

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

PUBLIC MEETING

MINUTES

JUNE 12, 2017

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

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

Also Present: Township Manager Tucci, Attorney Arroyo for Township Attorney Zielinski,
Township Clerk Stutz

Absent: Councilman Longo

The flag salute was led by Mayor Tanella.

Mayor Tanella 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 June 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 May 1, 2017

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

AYE: Councilman Cicala, Kumburis, Mayor Tanella

NO: None

ABSENT: Councilman Longo

ABSTAIN: Deputy Mayor Maffucci

- b) To consider approval of minutes of special public meeting of May 15, 2017

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

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

NO: None

ABSENT: Councilman Longo,

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

Mayor Tanella 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.

4. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager – The Manager discussed the results of a traffic study conducted on Ozone Ave. in response to speeding complaints. The Manager explained that study results did not meet the criteria for multi-way stop signs at the Ozone Ave./Birch Rd. intersection. The Manager provided the recommendations of the Traffic Safety Officer, to which the governing body concurred.
- b) Township Clerk – No report
- c) Township Attorney – No report
- d) Other Reports

Councilman Kumburis congratulated Cedar Grove High School Softball Team for winning the State Championship. Councilman Kumburis also congratulated Mia Faieta for her perfect game, striking out all 21 batters in the play-offs. Mayor Tanella suggested recognizing the team at a public meeting after the Reorganization meeting, to which the governing body agreed.

Councilman Cicala briefly noted a resident's suggestion/request for creation of a special needs registry for Township emergency responders.

Mayor Tanella noted upcoming Zoning Board re-appointments and recommended interviewing members whose terms expire June 30th, to which the governing body agreed. During further discussion, there was consensus to advertise for volunteers to serve on the Zoning Board and Peckman River Regional Flood Control Board.

5. NEW BUSINESS

- a) To consider introduction of Pending Bond Ord. #17-811 – 2017 Salaries, Salary Grades & Ranges, Wages and Fees of Municipal Employees

The Clerk read the ordinance by title only:

PENDING ORDINANCE NO. 17-811

AN ORDINANCE FIXING SALARY GRADES AND RANGES, WAGES AND FEES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF CEDAR GROVE FOR FISCAL YEAR 2017.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE AS FOLLOWS:

Section 1. Unless heretofore created and established in the Township of Cedar Grove, the salary grades and ranges, wages and fees of all officers and employees of the Township of Cedar Grove shall be as follows:

GROUP I - SALARY GRADES

<u>Grade</u>	<u>Position Classification</u>	<u>Minimum</u>	<u>Maximum</u>
1	Clerical Assistant Building Maintenance Worker	\$32,000.	\$40,151.
3	Assistant to Township Clerk Department Secretary Accounting/Payroll Assistant Tax/Utility Accounting Assistant Recreation Coordinator	35,000.	50,946.
4	Recreation Maintenance Worker	36,753.	53,308.
5	Communications Operator Deputy Court Clerk Health/Welfare/Sr. Transportation Planning/Zoning Coordinator	39,535.	58,802.
8	Assistant Municipal Treasurer Senior Recreation/Pool Coordinator Records Clerk-Police	45,254.	65,587.
9	Administrative Secretary Municipal Court Administrator Deputy Municipal Tax Collector Assistant Recreation Director	50,980.	75,652.
10	Construction Official/Com. Develop. Dir. Dir. of Assessments/Tax Assessor Director of Recreation	61,119.	90,799.
11	Director of Finance/Tax Collector/CMFO Municipal Engineer/Public Works Director	75,000.	137,333.

	<u>MINIMUM</u>	<u>MAXIMUM</u>
L-2 Library Assistant	16,793.	42,653.
L-3 Technical Library Assistant	21,224.	46,125.
L-4 Senior Library Assistant	25,469.	50,855.
L-5 Principal Library Assistant/Adm. Services	28,653.	55,587.
L-6 Supervising Library Assistant	30,775.	62,682.
L-7 Library Specialist	32,897.	67,385.
L-8 Children's Librarian	37,142.	70,960.
L-9 Senior Children's Librarian	40,326.	76,875.
L-10 Supervising Librarian	45,632.	83,972.
L-11 Library Director	59,427.	102,036.

Group II – Fixed Salaries and Fees

Township Clerk	\$ 86,764/year
Township Manager	186,225/year
Municipal Court Judge	38,970/year
Township Attorney	29,328/year – Non Retainer \$175./hr
Electrical Sub-Code Official	16,826/year
Plumbing Sub-Code Official	16,826/year
Prosecutor	364./session
Public Defender	260/session
Planning Board Attorney	211./session
Zoning Board Attorney	250./session

Group III – Part –Time Hourly

<u>Position Classification</u>	<u>Minimum</u>	<u>Maximum</u>
Clerk Typist	\$ 8.99	\$11.02
Life Guards	8.25	13.95
School Traffic Guards	12.36	16.08
Public Health Nurse		21.96
Public Health Nurse/School Nurse		29.62
Municipal Alliance Coordinator		14.22
Bus Driver	15.00	20.10
Recreation Supervisor	8.25	12.34
Recreation Leader	8.25	9.28
Pool Maintenance Worker	8.25	9.28
Recreation Maintenance Worker	8.25	10.40
Public Workers Helper	8.25	12.73
Shelver-Library	8.25	9.38
Library Aides	8.25	8.56
Technical Library Asst.	11.31	24.60
Administrative/Computer Asst.	15.85	31.54
Library Specialist	17.54	34.57
Senior Library Assistant	13.58	26.07
Principal Library	15.29	28.50
Violations Clerk	15.45	19.71

Section 2. The Township Council shall, by Resolution, and in accordance with labor contracts, fix the salary of each officer and employee within the salary range as set forth in Section 1 of the Ordinance.

Section 3. This Ordinance shall take effect twenty (20) days after the first publication after passage pursuant to law. When adopted, the provisions of Section 1 shall be retroactive to January 1, 2017 and shall be deemed to have taken effect as of that date.

Councilman Cicala moved that Pending Ordinance #17-811 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 26, 2017, seconded by Deputy Mayor Maffucci, and passed by the following vote:

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

NO: None

ABSENT: Councilman Longo

- b) To consider introduction of Pending Bond Ord. #17-812 – Amending Chapter 251 of the Township Code entitled “Vehicles and Traffic”

The Clerk read the ordinance by title only:

PENDING ORDINANCE NO. 17-812

AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING §251-33 OF THE CEDAR GROVE TOWNSHIP CODE AND ALLOWING HANDICAPPED PARKING ON BOWDEN ROAD

WHEREAS, the Chapter 251, section 33 of the Cedar Grove Township Code (“Code”) allows for handicapped parking in certain areas in Cedar Grove Township (“Township”); and

WHEREAS, the Township has determined that additional handicapped parking is necessary on Bowden Road because a handicapped citizen lives on Bowden Road; and

WHEREAS, the Township has determined that allowing handicapped parking on Bowden Road will promote general safety within the Township.

NOW THEREFORE BE IT ORDAINED that the Township hereby amends Chapter 251, section 33 of its Code to provide as follows:

Chapter 251, section 33 of the Code shall be amended to include the following provisions.

Section 33. No overnight parking is permitted in any area that permits handicapped parking.

Section 33.U. Handicapped parking will be allowed in one space directly in front of 38 Bowden Road.

The provisions of this Ordinance shall be applicable within Cedar Grove Township upon final adoption and shall become part of the Cedar Grove Township Code once completed and adopted.

Councilman Kumburis moved that Pending Ordinance #17-812 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 26, 2017, seconded by Deputy Mayor Maffucci, and passed by the following vote:

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

NO: None

ABSENT: Councilman Longo

- c) To consider introduction of Pending Bond Ord. #17-813 – Amending Chapter 117 of the Township Code Entitled “Cigarette Vending Machines”

The Clerk read the ordinance by title only:

PENDING ORDINANCE NO. 17-813

AN ORDINANCE AMENDING CHAPTER 117 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CEDAR GROVE ENTITLED “CIGARETTE VENDING MACHINES”

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, NEW JERSEY that Chapter 117 of the Township Code be repealed in its entirety and the title be changed to read “Cigarettes and E-Cigarettes”.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, NEW JERSEY that Chapter 117 of the Township Code entitled “Cigarettes and E-Cigarettes” read as follows:

§117-1. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this ordinance clearly demonstrates different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Township shall mean the Township of Cedar Grove.

Health Department shall mean the Department of Health of the Township of Cedar Grove.

Health Officer shall mean the Health Officer of the Township of Cedar Grove or his/her designee.

Electronic Smoking Device shall mean an electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo or pipe, or any cartridge, refill or other component of the device or related product, including but not limited to refills such as liquids, gels, waxes and powders.

License shall mean any license issued by the Township including, but not limited to, a liquor license, a license to sell or distribute food and beverages, or a license to permit vending machines and /or mechanical amusement devices.

License Year shall mean the time period covering January 1st through December 31st of the year for which a license is issued pursuant to this Ordinance.

Liquor license shall mean any license to sell or distribute alcoholic beverages issued by the Township pursuant to the laws of the State of New Jersey.

Minor shall mean any male or female under the age of eighteen (18) years of age.

Nicotine Delivery Product shall mean any product that is designed to deliver nicotine, nicotine vapor or non-nicotine vapor, including but not limited to, any type of electronic smoking device defined as an electronic or other powered device that can be used to deliver nicotine or other substances to the person inhaling from the device, including but not limited to, an electronic cigarette, cigar, cigarillo or pipe, or any cartridge or other component of the device or related product, including but not limited to, any substances used in such devices such as liquids, gels or powders, or any forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

Person shall mean an individual, partnership, corporation, cooperative association, personal representative, receiver, trustee, assignee or any other legal entity.

Public place shall mean any building or enclosed structure open to the general public and any street, road, sidewalk, walkway, park or open space located within the Township and maintained for use by the general public.

Retail Electronic Smoking Device Establishment shall mean any establishment that sells, distributes, gives or offers for sale Electronic Smoking Devices designed for consumption through inhalation.

Sale shall mean every delivery of Electronic Smoking Devices, whether the same is by direct sale or the solicitation or acceptance of an order, including the exchange, barter, traffic in, keeping and exposing for sale, displaying for sale, delivering for value, peddling and possession with intent to sell, distribute or give.

Tobacco shall mean any product made from the tobacco plant for the purpose of including but not limited to smoking, chewing, inhaling or other use, including but not limited to cigars, chewing tobacco, pipe tobacco, snuff, shisha and cigarettes in any form, or shall mean any other matter or substance which can be smoked.

Tobacco retailer shall mean any person that operates a store, stand, booth, concession or place at which sales of tobacco are made including a person that owns, operates or uses a vending machine.

Vending machine shall mean any automated self-service device which, upon insertion of money, tokens or other form of payment, dispenses a tobacco product or nicotine delivery product.

ARTICLE I. AGE OF SALE FOR TOBACCO AND NICOTINE DELIVERY PRODUCTS

§117-2. Purpose. The purpose of this ordinance is to prohibit the sale, furnishing or giving of Tobacco and Nicotine Delivery Products to persons under the age of 21. The Township of Cedar Grove recognizes the dangers and health risks associated with teenagers and young persons who start smoking, as set forth in various studies conducted by the United State Department of Health and surveys conducted by other entities. The Township of Cedar

Grove has concluded that it is appropriate to prohibit the sale, furnishing or giving of tobacco and nicotine delivery products within the Township of Cedar Grove to persons under the age of twenty-one (21).

§117-3. Findings. The Township Council adopts the following findings with respect to this section:

- a) Cigarette smoking causes about 1 out of every 5 deaths in the U.S. every year. (Centers of Disease Control and Prevention, 2014).
- b) 90% of all tobacco users start before the age of 21. (Campaign for Tobacco-Free Kids, 2015).
- c) Every day, more than 1,200 people in this country die due to smoking. (U.S. Surgeon General, 2016)
- d) The younger a child begins smoking, the more likely it is that he/she will become a heavy smoker as an adult. (Surgeon General's Report, 1994)
- e) As of 2015, the American Academy of Pediatrics strongly recommends the minimum age to purchase tobacco products, including e-cigarettes, be increased to age 21.
- f) Raising the minimum age of legal access to tobacco products to at least 21 years old would significantly reduce smoking rates, resulting in 223,000 fewer premature deaths, 50,000 fewer deaths from lung cancer, and 4.2 million fewer years of life lost for persons born between 2000 and 2019. (Institute of Medicine, 2015).
- g) 75% of U.S. adults support raising the age of tobacco product sales to age 21 (U.S. Centers for Disease Control and Prevention, 2015)
- h) Teens that use e-cigarettes have a willingness to start smoking conventional cigarettes, more so than teens that do not use e-cigarettes. (Tobacco Control Journal, 2015).
- i) E-cigarette use amongst high school students has tripled from 2013 to 2014. (Center for Disease Control, 2015).

§117-4. Prohibition of Tobacco Product and Nicotine Delivery Product Sales to Persons under Age 21.

- A. No person shall sell, distribute or give Tobacco or Nicotine Delivery Products in the Township of Cedar Grove unless an employee of the establishment controls the sale of such products. A person may only sell Tobacco or Nicotine Delivery Products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and all Vending machines of Tobacco or Nicotine Delivery Products shall be prohibited.
- B. No person shall sell, distribute, or give Tobacco or Nicotine Delivery Products to any person under the age of 21 years.
- C. No person or Tobacco retailer selling Tobacco or Nicotine Delivery Products shall allow the retailer, employee or any other person to sell, distribute or give such products until the retailer, employee or other person has read the Cedar Grove Ordinances and State laws pertaining to the sale or distribution of Tobacco and Nicotine Delivery Products and has signed a statement that they have read such ordinances and State laws. Such form statement will be supplied by the Health Department and all signed original statements shall be kept on file by the Tobacco retailer and made immediately available at all times for review by the Health Department. All retailers shall be in compliance with this provision by the effective date noted in §117-17.

§117-5. Identification Required.

- A. Any retailer, employee or other person selling, distributing or giving Tobacco or Nicotine Delivery Products shall verify, by means of government-issued photograph identification containing the bearer's date of birth, that no purchaser of tobacco or nicotine containing products is younger than 21 years of age. No such verification is required for any purchaser over the age of 26. No retailer, employee or other person shall sell, distribute or give Tobacco or Nicotine Delivery products to a purchaser less than 21 years of age who has a note or any form of communication from any person.

§117-6. Sign Requirement.

- A. The following six (6) inch by eight (8) inch sign shall be posted in a conspicuous place near each cash register in all retail establishments which sell Tobacco products and/or Nicotine Delivery Products:

SALE, DISTRIBUTION OR GIVING OF TOBACCO PRODUCTS OR NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER THE AGE OF 21 IS PROBIBITED BY LAW. LEGAL PROOF OF AGE MUST BE SHOWN. A PERSON WHO SELLS OR OFFERS TO SELL A TOBACCO PRODUCT OR A NICOTINE DELIVERY PRODUCT TO A PERSON UNDER 21 YEARS OF AGE MAY BE PROSECUTED IN ACCORDANCE WITH STATE STATUES AND THE TOWNSHIP OF CEDAR GROVE ORDINANCES. IF YOU ARE AWARE OF ANY RETAILER WHO IS VIOLATING THIS SECTION OF THE LAW, PLEASE CONTACT THE CEDAR GROVE HEALTH DEPARTMENT AT (973) 239-1410, EXT. 224.

§117-7. Restriction of Tobacco Vending Machines and Sales.

- A. Self-service displays and Vending machines of Tobacco or Nicotine Delivery products shall be prohibited.

§117-8. Enforcement.

- A. Whenever the Health Officer, or his or her designee, or a Police Officer of the Township of Cedar Grove reasonably believes there exists a violation of this section, such officer shall issue a summons and complaint not later than 15 days after discovery of the alleged violation. The complaint shall be written and shall state with reasonable particularity the nature of the violation, including reference to the subsection(s) of this section alleged to have been violated. The complaint shall be delivered personally or send via certified mail to the alleged violator.
- B. The Health Officer, his/her designee or a Police Officer of the Township, after giving proper identification, and if no search or other warrant is required by law, may summarily inspect any matter, thing premise, place, person, record, incident or event as necessary to enforce the provisions of this section.
- C. It shall be unlawful for any person to willfully oppose, or otherwise act to interfere with or obstruct the Health Officer or his/her designee or any Police Officer in the performance of

duties under this section. The Health Officer or designee may request the assistance of the Police Department when necessary to execute his or her official duty in the manner prescribed by law.

D. Citizens may bring complaints against violators of this section.

ARTICLE II. E-CIGARETTE LICENSING

§117-10. Purpose

The purpose of this article is to license establishments that sell Electronic Smoking Devices and related products. This License will help the Township of Cedar Grove to ensure compliance with State law that bans the sale, furnishing or giving of Tobacco products and Electronic Smoking Devices to persons under age 19, with any local ordinance of the Township of Cedar Grove that increases such minimum age, and with the 2016 State law N.J.S.A. 2A:170-51.9 et. seq. requires child-resistant packaging of refills for these devices. The funds collected by licensing of such establishments shall be used to fund the development and maintenance of programs related to tobacco cessation, prevention and control as may be established and/or administered by the Cedar Grove Health Department.

§117-11. Licensing Fees

- A. No person shall conduct, maintain or operate a Retail Electronic Smoking Device Establishment that sells, distributes or gives Electronic Smoking Devices without first obtaining from the Cedar Grove Health Department a written License approved to do so.
- B. Fees in accordance with the following schedule shall be paid before any License required in this article shall be issued:

Electronic Smoking Device Establishment License \$750.00

The fee for each initial License per retail location issued to a licensee pursuant to this section shall be an amount proportionate to the number of months remaining in the License Year including the month in which the license is issued (for example, a License issued to a new licensee in February shall be one third of \$750.00 (\$250.00)).

- C. Licenses issued under the provisions of this article, unless forfeited or revoked by the Cedar Grove Health Department, shall expire annually on the 31st day of December of each year. In order to continue selling Electronic Smoking Devices in the next License Year, the Retail Electronic Smoking Device Establishment shall apply for a renewal of their License for each retail location at least 90 days prior to expiration of the current License Year, and the annual License renewal fee is \$750 per Retail Electronic Smoking Device Establishment location.
- D. At the time of the initial application and any subsequent renewals, or at the discretion of the local Health Department, License holders shall:
 - a. Disclose if they are also a manufacturer, wholesaler and distributor of Nicotine Electronic Smoking Devices as defined above (which includes related products, components, refills, etc.), and if that part of their business is conducted or takes place at the same location as the Retail Electronic Smoking Device Establishment or another

location(s) as noted in the initial application or subsequent renewals. If such business takes place at a different address(s) in the Township of Cedar Grove, the said Retail Electronic Smoking Device Establishment shall disclose such address(s) in the Township of Cedar Grove.

- b. Provide any and all contact information, including but not limited to company name, company contact name, address, phone, website and email, regarding any and all sources of their Nicotine Delivery Products for sale or distribution. This includes but is not limited to information regarding any and all Nicotine Delivery Product suppliers, manufacturers, wholesalers, distributors, etc., including those based in the Township of Cedar Grove.
- E. No License is transferrable by sale or otherwise.
- F. Such License shall be posted in a conspicuous place in such establishment. No itinerant establishments shall be permitted to obtain an Electronic Smoking Device Establishment License.
- G. All licensing fees shall be paid to the Township of Cedar Grove to offset budget appropriations in connection with education and enforcement of this ordinance and/or the States Tobacco Age of Sale Inspection Program.

§117-12. Sale Requirements

- A. No person shall sell, distribute or give Electronic Smoking Devices in the Township of Cedar Grove unless an employee of the establishment controls the sale of such products. A person may only sell Electronic Smoking Devices in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and Vending machines of Electronic Smoking Devices shall be prohibited.
- B. No person shall sell, distribute, or give Electronic Smoking Devices to any person under the age of 21 years.
- C. No Retail Electronic Smoking Device Establishment shall allow the retailer, employee or any other person to sell, distribute or give such products until the retailer, employee or other person has read the Cedar Grove Ordinances and State laws pertaining to the sale of Electronic Smoking Devices and has signed a statement that they have read such ordinances and State laws. Such form statement will be supplied by the Cedar Grove Health Department and all signed original statements shall be kept on file by the Retail Electronic Smoking Device Establishment and made immediately available at all times for review by the Cedar Grove Health Department. All Retail Electronic Smoking Device Establishments shall be in compliance with this provision by the effective date noted in section IX.
- D. The sale of any Electronic Smoking Device refill including but not limited to any and all liquids, gels, wax or powders, and whether or not such refill contains nicotine, that is intended for human consumption and is not contained in packaging that is child-resistant is prohibited as set forth in N.J.S.A. 2A:170-51.9 et. seq.
- E. License holders can only do in-person marketing and sales of Electronic Smoking Devices at their Retail Electronic Smoking Device Establishment. There shall be no cross marketing or

sales at nonregistered retail locations and mobile locations, including but not limited to, street fairs, local fairs, festivals, etc.

§117-13. Enforcement

- A. This section shall be enforced by the Cedar Grove Health Department and/or other municipal officials of the Township of Cedar Grove.
- B. Any person found to be in violation of this ordinance shall be ordered to cease the sale of Electronic Smoking Devices immediately.

§117-14. Violations and Penalties

- A. Unless otherwise provided by law, statute or ordinance, any person(s) who is found to be in violation of the provisions of this ordinance shall, upon conviction thereof, pay a fine of not less than \$250 for the first violation, not less than \$500 for the second violation, and not less than \$1,000 for third and each subsequent violation. *Each violation, and every day in which a violation occurs, shall constitute a separate violation.* No fines shall be issued for sixty (60) days after publication of this ordinance.
- B. In addition any violator of this section shall be subject to having any Township license held by the violator, suspended, revoked or fined. No such action may be taken unless the requirements of due process are satisfied.
- C. These penalties are in addition to any penalties that may be imposed including but not limited to penalties imposed by the New Jersey Code of Juvenile Justice, N.J.S.A. 2A:170-51, et seq. and N.J.S.A. 2C:33-13.1, et seq.
- D. Fines and sanctions associated with this section shall be dedicated and forwarded to the Cedar Grove Health Department to be used in connection with education and enforcement of this ordinance. The monies shall be maintained by the Chief Financial Officer of the Township of Cedar Grove.
- E. Any person who continually violates Article I may also be charged in the Municipal Court or in Superior Court with maintain a nuisance.
- F. Each sale, furnishing or giving of Tobacco and or Nicotine Delivery Product to any person under the age of 21 shall constitute a separate violation. Each violation, and every day in which a violation occurs, shall constitute a separate violation.

§117-15. Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

§117-16. Repealer

All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this chapter are hereby repealed to the extent of such conflict or inconsistency.

§117-17. Effective Date

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

Deputy Mayor Maffucci moved that Pending Ordinance #17-813 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of June 26, 2017, seconded by Councilman Kumburis, and passed by the following vote:

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

NO: None

ABSENT: Councilman Longo

- d) To consider resolution authorizing execution of water extension permit

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 Development****Block 70, Lot 1 and Block 101, Lots 1 and 1.01**

WHEREAS, K. Hovnanian at Cedar Grove IV, LLC received preliminary and final site plan approval for Block 70, Lot 1 and Block 101, Lots 1 and 1.01 from the Planning Board; and

WHEREAS, the Applicant requests the signing of the submitted water extension permit by the Township for the proposed development; and

WHEREAS, the permit will then be submitted to the Department of Environmental Protection (NJDEP) for approval.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve the signing of said document by the Township Manager and/or the Township Engineer.

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

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

NO: None

ABSENT: Councilman Longo

- e) To consider resolution concerning renewal of inactive ABC license for 2016-2017 license term – Ramen, Inc.

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

WHEREAS, the following corporation has applied for the renewal of their Alcoholic Beverage License for the period from July 1, 2016 through June 30, 2017, namely:

<u>LICENSE NO.</u>	<u>APPLICANT</u>	<u>TRADENAME</u>	<u>FEE</u>
0704-33-005-010	Ramven Inc. 30 Pompton Ave.	None	\$2,002.00

WHEREAS, the above corporation submitted their application for renewal prior to June 30, 2016 pursuant to N.J.S.A. 33:1-12.13 to the Township Clerk, and said application complies with the State Laws regulating the sale and consumption of alcoholic beverages; and

WHEREAS, the licensee has filed a verified petition to the Division of Alcoholic Beverage Control of the State of New Jersey requesting authorization for the local issuing authority to consider its renewal application for Plenary Retail Consumption License No. 0704-33-005-010 for the 2016-2017 license term pursuant to the provisions of N.J.S.A. 33:1-12.39; and

WHEREAS, the Division of Alcoholic Beverage Control of the State of New Jersey has authorized the Mayor and Council of the Township of Cedar Grove to consider the application of Ramven, Inc. for renewal of its license for the 2016-2017 license term as an inactive license and to grant or deny said application in the reasonable exercise of their discretion and;

WHEREAS, the licensee must file an amendment to said license application pursuant to N.J.A.C. 13:2-2.4 to activate the license during the 2016-2017 term.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the application for renewal of existing alcoholic beverage license from Ramven, Inc. be approved; and

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby authorized to issue said license to the applicant for the period from July 1, 2016 through June 30, 2017.

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

AYE: Councilman Cicala, Kumburis, Deputy Mayor Maffucci

NO: None

ABSENT: Councilman Longo

ABSTAIN: Mayor Tanella

- f) To consider resolution concerning authorizing execution of agreement with Passaic Valley Sewerage Commission

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 the Mayor is hereby authorized to execute a contract between the Township of Cedar Grove and Passaic Valley Sewerage Commission for waste treatment service.

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

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

NO: None

ABSENT: Councilman Longo

- g) To consider resolution concerning purchase from Morris County Cooperative Pricing Council

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

WHEREAS, the Township of Cedar Grove utilizes the Morris County Cooperative Pricing Council Contract #14 for catch basins & manhole castings; and

WHEREAS, the contract amount for catch basins & manhole castings will not exceed \$26,916.00; and

WHEREAS, the funds are available to satisfy our obligations under this contract through Bond Ordinance No. 17-806.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove authorizes the Township of Cedar Grove to purchase from the Morris County Cooperative Pricing Council Contract #14 for catch basins & manhole castings from Campbell Foundry Company for an amount not to exceed \$26,916.00.

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

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

NO: None

ABSENT: Councilman Longo

- h) To consider resolution concerning estimated tax bills

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

WHEREAS, the Essex County Board of Taxation is unable to certify tax rates for the year 2017 in a timely manner; and

WHEREAS, without a 2017 certified tax rate the Tax Collector of the Township of Cedar Grove will be unable to issue 2017 tax bills on a timely basis; and

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

1. The Tax Collector of the Township of Cedar Grove is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Cedar Grove for the third installment of 2017 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.
2. The total estimated tax levy for 2017 is \$53,249,245.07. The estimated tax rate for 2017 is \$2.402.

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

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

NO: None

ABSENT: Councilman Longo

- i) To consider resolution concerning tax cancellation granted by Tax Court of NJ

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

WHEREAS, the Tax Collector of the Township of Cedar Grove has determined that action is required as a result of 2016 tax reductions granted by the Tax Court of New Jersey;

WHEREAS, the Tax Collector has certified to the foregoing as well as to the amount of the tax cancellations, which are set forth along with the name and address of the taxpayer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the required tax cancellations and refunds be made:

2016 Tax Reductions Granted by the Tax Court of New Jersey

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Cancellations and Tax Refund</u>
280	560	Emmet W. & Pamela Acocella Bowden Road Rear Cedar Grove, NJ 07009	\$2,381.99

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

AYE: Councilman Cicala, Kumburis, Deputy Mayor Maffucci

NO: None

ABSENT: Councilman Longo

ABSTAIN: Mayor Tanella

- j) To consider resolution concerning purchase of firefighter protective clothing and equipment through State Contract

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

WHEREAS, the Township of Cedar Grove has availed itself of the right to purchase firefighter protective clothing and equipment entered into on behalf of the State of New Jersey by the Division of Purchase and Property in the Department of Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, it is desirable from time to time to purchase firefighter protective clothing and equipment under contracts entered into on behalf of the State by the said Division without the necessity of advertising for bids, or in cases where no bids have been received; and

WHEREAS, it is desirable to purchase firefighter protective clothing and equipment under such contracts enter into on behalf of the State of New Jersey by said Division during the years 2016 and 2017;

WHEREAS, funds for the purchase of firefighter protective clothing and equipment are available in 2016 and 2017 municipal budget for the Fire Department.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, that the purchase of firefighter protective clothing and equipment be awarded to Safe-T, through State Contract No. A80948 and A80958.

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

AYE: Councilman Cicala, Deputy Mayor Maffucci, Mayor Tanella

NO: None

ABSENT: Councilman Longo

ABSTAIN: Councilman Kumburis

k) To consider resolution concerning renewal of 2017 limousine license

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 2017 has been received from:

APPLICANT

Gustavo Saavedra

32 Bergen Dr.

Cedar Grove, NJ 07009

TRADE NAME

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 applications.

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

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

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

NO: None

ABSENT: Councilman Longo

6. 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 \$681,419.57

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

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

NO: None

ABSENT: Councilman Longo

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

Ken Horowitz; 11 Lynwood Rd. – Mr. Horowitz suggested that the Township utilize a voluntary registry program to identify residences in which persons with special needs reside to assist emergency service responders. The Manager offered to provide a follow-up report following discussion with the Police Chief.

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

8. ADJOURNMENT

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

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

NO: None

ABSENT: Councilman Longo

The meeting adjourned at 7:20 p.m.

PETER H. TANELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK