

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

COUNCIL STAFF MEETING

**MINUTES
7:00 P.M.**

OCTOBER 15, 2018

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Cicala called the meeting to order at 7:10 p.m. and 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, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building's lobby in accordance with the Open Public Meetings Act.

Present: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

Also Present: Township Attorney Zielinski, Township Clerk Stutz, Finance Director Homa, COAH Counsel Jedziniak, Alternate Counsel Semeraro

Absent: Deputy Mayor Vargo

2. EXTRAORDINARY BUSINESS

a) Proclamation – Domestic Violence Awareness Month

Mayor Cicala read and presented the proclamation to Pam Fishman, representative of Rachel Coalition, a lead resource for domestic violence victims.

3. APPROVAL OF MINUTES

a) Executive Session – September 10, 2018

Councilman Tanella moved approval of the minutes as presented, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Peterson, Tanella, Mayor Cicala

NO: None

ABSTAIN: Councilmember Kumburis

ABSENT: Deputy Mayor Vargo

b) Staff Meeting – September 24, 2018

Councilman Tanella moved approval and release of the minutes as presented, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

ABSTAIN: Councilman Kumburis

ABSENT: Deputy Mayor Vargo

c) Executive Session – October 1, 2018

Councilman Tanella moved approval of the minutes as presented, seconded by Councilwoman Peterson, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

4. TOWNSHIP MANAGER – Finance Director Homa addressed the governing body on behalf of the Manager and discussed recommended fee increases to the water and sewer utility. Following discussion, the governing body requested additional information; history of water/sewer usage rate increases, and date of last increase of specific fees. CFO Homa commented on the distribution of gift cards. Mr. Homa stated that when goods or services are provided to the township payment to the provider is made via the voucher process. Attorney Zielinski explained the distribution of gift cards has been proposed by Downtown Advisory Committee and suggested further discussion with Councilmember of the Committee, to which the governing body agreed. Finance Director Homa also explained two recommendations pertaining to requests for water/sewer bill adjustment requests. Councilman Tanella moved to concur with the Finance Director's recommendations, seconded by Councilwoman Peterson, and passed unanimously. Mr. Homa left the meeting

5. TOWNSHIP ATTORNEY – No report

6. TOWNSHIP CLERK – The Clerk certified the petition that was submitted during the September 17th public hearing as follows:

I, Kathleen R. Stutz, Township Clerk of the Township of Cedar Grove, County of Essex, New Jersey, do hereby certify that the petition dated September 16, 2018, submitted to the Township Clerk by the Committee of Petitioners of Ann Mega 82 Hillsdale Rd., Harry Kumburis 41 The Glen, David Snyder 4 Granite Dr., Paul Burns 2 Elm Dr., and Isabel Spagnardi 511 Holly Lane on September 17, 2018 is insufficient for the following reason:

- N.J.S.A. 40:69A-185 reads in pertinent part “if within twenty (20) days after such final passage and approval of such Ordinance a petition protesting against the passage of such Ordinance shall be filed with the municipal clerk and if the petition shall be signed by ...”

The petition was filed prior to the Ordinance which it seeks to reject was passed and not during the twenty (20) day period following its final adoption as required and therefore defective and insufficient.

I further certify that I notified each member of the Committee of Petitioners by letter via regular mail and certified mail on October 5, as to the above.

7. COUNCIL REPORTS

Mayor Cicala noted two upcoming grand openings; 11/3 for Cedar Beans and 11/30 from 3:00 – 5:00 p.m. for AFC Urgent Care. Mayor Cicala discussed an e-mail that was circulated by the soccer club to its parents concerning field conditions.

Councilwoman Peterson provided the date and times (10/17) of the annual flu clinic. Councilwoman Peterson also commended Municipal Alliance Committee for sponsorship of recent movie night Morgan's Farm.

Attorney Zielinski requested an executive session regarding COAH litigation settlement.

8. 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 \$ 3,072,382.12.

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

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

9. PUBLIC COMMENT

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

Joe Russomanno; 36 Bortic Rd. – Mr. Russomanno referred to discussion proposed water/sewer rate increases and questioned if a higher usage will result in a decrease in rates.

There being no one else present wishing to be heard, Mayor Cicala 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 October 15, 2018.
2. The general nature of the subject matters to be discussed is COAH litigation settlement.
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 Councilman Kumburis, and passed by the following vote:

AYE: Councilmember Kumburis, Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Deputy Mayor Vargo

Attorney Zielinski and Councilman Kumburis recused themselves from executive session discussion and left the meeting.

The meeting adjourned for executive session at 7:40 p.m.

The staff meeting resumed at 8:18 p.m.

PRESENT: Councilmember Peterson, Tanella, Mayor Cicala

ALSO PRESENT: Alternate Counsel Semeraro, COAH Counsel Jedziniak, Township Clerk

ABSENT: Councilmember Kumburis, Deputy Mayor Vargo

Mayor Cicala requested a motion to vote on settlement plan. Councilman Tanella moved to consider a resolution concerning the proposed settlement plan, seconded by Councilwoman Peterson, and passed unanimously.

**RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF
CEDAR GROVE AUTHORIZING THE EXECUTION OF A SETTLEMENT
AGREEMENT WITH FAIR SHARE HOUSING CENTER**

WHEREAS, PURSUANT TO In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the Township filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”), to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine:” and

WHEREAS, the Township simultaneously sought and ultimately secured, a protective order providing Cedar Grove immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the trial judge also appointed Elizabeth McKenzie, P.P., A.I.C.P. as her “Special Master,” as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Special Master, Cedar Grove and FSHC engaged in good faith negotiations which resulted in an amicable accord on the various substantive terms and conditions as set forth in the Settlement Agreement attached hereto as **Exhibit A**; and

WHEREAS, through this process, the Township and FSHC agreed upon the Township’s affordable housing obligations and the compliance techniques necessary for Cedar Grove to satisfy its “fair share” of the regional need for low- and moderate-income housing; and

WHEREAS, the Township and FSHC also agreed to present the Settlement Agreement to the Trial Judge for approval via duly-noticed Mount Laure “Fairness Hearing;” and

WHEREAS, although there is a well-established policy favoring the settlement of all forms of litigation, the settlement of Mount Laurel litigation is particularly favored because (1) it avoids the expenditure of finite public resources; and (2) expedites the construction of safe, decent housing for the region’s low- and moderate-income households; and

WHEREAS, in light of the above, and on the recommendation of the Township’s Special Mount Laurel Counsel, the Township Council finds that it is in the best interests of Cedar Grove to execute the attached Settlement Agreement with FSHC and to take various other actions delineated below which will ultimately result in approval of the Township’s Fair Share Plan which, in turn, will maintain the Township’s immunity from all Mount Laurel lawsuits for the ten-year period set forth in the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to 329.

NOW, THEREFORE, BE IT RESOLVED on this 15th day of October, 2018, by the Council of the Township of Cedar Grove, County of Essex, State of New Jersey, as follows:

1. The Township Council hereby authorizes and directs the Mayor to execute the attached Settlement Agreement and to provide a copy of same to the Township’s Special Mount Laurel Counsel as soon as practicable thereafter.
2. The Township Council hereby directs its Special Mount Laurel Counsel to file the fully-executed Settlement Agreement with the Court and take all actions reasonable and necessary to secure an Order approving the Settlement Agreement and thereafter to secure judicial approval of the Township’s Fair Share Plan, as may be amended by the Planning Board Township pursuant to the Agreement and subject to the public hearing process set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq.

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

AYE: Councilmember Peterson, Tanella, Mayor Cicala

NO: None

ABSENT: Councilman Kumburis, Deputy Mayor Vargo

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 8:20 p.m. by acclaim.