

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

PUBLIC MEETING

MINUTES

JULY 10, 2017

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, Mayor Tanella
Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz

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 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. EXTRAORDINARY BUSINESS

- a) Recognition of Cedar Grove High School Softball Team

Mayor Tanella read and presented a proclamation for the softball team for earning the title of NJSIAA Group 1 State Champions for the second time within the past three years. Mayor Tanella also read and presented a proclamation to sophomore pitcher Mia Faieta in recognition of the perfect game pitched on May 26, 2017, striking out all 21 opposing batters. Certificates of recognition were presented to all team members and coaches. Congratulatory comments were made by all governing body members.

3. APPROVAL OF MINUTES

- a) To consider approval of regular public meeting minutes of June 12, 2017

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

AYE: Councilman Kumburis, Deputy Mayor Cicala, Mayor Tanella

NO: None

ABSTAIN: Councilmembers Peterson and Vargo

4. 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.

5. REPORTS OF TOWNSHIP OFFICIALS

a) Township Manager – The Manager noted two block party requests to which the governing body agreed. The Manager reviewed a proposed “Do Not Knock Program” and recommended that the Township Attorney and Township Manager draft an ordinance to implement the program, to which the governing body agreed. Following a resident’s suggestion to provide “Special Needs Registration”, the Manager provided a proposed registration form to be made available on the Township’s website to assist emergency responders. Mr. Tucci noted that the Police Chief recommended submission of the form in-person to the Police Dept. There was consensus to implement the special needs registration. The Manager explained that vacant home check service is currently provided by the Police Dept., initiated by residents by phone. Mr. Tucci noted that the Police Chief suggested posting the availability of the service on the Police Dept. website to make more residents aware of the service, to which the governing body agreed.

b) Township Clerk – The Clerk noted a request for developer agreement extension for property on Grove Ave. (Block 71, Lot 2). Attorney Zielinski requested to review the developer’s agreement prior to further consideration by the governing body. The Clerk noted the need to appoint a new student member to the Recreation Advisory Board and recommendations from the CGHS principal and athletic director. The Clerk also noted letters of interest received for vacancies on the Zoning Board and Municipal Alliance Committee. Following further discussion, there was consensus for the Clerk to schedule interviews, including board/committee members whose terms expire as of 12/31.

c) Township Attorney – The Township Attorney noted memos provided, particularly for newly elected Councilmembers’ benefit pertaining to the Township’s form of government, purpose, executive sessions, Open Public Meeting Meetings Act and use of social media by Councilmembers.

d) Other Reports

Deputy Mayor Cicala requested an update on the Library Footbridge replacement. The Township Manager anticipated completion by the second/third week of August. Mr. Tucci also noted the addition of a new member to the CATV Committee.

Councilwoman Peterson requested that information pertaining to frequency of use of Narcan by emergency responders be made available for public awareness purposes. The Manager offered to provide a periodic report from the Police Dept.

Councilman Kumburis requested that Council meetings be made available on Utube. The Manager stated that will be given consideration once the CATV Committee membership can accommodate.

Councilman Vargo discussed the Downtown Advisory Committee’s vision of the County bikeway trestle serving as a gateway to the downtown business district. Councilman Vargo noted that the Committee is also trying to encourage/foster outdoor seating for downtown eateries. The Manager responded to Councilman Vargo’s inquiry concerning timing of paving of Rt. 23, particularly in the business district. Mr. Tucci anticipated paving to take place in that area in the end of August.

Mayor Tanella inquired the status/timing of other paving projects within the Township, specifically the road paving project in the North End (streets on the south side of Montclair Ave.). The Manager advised that the repaving of those streets has been delayed until the end of August. Mayor Tanella requested an update to Panther Park concession stand break-in and damage. The Manager anticipated the use of security cameras around the concession. At the Mayor's request, the Manager explained issues encountered during the recent fireworks display at Panther Park.

Attorney Zielinski requested an executive session to discuss pending COAH litigation.

6. NEW BUSINESS

- a) To consider introduction of Pending Bond Ord. #17-814 – Amending Chapter 176 of the Township Code entitled “Noise”

The Clerk read the ordinance by title only:

PENDING ORDINANCE NO. 17-814

AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF ESSEX, STATE OF NEW JERSEY AMENDING §176 OF THE CEDAR GROVE TOWNSHIP CODE ENTITLED “NOISE”

BE IT ORDAINED that the Township hereby amends Chapter 176, Section 8 of its Code to provide as follows:

Chapter 176, Section 8(C)(7) of the Code shall be amended to read as follows:

Construction, excavation, erection, alteration, repairing, demolition activity, or landscaping, excluding emergency work as decided by the Township Engineer shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays or between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays and federal holidays, unless such activities can meet the limits set forth in Tables I and II. All motorized equipment used in construction and demolition activity shall be operated with a muffler. At all other times, the limits set forth in Tables I and II do not apply to construction and demolition activities. Sunday work is prohibited, except for the general repair or maintenance of the property owner's property by the homeowner only. No contractor work is permitted.

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 Vargo moved that Pending Ordinance #17-814 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of August 14, 2017, seconded by Councilman Kumburis, and passed by the following vote:
AYE: Councilman Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella
NO: None

- b) To consider resolution concerning 2016 Municipal Audit

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.40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52-27BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED, that the Township Council of the Township of Cedar Grove, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

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

NO: None

- c) To consider resolution concerning Corrective Action Plan

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 Cedar Grove, Essex County, New Jersey, that:

WHEREAS, the 2016 Annual Audit of the Township of Cedar Grove, conducted by Nisivoccia and Company, contained certain recommendations requiring action; and

WHEREAS, these recommendations have been reviewed by the Township's Chief Financial Officer; and

WHEREAS, The Chief Financial Officer, in accordance with the requirements promulgated by the New Jersey Division of Local Government Services, has developed a plan to address the recommendations listed by the auditor;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Corrective Action Plan for the 2016 Annual Municipal Audit, hereto attached, is hereby approved and accepted; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to transmit a certified copy of this resolution and its attachments to the New Jersey Division of Local Government Services.

Deputy Mayor Cicala 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

- d) To consider resolution concerning special item of revenue

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. 40A:4-87, provides that the Director of Local Government Services may approve the insertion of a special item of revenue in the Municipal Budget of the Township of Cedar Grove for 2017 when such items shall have been available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that it hereby requests that the Director of the Division of Local Government Services to approve the insert of an item of revenue in the budget of the year 2017 in the sum of \$5,500.00, which is now available as a revenue from the 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown, which is administered by the Division of Highway Traffic Safety, pursuant to the provision of statute; and

BE IT FURTHER RESOLVED that a like sum of \$5,500.00 is hereby appropriated under the caption:

2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown \$5,500.00

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

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

NO: None

e) To consider resolution concerning cancellation of water and sewer penalties

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

WHEREAS, it has been determined upon investigation of the Township Manger that the water and sewer penalties assessed to the accounts listed herein should be cancelled:

<u>Name & Address</u>	<u>Water Penalties</u>	<u>Sewer Penalties</u>	<u>Total Cancelled</u>
Christine Rowland 28 Hillsdale Road Cedar Grove, NJ 07009 Acct. No. 1-0702600	<u>\$7.05</u>	<u>\$8.70</u>	<u>\$15.75</u>

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Chief Financial Officer is hereby authorized to cancel the water and sewer penalties for the above accounts.

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, Mayor Tanella

NO: None

f) To consider resolution concerning re-appointment of Zoning Board members

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 Jason Malyuk and Jason Nardiello are hereby re-appointed to serve as members of the Zoning Board of Adjustment for four-year terms effective immediately and terminating July 1, 2021.

BE IT FURTHER RESOLVED that Zubin Haghi is hereby re-appointed to serve as the Alt. #2 member on the Zoning Board of Adjustment for a two-year term effective immediately and terminating July 1, 2019.

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

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

NO: None

ABSTAIN: Councilman Vargo

7. 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 \$3,041,615.10

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, Mayor Tanella
NO: None

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

Kate Hartwyk; Essex County Liaison – Ms. Hartwyk announced the ongoing Essex County concert series and noted that a concert is scheduled on August 15 in the new Cedar Grove Park off Fairview Ave. Deputy Mayor Cicala informed Ms. Hartwyk of a complaint brought to the governing body from a Genesis Healthcare administrator concerning County delay in processing Medicaid applications.

Charles Dovico; 4 Seasons Homeowners Assoc. – Mr. Dovico raised questions concerning the payment of taxes by the developer/property owner K. Hovnanian of certain Hilltop property, including commencement of a PILOT program.

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

AUTHORIZATION TO GO INTO EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings' Act (N.J.S.A.10:4-12 (b) (1-9) permits the exclusion of the public from a Meeting of the Mayor and Council in certain circumstances; and

WHEREAS, the Mayor and Council of the Township of Cedar Grove are of the opinion that such circumstances exist.

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

1. The public shall be excluded from discussion of any action on the Executive Session of the Meeting of the Mayor and Council of July 10, 2017.
2. The general nature of the subject matters to be discussed is pending COAH litigation.
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.

Deputy Mayor Cicala 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

9. ADJOURNMENT

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

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

NO: None

The meeting adjourned at 8:20 p.m.

PETER H. TANELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK