

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

COUNCIL STAFF MEETING

**MINUTES
7:00 P.M.**

JANUARY 23, 2017

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Tanella called the meeting to order at 7:00 p.m. and made the required announcement concerning the Open Public Meetings Act as follows: Adequate notice of this meeting was duly provided to the Verona-Cedar Grove Times and the Star Ledger, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building's lobby in accordance with the Open Public Meetings Act.

Present: Councilman Cicala, Kumburis, Longo, Deputy Mayor Maffucci, Mayor Tanella
Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz

2. APPROVAL OF MINUTES

- a) Executive Session – November 21, 2016

Deputy Mayor Maffucci moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed unanimously.

- b) Executive Session – December 5, 2016

Deputy Mayor Maffucci moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed unanimously.

- c) Executive Session – December 19, 2016

Councilman Longo moved approval and release of the minutes as presented, seconded by Councilman Kumburis, and passed unanimously.

- d) Staff Meeting – December 19, 2016

Councilman Longo moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed unanimously.

- e) Executive Session – January 9, 2017

Deputy Mayor Maffucci moved approval of the minutes as presented, seconded by Councilman Kumburis, and passed unanimously.

3. TOWNSHIP MANAGER – The Manager provided information from the Tax Assessor pertaining to the Township's ratables. The Manager advised that total taxable net valuation

increased \$797,300 from 2016 and the average residential assessment increased \$900 from \$464,100 in 2016 to \$465,000 in 2017. The Manager noted a memo from the Director of Community Development/Code Enforcement Officer requesting an amendment to property maintenance ordinance to address storage container concerns, to which the governing body agreed. The Manager noted a request from the Director of Community Development to amend the Township Code to coincide with the State Uniform Construction Code regarding the required size of house numbers on buildings constructed or altered after January 1, 2017, to which the governing body agreed. The Manager requested authorization to introduce a bond ordinance to facilitate and expedite numerous township roadway improvements, to which the governing body agreed.

4. TOWNSHIP ATTORNEY – Attorney Zielinski noted a memo that concurs with the award of bid for the removal of liquid sludge to the low bidder, following legal review of the bid documents.

5. TOWNSHIP CLERK – No report.

6. COUNCIL REPORTS

Deputy Mayor Maffucci provided information pertaining to the introduction of the ordinance to create a Downtown Advisory Committee. Following brief discussion, there was consensus to proceed with the adoption to create the committee and postpone appointment of members.

The Township Manager responded to Councilman Longo's inquiry regarding the status of replacement of pedestrian footbridge to the Library. The Manager advised that the project is expected to go out for bid within the next two weeks. The Manager further stated that the award of bid and commencement of replacement is anticipated for early March (2017).

Councilman Cicala requested that a proclamation be presented to Bob Cunniff for his long-time involvement with the Boy Scouts, to which the governing body agreed. The Manager also requested presentation of plaque to recently retired Police Chief Vanderstreet, to which the governing body also agreed.

7. NEW BUSINESS

- a) To consider introduction of Pending Ordinance No. 17-804, amending Chapter 224 of the Township Code entitled "Smoking"

The following ordinance was read by title only:

AN ORDINANCE AMENDING PART II ENTITLED "GENERAL LEGISLATION," CHAPTER 224 ENTITLED "SMOKING," TO ADD ARTICLE II ENTITLED "SMOKING ON PUBLIC PROPERTY"

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be

necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, the previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

WHEREAS, N.J.S.A. 2C:33-13(b) also provides that the owner and/or operator of a public place may prohibit smoking on such property; and

WHEREAS, the Township Council recognizes the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks and recreation areas; and

WHEREAS, the Township Council has determined that the public interest is especially implicated in preventing the youth of Cedar Grove from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Township Council also finds that the appearance of parks and recreation areas can be enhanced and the limited resources of the Township's Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes, and packaging.

NOW, THEREFORE, BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, Part II of *The Township of Cedar Grove Municipal Code* entitled "General Legislation," Chapter 224 entitled "Smoking" is hereby amended to add Article II entitled "Smoking on Public Property," to read as follows:

Section 1.

Article II: Smoking on Public Property

§ 224-7 Definitions.

As used in this article, the following words shall have the following meanings:

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

PARKS AND RECREATIONAL FACILITIES shall include all public parks, playgrounds, ball fields, publicly owned or leased by the Township of Cedar Grove and all property owned or leased by the Township of Cedar Grove upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

MUNICIPAL BUILDINGS shall include all structures owned, leased, rented and/or operated by the Township of Cedar Grove, and/or occupied by Township employees and used for official business of the Township of Cedar Grove.

SMOKING -- The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

§ 224-8 Prohibition of smoking in public places; signs.

- A. Smoking shall be prohibited in all Municipal Buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each Municipal Building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- B. Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all Municipal Buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five-foot perimeter of the front entrance of all Municipal Buildings where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- C. Smoking shall be prohibited in all public parks and recreation facilities owned or leased by the Township of Cedar Grove and all property owned or leased by the Township of Cedar Grove upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.
- D. Smoking shall be prohibited in any vehicle registered to the Township of Cedar Grove.

§ 224-9 **Enforcement.**

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Township of Cedar Grove.

§ 224-10 **Violations and Penalties.**

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$250.00 for the first offense, \$500.00 for the second offense and \$1,000.00 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Township of Cedar Grove's policies and procedures.

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 Longo moved that Pending Ordinance #17-804 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 Deputy Mayor Maffucci, and passed by the following vote:

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

NO: None

- b) To consider resolution concerning approval of raffle application – Cedar Grove Elks Lodge

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:

APPLICANT

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

EVENT, DATE, TIME, AND PLACE

On-Premise 50/50 Raffle
February 18, 2017 at 6:00 – 8:00 p.m.,
March 18, 2017 at 6:00 – 9:00 p.m., and
April 26, 2017 at 5:00 – 7:00 p.m. at
405 Bowden Rd., Cedar Grove NJ

WHEREAS the fees have been paid, 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.

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

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

NO: None

- c) To consider resolution concerning submission of 2017 DOT grant application – Improvements to Bowden Road

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

Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Improvements to Bowden Road (from Pompton Ave. to Highview Terrace) project.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Cedar Grove, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as **MA-2017-Cedar Grove Township-00** to the New Jersey Department of Transportation on behalf of the Township of Cedar Grove.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Cedar Grove and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

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

NO: None

- d) To consider resolution concerning award of bid for removal of Liquid Sludge from WWTP
- e) 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 Removal of Liquid Sludge and were publicly opened and read by the Township Clerk on December 14, 2016 as follows:

BIDDER	Passaic Valley Sewerage Commission		Spectraserv, Inc	
	1-year	2-year	1-year	2-year
R & D Trucking Inc. West Milford NJ 07480	.030/gal	.030/gal	.030/gal	.030/gal
Spectraserv So. Kearny NJ 07032	.033/gal	.033/gal	.033/gal	.033/gal
Accurate Waste Systems Lake Hopatcong NJ 07849	.035/gal	.035/gal	.035/gal	.035/gal
Coppola Services Ringwood NJ 07456	.0346/gal	.0346/gal	.0346/gal	.0346/gal

WHEREAS, the Municipal Engineer and the Township Manager have reviewed the bids and recommend awarding the bid for a two-year contract to R & D Trucking in the bid amount of \$0.030/gallon; and

WHEREAS, funds are available to satisfy our obligations under this contract in the 2017 Sewer Utility – Other Expenses Budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the award of the bid be made to R & D Trucking of West Milford, 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, Deputy Mayor Maffucci, Mayor Tanella

NO: None

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 \$ 4,214,605.04.

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

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

NO: None

9. PUBLIC COMMENT

Mayor Tanella opened this portion of the meeting to anyone wishing to be heard. There being no one present wishing to be heard, Mayor Tanella closed this portion of the meeting.

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:25 p.m. by acclaim.