW JERSEY, VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY KNOWN AS CLIFFSIDE DRIVE, CEDAR GROVE, NEW JERSEY

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

5. 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.

6. REPORTS OF TOWNSHIP OFFICIALS

a) Township Manager – The Manager noted a memo from the Tax Assessor regarding the 2022 Tax List Summary. Mr. Tucci commented that the Township’s ratable total increased for 2022 which results in an increase in the average residential assessment from \$470,900 in 2021 to \$473,000 in 2022. The Manager also noted a memo from the Recreation Director regarding recommended pool fees for the 2022 season. The Manager commented that the Recreation Advisory Board concurred with the Finance Director’s recommendation to increase resident fees 3%. There was consensus for further discussion at the 2/28 staff meeting.

b) Township Clerk – No report

c) Township Attorney – No report

d) Other Reports

Councilwoman Skabich – No report

Councilman Zichelli – No report

Deputy Mayor Maceri commented on the adoption of the ordinance to establish the Verona-Cedar Grove Flood Board. At the Deputy Mayor’s request the Township Manager explained certain proposed allocations in the 2022 municipal budget; \$50,000 annually, in the Capital Fund for riverbank stabilization, the establishment of flood mitigation grant to assist residents that have flood damage issues, acquisition of an electric vehicle, and additional electric vehicle charging station. Additionally at the Deputy Mayor’s request, the Manager summarized the work completed by the Township following Storm Ida to mitigate flood damage; cleaning of Peckman River within Township borders from Francisco Ave. to Ozone Ave. as allowed by State permit, re-establishment of specific riverbanks (Little Falls Rd.), and repair of containment wall adjacent to Municipal Building.

7. CONSENT AGENDA

a) To consider resolution concerning approval of raffle application – Cedar Grove Elks

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

On-Premise 50/50 Raffle to be held
May 7, 2022 at 2:00 p.m. – 7:00 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 Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

- b) 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

EVENTS, DATES TIMES & PLACE

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

Off-Premise Merchandise Raffle to be held
March 31, 2022 at 10:00 a.m. 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 Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

- c) To consider resolution concerning approval of raffle applications – Little Falls School 1 PTA

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

WHEREAS, applications for raffle licenses have been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Little Falls School 1 PTA
32 Stevens Ave.
Little Falls NJ 07424

On-Premise Merchandise Raffle to be held
March 10, 2022 at 6:00 – 10:00 p.m. at
691 Pompton Ave., Cedar Grove NJ 07009

Little Falls School 1 PTA
32 Stevens Ave.
Little Falls NJ 07424

On-Premise 50/50 Raffle to be held
March 10, 2022 at 6:00 – 10:00 p.m. at
691 Pompton 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 Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

- d) To consider resolution concerning 2022 fireworks display

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, that it does hereby approve a Fireworks Display to be furnished and executed by Starfire Corporation of Carrolltown, PA, at the Cedar Grove Leonard R. Parks Athletic Field on Thursday, June 30, 2022 with a rain date of Friday July 1, 2022.

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

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

- e) To consider resolution concerning removal of reverter clause from deed for Block 40, Lot 101

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, STATE OF NEW JERSEY DECLARING THAT THE REVERTER CLAUSE INCLUDED IN THE BOARD OF EDUCATION DEED DATED JANUARY 4, 1972 AND RECORDED ON JULY 17, 1972 AND CONVEYING THE PROPERTY LOCATED AT 100 CEDAR RIDGE DRIVE, WHICH PROPERTY IS IDENTIFIED AS BLOCK 40, LOT 101, AS SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF CEDAR GROVE, BE REMOVED AS REQUIRED BY HUD.

WHEREAS, on January 4, 1972 the Township deeded the subject property known as Block 40, Lot 101, to the Board of Education on the condition same be used for school, athletic and recreational purposes, which Deed was recorded on July 17, 1972; and

WHEREAS, on September 29, 1981, the Board of Education sold the subject property and the deed of conveyance included a reverter clause stating that the property must be developed for senior housing within ten (10) years of September 29, 1981 or in the event the property ceases to be used for the purpose of senior citizen housing, then the contract of sale shall be rescinded or the title to the property shall thereupon revert to and revest in the Cedar Grove Board of Education and be subject to all restrictions and conditions of use originally imposed upon it in the deed from the Township to the Board of Education; and

WHEREAS, the Department of Housing and Urban Development (HUD) permitted the property to be financed in 1983 and again in 2014 and title insurance covered the subject reverter clauses under the Multifamily Accelerated Processing Guidelines; and

WHEREAS, HUD has since changed the Multifamily Accelerated Processing Guidelines to no longer permit title insurance as a cure to reverter clauses; and

WHEREAS, the subject property has been utilized for senior housing for forty (40) years; and

WHEREAS, it is the Township's understanding that upon execution of the new mortgage, HUD will require written assurances in the mortgage or such other documents to assure that the property shall continue to be used for senior housing for at least the next forty (40) years; and

WHEREAS, the Township of Cedar Grove, in the County of Essex, State of New Jersey (the "**Township**"), a public body corporate and politic of the State of New Jersey (the "**State**"), recognizes that it is in the best interests of the Township to remove the reverter clause in the January 4, 1972 Deed (recorded on July 17, 1972) in order to maintain senior housing on the subject property known as 100 Cedar Ridge Drive (Block 40, Lot 101), Cedar Grove, New Jersey.

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 reverter clause in the January 4, 1972 deed for the property located at 100 Cedar Ridge Drive, which property is identified as Block 40, Lot 101, as shown on the official Tax Map of the Township, is hereby removed.

Section 3. This Resolution shall take effect immediately.

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

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, 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 \$8,053,584.62.

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

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

9. 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.

Keith Kawecki; 18 Westland Rd. – Mr. Kawecki inquired the status of PILOT money distribution to the Board of Education. Mr. Kawecki commended the Township Council's adoption of the refunding bond ordinance that realized over \$400,000 in savings for the Township. Deputy Mayor Maceri commented that the Council has come to a decision regarding PILOT money distribution that will be made public shortly.

Sharon Gephart; 3 Old Orchard Ct. – Ms.Gephart stated that she was present as a representative of the O'Toole family to make public statement on behalf of Police Captain Eileen O'Toole related to

the recent Police Chief appointment. Attorney Nabbi advised that there should be no comments pertaining to Captain O’Toole as it is a pending litigation matter.

Robert O’Toole; 3 Old Orchard Ct. – Mr. O’Toole recounted his personal and public service to Township as well as the work career of daughter, Eileen O’Toole as police officer in the Township’s Police Department. Mr. O’Toole voiced disappointment in the decision not to appoint Capt. O’Toole as Police Chief.

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

10. ADJOURNMENT

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

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri

NO: None

ABSENT: Councilwoman Peterson, Mayor Tanella

The meeting adjourned at 7:35 p.m.

PETER TANELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK