

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

PUBLIC MEETING

MINUTES

NOVEMBER 6, 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 OF THE TOWNSHIP COUNCIL

- a) Recognition of Extraordinary Action of First Responders and Citizen
- b) Presentation to Susan G. Komen Foundation
- c) Presentation of Recreation Advisory Board Awards

3. APPROVAL OF MINUTES

- a) To consider approval of regular public meeting minutes of October 2, 2017
- b) To consider approval of special public meeting minutes of October 16, 2017

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

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

NO: None

4. PUBLIC HEARING

- a) To consider adoption of Pending Ord. #17-818 – Repeal of Chapter 29 of the Township Code entitled “Flood Control Board, Regional”

The ordinance was read by title only:

**AN ORDINANCE REPEALING CHAPTER 29 OF THE CODE OF THE
TOWNSHIP OF CEDAR GROVE IN ITS ENTIRETY ENTITLED “FLOOD
CONTROL BOARD, REGIONAL”**

Mayor Tanella opened this portion of the meeting to anyone wishing to be heard on this item only. Robert Maxwell; 67 Elmwood Rd. – Mr. Maxwell requested the reason for the governing body’s decision to repeal the Regional Flood Control Board ordinance.

Paul Burns; 2 Elm Drive – Mr. Burns expressed concern regarding repeal of the ordinance and encouraged the Township to remain part of Regional Flood Control Board

Mayor Tanella stated that during conversations with the Mayors of the other two member municipalities, it was indicated that there would be a change in focus of the Board from the Peckman River to the Passaic River. Mayor Tanella stated that Cedar Grove’s membership is no longer necessary. Councilmembers Vargo, Peterson, and Deputy Mayor Cicala provided their perspective for ceasing the Township’s membership on the Board. Councilman Kumburis, Council representative on the Board commented the prospective flood wall proposed by the Army Corps of Engineers is a reason the Township should retain its membership on the Board.

Nicholas Kumburis; 41 The Glen – Mr. Kumburis commented that he did not hear the issue of continued membership considered from a pro vs. con perspective, only the negative.

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

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

NO: Councilman Kumburis

5. REJECTION OF BID

- a) To consider resolution rejecting bid for furnishing of equipment and personnel for snow removal

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, a sole bid was received for the furnishing of equipment and personnel for snow plowing and publicly opened and read by the Township Clerk on September 27, 2017 as follows:

BIDDER	ITEM #1 TRUCK, PLOW & OPERATOR	ITEM #2 TRUCK H/D PLOW & OPERATOR	ITEM #3 TRUCK, S/SPREADER & OPERATOR	ITEM #4 4-WHEEL DRIVE LOADER	ITEM #5 TANDEM DUMP TRUCK
A.E. Recchia, Inc. Cedar Grove, NJ	\$211.00	\$221.00	\$226.00	\$275.00	\$126.00

WHEREAS, the bid submitted has been reviewed by the Township Manager and Municipal Engineer; and

WHEREAS, the sole bid substantially exceeds the appropriation for the service.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the bid for furnishing of equipment and personnel for snow plowing be rejected in accordance with NJSA 40A:11-13.2(b).

BE IT FURTHER RESOLVED that the project be re-bid.

Deputy Mayor Cicala 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

6. 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.

7. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager – The Township Manager reported the hiring of two employees, a part-time Clerk in the Court Toni Ann Immersi, and full time maintenance work in DPW, Eric Vanderstreet. Mr. Tucci also noted that Anthony Grigolo has been offered conditional employment as a Police Officer pending successful completion of PTC certification in mid-December. The Manager announced the retirement of long-time crossing guard Carol Lay, after 40 years of service. The governing body concurred with the Manager's suggestion to present a proclamation or Certificate of Recognition. The Manager noted that south End Engine Co. #3 will conduct its annual coin toss fundraiser on the weekend of December 9th at the intersection of Ridge Rd. and Rt. 23. Mr. Tucci also noted the Finance Director's recommendations regarding requested water/sewer bill adjustments. The governing body concurred with the Finance Director's recommendations.
- b) Township Clerk – The Township Clerk announced the polling hours for the November 7th General Election (from 6am to 8pm).
- c) Township Attorney – Attorney Zielinski requested an executive session to discuss K. Hovnanian litigation, Coptic Church litigation, and COAH litigation.
- d) Other Reports

Mayor Tanella commented on Morgan Farm activity and commended volunteers of the Historical Society. The Mayor provided an update of recent RAB meeting and noted that the next meeting will include discussion of the 2017 pool season. Mayor Tanella announced that the Fire Department is conducting a fundraiser for former Fire Chiefs Stan Crowell and Mike Jorn, to help

offset costs of recent illness. Mayor Tanella noted that he was requested to perform a wedding ceremony for a friend, to which the governing body concurred. Mayor Tanella commented on the recently conducted St. Catherine of Siena 5K Fun-fit Walk/Run fundraiser event.

Deputy Mayor Cicala noted complaints from residents on Vanderberg Place regarding the newly paved roadway abutment to older pavement. Deputy Mayor Cicala also noted a complaint received regarding paint spill on Oak Drive. The Manager explained that the paint was caused a resident's improper disposal of paint in the garbage. Mr. Tucci further explained the removal efforts undertaken. Deputy Mayor Cicala suggested that the Township explore the possibility of not using schools as poll locations, to which the governing body agreed.

Councilwoman Peterson commented on the recent Komen Breast Cancer Awareness Walk held at Panther Park and commended the organizers, Recreation Director Marisa Landolfi and Deputy Tax Collector Nancy Walsh.

Councilman Kumburis inquired status of hearing impaired accessibility. The Manager advised that accessibility is in place. Councilman Kumburis also inquired the maintenance responsibility for the old cemetery located off Commerce Road. The Manager advised that the cemetery is Township property and maintenance is restricted. Councilman Kumburis commented on the presence of an eagle in the vicinity of the reservoir property.

Councilman Vargo provided a Downtown Advisory Committee update. Councilman Vargo advised that the Committee is looking to beautify the railroad trestle over Rt. 23 and create a gateway to the Township. Councilman Vargo provided a proposed rendering for painting the interior walls of the trestle for review and comment. Councilman Vargo also cited several issues that the Committee is considering for the downtown business area; public safety concerns, a downtown area event, and business visibility from the outside and inside.

8. NEW BUSINESS

- a) To consider introduction of Pending Ordinance #17-819 – 2018 Allowable Rent Increase

The clerk read the Ordinance by title only:

AN ORDINANCE SETTING THE MAXIMUM ALLOWABLE RENT INCREASE PURSUANT TO CHAPTER 208 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE

BE IT ORDAINED by the Township Council of the Township of Cedar Grove that the maximum allowable rent increase in the Township for the year 2018 pursuant to Chapter 208 of the Code of the Township of Cedar Grove is hereby set at 2.3%.

This Ordinance shall take effect upon final reading, adoption, and publication in accordance with the law.

Councilman Vargo moved that Pending Ordinance #17-819 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 4, 2017, seconded by Councilman Kumburis, and passed by the following vote:
AYE: Councilmember Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella
NO: None

b) To consider resolution concerning 2018 Police Department employee salaries

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 did adopt Ordinance No. 15-789 fixing salary grades and ranges, wages and fees of the officers of the Cedar Grove Police Department of the Township of Cedar Grove; and

WHEREAS, said ordinance provides that the Township Council shall, by resolution, fix the salary of each officer within the salary ranges as set forth in Section One of the Salary Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the salaries as hereinafter enumerated shall constitute the salaries for the Fiscal Year 2018, which shall become effective January 1, 2018 for officers of the Cedar Grove Police Department covered under Section One of the Salary Ordinance.

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

c) To consider resolution concerning 2018 DPW employee salaries

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

WHEREAS, The Township Council of the Township of Cedar Grove did adopt Ordinance 15-786, fixing salary grades and ranges, wages and fees of certain employees within the Department of Public Works of the Township of Cedar Grove; and

WHEREAS, said ordinance provides that the Township Council shall, by resolution, fix the salary of each employee within the salary ranges as set forth in Section One of the Salary Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the salaries as hereinafter enumerated shall constitute the salaries for Fiscal Year 2018 for the employees covered under Section One of the Salary Ordinance, represented by the Township of Cedar Grove Employees' Association.

REPRESENTED EMPLOYEES

<u>GRADE</u>	<u>JOB CLASSIFICATIONS</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
3	Maintenance Worker	\$34,591.	\$56,822.
4	Equipment Operator	40,000.	59,264.
5	Sewer Plant Operator	42,000.	61,386
6	Mechanic Auto/Sewer/Water	45,000.	77,201.
7	Engineering Aide	47,000.	78,463.
8	Parks/Grounds Department Foreman Road Department Foreman Water Department Foreman Sewer Department Foreman Senior Engineering Aide	57,246.	87,697.
9	Superintendent	81,906.	106,214.

<u>EMPLOYEE</u>	<u>SALARY</u>	<u>GRADE</u>	<u>JOB TITLE</u>
Bahaw, Robbie	\$37,442.	3	Maint. Worker
Bennett, Daniel	39,135.	3	Maint. Worker
Calabrese, Eugene	52,406.	3	Maint. Worker
King, Timothy	54,700.	3	Maint. Worker
McElroy, Michael	48,610.	3	Maint. Worker
Mesce, Robert	53,850.	3	Maint. Worker
Salvato, Jason	37,442.	3	
Smolls, Donald	39,135.	3	Maint. Worker
Struck, Thomas	53,809.	3	Maint. Worker
Vanderstreet, Eric	35,283.	3	Maint. Worker
Resciniti, Thomas	55,437.	4	Equip. Operator
Hunter, William	57,483.	4	Equip. Operator
Webb, David	56,483.	4	Equip. Operator
Lavin, James	55,780.	5	Sewer Plant Operator
Cuccinello, Adrian	56,184.	5	Sewer Plant Operator
DiGeronimo, Peter	\$76,909.	6	Auto Mechanic
Gialanella, Michael	61,074.	6	Water Mechanic
Grasso, Michael	68,282.	6	Water/Sewer Mechanic
Hopper, Andrew	58,793.	6	Sewer Mechanic
Donovan, Dan	64,349.	7	Engineering Aide

Bailey, Jeffrey	62,790.	8	Parks Foreman
Jorn, Michael	87,287.	8	Water Dept. Foreman
Locascio, Joseph	80,374.	8	Senior Engineering Aide
Vitiello, Jerry	96,509.	9	Superintendent

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 tax reductions 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 2010 - 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:

2010 - 2016 Tax Reductions Granted by the Tax Court of New Jersey

<u>Block</u>	<u>Lot</u>	<u>Owner & Location</u>	<u>Tax Year</u>	<u>Tax Cancellations and Tax Refund</u>
280	560	Emmet W. & Pamela Acocella	2010	\$2,071.83
		Bowden Road Rear	2011	2,127.26
		Cedar Grove, NJ 07009	2012	2,200.09
			2013	2,182.88
			2014	2,279.33
			2015	2,327.03
			2016	<u>2,381.99</u>
				<u>\$15,570.41</u>

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

ABSTAIN: Mayor Tanella

e) To consider resolution concerning 2018 municipal holidays

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, Essex County, New Jersey, that the following official holidays shall be observed by the Township of Cedar Grove for the year 2018.

2018 HOLIDAY SCHEDULE

January 1	Monday	New Year's Day
January 15	Monday	Martin Luther King Day
February 19	Monday	President's Day
March 30	Friday	Good Friday
May 28	Monday	Memorial Day
July 4	Wednesday	Independence Day
September 3	Monday	Labor Day
October 8	Monday	Columbus Day
November 22	Thursday	Thanksgiving Day
November 23	Friday	Thanksgiving
December 24	Monday	Christmas Day
December 25	Tuesday	Christmas Day

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

f) To consider resolution concerning sale of municipal property

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:11-36 provides for the sale of municipal property not needed for public use;

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the property listed below, which is no longer needed for public use, shall be advertised for sale and sold to the highest bidder at public auction via GovDeals.com

- | | | |
|---------------------|-------------------|--------------|
| 1. 2008 Ford Pickup | 1FTWF31Y88EA61870 | 69,036 Miles |
| 2. 2003 GMC Pickup | 1GTHK24U83E305288 | 67,781 Miles |
| 3. 2008 Ford Dump | 1FDWF37Y88EE39589 | 57,208 Miles |
| 4. 2008 Ford Pickup | 1FTWF38YX8EA61871 | 71,620 Miles |

5. 2001 GMC Van	1GTGG25RX11233618	80,095 Miles
6. 2015 Ford Interceptor Utility	1FM5K8AR7FGC52481	47,537 Miles
7. 2014 Ford Interceptor Utility	1FM5K8AR2EGA33331	50,833 Miles
8. 2014 Ford Interceptor Utility	1FM5K8AR0EGA33330	63,018 Miles
9. 2011 Ford Crown Victoria	2FABP7BV8BX159347	63,721 Miles
10. 2006 Ford F-250	1FTSX21576ED26626	29,515 Miles

BE IT FURTHER RESOLVED, that such items shall be sold on an "as is, where is" basis.

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

g) To consider resolution concerning 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, Hutton Construction, LLC was originally determined to be the lowest responsible bidder. However, upon further consideration, Hutton Construction, LLC and the Township have mutually agreed to not further engage on this project for the convenience of the parties.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the award of bid previously made to Hutton Construction LLC is hereby rescinded.

Deputy Mayor Cicala 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

- h) To consider resolution concerning reduction of performance guarantees – 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:
Grove Street SPE, LLC
Block 71, Lot 2**

WHEREAS, Grove Street SPE, LLC received preliminary and final site plan approval for Block 71, Lot 2, from the Zoning Board; and

WHEREAS, a developer's agreement was approved by the Mayor and Council of the Township of Cedar Grove on April 6, 2015; and

WHEREAS, sureties were posted to guarantee construction of site improvements consistent with the Zoning Board approval of the project; and

WHEREAS, a performance bond (First Indemnity of America Insurance Co. Bond No. CT021007) was posted by Grove Street SPE, LLC on June 12, 2015; and

WHEREAS, Grove Street SPE, LLC has again requested release of certain sureties; and

WHEREAS, the Municipal Engineer has inspected said premises to consider reduction/release of said sureties; and

WHEREAS, the Municipal Engineer has recommended further reduction of the existing performance bond and reduction of cash escrows.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve the reduction of Performance Bond No. CT021007 from \$454,597.20 to \$258,582.20 and reduction of the 10% cash escrow from \$96,033.84 to \$28,731.37 and reduction of 5% post-approval of escrow from \$48,016.92 to \$14,366.66.

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, Mayor Tanella

NO: None

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 \$3,624,283.84

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

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

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

Kate Hartwyk; Essex County Liaison – Ms. Hartwyk advised that leaf pick-up on County roads within the Township are scheduled for November 20-24 and December 18-22 depending on the weather. Ms. Hartwyk announced an upcoming workshop for small business and Holiday Light Spectacular at Essex County Turtleback Zoo.

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 November 6, 2017.
2. The general nature of the subject matters to be discussed is K. Hovnanian litigation, Coptic Church litigation, and 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

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 8:50 p.m.

PETER H. TANELLA MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK