

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

PUBLIC MEETING

MINUTES

JANUARY 9, 2017

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilman Cicala, Kumburis, Longo, Maffucci, Deputy Mayor Maffucci

Also Present: Township Manager Tucci, Township Clerk Stutz

Absent: Mayor Tanella

The flag salute was led by Deputy Mayor Maffucci.

Deputy Mayor Maffucci 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 29, 2016 and January 6, 2017 respectively, 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 regular public meeting minutes of December 5, 2016

Councilman Longo moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Maffucci, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

3. AWARD OF BID

(a) To consider resolution awarding bid for Francisco Avenue Pump Station Rehabilitation Project

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 Francisco Avenue Pump Station Rehabilitation Project, and were publicly opened by the Township Clerk on October 18, 2016, as follows:

BIDDER	TOTAL BID AMOUNT
A.C. Schultes	\$ 181,800.
Rapid Pump & Meter	\$ 207,480.

Longo Electrical Mech. Co. Inc.	\$ 215,600.
Coppola Services Inc.	\$ 229,890.
CMS Construction Inc.	\$ 246,000.
Br Welding	\$ 274,236.
Hutton Construction, LLC	\$ 333,319.
GMH Associates of America, Inc.	\$ 340,000.
Fred Deven's Construction	\$ 348,000.

WHEREAS, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend awarding the bid to A.C. Schultes of Woodbury Heights, New Jersey, the lowest responsible bidder, in the amount of \$ 181,800.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract from Bond Ord. 14-773, 15-782, and 16-794.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the award of bid be made to A.C. Schultes of Woodbury Heights, New Jersey.

BE IT FURTHER RESOLVED that the proper officials be instructed to execute a contract on behalf of the Township.

Councilman Cicala moved adoption of the resolution, seconded by Councilman Longo, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Maffucci, Deputy Mayor Maffucci

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 Maffucci 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.

5. REPORTS OF TOWNSHIP OFFICIALS

(a) Township Manager – The Manager provided a memo from the Recreation Director that requested enactment of an ordinance to make public parks and recreation areas smoke/tobacco free. The Manager explained that enactment of the ordinance will enable the Township to submit its application to attain Sustainable New Jersey certification. The Manager also commented that it is anticipated that the ordinance will rely on self-enforcement. The Township Attorney joined the meeting at 7:05 p.m. There was consensus that the Township Attorney draft the requested ordinance. Mr. Tucci also provided potential budget hearing dates of 1/30, 1/31 and 2/1 if necessary, all at 6:00 p.m., to which the governing body agreed.

- (b) Township Clerk – The Clerk announced that a municipal election for three councilmember positions is to be conducted on May 9, 2017. Ms. Stutz advised that candidate packets are available in the Clerk’s Office and must be filed by 4:00 p.m. on Monday, March 6, 2017 in the Clerk’s Office.
- (c) Township Attorney – Attorney Zielinski requested an executive session to discuss two litigation matters; update of Coptic Church litigation, and COAH litigation.
- (d) Other Reports

Deputy Mayor Maffucci announced the Mayor’s appointment of Linda Luciano to the Library Board of Trustees. Deputy Mayor Maffucci also requested an executive session to discuss a pending litigation matter pertaining to Hilltop property redevelopment.

The Manager addressed Councilman Longo’s inquiry regarding the status of replacement of pedestrian footbridge at the Public Library.

Councilman Cicala reported that he had been contacted by a resident that the commemorative veteran street sign at the intersection of Elmwood and Overlook Roads is missing. Councilman Cicala commented on the TREPS program currently underway at Memorial Middle School. Councilman Cicala noted that the program is in need of adult volunteers to help mentor participating students in preparation for the marketplace.

6. CONSENT AGENDA

- (a) To consider resolution concerning approval of raffle application – St. Catherine of Siena 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 a raffle license has been received from:

APPLICANT

St. Catherine of Siena
39 E. Bradford Ave.
Cedar Grove NJ 07470

EVENT, DATE, TIME, AND PLACE

Off-Premise 50/50 Raffle to be held
March 10, 2017 at 6:00 – 10:00 p.m.
at 39 E. Bradford Ave. Cedar Grove NJ 07009

WHEREAS the fee has been paid, 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 Longo moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

(b) To consider resolution concerning appointment of Environmental Commission member

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, County of Essex, New Jersey, that Robert Maxwell be appointed as a member of the Environmental Commission to fill a vacancy, effective immediately and terminating December 31, 2019.

Councilman Cicala moved adoption of the resolution, seconded by Councilman Longo, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

7. NEW BUSINESS

(a) To consider introduction of Pending Ordinance #17-803 Creating Chapter 60 of the Township Code entitled "Downtown Advisory Committee"

The clerk read the Ordinance by title only:

Pending Ordinance No. 17-803

AN ORDINANCE AMENDING PART I ENTITLED "ADMINISTRATIVE LEGISLATION," TO ADD CHAPTER 60 ENTITLED "DOWNTOWN ADVISORY COMMITTEE"

WHEREAS, pursuant to N.J.S.A. 40:69A-89, the Township Council may create commissions and other bodies with advisory powers; and

WHEREAS, the Township Council wishes to create the "Cedar Grove Downtown Advisory Committee" as an advisory body with the goal of creating an attractive and inviting destination for both residents and businesses in Cedar Grove's downtown area; and

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, Part I of *The Township of Cedar Grove Municipal Code* entitled "Administrative Legislation," Chapter 60 entitled "Downtown Advisory Committee" is hereby created and reads as follows:

Section 1.

§ 60-1 Committee established; initial members; membership; terms.

The Township Council shall appoint seven members to the Downtown Advisory Committee, which shall consist of said appointed members. Each appointed member must be a resident of the Township. One member shall be a Township Councilmember or his or her designee, and the remaining members shall be general members with diverse backgrounds. Members of the Township Council may serve as

general members. The terms shall be for a period of three years each, except that the original terms shall be staggered and three members shall be appointed for one year, three members for two years, and two members for three years; thereafter, appointments and reappointments shall be made for full three-year terms. Prior to the Township Council appointing or reappointing any member, the Downtown Advisory Committee may provide the Council, in writing, with non-binding recommendations for Committee members.

§ 60-2 Purpose; powers.

The Downtown Advisory Committee shall advise the Township Council regarding the Township's downtown area, which shall consist of Pompton Avenue between West Bradford Street and Myrtle Avenue. The Committee shall prepare a report to the Township Council at least once a year containing comments, concerns, and suggestions for improvement of the downtown area. The Committee shall liaise with residents, property owners, and businesses and incorporate their input into any reports issued to the Township Council. The Committee may also perform such advisory functions regarding modification of the zoning ordinance as requested by the Township Council, however, this function is in addition to, and not in lieu of, the Planning Board's statutory powers with regard to the Master Plan and amendments to the zoning ordinance pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq. The Committee is not intended to perform any of the statutory powers delegated to the Planning Board or Zoning Board of Adjustment.

In addition, the Committee may organize and hold events that promote local businesses and provide a clean and safe environment for people to shop, dine, and enjoy the downtown area. Prior to any such events, the Committee shall submit an event description to the Township Council that includes a proposed budget and any requests for funding. The Township Council must approve any such request, with modifications if applicable, by an affirmative vote of a majority of the entire governing body.

§ 60-3 Officers; meetings.

The Committee shall elect from its members a Chairman and Vice Chairman and Secretary at an annual organizational meeting. The Township Councilmember or his/her designee shall be liaison for the Committee with the Township Council. The Committee shall, at its discretion, meet monthly or more frequently. Special meetings may be called by the Chairman or Vice Chairman on three days' notice to each member. Four or more members of the Committee may also require the holding of a special meeting and the Secretary of the Board shall send proper notices upon such request.

§ 60-4 Vacancies due to excessive absences; removal from office.

A vacancy shall be deemed to occur where any member shall be absent for 50% or more of any regular or special meetings during any twelve-month period. The Secretary shall report on such excessive absences to the Township Council on a regular basis and the Township Council shall fill the vacancy for the remainder of the unexpired terms. The governing body may remove any member with or without cause by an affirmative vote of a majority of the entire governing body.

Section 2:

All ordinances of the Township of Cedar Grove which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 3.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

This Ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

Councilman Cicala moved that Pending Ordinance #17-803 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of February 6, 2017, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

(b) To consider resolution concerning establishment of petty cash funds

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

BE IT RESOLVED that the Township Council of the Township of Cedar Grove hereby authorizes the establishment of a petty cash fund for the following departments in the amounts set forth effective January 1, 2017.

Finance Department	\$120.00
Engineering Department	\$100.00
Police Department	\$100.00
Library	\$100.00
Recreation	\$ 60.00

WHEREAS, a check will be drawn by the Treasurer of the Township of Cedar Grove establishing a petty cash fund, which will not be charged to a budget appropriation, but will create an asset on the Current Fund Balance Sheet known as "Cash-Petty Cash Fund".

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, in accordance with N.J.S.A. 40A:5-21 that petty cash funds be established in the aggregate of \$480.00.

Councilman Longo moved adoption of the resolution, seconded by Councilman Cicala, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

(c) To consider resolution concerning interest for delinquent tax payments

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. 54:4-67 regulates the due dates for the payment of taxes and authorizes the rate of interest for delinquent payment of taxes, and authorizes a grace period not exceeding ten (10) days;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the Tax Collector is hereby authorized to allow a period of ten (10) days grace from the quarterly tax due date before charging interest; and

BE IT FURTHER RESOLVED that the rate of interest to be charged for the payment of taxes, assessments, and property maintenance when they become delinquent shall be at the rate of eight percent (8%) per annum on the first \$1,500.00 of the delinquency, eighteen percent (18%) per annum of any amount in excess of \$1,500.00, and an additional six percent (6%) penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year.

BE IT FURTHER RESOLVED that this resolution will take effect January 1, 2017.

Councilman Cicala moved adoption of the resolution, seconded by Councilman Longo, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

(d) To consider resolution concerning tax sale certificate redemption fee

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

WHEREAS, in accordance with N.J.S.A. 54:5-54 provides that the Tax Collector shall provide to any party entitled to redeem a Tax Sale Certificate two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a fee of \$50.00; and

WHEREAS, in accordance with N.J.S.A. 54:5-97.1 provides that the Tax Collector shall charge a lienholder of a Tax Sale Certificate a fee of \$50.00 for the calculation of the amount due to redeem the Tax Sale Certificate.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the Tax Collector is hereby authorized to provide to any party entitled to redeem a Tax Sale Certificate two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector there shall be a fee of \$50.00. The Tax Collector is hereby authorized to charge a lienholder of a Tax Sale Certificate a fee of \$50.00 for the calculation of the amount due to redeem the Tax sale Certificate.

Councilman Cicala moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

(e) To consider resolution concerning 2017 Cash Management Plan

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

CASH MANAGEMENT PLAN

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, that for the year 2017, the following shall serve as the cash management plan of the Township of Cedar Grove.

1. Cash Management and Investment Objectives

The Township of Cedar Grove objectives in this area are:

- A. Preservation of capital.
- B. Adequate safekeeping of assets.
- C. Maintenance of liquidity to meet operating needs.
- D. Diversification of the Township's portfolio to minimize risks associated with individual investments.
- E. Investment of assets in accordance with State and Federal Laws and regulations.

2. Designation of Official Depositories

1. The following Government Unit Depository Protection Act approved banks are authorized depositories for deposit of funds:

PNC Bank	570 Pompton Avenue, Cedar Grove, N.J.
TD Bank	85 Pompton Avenue, Cedar Grove, N.J.
Bank of America	508 Pompton Avenue, Cedar Grove, N.J.
Santander	532 Pompton Avenue, Cedar Grove, N.J.
State of N.J. Cash Mgmt Fund	State Street Bank and Trust P.O. Box 5994, Boston MA 02206-5994
Valley National Bank	491 Pompton Avenue, Cedar Grove, N.J.
Investors Bank	310 Pompton Avenue, Cedar Grove, N.J.
Columbia Bank	1027 Pompton Avenue, Cedar Grove, NJ
Chase Bank	664 Pompton Avenue, Cedar Grove, NJ
Clifton Savings Bank	1433 Van Houten Avenue, Clifton, NJ

2. Designated official depositories are required to submit to the Chief Financial Officer, a copy of the Governmental Unit Deposit Protection Act Notification of eligibility, which is filed semi-annually with the Department of Banking each June 30th and December 31st of each year.

3. CASH MANAGEMENT

1. All funds shall be deposited within 48 hours of receipt in accordance with N.J.S.A. 40A:5-15.

2. The Chief Financial Officer shall minimize the possibility of idle cash accumulating in accounts by assuring that the amounts in excess of negotiated compensating balances are kept in interest bearing accounts or promptly swept into the investment portfolio.

3. The method of calculating banking fees and compensating balances shall be reviewed on a monthly basis.

4. Investment decisions shall be guided by the cash flow projections prepared by the Chief Financial Officer.

4. PERMISSIBLE INVESTMENTS

1. Bonds or other obligations of the United States of America or obligations guaranteed the United States of America.

2. Government money market mutual funds.

3. Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.

4. Bonds or other obligations of the local unit or school districts of which the local unit is a part.

5. Any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments.

6. Local Government investment pools.

7. New Jersey Cash Management Fund

8. Repurchase agreements of fully collateralized securities.

5. AUTHORITY FOR INVESTMENT MANAGEMENT

1. The Chief Financial Officer is authorized and directed to make investments on behalf of the Township. All investment decisions shall be consistent with this plan and all appropriate regulatory constraints.

6. SAFEKEEPING

1. Securities purchased on behalf of the Township shall be delivered electronically or physically to the Township's custodial bank, which shall maintain custodial and/or safekeeping accounts for such securities on behalf of the Township.

7. AUDIT

1. The Cash Management Plan shall be subject to annual audit conducted pursuant to N.J.S.A. 40A:5-14.

Councilman Cicala moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

(f) To consider resolution concerning 2017 Temporary Budget

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

WHEREAS, pursuant to N.J.S.A. 40A:4-19 the Township of Cedar Grove is authorized to make temporary appropriations sufficient to cover commitments made during the period January 1, 2017 to the date of the adoption of annual budget; and

WHEREAS, the total of such temporary appropriations, pursuant to N.J.S.A. 40A:4-19 shall not exceed twenty-six and one-quarter per centum (26.25) of the total of the 2016 annual budget, less certain appropriations;

NOW, THEREFORE, BE IT RESOLVED by the Township of Cedar Grove, County of Essex, New Jersey, that the following shall constitute the Temporary Budget for the Township of Cedar Grove for fiscal year 2017:

2017 TEMPORARY MUNICIPAL BUDGET

<u>APPROPRIATIONS</u>	<u>ACCOUNT NO.</u>	<u>SALARIES AND WAGES</u>	<u>OTHER EXPENSES</u>
<u>CURRENT FUND</u>			
<u>General Government</u>			
Township Council	1-105	\$ _____	\$2,000.00
Township Manager	1-106	32,600.00	1,000.00
Township Clerk	1-107	22,300.00	6,000.00
Elections	1-110	_____	500.00
Treasurer-Controller	1-115	32,000.00	8,000.00
Assessment of Taxes	1-102	15,900.00	4,500.00
Collection of Taxes	1-130	15,500.00	2,000.00
Legal Services	1-140	_____	25,000.00
Municipal Court	1-145	25,000.00	8,000.00
Municipal Prosecutor	1-150	_____	3,500.00
Public Defender	1-151	_____	1,000.00
Annual Audit	1-154	_____	5,000.00
Engineering Services	1-155	5,000.00	4,000.00
Public Bldgs. & Grounds	1-160	12,000.00	20,000.00
Planning Board	1-165	6,800.00	1,500.00
Zoning Board	1-170	6,800.00	1,500.00
Shade Trees	1-175	_____	2,000.00
Environmental Comm.	1-180	_____	50.00

<u>APPROPRIATIONS</u>	<u>ACCOUNT NO.</u>	<u>SALARIES AND WAGES</u>	<u>OTHER EXPENSES</u>
Historical Society	1-185	_____	100.00
Ins.-Surety Bond Prem.	1-190	_____	2,071.00
Ins.-Group Insurance	1-190	_____	250,943.00
Ins.-Workmans Comp.	1-190	_____	50,000.00
Ins.-Other Premiums	1-190	_____	50,000.00
Ins.-Self Insurance	1-190	_____	100.00
<u>Public Safety</u>			
Fire	1-205	_____	31,000.00
Municipal Alliance Grant	1-1212	500.00	1,000.00
First Aid Organization	1-215	_____	10,000.00
Police	1-210	2,139,471.00	53,000.00
Emergency Mgmt.	1-220	_____	50.00
Inspection of Bldgs.	1-255	22,600.00	4,300.00
Inspection of Plumbing	1-256	2,400.00	100.00
Electric Sub-Code	1-259	4,000.00	1,000.00
<u>Streets & Roads</u>			
Road Repair & Maintenance	1-305	60,000.00	15,000.00
Equip. Repair & Maintenance	1-310	12,000.00	6,000.00
Snow Removal	1-315	17,500.00	42,350.00
Vehicle Maintenance	1-650	_____	20,000.00
Utility Exp. & Bulk Purchases	1-820	_____	60,000.00
<u>Health and Welfare</u>			
Board of Health	1-510	10,400.00	10,000.00
Sr. Citizen Trans.	1-516	4,700.00	2,600.00
Animal Control	1-511	-----	3,600.00
Non-Public Nursing Services	1-509	_____	3,000.00
<u>Recreation & Education</u>			
Library	1-601	60,000.00	29,000.00
Parks & Playgrounds	1-605	28,500.00	10,000.00
Recreation	1-615	27,000.00	12,000.00
<u>Miscellaneous</u>			
Contingency	1-701		800.00
<u>Statutory Expenditures</u>			
F.I.C.A.	1-901		62,000.00
Debt Service	1-805	_____	<u>1,000,000.00</u>
TOTAL CURRENT FUND		<u>\$2,562,971.00</u>	<u>\$1,825,564.00</u>

Water Utility Fund

Operating Appropriations	3-4100	\$159,097.00	\$335,055.00
Statutory Expenditures	3-4220		15,000.00
Debt Service	3-4210	_____	<u>140,000.00</u>
TOTAL WATER UTILITY		<u>\$159,097.00</u>	<u>\$490,055.00</u>

Sewer Utility Fund

Operating Appropriations	4-5100	\$136,909.00	\$385,309.00
Statutory Expenditures	4-5220		14,500.00
Debt Service	4-5210	_____	<u>250,000.00</u>
TOTAL SEWER UTILITY		<u>\$136,909.00</u>	<u>\$649,809.00</u>

Swimming Pool Utility Fund

Operating Appropriations	5-6100	\$47,929.00	\$67,756.00
Statutory Expenditures	5-6220		4,000.00
Debt Service	5-6210	_____	<u>95,000.00</u>
TOTAL SWIMMING POOL UTILITY		<u>\$47,929.00</u>	<u>\$166,756.00</u>

Solid Waste Collection District

Operating Appropriations	9-9950	\$39,990.00	\$436,004.00
Statutory Expenditures	9-9220	_____	<u>1,500.00</u>
TOTAL SOLID WASTE COLL. DISTRICT		<u>\$39,990.00</u>	<u>\$437,504.00</u>

Councilman Cicala moved adoption of the resolution, seconded by Councilman Longo, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

(g) To consider resolution concerning release of performance bond – K. Hovnanian

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

In the Matter of:

K. Hovnanian

Hilltop Parcel 1A

Block 80, Lot 1

WHEREAS, K. Hovnanian at Cedar Grove IV, LLC received preliminary and final site plan approval for Block 30, Lot 1, from the Planning Board; and

WHEREAS, the Planning Board resolution of approval required the demolition of existing buildings; and

WHEREAS, the Municipal Engineer requested the posting of a performance bond as a condition of issuance of the required demolition permit to ensure asphalt/debris removal and restoration with seed and topsoil of the areas disturbed by said demolition; and

WHEREAS, said performance bond (Lexon Insurance Co. Bond No. 1056588) was posted by K. Hovnanian on December 6, 2010; and

WHEREAS, the amount of said performance bond was subsequently reduced by resolution on March 7, 2016 per recommendation of Municipal Engineer; and

WHEREAS, written request for release of remaining performance bond has been made by K. Hovnanian; and

WHEREAS, the Municipal Engineer has inspected said premises to confirm completion of asphalt/debris removal and restoration of disturbed areas; and

WHEREAS, the Municipal Engineer has recommended release of existing performance bond.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve the release of Performance Bond No. 1056588 in the amount of \$19,028.81.

Councilman Cicala moved adoption of the resolution, seconded by Councilman Longo, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

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 \$654,723.50

Councilman Cicala moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: 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

Donald Elting; 43 Greendale Rd. – Mr. Elting raised questions concerning proposed Verona pool parking expansion on County property located in Cedar Grove. Attorney Zielinski advised that the governing body is unable to comment at this time as the issue is a potential litigation matter for discussion in executive session. Attorney Zielinski further commented that information/comments on the issue will be made public once it is deemed in the public interest to do so.

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
2. The general natures of the subject matters to be discussed are Coptic Church litigation matter, pending COAH litigation, and potential litigation regarding Hilltop property.
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 Cicala moved adoption of the resolution, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

10. ADJOURNMENT

Councilman Cicala moved adjournment of the public council meeting, seconded by Councilman Kumburis, and passed by the following vote:

AYE: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci

NO: None

ABSENT: Mayor Tanella

The meeting adjourned at 7:22 p.m.

PETER H. TANELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK