TOWNSHIP OF CEDAR GROVE ESSEX COUNTY NEW JERSEY

PUBLIC MEETING MINUTES MARCH 6, 2023

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Peterson, Skabich, Tanella, Zazzali, Deputy Mayor Peterson Also Present: Township Manager Zichelli, Township Attorney Nabbie, Township Clerk Forde

Absent: Mayor Maceri

The flag salute was led by Deputy Mayor Peterson.

Deputy Mayor Peterson 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 22, 2022, 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. EXTRAORDINARY BUSINESS OF THE TOWNSHIP COUNCIL

Recognition of Cedar Grove Recreation Competition Cheer Team and Volunteers

Councilwoman Skabich presented a Proclamation to volunteers; Coach Ashley SanGiacomo, Lisa McDermott, Renee Florio, Maria Bender, Christin Schofield, Annemarie Montes and the Cheerleaders.

3. APPROVAL OF MINUTES

a) To consider approval of minutes of regular meeting of February 6, 2023.

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

AYE: Councilmember Skabich, Tanella, Deputy Mayor Peterson

NO: None

ABSTAIN: Councilman Zazzali ABSENT: Mayor Maceri

4. PUBLIC HEARING

a) To consider adoption of Pending Ordinance #23-905 Bond Ordinance Authorizing the Demolition of the Existing North End Fire House and Construction of a New Fire House In and For the Township of Cedar Grove, in the County of Essex, New Jersey, Appropriating \$3,500,000 Therefore and Authorizing the Issuance of \$3,325,000 Bonds or Notes to Finance Part of the Cost Thereof.

The ordinance was read by title only as follows:

BOND ORDINANCE AUTHORIZING THE DEMOLITION OF THE EXISTING NORTH END FIRE HOUSE AND CONSTRUCTION OF A NEW FIRE HOUSE IN AND FOR THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$3,500,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$3,325,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF.

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

Councilman Tanella 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 Councilman Zazzali and passed by the following vote:

Councilman Tanella asked the Township Manager to expound on the Ordinance. The Township Manager reported the Bond Ordinance would pay for the demolition and reconstruction of a two-bay firehouse of which the Town would receive ownership. He reported the Township Attorney drafted the closing documents and the use and operating agreement on the fire company. He said he anticipated construction beginning not long after reviewing bids in mid-June. He said he hoped to keep the cornerstone of the building and reincorporate it in the new building.

Deputy Mayor Peterson said the same was done to South End Firehouse because there was a lot of history there. She said a lot of blood, sweat and tears went into the firehouse because the members built them.

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

b) To consider adoption of Pending Ordinance Pending Ordinance #23-906 – Ordinance to Exceed the Municipal Budget Appropriation Limits and 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)

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

Councilwoman Skabich 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 Councilman Zazzali and passed by the following vote:

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

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

Deputy Mayor Peterson 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, Deputy Mayor Peterson closed this portion of the meeting.

6. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager The Township Manager requested an Executive Session to discuss contract litigation and contract negotiations.
- b) Township Clerk The Township Clerk reported that she launched her own personal campaign to get students, ages 16-18, to work as Board Workers for the upcoming elections. She reported fliers have been posted on the website and on social media and fliers were sent to the School Superintendent encouraging students to sign up. She reported students would earn \$300 for working on Election days and approximately \$22/hr. for working on Early Voting days.
- c) Township Attorney No Report.
- d) Other Reports

Councilwoman Skabich – No report.

Councilman Tanella – No Report. Councilman Tanella announced he had not filed petitions seeking re-election. He shared that he served on Council for eighteen years. He shared when he was first elected in 2023, he had one daughter who was two years old and now he had three teenaged daughters; one in college and two to follow. He shared he knew when the time was right to step away and now was the time. He said it was time for the next group of public servants who want to serve the community to be given the opportunity. He shared it was an honor serving the community he grew up in.

Deputy Mayor Peterson – Deputy Mayor Peterson commended Councilman Tanella on his dedication and service. She shared that he was a friend and mentor to her and others on Council. She said his service was invaluable. She shared she would miss him dearly, but their friendship would never end.

Councilman Zazzali – No Report. Councilman Zazzali said he watched Councilman Tanella on Council and worked with him on the Planning Board. He thanked Councilman Tanella for his service to the Town.

Deputy Mayor Peterson – Deputy Mayor Peterson reported Memorial Middle School Fundraiser was scheduled for March 24, 2024 at 7:00 PM in the Cedar Grove High School Gym. She reported the Harlem Wizards would play the Cedar Grove All-Stars. She

reported the All-Stars Team consisted of Teachers, School Administrators and Members of Council. She reported tickets were available at harlemwizards.com

7. CONSENT AGENDA

a) To consider resolution concerning approval of raffle application – St. Catherine of Siena.

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 St. Catherine of Siena EVENTS, DATES TIMES & PLACE On-Premise 50/50 Raffle to be held

St. Catherine of Siena
On-Premise 50/50 Raffle to be
339 Pompton Avenue
June 4, 2023 from 7:30 p.m. at
Coder Grove NL 07000

Cedar Grove NJ 07009 339 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 Tanella moved adoption of the resolution, seconded by Councilman Zazzali and passed by the following vote:

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

8. NEW BUSINESS

a) To consider Pending Ordinance #23-907 An Ordinance Amending Chapter 97 of the Code of the Township of Cedar Grove regarding Bingo/Raffle Application Fees.

The ordinance was read by title only as follows:

PENDING ORDINANCE NO. #23-907

AN ORDINANCE AMENDING CHAPTER 97 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE REGARDING BINGO/RAFFLE APPLICATION FEES

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

WHEREAS, Article III, Section 97-3 entitled License Fee, is hereby amended to read as follows:

The license fee payable in advance of issuance of any license issued in connection with any bingo or raffle application shall be \$5.00 20.00 per application.

Section 1. The Ordinance shall take effect after final passage and publication according to law.

Councilman Tanella 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 April 3, 2023, seconded by Councilman Zazzali, and passed by the following vote:

The Township Clerk reported the Township had not increased fees since 1995. She reported neighboring towns were charging applicants \$20.00 per application. She reported by increasing fees, it would increase revenue; resulting in a benefit to the taxpayers.

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

b) To consider resolution concerning reduction of sewer bill.

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 bill assessed to the account listed herein should be reduced:

				Original			New
Location	Block	Lot	QTR	Bill	Penalty	Adjustment	Adj. Bill
32 Bergen Drive	342	30	4 [™] Qtr. 2022	1,243.95	225.88	1,123.95	120.00
			Total	1,243.95	225.88	1,123.95	120.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Chief Financial Officer is hereby authorized to reduce/ cancel the sewer bill & penalty.

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

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

c) To consider resolution concerning Emergency Temporary Budget.

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: 4-20 provides for the adoption of an emergency temporary appropriation for any purposes for which appropriations may lawfully be made for the period between the beginning of the current calendar year and the date of the adoption of the budget for said year; and

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the CY-2023 budget and no adequate provision has been made in the CY-2023 temporary budget for the aforesaid purposes, and

WHEREAS, the total emergency temporary resolutions adopted in the year CY 2023 pursuant to the provisions of (N.J.S.A. 40A:4-20); including this resolution total Current Fund \$3,743,415.34; Water Utility Fund \$263,268.00; Sewer Utility Operating Fund \$262,650.00; Swimming Pool Utility Fund \$74,343 and \$207,800.67 for Solid Waste Collection District Fund,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that in accordance with the provisions of N.J.S.A. 40A:4-20

An emergency temporary appropriation be and the same is hereby made in the amount of Current Fund \$3,743,415.34; Water Utility Fund \$263,268.00; Sewer Utility Operating Fund \$262,650.00; Swimming Pool Utility Fund \$74,343 and \$207,800.67 for Solid Waste Collection District Fund; as follows:

EMERGENCY TEMPORY 3/6/2023

<u>APPROPRIATIONS</u>	ACCOUNT	SALARIES	OTHER
	<u>NUMBER</u>	& WAGES	EXPENES
	1	I	Γ
CURRENT FUND			
General Government			
Township Council	1-105		1,005.67
Township Manager	1-106	16,655.00	586.33
Township Clerk	1-107	12,356.67	1,980.67
Elections	1-110		641.67
Treasurer-Controller	1-115	22,408.67	2,285.00
Assessment of Taxes	1-120	9,285.33	2,180.00
Collection of Taxes	1-130	6,458.00	1,124.33
Legal Services	1-140		17,525.33
Municipal Court	1-145	16,178.67	11,068.33
Municipal Prosecutor	1-150		1,925.33
Public Defender	1-151		522.33
Annual Audit	1-154		1,105.33

Engineering Services	1-155	545.00	734.67
Public Bldgs. & Grounds	1-160		10,030.33
Planning Board	1-165	2,649.67	627.33
Zoning Board	1-170	2,649.67	382.00
Shade Trees	1-175		3,076.67
Environmental Comm.	1-180		60.67
Historical Society	1-185		216.67
InsSurety Bond Prem.	1-190		690.33
InsGroup Insurance	1-190		142,091.67
InsWorkman's Comp.	1-190		12,657.33
InsOther Premiums	1-190		19,024.33
Public Safety			
Fire			17,992.67
Municipal Alliance Grant	1-1212	166.67	333.33
First Aid Organization	1-215		3,333.33
Police		666,666.67	24,370.33
Emergency Mgmt.	1-220	866.67	179.33
Inspection of Bldgs.	1-255	12,685.33	9,861.67
Inspection of Plumbing	1-256	1,983.00	326.00
Electric Sub-Code	1-259	1,983.00	326.00
Streets & Roads			
Road Repair& Maintenance	1-305	29,035.33	2,433.67
Equip. Repair & Maintenance	1-310	7,684.67	983.33
Snow Removal	1-315	7,805.67	14,638.33
Vehicle Maintenance	1-650		6,666.67
Utility Exp. & Bulk Purchases	1-820		60,326.67
Health and Welfare			
Board of Health	1-510	4,536.67	7,581.67
Sr. Citizen Trans.	1-516	1,267.33	1,856.00
Animal Control	1-511	130.00	3,175.67
Recreation & Education			
Library	1-601	23,333.33	54,956.00
Parks & Playgrounds	1-605	18,187.67	2,258.00
	1 000	10,107.07	_,

Recreation	1-615	12,585.33	8,212.00
Salary & Wage Adjustment	1-620	7,975.67	0.00
Maintenance of Vehicle	1-650		8,857.33
<u>Miscellaneous</u>			
Contingency	1-701		866.67
			0.00
Statutory Expenditures			161,682.33
Debt Service	1-805		399,233.33
_			
Capital Improvements Fund	1-1115		52,000.00
Water Meter System Replacement	1-1115		1,772,343.00
_			
TOTAL CURRENT FUI	886,079.67	2,857,335.67	

Water Utility Fund			
Administration	3-3050	21,621.33	
Operating Appropriations	3-3100	33,238.67	150,924.00
Statutory Expenditures	3-3220		11,992.33
Debt Service	3-3210		45,491.67
TOTAL WATER UTILITY		54,860.00	208,408.00

Sewer Utility Fund			
Administration	4-4050	29,185.67	
Maintenance	4-4060	12,833.00	
Operating Appropriations	4-4100	26,634.67	89,077.33
Statutory Expenditures	4-4220		18,811.00
Debt Service	4-4210		86,108.33
TOTAL SEWER UTILI	68,653.33	193,996.67	

Swimming Pool Utility Fund			
Administration	5-5050	10,362.00	
Operating Appropriations	5-5100	12,616.33	13,922.67
Statutory Expenditures	5-5220		1,800.33
Debt Service	5-5210		35,641.67
TOTAL SWIMMING POOL UTILITY		22,978.33	51,364.67

Solid Waste Collection District			
Operating Appropriations	9-9950	12,432.67	194,101.33
Statutory Expenditures	9-9220		1,266.67
TOTAL SOLID WASTE COLL. DISTRICT		12,432.67	195,368.00

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

The Township Manager reported this Temporary Budget would carry the Township until introduction and adoption of the Budget. He reported the Financial Statement had been sent to the auditors for further review.

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

e) To consider amended resolution authorizing the Use of Competitive Contracting for Emergency Medical Services

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

A RESOLUTION AUTHORIZING THE USE OF COMPETITIVE CONTRACTING FOR EMERGENCY MEDICAL SERVICES

WHEREAS, the Township of Cedar Grove ("Township") wishes to solicit proposals for Ambulance Service consisting of daytime coverage to serve the Township's residents; and

WHEREAS, N.J.S.A. 40A:11-4.1(f) permits the use of competitive contracting in lieu of public bidding to procure emergency medical services; and,

WHEREAS, N.J.S.A. 40A:11-4.3(a) requires that in order to use competitive contracting for the

first time for a specified purpose, the Governing Body must pass a resolution authorizing the use of competitive contracting for such purpose; and,

WHEREAS, N.J.S.A. 40A:11-4.3(b) requires that the competitive contracting process be administered by the Township Manager, the Township's legal counsel or Qualified Purchasing Agent; and,

WHEREAS, the Township has determined that the procurement of emergency medical services through the use of competitive contracting is in the Township's best interest.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove that the Township Manager is authorized to initiate the competitive contracting process for the solicitation of proposals for Ambulance Service of Daytime Coverage.

The Township Manager reported there were provision in New Jersey statutes that allowed certain services to be bid competitively as opposed to the bid standard of lowest responsible bidder. He reported the Township looked to put out an RFP allowing the Township to take in costs and other factors of service to the residents that would not be a direct cost to the residents or Township. He reported this type of bidding allowed the Township to hone in on who would be the best service provider. He informed Council that they would have to consider the resolution before the Township Attorney could draft the RFP. He reported that he, along with the Township Attorney and Police Chief, would sit on a committee to vet the bidding entities.

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

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

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

Deputy Mayor Peterson opened this portion of the meeting to anyone wishing to be heard on any item on the agenda.

1. Kate Hartwyk, Essex County Liaison: Ms. Hartwyk announced the County was sponsoring a Job Fair for Seasonal Summer positions at the South Mountain Reservation Complex on Saturday, March 11, 2023 from 10 AM to 2 PM. She explained anyone 18 years or older could apply. She indicated college students could complete the online Google form and schedule virtual interviews. She also announced the Cherry Blossom Festival was scheduled for April 1st-16th at Branch Brook Park.

Deputy Mayor Peterson asked if Seasonal positions could be broken up or were they for a set time. Ms. Hartwyk responded there were flexible start and end dates.

2. Lisa Sheridan, 88 Ozone Ave.: Ms. Sheridan explained her street was a cut through. She complained about motorist constantly speeding up and down her street. She indicated she was informed she could have not speed bumps installed because of snow plows.

The Township Manager explained that a monitor would be installed this week to get a traffic count and average speed count. He indicated based on the findings; the Township can determine how to handle the situation. He indicated it may result in an increase in police presence to deter speeding.

3. Sal Minieri, 26 Sweetwood: Mr. Minieri commended and thanked Councilman Tanella for all he did for the Township. He also indicated there was a Board of Education Meeting regarding the referendum going at the same time as the Council Meeting. He asked that the Meeting schedules be better coordinated.

Deputy Mayor Peterson reported the Township set out its Meeting Schedule for the year. She reported that she believed the Referendum Meeting was added. She indicated sometimes there is a conflict when another meeting is added.

4. Jean Jaeger, 9 Bradford Way: President of the Historical Society, Mrs. Jaeger, issued a statement regarding information about the closing of the farm market and Morgan's Farm. She explained there had been a lot of misinformation presented and her statement would address why the closing was happening. She explained the farm market on Morgan's Farm was now closed. She explained many of the statements being made about Morgan's Farm were misleading and some were untrue. She said the Board of Directors will always be grateful to John Ostering for what he had done for the Society. She explained he always worked hard and they thanked him for it. She explained that the customers who came to the market felt something was being taken away from Mr. Ostering unfairly. She explained the Farm was the property of the Township and all activities sponsored by the Township would continue. She explained the market was a fundraiser for the Historical Society which was good for the Society and the community. She explained ten years ago, Mr. Ostering approached the Board asking for permission to start a garden and grow vegetables as a fundraiser. She explained after receiving permission from the Township, Mr. Ostering began to plant. She explained it began as a joint effort between Mr. Ostering and the other volunteers and the Board. She explained the Board and some volunteers worked the farmstand while Mr. Ostering and other volunteers worked the farm. She explained Mr. Ostering became belligerent and wanted only his own people to work the farmstand. She explained he separated the farm from the Historical Society and ran it as if it were a business. She reiterated the farm was a fundraiser for the Historical Society and Mr. Ostering was a volunteer. She explained Mr. Ostering falsely advertised that he sold organic produce in the market and the Historical Society had to rectify the situation with the FDA She explained he resented having to report to the Board and became very disrespectful via emails and social media. She explained it became difficult to work Mr. Ostering and the Historical Society decided to sever ties. She explained the Board sent a letter releasing him from his obligations. She explained they later sent a contract indicating what was needed to work as a Team, but Mr. Ostering who didn't agree to the terms of the contract and hired an attorney. She explained the Board also hired an attorney and was advised there was no case. She explained Mr. Ostering later sent a signed modified version of the contract initially sent. She indicated the contract specifically stated that any

modifications had to be in writing and signed by both parties, but it was not; therefore, the contract was nullified.

The Township Attorney advised Council that she and the Township Manager had communication and discussions with Mr. Ostering's attorney and there could be potential litigation. She advised Council not to make any comments in connections with this matter.

- 5. Amy Canfield Ravine, 523 Fairview Ave. Ms. Ravine explained she was the VP of the Historical Society. She explained she was there with another volunteer waiting for Mr. Ostering to remove his personal belongings from the storage area. She explained Mr. Ostering showed up after the volunteer left and she was there alone. She explained that Mr. Ostering blocked in her vehicle for a long period of time. She explained filed a Police report and indicated Mr. Ostering was no longer allowed on the property. She explained the Society loved the farmer's market, but this situation was way of out hand. She explained she did not want a social media war. She also indicated that Mr. Ostering created the account for the Historical Society and the market, but has since blocked access to the site. She indicated she recently read on TapInto that the Township was going to sell Morgan's Farm. She explained it could not be sold because it was Green Acres property and was left to the Town by Courtney Morgan.
- 6. Merrily LaScala, 49 Franklin St. Mrs. LaScala said the farm was created as a fundraiser. She said as the fundraiser, the Board had a right to stop it. She reminded Members of the different fundraisers that the Board ended after period of time. She also teased Councilman Tanella because he was a Councilman for nineteen years.

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

Deputy Mayor Peterson thanked the teachers in the audience from all of their service. She thanked them for their commitment in raising her and Councilman Tanella.

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 March 6, 2023.
- 2. The general nature of the subject matters to be discussed are potential litigation and contract negotiation.

- 4. 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.
- 5. This Resolution shall take effect immediately.

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

AYE: Councilmembers Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

10. ADJOURNMENT

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

AYE: Councilmember Skabich, Tanella, Zazzali, Deputy Mayor Peterson

NO: None

The meeting adjourned at 7:52 PM.

		KERRY PETERSON	DEPUTY MAYOR
ATTEST:			
DALE A. FORDE	MUNICIPAL CLERK		