

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

PUBLIC MEETING

MINUTES

APRIL 2, 2018

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

Also Present: Township Manager Tucci, Township Attorney Zielinski

The flag salute was led by Deputy Mayor Cicala.

Deputy Mayor Cicala 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 28, 2017, 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 OF THE TOWNSHIP COUNCIL

a) Presentation of Proclamation – Autism Awareness Month

Deputy Mayor Cicala read and presented the proclamation to Suzanne Trupia, President of local parental support group R.E.A.L.I.S.E. Ms. Trupia provided details of upcoming Autism Awareness event scheduled for April 18th at 7:00 p.m. at the Public Library.

b) Presentation of Certificates of Achievement to Eagle Scouts

Deputy Mayor Cicala recognized the achievements of Max Cunniff and Chris Handel on attaining the rank of Eagle Scout.

c) Presentation of Certificates of Achievement to Anthony Clarizio and Joe McCarthy

Councilman Vargo highlighted the athletic accomplishments of Cedar Grove High School wrestlers Anthony Clarizio and Joe McCarthy and presented Certificates of Recognition.

d) Presentation of Proclamation – Distracted Driving 2018 Crackdown

Deputy Mayor Cicala read the proclamation.

3. APPROVAL OF MINUTES

a) To consider approval of regular public meeting minutes of March 5, 2018

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

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala
NO: None
ABSENT: Mayor Tanella

- b) To consider approval of special public meeting minutes of March 19, 2018

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

AYE: Councilmember Kumburis, Vargo, Deputy Mayor Cicala
NO: None
ABSTAIN: Councilwoman Peterson
ABENT: Mayor Tanella

4. PUBLIC HEARING

- a) To consider adoption of Pending Ordinance #Pending Ordinance #18-823 to Exceed the Municipal Budget Limits and Establish a Cap Bank

The ordinance was read by title only as follows:

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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

Councilman Vargo 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 Peterson, and passed by the following vote:

AYE: Councilman Kumburis, Peterson, Vargo, Deputy Mayor Cicala
NO: None
ABSENT: Mayor Tanella

5. MEETING OPEN TO RESIDENTS OF THE TOWNSHIP WISHING TO BE HEARD ON ANY ITEM ON THE AGENDA

Deputy Mayor Cicala 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 Cicala closed this portion of the meeting.

6. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager – The Manager advised that PSE&G will commence roadway repaving on numerous Township streets (Bentley Rd., Elmwood Rd., Forest Road, Franklin St., Longview Rd) with the exception of Rt. 23. Mr. Tucci noted several recommendation

from the Finance Director pertaining to water/sewer bill adjustment requests. There was consensus by the governing body to concur with the recommendations. The Manager thanked the County Executive for assistance from the County during the recent snow storms.

- b) Township Clerk – No report
- c) Township Attorney – No report
- d) Other Reports

Councilman Vargo provided details of the Downtown Advisory Committee sponsored “Art Walk” scheduled for April 12th and the follow-up “Cedar de Mayo” event scheduled to be conducted on May 12th to promote awareness of the downtown business area.

Councilwoman Peterson thanked the CGHS Lacrosse Club for invitation the recent pep rally. Councilwoman Peterson announced the scheduled “Panther Den” gathering at the Library on April 12th in conjunction with the Art Walk. Councilwoman Peterson also announced that the CGHS Softball Club is hosting a CGHS alumni softball game on April 20th at Panther Park followed by an softball tournament on the weekend.

Deputy Mayor Cicala commented that he attended the recent Eagle Scout Court of Honor.

7. CONSENT AGENDA

- a) To consider resolution concerning approval of raffle applications – St. Vincent Nursing Home & Aux.

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

WHEREAS applications for a raffle license has been received from:

<u>APPLICANT</u>	<u>EVENT, DATE, TIME, AND PLACE</u>
St.Vincent’s Nursing Home & Aux. 315 East Lindsley Rd. Cedar Grove, NJ 07009	On-Premise 50/50 Raffle May 10, 2018 at 12:00 noon – 3:00 p.m. at 315 East Lindsley Rd., Cedar Grove NJ
St. Vincent’s Nursing Home & Aux. 315 East Lindsley Rd. Cedar Grove, NJ 07009	On-Premise Merchandise Raffle May 10, 2018 at 12:00 noon – 3:00 p.m. 315 East Lindsley Rd., Cedar Grove NJ

WHEREAS the fee has 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 herby approve said application.

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

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

- b) To consider resolution concerning approval of raffle application – NJ Academy of Nutrition & Dietetics

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

WHEREAS, application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

NJ Academy of Nutrition & Dietetics.
42 Tatum Drive
Middletown NJ 07748

On-Premise Merchandise Raffle to be held
May 11, 2018 at 7:00 am – 6:00 pm at
691 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 Vargo moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

- c) 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, 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

Off-Premise 50/50 Raffle to be held
September 8, 2018 at 5:30 pm 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 Vargo moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

- d) To consider resolution concerning renewal of limousine license – Call Me Gus Limo

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

WHEREAS, application for limousine license for 2018 has been received from:

APPLICANT	TRADE NAME
Gustavo Saavedra 32 Bergen Dr. Cedar Grove, NJ 07009	Call Me Gus Limo, LLC

WHEREAS, a satisfactory investigation has been conducted by the Police Chief.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve said application.

BE IT FURTHER RESOLVED that the Township Clerk be directed to renew said limousine license for the above named applicant.

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

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

8. NEW BUSINESS

- a) To consider introduction of Pending Ordinance #18-824 Amending Chapter 205 of the Township Code entitled “Recreation Areas, Use Of”

The clerk read the Ordinance by title only:

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 205 OF
THE CODE OF THE TOWNSHIP OF CEDAR GROVE
ENTITLED “RECREATION AREAS, USE OF”**

BE IT ORDAINED by the Township Council of the Township of Cedar Grove that the Municipal Code be amended as follows:

SECTION 1

§ 205-7. Restricted activities.

The following language shall be added to existing language:

Except in the municipal pools, no person in any Public Recreation Area shall swim, bathe or wade in any waters or waterways.

SECTION 2

The following language shall be added as:

§ 205-8. Restrictions on Pollution and Littering.

- A.** No person in any Public Recreation Area shall throw, discharge or otherwise place or cause to be placed in the waters of any pond, lake, stream or other body of water in or adjacent to any Public Recreation Area or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will result in the pollution of such waters.
- B.** No person in any Public Recreation Area shall dump, deposit or leave any material or debris, whether organic or inorganic. No refuse or trash shall be placed in any waters contiguous to any Public Recreation Area, or left anywhere, but may be placed in the proper receptacles provided therefor. If receptacles are not so provided, all such rubbish or waster shall be carried away from the Public Recreation Area by the person responsible for its presence and disposed of legally elsewhere.

SECTION 3

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity of constitutionality of any other sections or parts thereof.

SECTION 4

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

SECTION 5

This Ordinance shall take effect immediately as provided by law.

Councilman Vargo moved that Pending Ordinance #18-824 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of May 7, 2018, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

- b) To consider resolution concerning request for dog park at County-Owned Cedar Grove Park

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

**A RESOLUTION SUPPORTING THE DESIGN AND CONSTRUCTION OF A DOG PARK
BY THE COUNTY OF ESSEX AT CEDAR GROVE PARK IN THE TOWNSHIP OF CEDAR
GROVE**

WHEREAS, the County of Essex currently owns and operates dog parks for the enjoyment of Essex County residents and their dogs; and

WHEREAS, these dog parks are located in Brookdale Park in the Township of Montclair, South Mountain Reservation in the Township of Millburn, and in the Hilltop Reservation in the Borough of North Caldwell; and

WHEREAS, there is a desire on the part of Cedar Grove residents for an additional dog park; and

WHEREAS, the County of Essex owns Cedar Grove Park located on Fairview Avenue in the Township of Cedar Grove; and

WHEREAS, The Township of Cedar Grove Mayor and Council support the creation of a dog park at the Cedar Grove Park; and

WHEREAS, the park will provide a safe environment for residents and their family members. This park will not only enhance the beautiful park, but also the Robert O'Toole Community Center where family and friends are all welcome; and

WHEREAS, the Governing Body of the Township of Cedar Grove requests that the County of Essex design and construct a dog park at the County owned Cedar Grove Park.

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

1. The Governing Body believes there is a desire among Cedar Grove and West Essex residents for an additional dog park in the West Essex area.
2. The Governing Body supports the County of Essex in designing and constructing a dog park on a section of Cedar Grove Park, in the Township of Cedar Grove.
3. The Mayor, and all other officials of the Township of Cedar Grove, are hereby directed

and authorized to take any and all necessary and appropriate actions, to carry out the subject and intent of this Resolution.

- 4. A copy of this resolution shall be forwarded to the appropriate officials at the County of Essex.

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

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

ABSENT: Mayor Tanella

- c) To consider resolution concerning Change Order #2 – Skytop Road Sewer Replacement Project

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

WHEREAS, a contract for the Skytop Road Sewer Replacement Project was awarded to Your Way Construction of Irvington, New Jersey at the public council meeting on November 20, 2017; and

WHEREAS, it was determined by the Township officials that the following additional quantities were required to accomplish the proper completion of the project;

<u>Contract</u>		
<u>Modification No. 2</u>	<u>Description</u>	<u>Amount</u>
ITEM #2	Sanitary Service Lateral Connections	<u>\$17,372.00</u>

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that the proper Township officials be and are hereby authorized to execute the change orders in the amount of \$17,372.00.

BE IT FURTHER RESOLVED, that the funds to satisfy the costs of the additional quantities are available in Bond Ordinance No. 17-810 and 17-806.

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

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella

NO: None

ABSENT: Mayor Tanella

9. 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 \$391,592.53

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

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

10. MEETING OPEN TO RESIDENTS OF THE TOWNSHIP WISHING TO BE HEARD ON ANY ITEM ON OR OFF THE AGENDA CONCERNING TOWNSHIP BUSINESS

Deputy Mayor Cicala opened this portion of the meeting to anyone wishing to be heard.

Kate Hartwyk; Essex County Liaison – Ms. Hartwyk provided information pertaining to upcoming County events. Ms. Hartwyk noted the County Hazardous Waste Collection Day scheduled for May 5, 2018 from 8:30 a.m. – 4:00 p.m. at 125 Fairview Ave. Ms. Hartwyk provided an update to Councilman Kumburis concerning an abandoned well head on County property. Ms. Hartwyk also addressed Councilwoman Peterson’s inquiry concerning bike riding on the Cedar Grove Park walking trail.

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

11. ADJOURNMENT

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

AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

The meeting adjourned at 7:40 p.m.

PETER H. TANELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK