

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

**COUNCIL STAFF MEETING**

**MINUTES**

**FEBRUARY 28, 2022**

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

Mayor Tanella called the meeting to order at 7:05 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 Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella  
Also Present: Township Manager Tucci, Township Attorney Nabbi, and Township Clerk Stutz

**2. APPROVAL OF MINUTES**

a) Staff Meeting – January 24, 2022

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

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

NO: None

b) Executive Session – January 24, 2022

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

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

NO: None

**3. TOWNSHIP MANAGER** – The Manager noted the Recreation Director's memo regarding 2022 pool fees, to which the governing body agreed. Mr. Tucci commented on the one year anniversary of the passing of long-time crossing guard Peg Tower and plans to conduct a ceremony on 3/4/2022 to dedicate the Pompton Ave./Bowden Rd. crossing post as "Peg's Corner". Mr. Tucci announced the upcoming retirement of the Chief Finance Officer. Mr. Tucci provided recommendation for appointment. There was consensus to conduct an interview in executive session with prospective replacement 3/21 at 6:30 p.m.

**4. TOWNSHIP ATTORNEY** – Attorney Nabbi requested to discuss pending litigation matter and contract negotiation matter in executive session.

## 5. TOWNSHIP CLERK – No report

## 6. COUNCIL REPORTS

Councilwoman Skabich provided a summary of meeting with Steve Neale of Verona regarding implementing a community garden. Councilman Zichelli reported that the Historical Society is receptive to a community garden at Morgan's Farm. Councilwoman Skabich moved to move forward with the community garden project at Morgan's Farm, seconded by Councilman Zichelli, and agreed to unanimously. Following a brief discussion of the idea, Councilwoman Skabich moved that the Township conduct a townwide garage sale on Saturday September 10<sup>th</sup> in conjunction with the annual Ridgewood Acres Neighborhood Association (RANA) garage sale, seconded by Deputy Mayor Maceri and agreed to unanimously. Councilwoman Skabich proposed consideration of a greeting card kit program for nursing homes within the Township through the Library. Councilwoman Skabich also suggested the prospect of offering a photography class by the Recreation Dept.

Councilwoman Peterson inquired the status of potential recreation center. The Manager advised that RFP's for professional architectural design services have been received, award currently on hold due to other project priority, specifically the rehabilitation of Center Fire Co. building on Cedar Street wit federal funds, and reconstruction of North End Fire House. Councilwoman Peterson raised discussion of rescheduling of postponed recognition of CGHS Football Team and Cheerleaders. There was consensus to re-schedule the recognition for the May 2<sup>nd</sup> public meeting.

Councilman Zichelli requested to recognize Jean and Phil Jaeger, town historians. The Manager suggested a plaque presentation at Morgan's Farm, to which the governing body agreed.

Deputy Mayor Maceri requested an executive session to discuss contract negotiations.

Mayor Tanella – No report

## 7. NEW BUSINESS

- a) To consider resolution concerning 2022 pool fees

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

**WHEREAS**, the Township Council did adopt an ordinance on May 20, 1963 providing for the establishment of fees for the Cedar Grove Municipal Swimming Pool; and

**NOW, THEREFORE, BE IT RESOLVED** that the following fees be established for the Cedar Grove Municipal Swimming Pool for the 2022 season as follows:

Resident Family

\$585.00

Resident Individual	\$418.00
Resident Couple/Parent-Child	\$499.00
Resident Senior Citizen	\$200.00
Babysitter/care giver Mon – Fri (not household resident)	\$150.00
Household resident; non-main family member	Adult \$150.00
	Child \$ 75.00

**BE IT FURTHER RESOLVED** that in addition, senior citizens who qualify for the State Pharmaceutical Assistance for the Aged Program (PAA) will be entitled to a reduced senior citizen rate of \$114.00.

**BE IT FURTHER RESOLVED** that non-resident memberships will be limited to one hundred (100). The following non-resident fees are established for 2022:

Non-Resident Family	\$1300.00
Non-Resident Individual	\$ 750.00
Non-Resident Senior Citizen	\$ 500.00

**BE IT FURTHER RESOLVED** that the Guest Fee for 2022 will be \$10.00 per day for an adult and \$7 for child.

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

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

NO: None

b) To consider resolution authorizing execution of settlement agreement – Rizzolant Realty

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

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 180, LOTS 261 AND 376 AND COMMONLY KNOWN AS 560 FAIRVIEW AVENUE AND VINCENT ROAD FOR A PUBLIC PURPOSE**

**WHEREAS**, litigation was filed in the New Jersey District Court under Docket No. 2:20-cv-03530-WJM-MF by Rizzolant Realty, LLC vs. the Mayor and Council of the Township of Cedar Grove, et al. (the “Action”); and

**WHEREAS**, the Action was based upon the Cedar Grove Zoning Board of Adjustment’s denial of Rizzolant Realty LLC’s application to develop its property located at 560 Fairview Avenue and Vincent Road in the Township of Cedar Grove and also known as Block 180, Lots 261 and 376 (collectively referred to as the “Property”); and

**WHEREAS**, the settlement provides, without limitation, for the purchase of said Property which is currently owned by Rizzolant Realty, LLC and which has authorized the sale of such real property to the Township; and

**WHEREAS**, the parties have negotiated a settlement of the litigation, as documented in a Settlement Agreement and Release dated February 18, 2022 (the “Agreement”) and said Agreement, without limitation, provides that Rizzolant Realty will be paid a total of \$1,375,000.00 (the “Settlement Sum”) and it being acknowledged and agreed that \$750,000 of the Settlement Sum shall be deemed consideration and fair market value for sale of the Property to the Township of Cedar Grove and the remainder of \$625,000 shall be considered payment of the individual Plaintiff’s alleged damages in their individual claims asserted in the action and attorney’s fees and costs, as more fully set forth in the Agreement; and

**WHEREAS**, payment of the Settlement Sum shall be issued as follows: \$1,225,000 from the Township of Cedar Grove and \$150,000 from the NJIIF; and

**WHEREAS**, the sum of \$750,000 shall be paid at the closing of the sale of the Property and the balance of \$625,000 shall be paid within 20 days following closing of the Property, as more fully set forth in the Agreement; and

**WHEREAS**, this Resolution is to ratify and confirm the terms of the settlement of the litigation for the sum of \$1,375,000, which includes, without limitation, the acquisition of the subject real Property for the sum of \$750,000.00 (\$375,000.00 per lot); and

**WHEREAS**, the Mayor and Council of the Township of Cedar Grove have determined to settle the litigation with Rizzolant Realty, LLC in accordance with the Agreement and to acquire said Property for a public purpose and to preserve same for open space.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Cedar Grove as follows:

That the Mayor and Council Township of Cedar Grove authorize the acquisition and purchase of the real Property known as Block 180, Lots 261 and 376, commonly known as 560 Fairview Avenue and Vincent Road, Cedar Grove, New Jersey, for the sum of \$750,000.00 and hereby approves the settlement of the subject litigation as set forth in this Resolution and the Agreement.

**BE IT FURTHER RESOLVED** that the Mayor, Township Clerk and Township Attorney are hereby authorized and directed to execute any and all documents necessary to effectuate the acquisition of this Property.

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

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

NO: None

- c) To consider resolution authorizing execution of shared services agreement with CG Board of Education – LRP multi-purpose turf ballfield

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 that it does hereby authorize execution of a shared service agreement between the Cedar Grove Board of Education and Township of Cedar Grove for use and maintenance of multipurpose athletic field on Leonard R. Parks School property.

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

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

NO: None

d) To consider resolution concerning renewal of NJIIF membership

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

WHEREAS, the Municipal Council of the Township of Cedar Grove (hereinafter the “Local Unit”) has determined that MEMBERSHIP IN THE New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), is in the best interest of the municipality.

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Township of Cedar Grove in the County of Essex in the State of New Jersey as follows:

SECTION 1. The Township of Cedar Grove hereby agrees to continue as a member in the “Fund” for a period commencing on 01/01/2022 and terminating on 12/31/2024 for the following types of insurance coverage:

- a) Workers Compensation and Employers Liability
- b) General Liability (including Police Professional & Public Officials Liability);
- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, Crime and Boiler & Machinery)
- e) Environmental Impairment Liability
- f) Cyber Liability

SECTION 2. Local Unit agrees to enter into and abide by the terms of the Indemnity and Trust Agreement, attached hereto as Exhibit 1. Local Unit hereby authorizes and directs Township of Cedar Grove to execute the Indemnity and Trust Agreement and such other documents as are necessary to comply with the requirements of the Fund.

SECTION 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund are hereby adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the “Fund” according to the rights and obligations set forth therein.

**SECTION 4.** The Local Unit certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for non-payment of premium for a period of at least two (2) years prior to this application.

**SECTION 5. Inconsistent Resolutions.** All resolutions or parts thereof that are or may be, inconsistent with provisions of this Resolution are hereby repealed to the extent of such inconsistency.

**SECTION 6. Severability.** If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Resolution shall be deemed valid and effective.

**SECTION 7. Effective Date.** This Resolution shall take effect upon its passage.

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

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

NO: None

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

The following resolution was added to the agenda, 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 Church  
339 Pompton Ave.  
Cedar Grove NJ 07009

**EVENTS, DATES TIMES & PLACE**

Off-Premise 50/50 Raffle to be held  
June 5, 2022 at 7:30 p.m. at  
339 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, Mayor Tanella

NO: None

## 8. PUBLIC COMMENT

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

Sal Minieri; 26 Sweetwood Dr. – Mr. Minieri voiced safety concerns regarding the West Essex Bikeway crossing on Bowden Road. Mr. Minieri inquired on the existence of Welcome Wagon in the Township.

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 in the Executive Session of the Meeting of the Mayor and Council of February 28, 2022.
2. The general nature of the subject matters to be discussed are pending litigation regarding Rizzolant Realty, contract negotiation regarding VFW, negotiation regarding Board of Education.
3. It is anticipated at this time that the above stated subject matter will be made public as soon thereafter as it is deemed in the public interest to do so.
4. This Resolution shall take effect immediately.

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

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

NO: None

## 9. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:50 p.m. by acclaim.