

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

COUNCIL STAFF MEETING

MINUTES

JANUARY 23, 2023

1. ROLL CALL – OPEN PUBLIC MEETING STATEMENT BY MAYOR

Mayor Maceri 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: Councilmembers Peterson, Skabich Councilman Tanella, Mayor Maceri
Also Present: Township Manager Zichelli, Township Attorney Nabbie, Township Clerk Forde

2. APPROVAL OF MINUTES

a) Special Meeting – December 13, 2022

Councilwoman Skabich moved approval of the minutes as presented, seconded by Councilwoman Peterson, and passed by the following vote:

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

b) Executive Session – December 13, 2022

Councilwoman Peterson moved approval of the minutes without release, seconded by Councilman Tanella, and passed by the following vote:

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

Mayor Maceri removed items C-I from the agenda.

- c) Staff Meeting – December 19, 2022
- d) Executive Session (1) – December 19, 2022
- e) Executive Session (2) – December 19, 2022
- f) Special Meeting – January 3, 2023
- g) Executive Session – January 3, 2023
- h) Special Meeting – January 4, 2023
- i) Executive Session – January 4, 2023

3. **TOWNSHIP MANAGER** – The Township Manager reported Budget Hearings were scheduled for Monday, January 30, 2023 and Tuesday, January 31, 2023 at 5:00 PM. The Township Manager also reported he would add to Capital Improvements. The Township Manager reported the DEP met with the Township’s consultants regarding the work performed at Peckman River. The Township Manager informed Members that the Township would apply for the necessary permits which would cover future work done over the next five years. The Township Manager also reported he sent correspondence to Vanderhoof and awaited Vanderhoof’s proposal. The Township Manager explained that no work on the cemetery would be done until Council reviewed the proposal.

Mayor Maceri asked if the township was able to do its own analysis. The Township Manager responded he and Council would review what Vanderhoof proposed.

Mayor Maceri expressed concern as some inaccurate accusations were made.

Councilwoman Peterson said she would like to ask Mr. Vanderhoof if he would propose the same work be done in the surrounding cemeteries.

The Township Manager reported the DEP proposed a forty-page Flood Damage Prevention Ordinance that he would try to incorporate in what the Township already proposed. The Township Manager also reported he and Mayor Maceri met with residents on Sunday regarding a dead tree on church grounds. The Township Manager explained the Township could provide a certificate of insurance and asked the pleasure of Council. The Township Manager reported he would review the Dead Tree Ordinance. The Township Manager requested an Executive Session to discuss personnel.

4. **TOWNSHIP ATTORNEY** – No Report. The Township Attorney requested an executive session to discuss contract negotiations.
5. **TOWNSHIP CLERK** – The Township Clerk reported candidate packet availability for the unexpired term would be posted on the Township’s website and in the Verona-Cedar Grove Times and the deadline for filing nominating petitions in the Clerk’s Office is March 6th. She asked Members to advise her if/when they had an appointee to fill the Council vacancy temporarily.

Mayor Maceri requested the Township Clerk advertise in one of the official newspapers for letters of interest/resumes from interested candidates to fill the vacancy temporarily. He requested that the Executive Session regarding interviews be sent to the newspaper.

6. COUNCIL REPORTS

Councilwoman Skabich – Councilwoman Skabich reported she had a vacancy on the Environmental Commission due to the resignation of Mike Abromitis. She reported she needed seven full members and two alternates. The Township Manager reported he and the Township Clerk were working on identifying vacancies, advertising for volunteers and would report back to

Council. The Township Manager reported the Verona-Cedar Grove Flood Control Advisory Board would be added to the list seeking one volunteer from the public.

Councilwoman Peterson – No report. Councilwoman Peterson welcomed the Township Manager and expressed that she looked forward to working with him.

Councilman Tanella – No Report. Councilman Tanella welcomed the Township Manager and concurred with Councilwoman Peterson.

Mayor Maceri – Mayor Maceri reported Sgt. Ligas and Lt. Rodriguez were sworn in during the Promotions Ceremony earlier in the day. Mayor Maceri welcomed the Township Manager.

7. NEW BUSINESS

- a) To consider Ordinance #23-904 Establishing the Verona-Cedar Grove Flood Control Advisory Board.

The ordinance was read by title only as follows:

ESTABLISHING THE VERONA-CEDAR GROVE FLOOD CONTROL ADVISORY BOARD

WHEREAS, the Township of Cedar Grove finds and declares that it is in its interest to protect and relieve its residents and the occupants of property within the Township from the adverse effects of uncontrolled storm water drainage and the conditions of flooding as authorized by N.J.S.A. 40A:27-2; and

WHEREAS, the Township believes that the formation of a Joint Flood Control Advisory Board with members from Verona and Cedar Grove is the best method to address the issue of flooding and flood control measures that would impact both Townships in order to provide the governing body with recommendations to consider for the placement and creation of a flood control facility or facilities and other measures for the Township to consider that could help protect and alleviate the public from the adverse effects of uncontrolled storm water drainage and conditions of flooding;

WHEREAS, the Township Council of the Township of Cedar Grove has determined that it is appropriate to repeal Ordinance 22-198 adopted on February 7, 2022 which established a Verona-Cedar Grove Flood Control Board to be replaced by the within Ordinance;

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Cedar Grove does hereby Ordain that Ordinance 22-198 adopted on February 7, 2022 is hereby repealed in its entirety; and

BE IT FURTHER ORDAINED that a new Chapter entitled “**VERONA-CEDAR GROVE FLOOD CONTROL ADVISORY BOARD**” of the Code of the Township of Cedar Grove

is hereby created and shall read as follows:

SECTION 1:

§ 1 Establishment.

There is hereby created The Verona-Cedar Grove Flood Control Advisory Board. In order to effectuate the establishment of the Board, the Township of Cedar Grove authorizes, upon the adoption of requisite like ordinance by the Township of Verona the creation of the Board, as set forth below.

§ 2 Membership; appointment; terms.

A. The Verona-Cedar Grove Flood Control Advisory Board shall consist of eight (8) members, four (4) from each Township, and shall include the following appointments from each Township:

1. Township Manager or the Manager's designee in the absence of the Manager;
2. Township Engineer or the Engineer's designee in the absence of the Engineer;
3. A member of the Council to be appointed by it; and
4. A member of the public.

The term of the Township Manager and Township Engineer shall correspond to their respective tenure or if the member is the respective official's designee in the absence of the respective official, the designee shall serve at the pleasure of the official during the official's tenure. The term of the Council member shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first. Public members shall be appointed by the Council and shall serve for terms of two years, except that the term of the members first appointed pursuant to this section shall be two years for the Township of Verona appointment and 3 years for the Township of Cedar Grove appointment so that the term of not more than one public member shall expire in any one year. Any vacancy occurring by reason of the death, resignation or removal for cause of any public member shall be filled by the Council for the unexpired term of such member.

§ 3 Duties and responsibilities.

The Verona-Cedar Grove Flood Control Advisory Board is hereby charged with the following duties and responsibilities:

- A. Work together with residents, elected and appointed officials to study, propose solutions and plan for the finance, acquisition, construction, maintenance, operation or improvement of works for the collection, diversion, impoundment, transportation and disposal of surface water in order to foster flood control and promote a basinwide or subbasinwide approach to controlling floods, thereby protecting the public from the adverse effects of uncontrolled storm water drainage and conditions of flooding;

- B. Make recommendations to the governing body that will contribute to the overall management of the surface water of the Passaic River and the Peckman River basins, insofar as those basins impact upon the properties located within the Township;
- C. Make, or cause to be made any necessary surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and revenues relating to the provision of flood control facilities, provided, however, the Board (or the Township of Cedar Grove on behalf of the Board) first secures or approves the full funding by way of budgetary appropriations or grants for such surveys, investigations and the like.
- D. Subject to the approval of the Governing Body of each of the member local units, the "Verona-Cedar Grove Flood Control Board" shall jointly receive and accept, on behalf of its member local units, from the federal or State government or any agency thereof, grants for the planning, acquisition, purchase, construction, extension, enlargement, reconstruction, improvement or financing of any of these facilities and to receive and accept contributions from any source of either money, property, labor or other things of value to be held, used and applied for the purposes for which these grants and contributions may be made.
- E. To provide the Council with periodic reports (at least bi-annually) with updates on actions and recommendations on flood control measures that should be considered in accordance with the Board's responsibilities.

§ 4 Organization; officers.

The Board shall elect a Chairperson and Secretary annually at its first organizational meeting. The Chair of the Board shall be elected by the members of the Board each year; however, a member from each of the member local units may serve as Chair only every other year. The Secretary may be a member of the Committee or a municipal employee of either Township. If a municipal employee is appointed with the approval of the respective Township Manager, the cost of which, if any, shall be split evenly between the local units. However, an employee of from each of the member local units may serve as secretary only every other year.

The Secretary shall keep minutes of all the meetings of the Board, which minutes and copies of official correspondence of the Board shall be kept on file in the office of the Township Clerk.

§ 5 Meetings.

The Board shall organize within 30 days after the first appointment of its members and then within the first 30 days each calendar year thereafter. The Committee shall hold regular meetings at least monthly. Special meetings may be called by the Chairperson. The Committee may make and amend rules and regulations concerning the conduct of its meetings.

SECTION 2: REPEAL OF INCONSISTENT PROVISIONS

All ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: SEVERABILITY

The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and publication as provided by law.

SECTION 5: CODIFICATION

This ordinance shall be a part of the Code of the Township of Cedar Grove as though codified and fully set forth therein. The Municipal Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Municipal Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Cedar Grove in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

Councilwoman Peterson 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 February 6, 2023, seconded by Councilwoman Skabich, and passed by the following vote:

AYE: Councilmember Peterson, Skabich, Tanella, Mayor Maceri

NO: None

- b) To consider resolution concerning cancellation of outstanding fees.

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

WHEREAS, the Municipal Court account reconciliations reflect the following stale dated outstanding checks:

GENERAL ACCOUNT ENDING 4208

<u>Check Number</u>	<u>Date</u>	<u>Amount</u>
5009	7-16-2020	\$ 2.00
5032	3-8-2021	1.00
5121	12/5/2022	<u>1.00</u>
		\$4.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, that the above listed checks are hereby voided and cancelled.

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

AYE: Councilmember Peterson, Skabich, Tanella, Mayor Maceri

NO: None

- c) To consider resolution concerning approval of raffle application – Montclair Kimberly Academy 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

Montclair Kimberley Academy
201 Valley Road
Montclair NJ 07042

EVENTS, DATES TIMES & PLACE

Merchandise Raffle to be held
April 14, 2023 at 6:30 p.m. – 11:30 p.m. at The Grove
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 Skabich moved adoption of the resolution, seconded by Councilwoman Peterson, and passed by the following vote.

AYE: Councilmember Peterson, Skabich, Tanella, Mayor Maceri

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 \$3,474,326.25.

Councilwoman Peterson moved adoption of the resolution, seconded by Councilwoman Skabich and passed by the following vote.

AYE: Councilmember Peterson, Skabich, Tanella, Mayor Maceri

NO: None

9. EXTRAORDINARY BUSINESS*

Mayor Maceri said he needed a Deputy Mayor.

Councilman Tanella nominated Councilwoman Peterson to serve as Deputy Mayor until July 1, 2023. Councilwoman Skabich seconded the motion.

APPOINTMENT OF KERRY PETERSON AS DEPUTY MAYOR

WHEREAS, Deputy Mayor Joseph Zichelli submitted his letter of resignation from the Township Council on January 17, 2023 to become the Township Manager; and

WHEREAS, with the resignation of Joseph Zichelli, the Township Council is without a Deputy Mayor to act in the absence of the Mayor; and

BE IT RESOLVED by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that Kerry Peterson be and is hereby chosen in the absence of the Mayor of the Township of Cedar Grove to preside in his place and stead at all meetings of the Township Council of the Township of Cedar Grove, and that she is hereby designated the Deputy Mayor of the Township of Cedar Grove for the remainder of Joseph Zichelli's unexpired term effective January 23, 2023 and terminating July 1, 2023.

Councilman Tanella moved adoption of the resolution, seconded by Councilwoman Skabich, and passed by the following vote.

AYE: Councilmember Peterson, Skabich, Tanella, Mayor Maceri

NO: None

***Resolution was added to the agenda during the Meeting.**

10. PUBLIC COMMENT

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

1. Sal Minieri, 26 Sweetwood – Mr. Minieri welcomed the Township Clerk, Township Manager and Deputy Mayor. He expressed his concern regarding and on-going situation with a dead tree between three houses. He explained the tree fell near his house and was in jeopardy of falling between two driveways and onto a neighbor's house. The Township Manager responded that he would review the Dead Tree Ordinance.

Council Members indicated they were not opposed to revisiting the Dead Tree Ordinance and would handle it matter on a case by case basis.

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 in the Executive Session of the Meeting of the Mayor and Council of January 23, 2023.
2. The general nature of the subject matters to be discussed are personnel and contract 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.

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

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

11. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:28 p.m. by acclaim.