

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

COUNCIL STAFF MEETING

MINUTES

DECEMBER 19, 2022

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, Deputy Mayor Zichelli, Mayor Maceri

Also Present: Acting Township Manager Palumbo, Township Attorney Nabbie, Deputy Township Clerk Forde

2. APPROVAL OF MINUTES

a) Special Meeting – November 21, 2022

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

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

NO: None

b) Staff Meeting – November 21, 2022

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

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

NO: None

Executive Session – November 21, 2022

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

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

NO: None

ABSTAIN: Deputy Mayor Zichelli

- 3. TOWNSHIP MANAGER** – The Acting Township Manager reported the Town acquired an EV Chevy Bolt that was ready to put into service.

Mayor Maceri asked if grant money was used. The Acting Township Manager reported a grant was filed with the Board of Public Utilities and the Town was reimbursed \$4,000.00. The Acting Township Manager reported it cost \$28,000.00 for the car.

Mayor Maceri asked Councilwoman Skabich to report the information to the Environmental Commission at their next meeting.

The Acting Township Manager reported he was in receipt of the executed Park Ridge Agreement. Councilman Tanella reported he would like the Council to discuss the Agreement at the next Staff Meeting. He reported the Development was close to completion and there were concerns regarding access between Skytop and Park Ridge especially with the number of car thefts occurring in the State.

Mayor Maceri asked if there were still vacant lots left. The Acting Township Manager responded there were a couple of houses and two private lots left to finish.

Deputy Mayor Zichelli asked if the Township had Title 39 over the roadway. The Acting Township Manager responded it was in the developer's hands.

Deputy Mayor Zichelli asked if Title 39 would supersede the Agreement in case the Township wanted to keep the gate closed. The Township Attorney responded she could do a research letter.

Councilwoman Skabich asked if the fence would be taken down after completion of the project. The Acting Township Manager responded the roadway was currently being used by the Police and Fire Departments during emergencies.

Councilman Tanella explained the Developer convinced the Planning Board to allow him to install a gate to prevent access between Skytop and Park Ridge Estates. He indicated the residents would be upset if the gate were open and access allowed. He requested the matter be discussed at the next Staff Meeting.

The Acting Township Manager reported the New Fire House plans would be ready next month. He explained the Mayor and Council would need to bond for \$3.5 million.

Mayor Maceri asked the timeline. The Acting Township Manager responded by the end of February, but he could not put it out to bid until the money was appropriated.

Mayor Maceri instructed that the Bond Ordinance be placed on the January 9, 2023 Public Council Meeting Agenda.

The Acting Township Manager requested an Executive Session to discuss potential litigation.

4. **TOWNSHIP ATTORNEY** – No Report. The Township Attorney requested an executive session to discuss contract negotiations.

5. **TOWNSHIP CLERK** – No Report.

6. COUNCIL REPORTS

Councilwoman Skabich – No Report.

Councilman Tanella – No Report. Thanked the Police Department for the video on the Town's social media.

Councilwoman Peterson – No Report.

Deputy Mayor Zichelli – No Report.

Mayor Maceri – No Report. Mayor Maceri requested an Executive Session to discuss personnel matters. Mayor Maceri thanked the Fire Department for a great showing of Santa Claus. Mayor Maceri reported a lot of families were grateful for what the Fire Department had done.

7. CONSENT AGENDA

- a) 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

Parent Association of Montclair Kimberly Academy
201 Valley Road
Montclair NJ 07042

EVENTS, DATES TIMES & PLACE

Off Premise 50/50 Raffle to be held
April 14, 2023 at 10:00 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.

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

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

- b) To consider resolution concerning approval of raffle application – William Paterson University 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

The William Paterson University of NJ
Foundation, Inc.
300 Pompton Road
Wayne NJ 07440

EVENTS, DATES TIMES & PLACE

On Premise Merchandise Raffle to be held
April 20, 2023 from 6:00 p.m. to 11:00 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.

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

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

8. NEW BUSINESS

- a) To consider resolution concerning the purchase of a 2023 Ford Super Duty F-250 SRW Pick Up Truck.

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 utilizes Sourcewell a National Cooperative for the purchase of a 2023 Ford Super Duty F-250 SRW Pick Up Truck, parts and accessories for the Cedar Grove Department of Public Works; and

WHEREAS, the contract amount for the purchase of a 2023 Ford Super Duty F-250 SRW Pick Up Truck, parts and accessories at the Cedar Grove Department of Public Works will not exceed \$48,639.52; and

WHEREAS, the funds are available to satisfy our obligations under this contract.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove authorizes the Township of Cedar Grove to utilize Sourcewell for the purchase of a 2023 Ford Super Duty F-250 SRW 2023 Ford Super Duty F-250 SRW Pick Up Truck, parts and accessories for the Cedar Grove Department of Public Works from National Auto Fleet Group for an amount not to exceed \$48,639.52.

The Acting Township Manager reported this purchase was an opportunity to get a 250 SRW Pick Up Truck that was definitely needed.

Mayor Maceri asked when the Township would receive it. The Acting Township Manager responded the Township would receive it in six months.

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

- b) To consider resolution concerning the approval of budget transfers.

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:4-58 permits certain transfers of appropriations during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, BY THE Township Council of the Township of Cedar Grove, that the following transfers of appropriation listed herein in the 2022 Municipal Budget be approved

CURRENT FUND MUNICIPAL BUDGET

Operating:	FROM	TO
Township Clerk: Salary & Wages	10,000	
Finance Department: Salary & Wages	1,500	
Tax Collector: Salary & Wages	1,000	

Recreation Department: Salary & Wages	4,000	
Township Assessor: Salary & Wages		500
Municipal Court: Salary & Wages		3,000
Engineering Department		2,000
Bldg. & Grounds		1,000
Inspection of Building		2,000
Electrical Inspector		2,000
Health Department		2,000
Parks & Playgrounds		4,000
	\$16,500	\$16,500

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

- c) To consider resolution concerning cancellation of water/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 water bill assessed to the account listed herein should be reduced:

<u>Water Bill</u>	<u>Water Bill</u>	<u>Penalty</u>	<u>Total</u>
March 1, 2022	\$534.00	\$8.10	\$542.10
Revised 7/1/22	<u>246.00</u>	<u>0.00</u>	<u>246.00</u>
Amount Cancelled	<u>\$288.00</u>	<u>\$8.10</u>	<u>\$296.10</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 bill in the amount of \$296.10 for the account # 2-2115120 Block 70, Lot 25, 127 Sequoia Drive, Cedar Grove, NJ 07009.

Councilwoman Peterson moved adoption of the resolution, seconded by Deputy Mayor Zichelli, 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 tax overpayment.

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

WHEREAS, the following tax overpayments appear on the Tax Collector’s tax overpayment list: and

WHEREAS, the Tax Collector has determined that actions are required to cancel the following tax overpayments from the records of the Township of Cedar Grove;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the following tax overpayments be cancelled.

Township of Cedar Grove
Schedule of Tax Overpayments
\$30.00 and Under

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
122	32	53 Cedar Street	\$2.60
11	12	172 Franklin Street	\$30.00
		Total	<u>\$32.60</u>

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

- e) To consider resolution concerning refund of tax overpayment – 166 Young Ave.

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

WHEREAS, the Tax Collector of Township of Cedar Grove has received a request to refund the overpayment, and

WHEREAS, a homeowner has overpaid his property taxes in 2022 on the property tax account; 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
166 Young Avenue	170	49	\$353.52

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 overpayment in the amount of \$353.52.

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

- f) To consider resolution concerning refund of tax overpayment – 30 Hillside Ave.

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

WHEREAS, the Tax Collector of Township of Cedar Grove has received a request to refund the overpayment, and

WHEREAS, a homeowner has overpaid his property taxes in 2022 on the property tax account; 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
30 Hillside Avenue	192	15	\$40.35

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 overpayment in the amount of \$40.35.

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

- g) To consider resolution concerning refund of tax overpayment – 17 Highpoint.

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

WHEREAS, the Tax Collector of Township of Cedar Grove has received a request to refund the overpayment, and

WHEREAS, a homeowner has overpaid his property taxes in 2022 on the property tax account; 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	Qualifier	Overpayment
17 Highpoint	40	237	C0017	\$2,006.57

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 \$2,006.57.

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

- h) To consider amended resolution concerning 2023 Police Department employee salaries adopted at the December 5, 2022 Meeting.

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

RESOLUTION AMENDING RESOLUTION CONCERNING 2023 POLICE DEPARTMENT EMPLOYEE SALARIES ADOPTED AT THE DECEMBER 5, 2022 PUBLIC MEETING

WHEREAS, The Township of Cedar Grove did adopt Ordinance No. 18-836, fixing salary grades and ranges, wages and fees of the officers of the Cedar Grove Police Department of the Township of Cedar Grove; and

WHEREAS, said ordinance provides that the Township Council shall, by resolution, fix the salary of each officer within the salary ranges as set forth in Section One of the Salary Ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the salaries as hereinafter enumerated shall constitute the salaries for the Fiscal Year 2023 which shall become effective January 1, 2023 for officers of the Cedar Grove Police Department covered under Section One of the Salary Ordinance.

Proposed 2023
Effective 1/1/23

POLICE DEPARTMENT – PATROLMAN GRADE P-1

PROBATIONARY

Pumphrey, Frank	\$183,206	\$14,656	\$9,132
Chief			

NAME	Salary	Longevity	Holiday Pay
Kennedy, John	\$191,910	\$19,191	\$9,743

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

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

9. 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 \$3,111,701.67.

Councilwoman Skabich 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

10. CONTRACTS AND AGREEMENTS

- a) To consider resolution concerning award of contract for professional services – 2023 COAH Legal Services.

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

WHEREAS, The Township has a need for appointment of special legal counsel for affordable housing (COAH) legal services; and

WHEREAS, pursuant to advertising duly made for a fair and open contract in accordance with N.J.S.A. 19:44A-20.1 et. seq., proposals were received and publicly opened by the Township Clerk on December 5, 2022 as follows; and

<u>PROPOSER</u>	<u>AMOUNT</u>
Carluccio, Leone, Dimon, Doyle & Sacks, LLC	\$ 185.00/hr.

WHEREAS, the Township Manager has recommended that a contract for the above referenced professional services be awarded to Carluccio, Leone, Dimon, Doyle & Sacks, LLC.; and

WHEREAS, funds are now available for this purpose in 2023 Municipal Budget – Line Item 0140 – Legal Services.

NOW, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, Essex County, New Jersey, that it does hereby appoint Michael Jedziniak, Esq. of the firm Carluccio, Leone, Dimon, Doyle & Sacks, LLC to serve as special legal counsel for affordable housing (COAH) commencing January 1, 2023 and terminating December 31, 2023; and

BE IT FURTHER RESOLVED that the appropriate Township officials be authorized to execute an agreement; and

BE IT FURTHER RESOLVED that notice of this agreement shall be published in the Verona-Cedar Grove Times as required by law.

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

- b) To consider resolution concerning award of contract for professional services – 2023 Arborist.

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

WHEREAS, there exists a need for professional services in connection with the appointment of a Township Arborist, and funds are available for this purpose; and

WHEREAS, the above referenced professional services were advertised under a fair and open process pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, proposals were publicly opened on December 5, 2022; and

WHEREAS, a sole proposal was received from John Linson of Shade Tree Department LLC, a certified arborist in the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Township Council that John Linson of Shade Tree Department LLC of Kinnelon, New Jersey is hereby re-appointed to serve as Township Arborist commencing January 1, 2023 through December 31, 2023.

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

11. PUBLIC COMMENT

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

1. Sal Minieri, 26 Sweetwood – Mr. Maneri expressed his concern for the safety hazard over Bowden where the trail crossed. He explained it was a potential hazard.

Deputy Mayor Zichelli responded that Captain Pumphrey would review all spots and generate a report.

Acting Township Manager Alex Palumbo responded he would review traffic and warrants. He indicated signage could be installed.

Councilman Tanella responded it could be improved upon and that the Township would look into it.

Mr. Maneri thanked the Council and the employees for their service. He wished everyone a Merry Christmas and Prosperous New Year.

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 December 19, 2022.
2. The general nature of the subject matters to be discussed are potential litigation and contract negotiation.
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.

Councilwoman Peterson 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

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:

3. The public shall be excluded from discussion of any action in the Executive Session of the Meeting of the Mayor and Council of December 19, 2022.
4. The general nature of the subject matter to be discussed is personnel.
5. 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.
6. This Resolution shall take effect immediately.

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
ABSTAIN: Deputy Mayor Zichelli

12. ADJOURNMENT

There being nothing further to discuss, the staff council meeting adjourned at 7:25 p.m. by acclaim.