

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

PUBLIC MEETING

MINUTES

AUGUST 14, 2017

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

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

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

Absent: Mayor Tanella

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 29, 2016 and January 6, 2017 respectively, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building Lobby in accordance with the Open Public Meeting Act.

2. APPROVAL OF MINUTES

- a) To consider approval of minutes of special public meeting minutes of June 26, 2017

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

AYE: Councilman Kumburis, Deputy Mayor Cicala

NO: None

ABSTAIN: Councilmembers Peterson and Vargo

ABSENT: Mayor Tanella

- b) To consider approval of minutes of annual reorganization meeting of July 5, 2017

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

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

NO: None

ABSENT: Mayor Tanella

- c) To consider approval of minutes of regular public meeting of July 10, 2017

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

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

NO: None

ABSENT: Mayor Tanella

3. PUBLIC HEARING

- a) To consider adoption of Pending Ord. No. 17-814 – Amending Chapter 176 of the Township Code entitled “Noise”

The ordinance was read by title only:

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”

Deputy Mayor Cicala opened this portion of the meeting to anyone wishing to be heard on this item only. There being no one present wishing to be heard, Deputy Mayor Cicala closed this portion of the meeting.

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: Councilmembers Kumburis, Peterson, Vargo, Deputy Mayor Cicala

NO: None

ABSENT: Mayor Tanella

4. AWARD OF BID

- a) To consider resolution awarding bid for Skytop Road Sewer Replacement

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 Skytop Road Sewer Replacement Project, and were publicly opened by the Township Clerk on July 6, 2017, as follows:

BIDDER	BASE BID	ALT. - 1	ALT. - 2
Hutton Construction LLC Cedar Grove NJ 07009	81,130.00	37,000.00	9,000.00
Your Way Construction, Inc. Irvington NJ 07111	86,380.00	37,980.00	9,956.00
John Garcia Construction Clifton NJ 07013	86,500.00	37,000.00	11,000.00
Sanzari Asphalt Maintenance LLC Woodland Park NJ 07424	123,900.00	29,800.00	25,200.00
Montana Construction Corp. Inc. Lodi NJ 07644	191,111.00	26,000.00	10,000.00

WHEREAS, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend awarding the bid to Huton Construction, LLC of Cedar Grove, New Jersey, the lowest responsible bidder, in the amount of \$ 118,130.00, the base bid and Alternate 1; and

WHEREAS, the funds are available to satisfy our obligations under this contract from Bond Ord. 17-810.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the award of bid be made to Hutton Construction, LLC of Cedar Grove, New Jersey.

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

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

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 noted two block party requests to which the governing body agreed. The Manager commented on a memo from the Finance Director regarding the sale of bond anticipation notes. The Manager cited a memo from the Police Chief requesting authorization to proceed with the retrofit of traffic control signals on Route 23 within the Township, to which the governing body agreed. The Manager provided a report from the Police Dept. regarding the administration of naloxone (Narcan) by Township police officers. Mr. Tucci explained the actions taken by the Police Dept. in response to complaints/concerns from residents of increased activity at “Devil’s Hole”. The Manager also noted the Police Chief’s recommendation to amend the Township Code to add swimming, pollution of waters, and refuse and trash prohibitions in recreational areas for enforcement purposes and strategic placement of signs for public notifications, to which the governing body agreed. The Manager provided an update on numerous roadway improvement projects completed. Mr. Tucci also advised that the Library footbridge is scheduled for delivery 8/21 and anticipates completion of installation by the end of August.

b) Township Clerk – No report

c) Township Attorney – No report

d) Other Reports

Councilwoman Peterson commended the Police Dept. efforts in hosting National Night Out and suggested the feasibility of pursuing a joint program with Verona in the future. Councilwoman Peterson also requested inclusion of the administration of Narcan in the police blotter. Councilwoman Peterson also noted the lack of sidewalk on Fairview Ave. between the entrance to the new Robert O'Toole Community Center and the first house north of the entrance.

Councilman Vargo thanked the Police Dept. and Fire Dept. for co-ordinating National Night Out event. Councilman Vargo advised that the next meeting of the Downtown Advisory Committee will be held Sept. 14 at 7:00 p.m. at the Robert O'Toole Community Center and encouraged residents to attend. Councilman Vargo commented that he had been contacted by a resident wishing to implement a "Kindness Rocks" program. The Manager advised that he has a meeting scheduled with the resident to discuss the program and possible initiation.

Councilman Kumburis expressed concern of a well hazard on County property.

Deputy Mayor Cicala advised that he recently took advantage of the Police Dept. vacant home check service and encouraged residents to avail themselves of the service when away they will be away from home for an extended period of time.

7. CONSENT AGENDA

- a) To consider resolution concerning approval of raffle application – Connie Dwyer Breast Cancer Foundation

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

WHEREAS an application for a raffle license has been received from:

<u>APPLICANT</u>	<u>EVENT, DATE, TIME, AND PLACE</u>
Connie Dwyer Breast Cancer Foundation 7 Benson Ct. Short Hills NJ 07078	Off-Premise 50/50 Raffle October 20, 2017 at 10:30 p.m. at 691 Pompton Ave., Cedar Grove NJ

WHEREAS the fee has been paid, the application has been reviewed by the Township Clerk and found acceptable;

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

Councilman 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

- b) To consider resolution concerning approval of raffle application – Cedar Grove Elks Lodge #2237

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:

APPLICANT

Cedar Grove Elks Lodge #2237
 405 Bowden Road
 Cedar Grove NJ 07009

EVENT, DATE TIME & PLACE

Instant Raffle for September 1, 2017
 through August 31, 2018
 to be held 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 Councilman Kumburis, 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 applications – Cedar Grove High School APT

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 High School APT
 90 Rugby Rd.
 Cedar Grove, NJ 07009

EVENT, DATE, TIME, AND PLACE

On-Premise 50/50 Raffle
 Sept. 22, Oct. 6, Oct 20, and Nov 3, 2017
 at 7:00 – 9:30 p.m. at
 90 Rugby Road, Cedar Grove NJ

Cedar Grove High School APT
 90 Rugby Rd.
 Cedar Grove, NJ 07009

Off-Premise Draw Raffle
 November 13, 2017 at 7:00 p.m.
 at 90 Rugby Road, 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 hereby approve said applications.

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

- d) To consider resolution concerning approval of raffle application – Memorial Middle School FSA

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

WHEREAS an application for a raffle license has been received from:

<u>APPLICANT</u>	<u>EVENT, DATE, TIME, AND PLACE</u>
Memorial Middle School FSA 500 Ridge Rd. Cedar Grove NJ 07009	On-Premise 50/50 Raffle November 22, 2017 at 1:00 p.m. at 500 Ridge Rd., Cedar Grove NJ

WHEREAS the fee has been paid, the application has been reviewed by the Township Clerk and found acceptable;

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

Councilman 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

- e) To consider resolution concerning approval of raffle applications – Cedar Grove Elks Lodge #2237

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:

<u>APPLICANT</u>	<u>EVENT, DATE, TIME, AND PLACE</u>
Cedar Grove Elks Lodge #2237 405 Bowden Rd. Cedar Grove, NJ 07009	On-Premise Draw Raffle October 14, 2017 at 1:00 – 5:00 p.m. at 405 Bowden Road, Cedar Grove NJ
Cedar Grove Elks Lodge #2237 405 Bowden Rd. Cedar Grove, NJ 07009	On-Premise 50/50 Raffle October 14, 2017 at 1:00 – 5:00 p.m. and November 8, 2017 at 5:00 – 7:30 p.m.

at 405 Bowden Road, 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 hereby approve said applications.

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

8. NEW BUSINESS

- a) To consider resolution concerning Drive Sober or Get Pulled Over 2017 State Crackdown

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

Whereas, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

Whereas, impaired driving crashes cost the United States almost \$45 Billion a year; and

Whereas, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 18 through September 4, 2017; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be it resolved that the Township of Cedar Grove declares its support for the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown* from August 18 through September 4, 2017 and pledges to increase awareness of the dangers of drinking and driving.

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 2016 LOSAP for Fire Department

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

WHEREAS, pursuant to N.J.S.A. 40A:14-191, the Cedar Grove Fire Department has certified to the Township of Cedar Grove a list of all volunteer members who have qualified for credit under the LOSAP program for the year 2016; and

WHEREAS, pursuant to N.J.A.C. 5:30-14.10 (b), the Township of Cedar Grove has reviewed and accepted the attached certified list of the Cedar Grove Fire Department; and

WHEREAS, pursuant to N.J.A.C. 5:30-14.10 (c), the Township of Cedar Grove shall return the certified list to the Cedar Grove Fire Department for posting to allow for sufficient time for membership review.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township Cedar Grove that the attached certified list herein of the Cedar Grove Fire Department is hereby accepted and returned to the emergency service organization for posting to allow sufficient time for membership review.

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

NO: None

ABSENT: Mayor Tanella

c) To consider resolution concerning extension of Developer’s Agreement – Grove Street SPE, LLC

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

In the Matter of:

Extension of Developer’s Agreement

Grove Street SPE, LLC

Block 71, Lot 2

WHEREAS, on May 8, 2007, the Township of Cedar Grove Zoning Board of Adjustment Granted preliminary and final major site plan approval for the above property; and

WHEREAS, said site plan approval was amended and approvals granted by the Township of Cedar Grove Zoning Board of Adjustment on June 14, 2011 and December 11, 2012; and

WHEREAS, thereafter the Developer entered in a Developer's Agreement with the township of Cedar Grove, executed on July 8, 2015; and

WHEREAS, the Developer has requested the Township to extend the Developer's Agreement for the remainder of the year (2017); and

WHEREAS, the Governing Body desires to grant that extension.

NOW, THEREFORE, BE IT RESOLVED that the Developer's Agreement is hereby extended for a one-year period, from the date of request, through and including July 8, 2018.

BE IT FURTHER RESOLVED that the performance guarantees and deposits shall be maintained during this period.

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

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 \$7,884,589.61

Councilman Kumburis 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

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

Sam White; 66 Little Falls Rd. – Mr. White thanked the Township officials for response to concerns regarding Devil's Hole. Mr. White also voiced two additional concerns, maintenance of the 150' of Little Falls Road after the railroad bridge heading to Little Falls, and condition of barns located on the property on the corner of Little Falls Road and Bowden Road.

Cheryl Brown; 14 Briarhill Rd. – Ms. Brown commented that she is co-editor of the electronic news site Tap Into Cedar Grove and requested that the news site be designated as an electronic news source so that they received the same notifications as the Township's legal publications, to which the governing body agreed.

11. 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 7:45 p.m.

PETER H. TANELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK