

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

PUBLIC MEETING

MINUTES

JULY 10, 2023

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

Present: Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson

Also Present: Township Manager Zichelli, Township Attorney Nabbie and Township Clerk Forde

Absent: Councilman Maceri

The flag salute was led by Mayor Peterson.

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 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 Meetings Act.

2. APPROVAL OF MINUTES

- a) To consider approval of minutes of staff meeting of June 12, 2023.
- b) To consider approval of minutes of executive session of June 12, 2023

Mayor Peterson requested the Minutes be postponed until the next regular meeting scheduled for August 7, 2023.

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

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, Mayor Peterson closed this portion of the meeting.

4. REPORTS OF TOWNSHIP OFFICIALS

- a) Township Manager – The Township Manager reported over the past month, he, along with Bond Counsel and the Township Auditor, worked diligently to restructure the Township’s debt. The Township Manager reported in May, they began looking at the life of the assets being financed and sought to match the type of financing with the life of the asset. The Township Manager reported the Township had \$13,742,000 in real property debt that was

comprised of four properties for purchase; the Newark Watershed Property, the VFW, the property located at the corner of Fairview Avenue and Route 23 and the purchase, demolition and reconstruction of the North End Fire House. The Township Manager reported he, the Bond Counsel and Auditor, decided to take \$13.7 million and recast it into bond financing to take advantage of the lower interest rates. The Township Manager reported \$9,520,450 of remaining debt with remain in note financing with a shorter useful life. The Township Manager reported the Township will see a reduction in interest. The Township Manager reported the Township's credit rating received an upgrade of AA+ which allowed the Town to borrow at a lower interest rate.

Mayor Peterson said this was a huge success for the Township and commended the Township Manager for his role in the process. Mayor Peterson reported refinancing of the Township's debt was done at a difficult time in the capital market. The \$13 million bond would take refinancing risks off of the table for 15 years allowing the Township to refinance again if rates are lower. Mayor Peterson commended the Township Manager for leading discussions with S.P. Global ratings resulting in an upgrade which is equivalent to the rating assigned to the United States.

The Township Manager updated Members on the drowning of a teenager that occurred at Devil's Hole in Community Park over the weekend. He reported he reached out to engineering staff to address long term solutions. He reported additional fencing and signage were ideas for preventing access to the water. He reported the focus was addressing the danger. The Township Manager reported the Police Department would continue to patrol the area and anyone caught trespassing will be prosecuted. The Township Manager requested an Executive Session to discuss contract negotiations and personnel.

- b) Township Clerk – No Report.
- c) Township Attorney – The Township Attorney gave a quick overview of three tax appeal cases that were settled favorably against Canterbury, Pompton Association and Health Resources in the amount of \$250,316.80, \$98,863.38 and \$59,247.85 respectively. She reported she would have resolutions prepared for the next meeting for Council's approval.
- d) Other Reports

Councilman Zazzali – No Report.

Councilwoman Mega – Councilwoman Mega congratulated the 2023 graduates and wished them success in their next journey. Councilwoman Mega thanked and commended the Recreation Director and her staff, the Police and Fire Departments and Ambulance and Rescue Squad on a fabulous and well-attended fireworks display. Councilwoman Mega reported she attended the Swim Meet at the Cedar Grove pool and was impressed by the swimmers. Councilwoman Mega reported she went to Morgan's Farm to meet local artist A.J. Ballinger who displayed some beautiful photography. She also reported the farm had items for sale. Councilwoman Mega reported the CGJBSL softball tournament was scheduled in Cedar Grove on August 5th with a rain date of August 6th. She reported the fields of LRP, PP and Eagles fields would be very busy.

Deputy Mayor Skabich – Deputy Mayor Skabich reported the fireworks were really nice welcomed and concurred with Councilwoman Mega’s remarks commending those involved. Deputy Mayor Skabich commended the Township Manager on his quick action to put a plan into place on the unspeakable tragedy that occurred at Devil’s Hole.

Mayor Peterson – Mayor Peterson shared the tragedy at Devil’s Hole had gone on for many years before she sat on Council. Mayor Peterson sent condolences to the family. Mayor Peterson reported the Township adopted an Ordinance declaring No Swimming which was the only action Council could take to preclude people because it was a Green Acres property. Mayor Peterson reported she saw the Police were at the site constantly. Mayor Peterson thanked commended the Police, Fire and Rescue Squad because it was dangerous terrain. Mayor Peterson strongly encouraged people to not go to Devil’s Hole.

5. NEW BUSINESS

- a) To consider adoption of Pending Ordinance #23-915 – Ordinance Authorizing the Purchase of the North End Fire House Property Located at 170 E. Lindsley Rd.

The ordinance was read by title only as follows:

PENDING ORDINANCE NO. 23-915

ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE AUTHORIZING THE PURCHASE OF THE NORTH END FIRE HOUSE PROPERTY LOCATED AT 170 EAST LINDSLEY ROAD

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Cedar Grove (the “Township”) is authorized to adopt an Ordinance to acquire any real property or property interests for a public purpose through negotiated agreement; and

WHEREAS, the Township has entered into a contract to acquire the North End Fire House Property located at 170 East Lindsley Road and identified as Block 360, Lot 71 on the Tax Map of the Township of Cedar Grove (the “Property”); and

WHEREAS, pursuant to the contract, the Township will acquire the Property in exchange for providing the North End Fire Company with a new facility for its exclusive use and operation as a separate division of the volunteer fire department; and

WHEREAS, the Township Council has determined that the acquisition of the Property is in the best interests of the Township; and

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

SECTION 1.

The Mayor and Municipal Clerk are authorized acquire the North End Fire House Property located at 170 East Lindsley Road and identified as Block 360, Lot 71 on the Tax Map of the Township of Cedar Grove in exchange for providing the North End Fire Company

with a new facility for its exclusive use and operation as a separate division of the volunteer fire department.

SECTION 2.

The Mayor and Municipal Clerk are authorized execute any documents as may be necessary in order to effectuate this Ordinance and the transaction contemplated herein.

SECTION 3.

All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4.

This Ordinance shall take effect after final passage and adoption according to the law.

The Township Manager reported that pursuant to the Local Building and Ground Law, the Municipality must pass the Ordinance when purchasing new property. He reported the Township was scheduled to close on July 20th and the contract would be awarded at the August 7th Meeting.

Deputy Mayor Skabich moved that the ordinance be passed on first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing scheduled for August 7, 2023, seconded by Councilman Zazzali and passed by the following vote:

AYE:	Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO:	None
ABSENT:	Councilman Maceri

- b) To consider introduction of Pending Ordinance #23-916 – Ordinance Amending Chapter 55 of the Code of the Township of Cedar Grove Entitled “Police Department.”

The ordinance was read by title only as follows:

PENDING ORDINANCE NO. 23-916
AN ORDINANCE AMENDING CHAPTER 55 OF THE CODE OF THE
TOWNSHIP OF CEDAR GROVE ENTITLED “POLICE DEPARTMENT”

WHEREAS, pursuant to N.J.S.A. 40A: 14-118, the Governing Body of a municipality is empowered to create and establish, as an executive and enforcement function of municipal government, a police department; and

WHEREAS, ordinances regulating police departments and the operations therein are subject to modifications due to changing needs of a municipality and to enhance the efficiency and effectiveness of such operations of the police department; and

WHEREAS, the Township Council of the Township of Cedar Grove deems it to be in the best interests of the Township of Cedar Grove and the Township of Cedar Grove Police Department.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Cedar Grove as follows:

The Code of the Township of Cedar Grove, Chapter 55, entitled “POLICE DEPARTMENT,” is hereby amended as follows:

Section 1.

Section 55-1(A)(1) is deleted in its entirety with the following provision replacing it:

(A) The Police Department of the Township heretofore established is hereby continued and shall consist of the following personnel:

- (1) In order of rank, one Chief of Police, two Captains, five Lieutenants, four Sergeants, and twenty police patrol officers. Such appointees, following a satisfactory probationary period as set forth in §52-23 of the Code of the Township of Cedar Grove, shall then become regular and permanent members of the Police Department as provided in N.J.S.A. 40:47.5.

Section 2.

All ordinances of the Township of Cedar Grove which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

Section 3.

Should any selection, clause, phrase, or provision of this Ordinance be deemed unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 4.

This Ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

Councilwoman Mega moved that the ordinance be that the ordinance be passed on first reading, published in the Verona-Cedar Grove Times as a pending ordinance with a public hearing scheduled for August 7, 2023, seconded by Councilman Zazzali and passed by the following vote:

AYE:	Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO:	None
ABSENT:	Councilman Maceri

- c) To consider resolution concerning the electronic tax sale.

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.54:5-19.1 et seq. permits municipalities to conduct electronic tax sale pursuant to rules and regulations promulgated by the Director of the Division of Local Government Services, and,

WHEREAS, the rule thus promulgated requires a municipality to authorize said electronic tax sale by resolution of the Governing Body, and,

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more effective tax sale process.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Municipality does hereby authorize and direct the Tax Collector to conduct an electronic tax sale.

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

AYE:	Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO:	None
ABSENT:	Councilman Maceri

- d) To consider resolution concerning the electronic tax sale fee.

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

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations permit a municipality to send up to two (2) notices of tax sale to all properties included in said sale in-lieu of up to two advertisements; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, Township of Cedar Grove wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

BE IT RESOLVED by the Council of the Township of Cedar Grove that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2023 electronic tax sale.

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

AYE:	Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO:	None
ABSENT:	Councilman Maceri

- e) To consider resolution approval of on-premise 50/50 raffle application – Alpine Learning.

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

WHEREAS, an application for raffle license has been received from:

APPLICANTS

EVENTS, DATES TIMES & PLACE

Alpine Learning Group Foundation
be held
777 Paramus Rd
Paramus NJ 07652
07009

Off Premise Merchandise Draw Raffle to
October 21, 2023 at 6:30 PM to 11:00 PM at
691 Pompton Avenue, Cedar Grove NJ

WHEREAS, the fees have been paid, and the application has been reviewed by the Township Clerk and found acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that it does hereby approve said application.

Deputy Mayor Skabich moved adoption of the resolution, seconded by Councilman Zazzali passed by the following vote:

AYE: Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO: None
ABSENT: Councilman Maceri

6. APPROVAL OF BILLS

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

BE IT RESOLVED, by the Township of Cedar Grove, County of Essex, New Jersey, that the summary of bills, having been duly audited and found to be correct, are hereby ordered paid and that warrants be drawn by the Treasurer in the aggregated amount of \$3,583,330.01.

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

AYE: Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO: None
ABSENT: Councilman Maceri

7. CONTRACTS AND AGREEMENTS

a) To consider resolution concerning award of contract for municipal engineering services to Suburban Consultant Engineers.

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

RESOLUTION AWARDING A CONTRACT FOR CONSULTING ENGINEER SERVICES TO SUBURBAN CONSULTING ENGINEERS

WHEREAS, the Township of Cedar Grove desires to retain the professional services of a consultative municipal engineer; and

WHEREAS, the Township of Cedar Grove previously employed a full-time engineer; and

WHEREAS, the Township Manager has determined there is a cost savings to retaining a consultative service in lieu of another full-time municipal engineer; and

WHEREAS, the Local Public Contract Law N.J.S.A. 40:11-1 et. seq. requires that the Resolution authorizing the award of contracts for “Professional Service” without competitive bids must be available for public inspection and be published; and

WHEREAS, the contract is awarded pursuant to a fair and open process as defined in N.J.S.A. 19:44A-20.5 et seq.; and

WHEREAS, the Township solicited requests for proposals (“RFPs”) for consultative engineer services for a three-year term to be awarded as a professional service and;

WHEREAS, the Township of Cedar Grove received one or more responses to such requests, including a response from Suburban Consulting Engineers, Inc.; and

WHEREAS, the Township previously awarded a two-month contract to Suburban Consulting Engineers, Inc. to perform municipal engineering services; and

WHEREAS, during this period, Alexandra H. Handel, PE, PP, CME, has served as Township Engineer and became familiar with projects, issues, internal discussions, and operations associated with the Township of Cedar Grove; and

WHEREAS, the Township Manager reviewed the proposals and recommends awarding the three-year professional service contract to Suburban Consulting Engineers, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, in the County of Essex, and State of New Jersey as follows:

1. The Township Manager it hereby authorized and directed to execute an agreement with Suburban Consulting Engineers, Inc., having offices at 96 US Highway 206, Suite 101, Flanders, New Jersey 07839.
2. The contract is to be awarded without competitive bidding as a “Professional Service” in accordance with 40A:11-5(1)(A) of the Local Public Contract Law.
3. The fees authorized for this contract shall be in accordance with the fee schedule as set forth in the proposal provided by Suburban Consulting Engineers, Inc.
4. The duration of the contract will be for three (3) years.

- 5. Notice of this action to be published according to law.

Deputy Mayor Skabich moved adoption of the resolution, seconded by Councilman Zazzali passed by the following vote:

The Township Manager reported the Township had been using a consulting engineer for the past for a couple of months to fill the need for municipal engineering services. The Township Manager reported the firm had been widely successful. The Township Manager reported Suburban was a very talented firm with a very good reputation.

AYE: Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
 NO: None
 ABSENT: Councilman Maceri

- b) To consider resolution concerning award of contract for emergency medical services to Montclair Ambulance Unit.

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 advertised by way of competitive contracting for Basic Life Support (BLS) emergency medical services to the citizens, workers, and visitors of the Township of Cedar Grove between the hours of 6:00 a.m. to 6:00 p.m., 7 days per week, 365 days per year as per N.J.S.A. 40A:11-4.1 through N.J.S.A. 40A:11-4.5 as authorized by Resolution on March 6, 2023; and

WHEREAS, on April 14, 2023, the Township of Cedar Grove received three (3) proposals for Emergency Medical Services; and

WHEREAS, it was determined that all proposals contained all required documentation and were therefore responsive to the proposal specifications; and

WHEREAS, the submitted proposals were reviewed and evaluated by the Township of Cedar Grove according to pre-determined technical, management/personnel, and cost criteria, pursuant to N.J.S.A. 40A:11-4.1 through N.J.S.A. 40A:11-4.5; and

WHEREAS, unlike public bidding, competitive contracting allows factors other than price, to be used when scoring the evaluations such as prior performance and management experience; and

WHEREAS, Township Manager pursuant to N.J.A.C. 5:34-4.3 reviewed the proposals and prepared a report which is attached hereto recommending that the contract be awarded to the Montclair Ambulance Unit; and

WHEREAS, pursuant to the MAU proposal the Township and the MAU shall enter into an agreement for three (3) years at an expense to the Township of Cedar Grove not exceeding \$30,000 per year; and

WHEREAS, there are mechanisms by which that cost can be reduced or eliminated; and

WHEREAS, sufficient funds are available in the municipal budget to award this contract; and

WHEREAS, in an effort to reduce the cost of the services provided by the MAU to the residents, workers and visitors of the Township, the Cedar Grove Ambulance and Rescue Squad (“CGARS”) has agreed to enter into a Lease Agreement with the MAU for the use of the CGARS facility and an Ambulance for a nominal fee; and

WHEREAS, it is therefore recommended that this contract be awarded to the Montclair Ambulance Unit in accordance with the competitive contracting proposal and the terms and conditions set forth in their proposal.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Cedar Grove, in the County of Essex, State of New Jersey as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township Council of the Township of Cedar Grove do hereby award this contract to provide emergency medical services in the Township of Cedar Grove to the Montclair Ambulance Unit of 95 Walnut Street, Montclair, New Jersey 07042, based upon the review and evaluation of all submitted proposals

Section 3. The Township Manager or Mayor, as necessary, is authorized to execute any and all documents necessary to memorialize the contract with the MAU, in a form acceptable to the Township, as described herein; and

Section 4. The Township Clerk shall publish a notice in the official newspaper of the Township summarizing the award of this contract, which shall include the nature, duration, and amount of the contract, the name of the vendor and a statement that the resolution and contract are on file and available for public inspection in the office of the municipal clerk.

Section 5. This Resolution shall take effect immediately.

Councilman Zazzali moved adoption of the resolution, seconded by Deputy Mayor Skabich passed by the following vote:

The Township Manager reported the Township would release a joint press release with Montclair Ambulance Unit and the Rescue Squad. He reported this contract was for daytime coverage of emergency medical calls in the Township from 6AM to 6PM. He reported the Rescue Squad served the Town for 89 years and would continue preserving their rich history in partnership with MAU. He reported the Rescue Squad would cover emergency medical calls from 6PM to 6AM.

Mayor Peterson commended and thanked the Township Manager for his diligence in securing the agreement because it was a long time coming. She asked if the coverage took place seven days a week. The Township Manager responded affirmatively.

AYE: Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO: None
ABSENT: Councilman Maceri

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

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

- 1. Steve Young: Mr. Young thanked the Board of Education for allowing him to work with four special education students who assist him in the community garden. He also thanked the Council for the community garden. He thanked volunteers; Amy Rehbein, Gary Gray and Joe Carter, for working along fellow residents. He thanked the Department of Public Works for keeping the open space clean.

Mayor Peterson commended Mr. Young and the other volunteers for giving their time to the students and for all they do for the community garden.

There being no one else present wishing to be heard, Mayor Peterson 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 July 10, 2023.
- 2. The general nature of the subject matter to be discussed is contract negotiation and personnel.
- 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.

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

AYE: Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO: None
ABSENT: Councilman Maceri

9. ADJOURNMENT

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

AYE: Councilmember Mega, Zazzali, Deputy Mayor Skabich, Mayor Peterson
NO: None
ABSENT: Councilman Maceri

The meeting adjourned at 7:29 PM.

KERRY PETERSON MAYOR

ATTEST:

DALE A. FORDE MUNICIPAL CLERK