

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

PUBLIC MEETING

MINUTES

JULY 11, 2022

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Peterson, Skabich, Deputy Mayor Zichelli, Mayor Maceri

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

Absent: Councilman Tanella

The flag salute was led by Mayor Maceri.

Mayor Maceri 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 June 6, 2022

Deputy Mayor Zichelli moved approval of the minutes, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

ABSENT: Councilman Tanella

3. PUBLIC HEARING

- a) To consider adoption of Pending Ordinance #22-896 – Salary Grades and Wages and Fees of Officers of Cedar Grove Police Dept. for Fiscal Years 2023, 2024, 2025 and 2026

The ordinance was read by title only as follows:

AN ORDINANCE FIXING SALARY GRADES AND WAGES AND FEES OF THE OFFICERS OF THE CEDAR GROVE POLICE DEPARTMENT OF THE TOWNSHIP OF CEDAR GROVE FOR FISCAL YEAR 2023, FISCAL YEAR 2024, FISCAL YEAR 2025 AND FISCAL YEAR 2026.

Mayor Maceri opened the public hearing on this item.

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

Deputy Mayor 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 Peterson, Skabich, Deputy Mayor Zichelli, Mayor Maceri

NO: None

ABSENT: Councilman Tanella

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

Mayor Maceri 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 Maceri closed this portion of the meeting.

5. REPORTS OF TOWNSHIP OFFICIALS

a) Township Manager – The Manager reported that applications have closed for this year’s stormwater grant. Mr. Tucci advised that the Municipal Engineer will provide recommendations for award of funds for next meeting. Mr. Tucci also advised that effective this week, on-line payment of water/sewer bill is available via the Township website.

b) Township Clerk – The Clerk noted that the agenda was amended to include a resolution for approval of a raffle application.

c) Township Attorney – Attorney Nabbie requested an executive session to discuss contract negotiations.

d) Other Reports

Deputy Mayor Zichelli – No report

Councilwoman Skabich – No report

Councilwoman Peterson – No report

Mayor Maceri requested an executive session to discuss a potential litigation matter.

6. NEW BUSINESS

a) To consider introduction of Pending Bond Ord. No. 22-897 – Acquisition of Real Property

The Clerk read the ordinance by title only:

BOND ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE

COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$952,000 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 \$1,000,000, such sum includes the sum of \$48,000 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 \$952,000 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 \$952,000 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 of real property located at 970 Pompton Avenue, Block 310, Lot 149, including all costs, improvements, equipment and/or appurtenances necessary therefore and/or related thereto.	\$1,000,000	\$952,000	40 Years
TOTAL	\$1,000,000	\$952,000	

(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 \$952,000.

(c) The estimated cost of the Improvements is \$1,000,000 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 40 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 \$952,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,000 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.

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

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 \$952,000.

SECTION 11:

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

Councilwoman Skabich moved that Pending Ordinance #22-897 be passed at first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of August 15, 2022, seconded by Deputy Mayor Zichelli, and passed by the following vote:

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

NO: None

ABSENT: Councilman Tanella

b) To consider resolution concerning amendment of 2022 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 2022 Capital Budget of said municipality by inserting Acquisition of Real Property.

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 2022
METHOD OF FINANCING

<u>Project</u>	<u>Estimated Cost</u>	<u>Debt Authorized</u>	<u>Down Payment</u>
Acquisition of Real Property	<u>\$1,000,000.00</u>	<u>\$952,000.00</u>	<u>\$48,000.00</u>

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

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

NO: None

ABSENT: Councilman Tanella

c) To consider resolution concerning establishing Ta Office change fund

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

WHEREAS, the Cedar Grove Tax Office desires to establish a \$50.00 change fund for a second cash draw within the Cedar Grove Tax Office; and

WHEREAS, the establishment of a second cash draw will improve internal controls within the Cedar Grove Tax Office; and

WHEREAS, New Jersey State regulations allow change funds to be established by an initial resolution and to continue from year to year without additional governing body action until such time as they take action to have funds returned.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Cedar Grove Tax Offices is hereby authorized and permitted to establish a change fund in the amount of \$50.00.

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

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

NO: None

ABSENT: Councilman Tanella

- d) To consider resolution concerning approval of raffle application – The Fighting Children’s Cancer Foundation

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

The Fighting Children’s, Cancer Found.
55 Lane Rd. Suite 300
Fairfield NJ 07004

On-Premise Merchandise to be held
November 12, 2022 at
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.

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

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

NO: None

ABSENT: Councilman Tanella

e) To consider resolution concerning approval of raffle application – Alpine Learning Group

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

Alpine Learning Group
777 Paramus Rd.
Paramus NJ 07652

Off-Premise Merchandise Raffle to be held
October 10, 2022 7:00 – 11:00 p.m. at
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.

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

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

NO: None

ABSENT: Councilman Tanella

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 \$3, 513,096.83

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

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

NO: None

ABSENT: Councilman Tanella

8. CONTRACTS AND AGREEMENTS

The following resolution has 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 that it does hereby authorize execution of a shared service agreement between the Township of Little Falls and Township of Cedar Grove for the Township of Little Falls to provide certain municipal services to a property located within the boundaries of the Township of Cedar Grove.

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

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

NO: None

ABSENT: Councilman Tanella

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

Jody Preihs; 143 Little Falls Rd. – Ms. Preihs inquired timeframe for next cleaning & de-snagging of the portion of Peckman River at her property location. Mayor Maceri advised that the Council has committed to provide funding annually for cleaning and de-snagging of Peckman River. The Manager anticipated that cleaning and de-snagging near her location would be performed sometime in early 2023. Ms. Preihs also noted significant debris on the riverbank near her property from storm Ida. The Manager advised that the noted area will be inspected.

Pat Clough; 143 Little Falls Rd. – Mr. Clough inquired status of request for stormwater drain to alleviate run-off from tennis courts that affects his property. Mr. Tucci advised that the Municipal Engineer is reviewing the issue and has indicated that consultation with DEP is necessary. Mr. Clough voiced concern regarding trees growing out of foundation of the railroad bridge over Little Falls Rd. and impact on structural integrity of bridge.

Joe Chiusolo, 152 Eileen Drive – Mr. Chiusolo congratulated Clerk Stutz on her impending retirement. Mr. Chiusolo noted that he had been a member of the governing body that had interviewed and appointed Ms. Stutz and commended Ms. Stutz for her service during his 19-year tenure on the governing body.

Michael Kraynanski; 32 Old Orchard Court – Mr. Kraynanski congratulated Township Clerk and Township Manager on their upcoming retirements. Mr. Kraynanski commented who he thought will succeed Mr. Tucci. Mr. Kraynanski referred to an alleged conflict of interest issue that he commented on at a prior meeting and voiced desire that the Council investigate. Mr. Kraynanski voiced disapproval of Mayor Tanella's comments during the public comment portion of the previous meeting in response to a resident's concerns of impact of the Cliffside Drive redevelopment project to satisfy the Township's affordable housing obligations. Mr. Kraynanski commented on Councilwoman Skabich's reaction and comments during that portion of the meeting. Mayor Maceri cautioned Mr. Kraynanski regarding making public comments based on his personal interpretation. Councilwoman Skabich clarified that her reaction and comments that Mr. Kraynanski referenced were to the speaker's comments, not Mayor Tanella.

There being no one else present wishing to be heard Mayor Maceri 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 July 11, 2022.
2. The general nature of the subject matters to be discussed is contract negotiation and potential 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 Zichelli moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

ABSENT: Councilman Tanella

10. ADJOURNMENT

Deputy Mayor Zichelli moved adjournment of the public council meeting, seconded by Councilwoman Peterson, and passed by the following vote:

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

NO: None

ABSENT: Councilman Tanella

The meeting adjourned at 7:30 p.m.

JOSEPH MACERI MAYOR

ATTEST:

KATHLEEN R. STUTZ MUNICIPAL CLERK