

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

PUBLIC MEETING

MINUTES

OCTOBER 1, 2018

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

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

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

The flag salute was led by Mayor Cicala.

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. APPROVAL OF MINUTES

- a) To consider approval of regular public meeting minutes of August 13, 2018

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

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

NO: None

3. AWARD OF BID

- a) To consider resolution awarding bid for Reconstruction of Bowden Road

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 Improvements to Bowden Road, and were publicly opened by the Township Clerk on August 8, 2018, as follows:

<u>BIDDER</u>	<u>TOTAL BASE BID</u>
AJM Contractors Inc.	\$ 417,995.50
DLS Construction	\$ 530,508.00

WHEREAS, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend that the award bid to AJM Contractors Inc. of Clifton, New Jersey, the apparent low bidder, in the amount of \$ 417,995.50; and

WHEREAS, the funds are available to satisfy our obligations under this contract from Bond Ord. 18-826.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the award of bid be made to AJM Contractors Inc. of Clifton, New Jersey.

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

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

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

NO: None

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

Mayor Cicala opened this portion of the meeting to anyone wishing to be heard on any item on the agenda.

Paul Burns; 2 Elm Dr. – Mr. Burns commented that he was unable to access to meeting agenda. The Clerk offered assistance.

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

5. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager - The Manager requested an executive session to discuss a pending tax appeal and potential tax appeal matter.
- b) Township Clerk – The Clerk advised that the polls will be open from 2:00 – 8:00 p.m. on October 2, 2018, for the special school election. The Clerk reported receipt of two letters of interest for committee vacancies. There was consensus to schedule interviews for executive session on 10/15/18.
- c) Township Attorney – No report
- d) Other Reports

Councilman Tanella referenced recent public hearing and information disseminated by Township's professional regarding affordable housing. Councilman Tanella stated that the Township Council heard resident concerns, and have been able to schedule a Town Hall meeting on October 29th at 7:00 p.m. in the Council Chambers with state legislators to afford residents an opportunity to discuss affordable housing issues and concerns. Councilman Tanella also noted the formation of Council affordable housing advisory subcommittee consisting of himself, Councilwoman Peterson and three residents, Bridget Bauer, Isabel Spagnardi, and Kevin McVey. Councilman Tanella suggested further discussion at the next staff meeting of affordable housing issues. Councilman Tanella commented on initiative petition recently submitted, and voiced concern with the lack of information shared with residents, particularly the immediate financial impact on taxpayers had the petition proposal come to fruition.

Councilwoman Peterson commented that acquisition of property and its preservation as open space does not remove the Township's affordable housing obligation. Councilwoman Peterson noted that October is Breast Cancer Awareness Month and provided details of the schedule Breast Cancer Walk at Panther Park on October 18, 2018. Councilwoman Peterson also commented that October is Domestic Violence Awareness Month and requested presentation of a proclamation at the next meeting to the Domestic Violence Response Team, a group of volunteers specifically trained to provide support to victims of domestic violence, to which the governing body agreed. Councilwoman Peterson thanked members of the Municipal Alliance Committee for their presence at the middle school and high school open houses. Councilwoman Peterson provided information regarding the availability of a PSE&G notification program for residents living at home and dependent on life-sustaining medical equipment.

Councilman Kumburis commented that redevelopment of property is preferable to development of open space.

Deputy Mayor Vargo thanked Councilman Tanella and Councilwoman Peterson for volunteering to serve on the affordable housing advisory sub-committee. Deputy Mayor Vargo commented on concerns with acquisition petition; immediate tax levy that would result, sufficiency of proposed purchase amount, and availability of property for purchase. Deputy Mayor Vargo made a comparison of the proposed petition with the acquisition of the reservoir property from the City of Newark. Deputy Mayor Vargo provided details of the Downtown Advisory Committee sponsored Craftoberfest scheduled for October 20th at LRP from 4:00 – 8:00 p.m. The Manager responded to Deputy Mayor Vargo's requests for update on status of Fearon plaque and pedestrian crosswalk on W. Bradford Ave.

Mayor Cicala also commented on concerns with the proposed acquisition petition and accuracy of information put forth in the petition. Mayor Cicala explained that the proposed source of monies for the acquisition fund was not viable as proposed, and ultimately would have resulted in a substantial immediate tax increase. Mayor Cicala stated that the petition was not clear regarding the financial impact on taxpayers. Responding to Councilman Kumburis, Mayor Cicala explained funding means of reservoir property acquisition; bond for full amount of acquisition, use of open space trust fund and pilot monies to pay down bond. There was further inquiry from Councilman Kumburis regarding purchase of properties cited in petition. Attorney Zielinski redirected discussion to the Mayor's report rather than a council discussion. Attorney Zielinski further noted that the

current discussion is inappropriate, since Councilman Kumburis is recused from discussion on the property that he specifically referenced. Mayor Cicala continued his report and requested an update on the Cedar Street reconstruction project. The Manager advised that final paving is scheduled for next week.

6. NEW BUSINESS

- a) To consider resolution concerning renewal of inactive ABC license – Shu Box Inc.

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

WHEREAS, the following corporations has applied for the renewal of its Alcoholic Beverage License for the period from July 1, 2018 through June 30, 2019, namely:

<u>LICENSE NO.</u>	<u>APPLICANT</u>	<u>TRADENAME</u>	<u>FEE</u>
0704-33-010-003	Shu Box, Inc. 256 Pompton Ave.	N/A	\$2,002.

WHEREAS, the above corporation has submitted its application for renewal to the Township Clerk, and said application complies with the State Laws regulating the sale and distribution of alcoholic beverages; and

WHEREAS, the licensee 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 the 2018-2019 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 Shu Box, Inc. for renewal of its license for the 2018-2019 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 2018-2019 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 Shu Box, 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, 2018 through June 30, 2019.

Councilman Tanella moved adoption of the resolution, seconded by Deputy Mayor Vargo. There was discussion regarding continued inactivity of the license. The motion passed by the following vote:

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

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 \$ 53,938.10.

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

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

8. CONTRACTS AND AGREEMENTS

- a) To consider resolution concerning award of contract for professional engineering design services for Reconstruction of Upper Playground at Community Park

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

WHEREAS, The Township has a need for professional engineering design services for the Reconstruction of Upper Playground at Community Park project; and

WHEREAS, pursuant to advertising duly made for a fair and open contract in accordance with N.J.S.A. 19:44A-20.1 et. seq., proposals were received and publicly opened by the Township Clerk on August 2, 2018 as follows; and

<u>PROPOSER</u>	<u>AMOUNT</u>
Neglia Engineering Assoc.	\$ 16,700.

WHEREAS, the Municipal Engineer has recommended that a contract for the above referenced professional services be awarded to Neglia Engineering Assoc.; and

WHEREAS, funds are now available for this purpose in Bond Ordinance #18-826.

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

1. The Township Manager is hereby authorized and directed to execute an agreement with Neglia Engineering Assoc. of Lyndhurst, NJ, for an amount not to exceed \$16,700.00 in accordance with the proposal dated August 2, 2018.
2. This agreement is awarded as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because of the technical of the professional services required for this project; and
3. A notice of this agreement shall be published in the Verona-Cedar Grove Times as required by law.

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

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

NO: None

- b) To Consider resolution concerning award of contract for professional engineering design services for Replacement of Existing Church St. and Elm Dr. Water Main

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

WHEREAS, The Township has a need for professional engineering design services for the Water Main Replacement Along Church Street and Elm Drive project; and

WHEREAS, pursuant to advertising duly made for a fair and open contract in accordance with N.J.S.A. 19:44A-20.1 et. seq., proposals were received and publicly opened by the Township Clerk on August 2, 2018 as follows; and

<u>PROPOSER</u>	<u>AMOUNT</u>
Neglia Engineering Assoc.	\$ 8,900.

WHEREAS, the Municipal Engineer has recommended that a contract for the above referenced professional services be awarded to Neglia Engineering Assoc.; and

WHEREAS, funds are now available for this purpose in Bond Ordinance #18-828.

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

1. The Township Manager is hereby authorized and directed to execute an agreement with Neglia Engineering Assoc. of Lyndhurst, NJ, for an amount not to exceed \$8,900.00 in accordance with the proposal dated August 2, 2018.

2. This agreement is awarded as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because of the technical of the professional services required for this project; and
3. A notice of this agreement shall be published in the Verona-Cedar Grove Times as required by law.

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

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

NO: None

9. 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 noted the following upcoming County-sponsored events: Strut Your Mutt, Gardens of Glow, Safe Trick or Treat, Household Hazardous Waste Collection Day, Computer & Electronics Recycling Day, Used Tire Recycling Day.

Paul Burns; 2 Elm Dr. – Mr. Burns raised concern regarding correlation of tax increase to development. The Manager explained components of the tax bill; local rate, school, and County. Mr. Tucci advised that the Township only has control over the local rate in which there was a two cent increase. Mr. Burns raised concern regarding inequity of affordable housing obligations among municipalities, particularly suburban vs. rural. Mayor Cicala referred to the upcoming Town Hall meeting with state legislators to have that concern addressed. Mr. Burns also raised property maintenance concerns and referenced a specific residential property behind Santander Bank.

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

Mayor Cicala requested an executive session to discuss acquisition of properties on petition.

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 October 1, 2018.

2. The general nature of the subject matters to be discussed is tax appeal settlement, potential tax appeal, and acquisition of property on petition.
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.

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

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

NO: None

10. ADJOURNMENT

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

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

NO: None

The meeting adjourned at 8:00 p.m.

JOSEPH CICALA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK