

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

PUBLIC MEETING

MINUTES

JUNE 6, 2022

1. ROLL CALL, INVOCATION AND FLAG SALUTE

Mayor Tanella called the meeting to order at 7:05 p.m.

Present: Councilmember Skabich, Zichelli, Deputy Mayor Maceri*, Mayor Tanella
Also Present: Township Manager Tucci, Township Attorney Nabbi, Township Clerk Stutz
Absent: Councilwoman Peterson
* Via telephone

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 23, 2021, 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 regular public meeting of May 2, 2022

Councilman Zichelli moved approval of the minutes, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

3. PUBLIC HEARING

- a) To consider adoption of Pending Ordinance #22-895 – Ordinance to Establish a Cap Bank

The ordinance was read by title only as follows:

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Mayor Tanella opened the public hearing on this item.

Bob Rinklin; 29 Highpoint - Mr. Rinklin raised concerns regarding the proposed ordinance that were addressed by the Chief Financial Officer William Homa. Mr. Homa explained that the ordinance is adopted annually as part of the budget adoption process to provide the Township the flexibility to add on the appropriation side of the budget up to 3.5% over the previous year's final

appropriation. Mr. Homa clarified Mr. Rinklin’s misconception that the ordinance increased the 2022 by \$13,695,690. During further explanation, Mr. Homa stated that the ordinance only permitted an additional appropriation of up to \$132,325.51, the difference between the 2% cap and allowable 3.5%. Mr. Homa further commented that any additional appropriation would be offset by the Township’s fund balance with no increase to taxpayers. Mr. Homa advised that the ordinance is permitted by State statute and has been done by the Township every year since the Statute was established.

There being no one else present wishing to be heard, Mayor Tanella closed the public hearing.

Councilman Zichelli 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 Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

b) To consider adoption of 2022 Municipal Budget

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 Mayor and Council of the Township of Cedar Grove, County of Essex that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the authorization of the amount of: \$16,184,249.16

GENERAL REVENUE

Surplus Anticipated	\$ 5,487,205.68
Miscellaneous Revenue Anticipated	\$ 2,892,012.00
Receipts from Delinquent Taxes	\$ 350,000.00
 AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES	 \$ 11,086,391.82
 AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	 \$ 838,296.53
 TOTAL REVENUE	 \$ 20,653,706.13

The Township Manager provided an overview of 2022 Municipal Budget. Mr. Tucci advised that 2022 budget is \$2,510,124 more than 2021 and includes a significant debt service payment of \$1,506,155. The Manager noted that the amount to be raised by taxation for municipal purposes is \$1,072,566 less than the maximum amount increase allowed under the 2% CAP law. Mr. Tucci cited several line item increases that impact the budget; group medical, P&F pension contributions, and debt service payments. The Manager reported that estimated local tax rate is .535 vs. .526 in 2021. The Manager anticipated a \$53.50 increase in the local portion of the average assessed home’s (\$473,000) tax levy.

Mayor Tanella opened the public hearing on this item. There being no one present wishing to be heard, Mayor Tanella closed the public hearing.

Councilman Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

- c) To consider adoption of 2022 Solid Waste Collection District Budget

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, County of Essex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount \$2,397,700.00 for the amount to be raised by taxation for Solid Waste Collection District.

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

Mayor Tanella opened the public hearing on this item. There being no one present wishing to be heard, Mayor Tanella closed the public hearing

Councilman Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

4. AWARD OF BID

- a) To consider resolution concerning rejection of bid for Replacement of Town Hall Roof/Gutters and Cupola Restoration Project

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 Removal and Replacement of Town Hall Roof and Cupola Reconstruction project, publicly opened and read by Township Clerk on April 13, 2022 as follows; and

<u>BIDDER</u>	<u>TOTAL AMOUNT</u>
NDP Construction	\$ 94,540.
Phenix Pro	99,604.20
Grove Contracting	269,700.

Sky General Construction	289,000.
Duga Construction	340,000.
Spartan Construction	393,050.
Kupex Exteriors LLC	395,253.

WHEREAS, the Municipal Engineer and the Township Manager have reviewed the bids; and

WHEREAS, during the Municipal Engineer’s investigation of the disparity of the two apparent low bids it was determined that the bid specifications did not accurately set forth the scope of work required for the project; and

WHEREAS, said inaccuracy necessitates revision of the bid specifications and re-bid for the project.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that it does hereby reject all bids received on April 13, 2022 for Removal and Replacement of Town Hall Roof and Cupola Reconstruction project per N.J.S.A:11-13.2(d).

BE IT FURTHER RESOLVED that the bid specifications be revised and the aforementioned project be rebid as soon as possible

Councilman Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

5. 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.

6. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager – The Manager requested an executive session to discuss PBA negotiations.
- b) Township Clerk – The Clerk noted June 7th Primary Election and provided polling hours (6:00 a.m. – 8:00 p.m.). The Clerk also advised that completed mail-in ballots can be returned via the Ballot Drop Box located at 99 W. Bradford Ave. until 8:00 p.m. on the day of the election (6/7).
- c) Township Attorney – No report
- d) Other Reports

Deputy Mayor Maceri – No report

Councilwoman Skabich – Councilwoman Skabich commented on the success of the recent first-time Princess Party event. Councilwoman Skabich also noted that the Township conducted its annual Clean Sweep event on June 4th.

Councilman Zichelli noted request from a Girl Scout Troop to provide a used flag drop box. Councilman Zichelli also noted the Troop's invitation to attend a flag ceremony on June 14th (Flag Day) at Community Park.

7. NEW BUSINESS

- a) To consider resolution concerning participation in self-examination program of municipal budget for 2022 budge year

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

RESOLUTION AUTHORIZING PARTICIPATION IN SELF-EXAMINATION PROGRAM OF THE MUNICIPAL BUDGET FOR THE 2022 BUDGET YEAR

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Cedar Grove has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Township of Cedar Grove that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Councilman Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

b) To consider resolution concerning estimated tax bills

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

WHEREAS, the Essex County Board of Taxation is unable to certify tax rates for the year 2022 in a timely manner; and

WHEREAS, without a 2022 certified tax rate the Tax Collector of the Township of Cedar Grove will be unable to issue 2022 tax bills on a timely basis; and

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

1. The Tax Collector of the Township of Cedar Grove is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Cedar Grove for the third installment of 2022 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by Chapter 72, Public Laws of 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3.

- 2. The total estimated tax levy for 2022 is \$57,370,150.00. The estimated tax rate for 2022 is \$2.574.

Councilwoman Skabich moved adoption of the resolution, seconded by Councilman Zichelli, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

- c) To consider resolution concerning corrected 2022 salaries of certain unrepresented employees

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 No. fixing salary grades and ranges, wages and fees of the officers and employees of the Township of Cedar Grove; and

WHEREAS, said ordinance provides that the Township Council shall, by resolution, fix the salary of each officer and 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 corrected salaries for Fiscal Year 2022 of specific employees covered under Section One, Group I, of the Salary Ordinance.

EMPLOYEE	SALARY	GRADE	JOB TITLE
Demarest-Torres, Courtney	\$ 53,384.	5	Deputy Court Administrator
Krofchak, Heidi	43,260.	L-4	Senior Library Assistant
Cheetam, Natalie	67,062.	L-9	Senior Children Services Librarian
Falcone, Francine	58,300.	L-10	Supervising Librarian

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

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

- d) To consider resolution concerning waiver of developer agreement – 25 Canfield Rd.

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

In the Matter of:
25 Canfield Rd. LLC
Block 293, Lot 5

BE IT RESOLVED by the Township Council of the Township of Cedar Grove that pursuant to Section 38-32.1 of the Code of the Township of Cedar Grove, the governing body does hereby waive the requirements for a developer's agreement, performance guarantee and insurance certificate in connection with the above referenced project.

BE IT FURTHER RESOLVED that submission of the 5% post approval escrow required per Chapter 38-26.2 of the Code of the Township of Cedar Grove is also waived.

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

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

- e) To consider resolution concerning waiver of developer agreement – Cingular Wireless

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

In the Matter of:

Cingular Wireless PCS, LLC (AT&T)

Bowden Road

Block 280, Lots 551, 551.02 and 531

BE IT RESOLVED by the Township Council of the Township of Cedar Grove that pursuant to Section 38-32.1 of the Code of the Township of Cedar Grove, the governing body does hereby waive the requirements for a developer's agreement, performance guarantee and insurance certificate in connection with the above referenced project.

BE IT FURTHER RESOLVED that submission of the 5% post approval escrow is required per Chapter 38-26.2 of the Code of the Township of Cedar Grove.

Councilman Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

- f) To consider resolution concerning approval of raffle application – Somerset Hills Learning Institute

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

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

APPLICANTS

EVENTS, DATES TIMES & PLACE

Somerset Hills Learning Institute
1810 Burnt Mills Rd.
Bedminster NJ 07921

Off-Premise 50/50 Raffle to be held
October 28, 2022 at 11:00 p.m.
691 Pompton Ave., 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 Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

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 \$794,627.38

Councilman Zichelli moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

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 re-opening date (6/10/2022) of the playground at Verona Park. Ms. Hartwyk advised that the County’s Summer Concert Series will commence June 21st. Ms. Hartwyk also noted that concert schedule includes a concert in early August in Cedar Grove Park.

Michael Kraynanski; 32 Old Orchard Court – Mr. Kraynanski commented on information solicited from him by Mayor Tanella at the previous public meeting. Mr. Kraynanski posed numerous questions to Mayor Tanella related to 36 Cliffside Drive redevelopment project. The Township Attorney remarked that the public comment portion a meeting is not an interrogation period of governing body members. Mr. Kraynanski alleged that Mayor Tanella has a conflict of interest concerning the 36 Cliffside Drive redevelopment project and should not have voted on any matters

concerning 36 Cliffside Drive as the Mayor has a business and personal relationship with a purported investor of the project. Mr. Kraynanski referred to The Ambrose Group report recommendations regarding police staffing and requested status of implementation of the recommendations, particularly additional promotions, hiring of additional police officers and civilian officers. Mayor Tanella responded that promotions and hirings are Manager's responsibility when he deems it appropriate.

Robert O'Toole; 3 Old Orchard Court – Mr. O'Toole provided a detailed historical accounting of various wars in recognition of Memorial Day. Mr. O'Toole reminded residents that the purpose of Memorial Day is to remember all men and women who have risked/sacrifices their lives to ensure American freedom.

Eric Nunes; 69 West Lindsley Rd. – Mr. Nunes advised that he submitted an application to the Township for local stormwater funding. Mr. Nunes also inquired the status of a federal Natural Resources Conservation fund application related to stormwater run-off problem that impacts his property. Mr. Nunes commented that his engineer had advised that the application must be initiated by the Township. Mayor Tanella requested Mr. Nunes to provide his engineer's contact information.

Emmett Acocella; 321 Bowden Rd. – Mr. Acocella requested clarification and voiced concerns regarding the Cliffside Drive redevelopment project. Mayor Tanella explained that the redevelopment project evolved to satisfy the Township's mandated affordable housing obligations through a Superior Court litigation process. Mayor Tanella advised that the project enabled to Township to achieve third round certification and continued immunity from builder remedy lawsuits. Mayor Tanella advised that the planned redevelopment project consists of high end rental units, including 52 affordable housing units. Mr. Acocella expressed additional concerns regarding the impact of project.

There being no one else 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 June 6, 2022.
2. The general nature of the subject matters to be discussed is PBA negotiations.
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 Zichelli moved adoption of the resolution, seconded by Councilman Skabich, and passed by the following vote:

AYE: Councilmember Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

10. ADJOURNMENT

Councilman Zichelli moved adjournment of the public council meeting, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Zichelli, Deputy Mayor Maceri, Mayor Tanella

NO: None

ABSENT: Councilwoman Peterson

The meeting adjourned at 8:10 p.m.

JOSEPH MACERI MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK