

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

PUBLIC MEETING

MINUTES

SEPTEMBER 12, 2022

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Peterson, Skabich, Deputy Mayor Zichelli, Mayor Maceri
Also Present: Acting Township Manager Palumbo, Township Attorney Nabbie, Deputy
Township Clerk Forde
Absent: Councilman Tanella (arrived 7:03 PM)

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 meeting of August 15, 2022.

Deputy Mayor Zichelli moved for the 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. AWARD OF BID

a) To consider resolution awarding bid for Loading, Transportation and Disposal of Leaves.

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 loading, transportation, and disposal of leaves, and was publicly opened and read by the Township Clerk on July 11, 2022 as follows:

<u>CONTRACTOR</u>	<u>LEAVES/CU. YD</u> (ONE YEAR)	<u>LEAVES/CU. YD</u> (TWO YEAR)
Caputo Bros. Tree Service	\$ 7.50	\$ 7.50

S. Rotundi & Sons, Inc. \$12.85 \$12.85

WHEREAS, the Township Engineer and the Township Attorney have reviewed the bids and recommend awarding the bid to Caputo Bros. Tree Service of Montclair, NJ, the apparent low bidder, for a two-year term; and

WHEREAS, funds are available for this purpose in the Refuse Collection District Budget.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the award of bid be made to Caputo Bros. Tree Service of Montclair, New Jersey for the loading, transportation and disposal of leaves in the amount of \$7.50 per cubic yard for a two-year contract term; and

BE IT FURTHER RESOLVED that the proper township officials be instructed to execute a contract on behalf of the Township.

Deputy Mayor Zichelli moved for the 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

Councilman Tanella joined the meeting at 7:03 PM.

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) Acting Township Manager – The Acting Manager reported the Annual Breast Cancer Walk was scheduled for October 20, 2022 from 6:00 PM – 8:00 PM at Panther Park. Mr. Palumbo reported that he prepared a temporary access easement for the newly proposed North End Fire house. Mr. Palumbo reported the Flu Shot Clinic for Township employees was scheduled for October 6, 2022 from 1:00 PM - 3:00 PM. Mr. Palumbo also requested an executive session to discuss contract negotiation and potential litigation.

Deputy Mayor Zichelli asked when construction of the Firehouse began. Mr. Palumbo responded the project would be put out to bid in October and construction would begin Spring 2023.

b) Township Clerk – No Report.

c) Township Attorney – No Report.

d) Other Reports

Councilwoman Skabich recognized and commended the Volunteer Fire Department for orchestrating the flag installation in tribute to 9/11 on such short notice. She indicated she was proud of their dedication in honoring the lives lost on September 11th. She reported she attended the Environmental Commission Meeting and left inspired by their views and enthusiasm. She mentioned they were in the early steps of creating a community garden.

Councilwoman Peterson commended the Fire Department for their 9/11 Ceremony. She thanked them for their inspirational and amazing tribute. She indicated she received pictures of her father-in-law, who had been a part of the Fire Department for many years, helping to put the program together.

Councilman Tanella thanked Mr. Lee Peterson and his colleagues for bringing everyone together for such a beautiful 9/11 ceremony. He commended all volunteers and participants in the Ceremony. Read a letter addressing the criticism for his remarks regarding the Hilltop Development.

Deputy Mayor Zichelli announced the Annual Historical Society's Pumpkin and Apple Sale was scheduled for October 1st and 2nd and October 8th and 9th. He shared a Pie Judging Contest was scheduled and he would serve as a Judge. He asked Mr. Palumbo if bathrooms could be lowered for those nights. He reported residents informed him of traffic issues on Ridge Rd. He reported Mr. Palumbo had the Police Department look into it and there were a lot of moving parts to this issue. He indicated it was a county road so it would take some research on the Township's part to develop a plan, but the Township was committed to look into it and provide solutions. He said as he received updates from the Police Department, he would update those concerned residents who reached out to him.

Mayor Maceri commended and thanked the Fire Department for the 9/11 Ceremony. He also thanked the Board of Education and the students who participated in the tribute. He thanked Councilwoman Skabich for her due diligence inviting the press to the event.

6. NEW BUSINESS

- a) To consider introduction of Pending Ord. #22-898 – Amending and Supplementing Chapter 198 of the Township Code Regarding Requirement for Inspection of Lead Based Paint in Residential Dwellings.

The ordinance was read by title only as follows:

**AMENDING AND SUPPLEMENTING CHAPTER 198 OF THE TOWNSHIP
CODE REGARDING REQUIREMENT FOR INSPECTION OF LEAD-BASED
PAINT IN RESIDENTIAL DWELLINGS**

WHEREAS, the Township of Cedar Grove (the "Township") maintains Chapter 198 entitled "Property Maintenance, Residential" of the Township Code; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of Township residents to amend the Township Code at this time to require inspections for lead-based paint in residential rental dwellings to conform with the State law.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that:

Section 1. The aforementioned recitals are incorporated in their entirety, as if restated herein.

Section 2. Chapter 198 of the Township Code, entitled “Property Maintenance, Residential”, shall hereby be amended and supplemented, as follows:

§ 198-8. Lead-Based Paint Inspections.

- A. Required Initial Inspection. The owner, landlord and/or agent of every single-family, two-family, and/or multiple dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.
- B. Required Recurring Inspection. After the initial inspection required by Section 198-8(A), the owner, landlord and/or agent of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification.
- C. Standards. Inspections for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq.
- D. Exceptions. A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:
 - (1) has been certified to be free of lead-based paint;
 - (2) was constructed during or after 1978;
 - (3) is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the “Hotel and Multiple Dwelling Law”, N.J.S.A. 55:13A-1, et seq.;
 - (4) is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
 - (5) has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).
- E. Fees. Notwithstanding any other fees due pursuant to this Chapter, the following fees shall be paid:

- (1) Inspection Fee. A dwelling owner or landlord shall owe a fee in the amount of \$200.00 shall be paid for each lead-based paint inspection conducted by the Township. Said fee shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose.
- (2) Administrative Fee. Alternatively, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of Section 198-8(A) in which case a \$50 administrative fee shall be paid. Said fee shall be dedicated to the costs of monitoring compliance with this subsection.

Section 3. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 4. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

Deputy Mayor Zichelli moved that the ordinance be passed on first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing of October 3, 2022, seconded by Councilman Tanella, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Councilman Tanella, Deputy Mayor Zichelli, Mayor Maceri
 NO: None

- b) To consider resolution concerning the insertion of an item of special revenue in the amount of \$67,254.00 from the Body-Worn Camera Grant Program.

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:4-87, provides that the Director of Local Government Services may approve the insertion of a special item of revenue in the Municipal Budget of the Township of Cedar Grove for 2022 when such items shall have been available by law and the amount thereof was not determined at the time of adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation of equal amount;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that it hereby requests that the Director of the Division of Local Government Services to approve the insert of an item of revenue in the

budget of the year 2022 in the sum of \$67,254.00 which is administered by the State of New Jersey, Department of Law & Public Safety, pursuant to the provision of statute; and

BE IT FURTHER RESOLVED that a like sum of \$67,254.00 is hereby appropriated under the caption:

Body-Worn Camera Grant Program \$67,254.00

Deputy Mayor Zichelli indicated this grant added to the revenue side of the budget.

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

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

NO: None

- c) To consider resolution concerning cancellation of water/sewer penalties – 266 Cedar St.

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

WHEREAS, it has been determined upon investigation of the Township Manger that the sewer penalties assessed to the account listed herein should be cancelled:

<u>Water Bill</u>	<u>Consumption</u>	<u>Water Bill</u>	<u>Sewer Bill</u>	<u>Total</u>
March 1, 2022	233,000	\$1,165.00	\$1,655.55	\$2,820.55
Revised 3/1/22	6,000	<u>30.00</u>	<u>90.00</u>	<u>120.00</u>
		<u>\$1,135.00</u>	<u>\$1,565.55</u>	<u>\$2,700.55</u>

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Chief Financial Officer is hereby authorized to cancel the water & sewer bill in the amount of \$2,700.55 for the account # 2-1401804, Block 143, Lot 312, 266 Cedar Street, Cedar Grove, NJ 07009.

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

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

NO: None

- d) To consider resolution concerning cancellation of water/sewer penalties- 812 Holly Lane.

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

WHEREAS, it has been determined upon investigation of the Township Manager that the sewer penalties assessed to the account listed herein should be cancelled:

<u>Water Bill</u>	<u>Water Bill</u>	<u>Sewer Bill</u>	<u>Penalty</u>	<u>Total</u>
July 1, 2022	\$185.00	\$214.95	\$40.00	\$439.95
Revised 7/1/22	<u>25.00</u>	<u>90.00</u>	<u>0.00</u>	<u>115.00</u>
	<u>\$160.00</u>	<u>\$124.95</u>	<u>\$40.00</u>	<u>\$324.95</u>

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Chief Financial Officer is hereby authorized to cancel the water & sewer bill in the amount of \$324.95 for the account # 3-2614400, Block 300, Lot 11, 812 Holly Lane, Cedar Grove, NJ 07009.

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

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
 NO: None

- e) To consider resolution concerning cancellation of water/sewer penalties.

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

WHEREAS, it has been determined upon investigation of the Township Manger that the water and sewer bill assessed to the account listed herein should be reduced:

<u>Water Bill</u>	<u>Water Bill</u>	<u>Sewer Bill</u>	<u>Total</u>
July 1, 2022	\$340.00	\$442.80	\$782.80
Revised 7/1/22	<u>35.00</u>	<u>90.00</u>	<u>125.00</u>
	<u>\$305.00</u>	<u>\$352.80</u>	<u>\$657.80</u>

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Chief Financial Officer is hereby authorized to cancel the water & sewer bill in the amount of \$657.80 for the account # 3-2612100, Block 300, Lot 11, Qualifier C0074 702 Holly Lane, Cedar Grove, NJ 07009.

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

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
 NO: None

- f) To consider resolution concerning refund of overpayment of taxes – 315 Fairview Ave.

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

WHEREAS, a duplicate payment has resulted in overpayment of taxes on the property tax account; and

WHEREAS, the owner / entity acting on behalf of the owner has requested a refund due to the duplicate payments; and

WHEREAS, the Tax Collector would like to Issue a tax refund to the owner / entity acting on behalf of the owner requesting the refund.

Location	Block	Lot	Overpayment
315 Fairview Avenue	103	47	\$2,210.20

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the tax Collector is hereby authorized to refund the duplicate payment in the amount of \$2,210.20.

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

- AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
- NO: None

- g) To consider resolution concerning refund of overpayment of taxes – 34 Elmwood Rd.

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

WHEREAS, a duplicate payment has resulted in overpayment of taxes on the property tax account; and

WHEREAS, the owner / entity acting on behalf of the owner has requested a refund due to the duplicate payments; and

WHEREAS, the Tax Collector would like to Issue a tax refund to the owner / entity acting on behalf of the owner requesting the refund.

Location	Block	Lot	Overpayment
34 Elmwood Road	27	34	\$3,427.61

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the tax Collector is hereby authorized to refund the duplicate payment in the amount of \$3,427.61.

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

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

NO: None

- h) To consider resolution concerning award of the \$25,000 Stormwater Grant between the property owners of 94 W. Lindsley Rd. and 100 W. Lindsley Rd.

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

WHEREAS, Hurricane Ida was a deadly and destructive Category 4 Atlantic hurricane that became the second-most damaging and intense hurricane to make landfall in the U.S.; and

WHEREAS, in response to the extensive damage done to properties within the Township, the Township Council appropriated a \$25,000 Stormwater Grant in its Capital Budget to address the needs of the residents; and

WHEREAS, the Township duly advertised for eligible applicants and received seven (7) applications; and

WHEREAS, the Township Manager and Municipal Engineer reviewed and evaluated the applications based on criteria and evidence that those properties received the brunt force of the Hurricane; and

WHEREAS, the Municipal Engineer recommended that the grant be distributed between two property owners based upon contractor estimates submitted by the applicants of the extent of damage to their property. The amount of \$21,500 to the property owner of 100 W. Lindsley Rd and \$3,500 to the property owner of 94 W. Lindsley Rd. will be awarded. Agreement will be executed and funds dispersed upon successful completion of restoration work; and

WHEREAS, the Finance Director certified the availability of funds in Account No. 6071-222-14.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, New Jersey do hereby authorize the Acting Township Manager to award \$21,500 to the property owner of 100 W. Lindsley Rd and \$3,500 to the property owner of 94 W. Lindsley Rd. in response to the extensive damage to their properties caused by Hurricane Ida.

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

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

NO: None

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 \$6,622,105.14.

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

AYE: Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO: None

8. 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 announced that the Fall Family Festival was scheduled for September 24, 2022 at the Essex Count Environmental Center from 11:00 AM to 3:00 PM. Ms. Hartwyk announced the Household Hazardous Waste Recycling Day was scheduled for October 1, 2022 9 AM to 3 PM and Computer and Electronics Recycling Day on October 15, 2022 8:30 AM to 4:00 PM at 99 W. Bradford Avenue.

Michael Kraynanski, 32 Old Orchard Ct. – Mr. Kraynanski thanked Deputy Clerk Forde for her expeditious response to his email. Mr. Kraynanski asked if he could be on the Committee to appoint the new Township Manager. Mr. Kraynanski referred to alleged remarks made by Councilman Tanella and requested the Councilman's resignation. Mr. Kraynanski asked about the alleged conflict of interest regarding the 36 Cliffside Drive redevelopment. Mayor Maceri disagreed with Mr. Kraynanski's remarks particularly his interpretation of alleged remarks made by Councilman Tanella. He explained the Council was in establishing the hiring process for Township Manager and would update the residents on their progress.

Frank Sekulick, 120 Anderson Pkwy. – Mr. Sekulick commented on the condition of his street. He asked if Members of Council rode down his street and experienced those same conditions. He asked if the project would be done in the Spring or Summer 2023.

Councilwoman Peterson explained that she rode down his street all of the time and understood the conditions. Acting Manager explained the Reconstruction Project was in design for Spring 2023. Acting Manager explained the Township would go to NJDOT for approval and go out to bid in the winter. Acting Manager reiterated it was an intense project.

Michele Mega, 41 Essex Rd. – Ms. Mega thanked the Fire Department for a wonderful job. Ms. Mega said the town would be different without its volunteers. Ms. Mega reiterated first responders brought something special to the town and she appreciated it.

Sal Maneri, 26 Sweetwood Dr. – Mr. Maneri explained he had initially set up a flag display along Pompton Avenue. Mr. Maneri indicated the Township set up its on display; however,

the flags were a different size. Mr. Maneri explained he tried to coordinate with the Township, but his recommendation was not considered. Mr. Maneri indicated he hoped he and the Township would work together in the future. Mr. Maneri commended the Cedar Grove High School 9/11 Wave Memorial Display.

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

9. EXECUTIVE SESSION

Mayor Maceri requested an Executive Session to discuss contract negotiation and potential litigation.

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 September 12, 2022.
2. The general nature of the subject matters to be discussed are 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.

Councilman Tanella moved adoption of the resolution, seconded by Deputy Mayor Zichelli and passed by unanimous vote.

Council went into Executive Session at 7:42 PM and returned at 7:48 PM.

10. ADJOURNMENT

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

AYE:	Councilmember Peterson, Skabich, Tanella, Deputy Mayor Zichelli, Mayor Maceri
NO:	None

The meeting adjourned at 7:49 PM.

JOSEPH MACERI MAYOR

ATTEST:

DALE A. FORDE DEPUTY MUNICIPAL CLERK