

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

COUNCIL STAFF MEETING

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

NOVEMBER 20, 2017

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Tanella called the meeting to order at 7:00 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, Vargo, Deputy Mayor Cicala, Mayor Tanella
Also Present: Township Manager Tucci, Township Attorney Zielinski, Township Clerk Stutz

2. APPROVAL OF MINUTES

a) Executive Session – October 2, 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

b) Executive Session – October 16, 2017 (Interview)

Deputy Mayor Cicala moved approval and release of the minutes as presented, seconded by Councilwoman Vargo, and passed by the following vote:

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

NO: None

c) Staff Meeting – October 16, 2017

Deputy Mayor Cicala moved approval and release of the minutes as presented, seconded by Councilwoman Vargo, and passed by the following vote:

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

NO: None

d) Executive Session – 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

e) Executive Session – November 6, 2017 (Interview)

Deputy Mayor Cicala moved approval and release 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

3. **TOWNSHIP MANAGER** – The Manager noted a request from the Elks Club for waiver of annual amusement device license fee to which the governing body agreed. Mr. Tucci noted the Finance Director's recommendation concerning a request for waiver of water/sewer bill penalty fee, to which the governing body concurred. The Manager provided a memo from the Municipal Engineer that recommended award of bid for furnishing equipment & personnel for snow removal, to which the governing body agreed. Mr. Tucci advised that the crossing guard schedule of hours has been adjusted to accommodate after school programs. The Manager requested an executive session to discuss personnel matters regarding the Zoning Board and Faulkner Act.
4. **TOWNSHIP ATTORNEY** – The Township Attorney provided requested draft ordinances; amendment of use of recreation areas, amendment to CATV Committee membership and RAB membership. Mayor Tanella also requested to amend membership of other board/committees to include a student liaison/member (Advisory Health Council, Environmental Commission, Library Board of Trustees, Downtown Advisory Committee). Attorney Zielinski advised that the Environment Commission and Library Board of Trustees membership may be predated by state statute. Attorney Zielinski requested an executive session to discuss COAH litigation and K. Hovnanian redevelopment agreement.
5. **TOWNSHIP CLERK** – The Clerk provided list of annual appointments of municipal officials and professional services, to which the governing body concurred.

6. COUNCIL REPORTS

Mayor Tanella noted the passing of two former (retired) police officers, Robert Black and Michael Accocella. Mayor Tanella also noted the recent passing former Municipal Judge Robert Scanlon. Mayor Tanella referred to a recent resolution received from the Township of Livingston supporting the goals of the Paris Climate Accord and recommended that the Township put a similar resolution on the 12/4 agenda, to which the governing body agreed. At the Mayor's request, the Manager provided an update on the status of the leaf collection program. Mayor Tanella also requested an update on the Pompton Ave. repaving project. Mr. Tucci advised that paving should commence in March 2018 and continue for approximately two months. Mr. Tucci further noted that reconstruction of the upper portion of Cedar Street (from Ridge Rd. to Crestmont Rd.) is also scheduled to commence in the spring.

Councilwoman Peterson reported the resignation of long-time Advisory Health Council member Eileen Bogdanowicz and requested to present a token of recognition from the governing body, to which the governing body agreed. Councilwoman Peterson advised that the Municipal Alliance Committee is planning a joint educational event with the Advisory Health Council in early 2018 related to the heroin epidemic.

Councilman Vargo requested feedback on the DAC rendering for Pompton Avenue trestle. Mayor Tanella commented that he would like to see the Township colors (black and gold) utilized; Deputy Mayor Cicala would like to see the stairs addressed, and Councilwoman Peterson voiced dissatisfaction with the predominance of blue. Councilman Vargo discussed several activities/events that the DAC intends to host/sponsor:

- May event entitled “Cedar de Mayor”
- an annual “food truck” event family style
- artist gallery of street banners

Councilman Kumburis advised that he plans on attending the 11/29 meeting of Regional Flood Board with the Army Corp of Engineers to discuss the proposed flood wall project. Councilman Kumburis provided the plaque the Township was presented at the League of Municipalities Convention for Sustainable NJ certification.

7. NEW BUSINESS

- a) To consider introduction of Pending Ord. #17-820 – Amending Chapter 251 of the Township Code entitled “Vehicles & Traffic”

The Clerk read the ordinance by title only:

EXPLANATION: This Ordinance establishes and amends parking regulations on Weaver Street pursuant to the conditions of subdivision approval of the Planning Board for the property identified as Block 340, Lot 61, 52 Tolstoi Place.

PENDING ORDINANCE NO. 17-820

AN ORDINANCE AMENDING SECTION 251-34 ENTITLED “SCHEDULE I: NO PARKING” OF ARTICLE XII ENTITLED “SCHEDULES” OF CHAPTER 251 ENTITLED “VEHICLES AND TRAFFIC” OF PART II ENTITLED “GENERAL LEGISLATION” OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE, NEW JERSEY TO ESTABLISH PARKING RESTRICTIONS ON WEAVER STREET.

WHEREAS, pursuant to N.J.S.A. 39:4-197(1)(f), the Township of Cedar Grove is authorized to enact ordinances which regulate the parking of vehicles on streets and portions thereof; and

WHEREAS, Mountain Ridge Developers, LLC, with the consent of the property owner, Elkay Real Estate Development Corp., obtained preliminary and final major subdivision approval from the Cedar Grove Township Planning Board on the property identified as Block 340, Lot 61 in the Township of Cedar Grove, Block 100, Lot 5 in the Township of North Caldwell, and Block 30, Lots 1 and 47 in the Township of Little Falls, located at 52 Tolstoi Place in Cedar Grove Township (the “Property”), case no. S. 960 F (the “Approval”); and

WHEREAS, as a condition of the Approval, the developer/property owner must submit a request to the Cedar Grove Township Council to prohibit parking on both sides of Weaver Street, which condition remains unsatisfied until the Township council approval is granted; and

WHEREAS, the Township Consultant Engineer recommends the prohibition of parking on both sides of Weaver Street to address safety concerns, including the access of emergency service vehicles; and

WHEREAS, the Mayor and Township Council of the Township of Cedar Grove find it to be in the best interests of the Township and its citizens to regulate the parking of vehicles on Weaver Street.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Cedar Grove in the County of Essex and State of New Jersey, as follows:

Section 1. Section 251-34 entitled “Schedule I: No Parking” of Article XII entitled “Schedules” of Chapter 251 entitled “Vehicles and Traffic” of Part II entitled “General Legislation” of the Code of the Township of Cedar Grove, New Jersey, is hereby supplemented and amended to add the following:

Name of Street	Sides	Location
Weaver Street	Both	Entire length

Section 2. In accordance with N.J.S.A. 39:4-198, the Township Public Works Department is authorized to erect the appropriate signage along the applicable portions of Snyder Avenue in conformance with the current Manual on Uniform Traffic Control Devices and New Jersey law.

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Cedar Grove, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Code of the Township of Cedar Grove are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. This Ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Deputy Mayor Cicala moved that Pending Ordinance #17-820 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 18, 2017, seconded by Councilman Vargo, and passed by the following vote:
 AYE: Councilman Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella
 NO: None

- b) To consider introduction of Pending Ord. #17-821 – Acquisition and Installation of Generator at Cedar Grove Municipal Building

The Clerk read the ordinance by title only:

PENDING BOND ORDINANCE #17-821

BOND ORDINANCE AUTHORIZING THE ACQUISITION AND INSTALLATION OF A GENERATOR AT THE MUNICIPAL BUILDING IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$175,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$166,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Cedar Grove, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$175,000, such sum includes the sum of \$9,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$166,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$166,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
Acquisition and installation of a generator at the Municipal Building, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$175,000	\$166,000	15 Years
TOTAL	\$175,000	\$166,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$166,000.

(c) The estimated cost of the Improvements is \$175,000 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of the Down Payment for each purpose.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$166,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$5,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$166,000.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Vargo moved that Pending Ordinance #17-821 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of December 18, 2017, seconded by Councilman Kumburis, and passed by the following vote:
AYE: Councilman Kumburis, Peterson, Vargo, Deputy Mayor Cicala, Mayor Tanella
NO: None

- c) To consider resolution concerning amendment to 2017 Capital Budget

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 desires to amend the 2017 Capital Budget of said municipality by inserting the Acquisition and Installation of a Generator at the Cedar Grove Municipal Building.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove as follows:

AMENDMENT
CAPITAL BUDGET OF THE TOWNSHIP OF CEDAR GROVE
COUNTY OF ESSEX, NEW JERSEY

PROJECTS SCHEDULE FOR 2017
METHOD OF FINANCING

<u>Project</u>	<u>Estimated Cost</u>	<u>Debt Authorized</u>	<u>Down Payment</u>
Acquisition and Installation of a Generator at the Cedar Grove Municipal Building	<u>\$175,000.00</u>	<u>\$166,000.00</u>	<u>\$9,000.00</u>

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

- d) To consider resolution concerning approval of raffle applications – St. Catherine of Siena HSA

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:

APPLICANTS

EVENTS, DATES TIMES & PLACE

St. Catherine of Siena HSA
39 E. Bradford Ave.
Cedar Grove NJ 07009

Calendar Raffle to be held Jan. 2, 23,
Feb. 6, 27, March 13, 27, 2018 at 8:30 a.m.
39 E. Bradford Ave., Cedar Grove NJ 07009

St. Catherine of Siena HSA
39 E. Bradford Ave.
Cedar Grove, NJ 07009

Monthly Off-Premise 50/50 Raffle
1/31, 2/28, 3/31, 4/30, 5/31, 6/30, 7/31, 8/31,
9/30, 10/31, 11/30, 12/31/2018
39 E. Bradford Ave., Cedar Grove NJ

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.

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

- e) To consider resolution concerning approval of raffle application – St. Catherine of Siena Church

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

APPLICANTS

EVENTS, DATES TIMES & PLACE

St. Catherine of Siena Church
339 E. Bradford Ave.
Cedar Grove, NJ 07009

Off-Premise 50/50 Raffle to be held
March 9, 2018 at
39 E. Bradford Ave., Cedar Grove NJ

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.

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

- f) To consider resolution concerning award of 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 mutually agreed to not further engage on this project for the convenience of the parties and memorialized by resolution on November 6, 2017.

WHEREAS, the Municipal Engineer and Township Attorney have reviewed the bids submitted, and recommend re-awarding the bid to the second lowest responsible bidder, Your Way Construction of Irvington, New Jersey, in the amount of \$ 124,360.00, 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 re-award of bid be made to Your Way Construction, Inc. of Irvington, 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 Deputy Mayor Cicala and passed by the following vote:

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

NO: None

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 \$ 2,978,116.84.

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

9. PUBLIC COMMENT

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

Charles Dovico; 111 Holly Lane; Four Seasons Homeowners Association – Mr. Dovico noted the Association’s appreciation of recent presentation made by Ambulance & Rescue Squad representatives..

There being no one 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 October 16, 2017.
2. The general nature of the subject matters to be discussed is pending COAH litigation, K. Hovnanian redevelopment agreement negotiation, personnel matters regarding Zoning Board and Faulkner Act.
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 Kumburis 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

10. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:50 p.m. by acclaim.