

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

**PUBLIC MEETING**

**MINUTES**

**MARCH 4, 2024**

**1. ROLL CALL, INVOCATION AND FLAG SALUTE**

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

Present: Councilmember Maceri, Mega, Zazzali, Deputy Mayor Skabich  
Also Present: Township Manager Zichelli, Township Attorney Lagana, Township Clerk Forde  
Absent: Mayor Peterson

The flag salute was led by Deputy Mayor Skabich.

Deputy Mayor Skabich 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 14, 2023, filed with the Township Clerk, and posted on the public bulletin board in the Municipal Building Lobby in accordance with the Open Public Meeting Act.

**2. APPROVAL OF MINUTES**

a) To consider approval of minutes of regular meeting of February 5, 2024.

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

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

**3. PUBLIC HEARING**

a) To consider adoption of Pending Ordinance #24-926 - An Ordinance of the Township of Cedar Grove, County of Essex, State of New Jersey, Amending Chapter 246 of the Code of the Township Concerning Tree Removal and Protection.

The Ordinance was read by title only as follows:

**AN ORDINANCE OF THE TOWNSHIP OF CEDAR GROVE, COUNTY OF  
ESSEX, STATE OF NEW JERSEY, AMENDING CHAPTER 246 OF THE CODE  
OF THE TOWNSHIP CONCERNING TREE REMOVAL AND PROTECTION.**

The Township Manager explained the ordinance provided greater protection for the Town's trees. He explained this Ordinance permitted residents to remove two trees within a five year period without a permit.

Deputy Mayor Skabich opened the public hearing on this item.

- 1. Steve Young – Mr. Young said he was in the process of moving seven trees within a two-month period. He explained the some of the trees fell creating damage to his home and he also wanted to install solar panels.

The Township Manager explained the Ordinance requested that homeowners applied for a permit and paid into the tree fund for removal of the trees. He recommended Mr. Young speak with the Municipal Engineer before proceeding.

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

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

- b) To consider adoption of Pending Ordinance #24-927 – An Ordinance Amending Chapter 40 of the Code of the Township of Cedar Grove Entitled Library Board, Public By Expanding Membership of the Library Board of Trustees by Two Members.

The Ordinance was read by title only as follows:

**AN ORDINANCE AMENDING CHAPTER 40 OF THE CODE OF THE TOWNSHIP OF CEDAR GROVE ENTITLED LIBRARY BOARD, PUBLIC BY EXPANDING MEMBERSHIP OF THE LIBRARY BOARD OF TRUSTEES BY TWO MEMBERS.**

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

Councilwoman Mega 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 Maceri, Mega, Zazzali, Deputy Mayor Skabich  
 NO: None  
 ABSENT: Mayor Peterson

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

Deputy Mayor Skabich 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 Skabich closed this portion of the meeting.

**5. REPORTS OF TOWNSHIP OFFICIALS**

- a) Township Manager – The Township Manager reported on the new Pool Rates for 2024. The Township Manager reported that he drafted the lease agreement for the Community Garden and would post the information for the residents on the Town Website. The Township Manager reported he was working on the Annual Financial Statement that was due on March 8<sup>th</sup>. He reported that he hoped to have the budget prepared for introduction at the April Meeting. The Township Manager reported a Paving Survey was in the Council’s packet and asked for their feedback. The Township Manager requested an Executive Session to discuss personnel and contract negotiations.
- b) Township Clerk – No Report.
- c) Township Attorney – No Report.
- d) Other Reports

Councilwoman Mega – Councilwoman Mega reported she attended the Recreation Advisory Board Meeting on February 7<sup>th</sup> which had a great discussion regarding the great community pool. Councilwoman Mega reported that she attended the monthly Historical Society Meeting on February 10<sup>th</sup>. She reported the Society scheduled the event “NJ Resources for Genealogy” on March 27<sup>th</sup> at 7:30 PM at the Library. She reported it was a free event. Councilwoman Mega reported that she attended the Annual State of the County Address where the County Executive presented the accomplishments and future goals for the County. Councilwoman Mega said she was happy to see several new businesses opening in Cedar Grove. She wished all of the businesses a great success. Councilwoman Mega asked the community to support the TREP\$ program, a program designed to teach the youth how to become entrepreneurs, at its event on March 24, 2024 from 4PM to 6PM at the High School gym.

Councilman Maceri – Councilman Maceri reported that Legislative District 40 representatives worked hard to support Crime Bill A2215\_S947 to increase prison sentences for the crime of unlawful taking of a motor vehicle, as well as, upgrades of mandatory jail time for burglary. Councilman Maceri reported the Town was getting help from the State to deter these crimes. Councilman Maceri reported on Bill A3927 regarding an appropriation of \$500,000 to be shared between four towns; Verona, Cedar Grove, Woodland Park and Little Falls regarding the dredging and restoring of the Peckman River. He reported this would be a big improvement to the Town. The Township Manager reported he scheduled a meeting with the Legislative delegation on April 12, 2024 with Verona’s Manager and Deputy Manager, Little Falls’ Mayor and Business Administrator and Woodland Park’s Mayor and Borough Administrator at Town Hall. He reported the purpose of the meeting was to discuss a joint effort in permitting, as well as, bank stabilization so that there was strength in numbers with the DEP. He mentioned it would help with capital.

Councilman Maceri asked what was available for the Police Department in capital. The Township Manager responded he had the opportunity to watch the officers participate in

an active shooter training. He reported that he and the Police Chief worked diligently to find a fair capital solution.

Councilman Maceri asked about cameras. The Township Manager reported there were license plate reading cameras were situated around the Township. He reported there were all new cameras and computers in patrol cars.

Councilman Maceri thanked Senator Corrado and Assemblymen DePhilips and Barlas for their forward-thinking in knowing what truly affected the residents of Cedar Grove.

Councilman Zazzali – No Report. Councilman Zazzali asked the Township Manager for an update on the flooding on Lindsley. The Township Manager reported he spoke with the County Engineer last week and was trying to schedule all of the professionals together to visit the site and come up with a solution or plan for the residents.

Deputy Mayor Skabich – Deputy Mayor Skabich echoed Councilman Maceri’s sentiments regarding the Legislative District 40 representatives’ support. Deputy Mayor Skabich reported she saw Matilda at the High School. She praised the talent of the students and Ms. Justine who is the head of the music department. Deputy Mayor Skabich encouraged residents to register for the community garden bed.

**6. CONSENT AGENDA**

- a) To consider resolution concerning approval of raffle application – Cedar Grove Elks #2237.

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**

Cedar Grove Elks Lodge #2237  
405 Bowden Rd.  
Cedar Grove NJ 07009

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405 Bowden Rd.  
Cedar Grove NJ 07009

**EVENTS, DATES TIMES & PLACE**

On-Premise 50/50 Raffle to be held  
May 3, 2024 from 5:00 p.m. to 7:30 p.m. at  
405 Bowden Rd., Cedar Grove, NJ 07009

On-Premise Merchandise Raffle to be held  
May 19, 2024 from 11:00 p.m. to 3:00 p.m. at  
Robert O’Toole Community Center  
199 Fairview Ave., Cedar Grove, NJ

On-Premise 50/50 Raffle to be held  
September 20, 2024 from 5:00 p.m. to 7:30 p.m. at  
405 Bowden Rd., 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 Zazzali moved adoption of the resolution, seconded by Councilwoman Mega and passed by the following vote:

AYE: Councilmember Maceri, Mega, Zazzali, Deputy Mayor Skabich

NO: None

ABSENT: Mayor Peterson

- b) To consider resolution concerning approval of raffle application – Community Church of Cedar Grove.

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**

Community Church of Cedar Grove  
65 Bowden Rd.  
Cedar Grove NJ 07009

Off-Premise 50/50 Raffle to be held  
May 12, 2024 from 12:00 p.m. at  
65 Bowden Rd., 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 Zazzali moved adoption of the resolution, seconded by Councilwoman Mega and passed by the following vote:

AYE: Councilmember Maceri, Mega, Zazzali, Deputy Mayor Skabich

NO: None

ABSENT: Mayor Peterson

- c) To consider resolution concerning approval of raffle application – Cedar Grove High School Lacrosse Booster Club.

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**

Cedar Grove High School Lacrosse Booster Club  
90 Rugby Rd.

Off-Premise 50/50 Raffle to be held  
May 2, 2024 from 3:00 p.m. at

Cedar Grove NJ 07009

90 Rugby Rd., 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 Zazzali moved adoption of the resolution, seconded by Councilwoman Mega and passed by the following vote:

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

- d) To consider resolution concerning approval of raffle application – Verona PBA Local 72 Civic Association.

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**

Verona PBA Local 72 Civic Association  
600 Bloomfield Avenue  
Cedar Grove NJ 07009  
Metodij

Off-Premise 50/50 Raffle to be held  
June 8, 2024 from 6:30 p.m. to 11:30 p.m. at  
Macedonian Orthodox Church Sts. Kiril and  
1050 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 Zazzali moved adoption of the resolution, seconded by Councilwoman Mega and passed by the following vote:

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

- e) To consider resolution concerning approval of raffle applications – Temple Sholom of West Essex.

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**

Sholom Temple of West Essex  
760 Pompton Avenue  
Cedar Grove NJ 07009

On-Premise 50/50 Raffle to be held  
March 24, 2024 from 11:00 a.m. to 11:30 p.m. at  
760 Pompton Avenue, 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 Zazzali moved adoption of the resolution, seconded by Councilwoman Mega and passed by the following vote:

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

**7. NEW BUSINESS**

- a) To consider resolution amending the Jakes Law - State of New Jersey Green Acres Program for improvements at the Lower Playground within Community Park located near Little Falls Road and Slattery Drive application.

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

**AMENDED GREEN ACRES APPLICATION  
ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), provides grants and/or loans to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition, development, and stewardship of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Cedar Grove desires to further the public interest by obtaining funding in the amount of \$1,441,529.08, in the form of a \$1,081,146.81 (75%) matching grant and, if available, a \$0.00 loan, from the State to fund the following project(s): Reconstruction of Lower Playground within Community Park at a cost of \$1,441,529.08;

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with such rules, regulations, and applicable statutes, and is willing to enter into an agreement with the State for the above-named project;

NOW, THEREFORE, the Governing Body resolves that

1. Township Manager Joseph Zichelli or the successor to the office of Mayor Kerry Peterson is hereby authorized to:
  - a. make application for such a loan and/or such a grant,
  - b. provide additional application information and furnish such documents as may be required, and
  - c. act as the authorized correspondent of the above-named applicant;
2. The applicant agrees to provide its matching share to the Green Acres funding request, if a match is required, in the amount of \$360,382.27 (25%);
3. In the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

**CERTIFICATION**

I, Township Clerk Dale A. Forde, do hereby certify that the foregoing is a true copy of a resolution adopted by the Township Council of the Township of Cedar Grove at a meeting held on the 4<sup>th</sup> of March 2024.

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 4<sup>th</sup> day of March, 2024.

\_\_\_\_\_  
Dale A. Forde, Township Clerk

The Township Manager reported the resolution amended the amount of \$1,441,529.08 and, if awarded the grant, would require out of pocket costs from the Township totaling \$360,382.27 with the difference being paid for from the Jake’s Law Grant.

Councilman Maceri moved adoption of the resolution, seconded by Councilwoman Mega, and passed by the following vote:

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

- b) To consider resolution concerning opposing A4Aca, Legislative Bill.

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



**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE OPPOSING A4Aca, A LEGISLATIVE BILL MANDATING AND IMPOSING UNMANAGEABLE AND IMPRACTICAL REQUIREMENTS FOR MEETING AFFORDABLE HOUSING OBLIGATIONS.**

**WHEREAS**, on February 12, 2024 the New Jersey General Assembly passed Assembly Bill No. 4Aca by a vote of 51 in favor and 28 opposed; and

**WHEREAS**, Cedar Grove's Legislative Representatives in the General Assembly voted NO and in opposition to A4Aca; and

**WHEREAS**, A4Aca imposes unmanageable and impractical requirements for Townships to meet the arbitrary, capricious, and unjustifiable affordable housing obligations set forth to achieve compliance; and

**WHEREAS**, specifically, A4Aca maintains that

- 1) The Council on Affordable Housing is abolished;
- 2) The Department of Community Affairs will calculate municipal obligations on 40% of population growth for qualifying for affordable housing based off of the following provision:
  - a. Projected household change for a 10-year-round in a region shall be estimated by establishing the household change experienced in the region between the most recent federal decennial census, and the second most recent federal decennial census. This household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region, and to determine the regional prospective need for a 10-year-round of low- and moderate-income housing obligations. If household change is zero or negative, the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and the regional prospective need shall be zero
- 3) Provides municipalities with immunity to builder's remedy lawsuits but revokes immunity if deadlines are not met or if it is determined a municipality is not committed to complying with the obligation, including not updating its public website;
- 4) Residents and third parties can challenge plans in a newly created Affordable Housing Dispute Resolution Program which will certify administrative agents and municipal housing liaisons to monitor compliance and bring a challenge before a county-level housing judge to determine compliance;
- 5) Towns out of compliance would pay a fine of an unspecified amount
- 6) Challenged plans must be revised and adopted by December 31, 2025 and March 16, 2026, respectively; failure to do so would allow builder's remedy lawsuits be filed unless the municipality can prove it missed the deadline due to factors out of its control;
- 7) The establishment of two boundaries for the entire northern part of the State where three special masters will oversee all municipalities within the designated areas.
- 8) Using three factors to determine need: Equalized Nonresidential Valuation Factor; Income Capacity Factor; and the municipality Land Capacity Factor. Each factor to be weight equally;
- 9) Provides a cap on bonus credits for age-restricted housing.

**WHEREAS**, the New Jersey Legislature abdicated their responsibility to take affordable housing administration out of the courts and restore the obligation of ensuring compliance to the elected representatives of the towns that must meet this unjustifiable mandate; and

**WHEREAS**, the New Jersey Legislature acted with wanton disregard for the impact on services that such unmanageable mandates will impose on infrastructure, schools, and emergency services; and

**WHEREAS**, the Township Council of the Township of Cedar Grove stands united in opposition to the unmanageable and impractical requirements set forth by A4Aca.

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

- 1) A copy of this resolution be sent to the Governor's Office;
- 2) A copy of this resolution be sent to the Senate President;
- 3) A copy of this resolution be sent to the Speaker of the General Assembly;
- 4) A copy of this resolution be sent to the District 40 Legislators

**BE IT FURTHER RESOLVED** by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey that the Governing Body will proactively seek redress from these unmanageable mandates.

The Township Manager reported this resolution condemned the most recent legislative action that passed another bill as it related to the most recent round of affordable housing obligations coming due in 2025.

Councilman Maceri said the land capacity factor which was the reason the Township purchased 60 acres of land and committed that land to Green Acres. He said this Bill would greatly impact the Township. Councilman Maceri said by passing this resolution, the Council was stating for the record that it disagreed with this analysis. He asked Township Attorney to give a brief description of the changes. The Township Attorney explained there were three factors that were being weighed equally, but each town was different in terms of land, economics and income. He responded to weigh those equally was a broad stroke attempt to be equal, yet the process was unique which would be the challenges for each municipality.

The Township Manager reported the builder's remedy lawsuits would destroy a municipality because losing the builder's remedy immunity will took all control away from the town.

Councilman Maceri said he was in favor of the resolution and wished it had more impact on the law. He said the resolution put it out there how the Township of Cedar Grove felt about the legislation and how it affected the community.

Deputy Mayor Skabich asked for Township Attorney's explanation to be provided in layman's terms for the public.

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

AYE: Councilmember Maceri, Mega, Zazzali, Deputy Mayor Skabich

NO: None  
ABSENT: Mayor Peterson

- c) To consider Pending Ordinance #24-928 – A Capital Ordinance Providing Funding for the Purchase and Installation of Water Meters for the Township of Cedar Grove and the Appropriation \$1,500,000 for such purpose.

The Ordinance was read by title only as follows:

**PENDING ORDINANCE NO. 24-928**

**A CAPITAL ORDINANCE PROVIDING FUNDING FOR THE PURCHASE AND INSTALLATION OF WATER METERS FOR THE TOWNSHIP OF CEDAR GROVE AND APPROPRIATING \$1,500,000 FOR SUCH PURPOSE.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

**SECTION I:** The Township of Cedar Grove, in the County of Essex, New Jersey, authorizes the acquisition of water meters and their installation thereof and all work or materials necessary therefor or incidental thereto, for the Township of Cedar Grove to be funded from the sources specified in Section II of the Ordinance.

**SECTION II:** The amount of \$1,500,000 is hereby appropriated for the purposes stated in Section I of this Ordinance and which amount was funded from the capital improvement fund in the amount of \$1,500,000.

**SECTION III:** All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

**SECTION IV:** This Ordinance shall take effect immediately upon due passage and publication according to law.

Councilwoman Mega 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 1, 2024, seconded by Councilman Maceri, passed by the following vote:

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

- d) To consider Pending Ordinance No. 24-929 – An Ordinance to amend Part II, General Legislation, Chapter 208, Rental Property, of the Revised General Ordinance of the Township of Cedar Grove.

The Ordinance was read by title only as follows:

**PENDING ORDINANCE NO. 24-929****AN ORDINANCE TO AMEND PART II, GENERAL LEGISLATION, CHAPTER 208, RENTAL PROPERTY, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF CEDAR GROVE**

**WHEREAS**, The Council recognizes that unregulated short-term rentals can create disproportionate impacts related to their size, excessive occupancy, and lack of proper facilities; and

**WHEREAS**, the presence of short-term rentals of residential Dwelling Units in established residential neighborhoods can create negative compatibility impacts and nuisance violations, which include, excessive noise, excessive on-street parking, the accumulation of trash and diminished quiet use and enjoyment of property for the residents of the Township; and

**WHEREAS**, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located; and

**WHEREAS**, the Council finds that there is a substantial interest in furthering the public health, safety, and welfare by controlling density, by protecting the residential character of the areas designated for residential use, by establishing and enforcing minimum life safety standards, and by presenting the long-term rental housing market within the Township;

**NOW THEREFORE, BE IT ORDAINED**, by the Governing Body of the Township of Cedar Grove, located in the County of Essex, State of New Jersey, that Part II, General Legislation, Chapter 208, Rental Property, is hereby amended to include the following:

Section 1. Part II, General Legislation, Chapter 208, Rental Property, is hereby amended to include Article III, Short-Term Rental Property, to read as follows:

Article III Short-Term Rental Property

**§208-26 Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**ADVERTISE or ADVERTISING**

Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for the rental of Dwelling Units in violation of this article.

**CONSIDERATION**

Soliciting, charging, demanding, receiving or accepting any legally recognized form of currency in the form of rent or fees, or other form of payment, as well as, a promise or benefit, a quid pro quo, or thing of value.

**DWELLING UNIT**

Any structure, or portion thereof, whether furnished or unfurnished, which is occupied, in whole or in part, or intended, arranged or designed to be occupied for sleeping, dwelling, cooking, gathering and/or entertaining, as a Residential Occupancy, by one or more Persons.

This definition includes an apartment, condominium, building, co-operative, converted space, or portions thereof, that are offered to use, made available for use, or are used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Dwelling Units and/or guest(s), for Consideration, for a period of 30 days or less.

### **DWELLING UNIT**

Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

### **OWNER**

Any Person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sublease or license (including an operator, principal, shareholder, director, agent, or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

### **PERSON**

An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any Person(s) and/or entity(ies) acting in concert or any combination thereof.

### **PROPERTY SPECIFIC AMENITIES**

An amenity related to a specific property or association, including but not limited to a swimming pool, hot tub, tennis court, basketball court, pickleball court, jungle gym, or picnic area.

### **RESIDENTIAL OCCUPANCY**

The use of a Dwelling Unit by an occupant.

#### **§208-27 Rental for certain time periods prohibited.**

- A. Notwithstanding the provisions of Chapter 135 Filming, it shall be unlawful for an Owner, lessor, sublessor, any other Person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representatives and other Person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated Consideration for soliciting, advertising, offering, and permitting, allowing, or failing to discontinue the use or occupancy of any Dwelling Unit or any associated Property Specific Amenities for a period of 29 days or less.
- B. Nothing in this article will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period of 30 days or more.

#### **§ 208-28 Advertising prohibited.**

It shall be unlawful to Advertise, solicit or promote by any means actions in violation of this article.

#### **§ 208-29 Enforcement; violations and penalties.**

- A. The provisions of this article shall be enforced by the Building Code Official, Fire Official, Health Department, other Subcode or Code Official, or their designee as their jurisdiction may arise, including legal counsel for the Township or other Persons designated by the Township Council to issue municipal civil infractions directing alleged violators of this article to appear in court or file civil complaints.
- B. A violation of this article is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare
- C. Any Person or Owner found to have violated any provision of this article, without regard to intent or knowledge, shall be liable for a civil penalty, upon adjudicated violation or admission as follows: A \$500.00 fine for the first offense; A \$750.00 fine for the second offense; and \$1,250.00 for the third offense and each offense thereafter. Each day of such violation shall be a new and separate violation of this article.
- D. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Township's Municipal Court or the Superior Court of New Jersey in the vicinage of Essex County, or in such other court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

Section 2. In case, for any reason, any portion or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other portion or provision of this Ordinance, except so far as the portion or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 3. This Ordinance shall be part of the Code of the Township of Cedar Grove as though codified and fully set forth therein. The Township Clerk shall have this Ordinance codified and incorporated in the official copies of the Code.

Section 4. This Ordinance shall take effect immediately upon publication and final passage according to law.

**BE IT FURTHER RESOLVED** by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey that the Governing Body will proactively seek redress from these unmanageable mandates.

The Township Clerk explained this ordinance addressed short term rentals of homes and use of the amenities therein. She reported the Township recently received complaints from tenants of illegal apartments in which the Township had no mechanism in place to enforce the rental of dwellings. She also reported that the Police Department received calls to scenes where amenities were rented for a few hours causing safety hazards to those responding, including, but not limited to access to the property due to excessive parking which made it difficult for a fire truck or ambulance to traverse the property.

Councilwoman Mega 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 1, 2024, seconded by Councilman Zazzali, and passed by the following vote:

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

**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 \$3,074,890.59.

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

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

**9. AGREEMENTS AND CONTRACTS**

a) To consider resolution concerning award of contract for Township Planner to the Planning Board and Zoning Board of Adjustment to Jason Kasler, PP of Kasler Associates.

**WHEREAS**, there exists a need for planning services for the Township of Cedar Grove, and funds are available for this purpose; and

**WHEREAS**, such services were solicited pursuant to N.J.S.A. 19:44A-20.1 et seq. under a fair and open process; and

**WHEREAS**, qualifications/proposals for said services were received and publicly opened by the Township Clerk on January 23, 2024 as follows:

Kasler & Associates	Springfield, NJ
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**NOW, THEREFORE, BE IT RESOLVED** by the Township Council that Jason Kasler, AICP, PP of Springfield, New Jersey is hereby re-appointed for the calendar year 2024 to provide the planning services for the Township in accordance with the proposal dated January 23, 2024.

**BE IT FURTHER RESOLVED** that the resolution and agreement can be reviewed in the Township Clerk’s Office.

**BE IT FURTHER RESOLVED** that a notice in accordance with the Local Public Contracts Law of New Jersey shall be published in the Verona-Cedar Grove Times.

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

AYE: Councilmember Maceri, Mega, Zazzali, Deputy Mayor Skabich

NO: None

ABSENT: Mayor Peterson

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

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

1. Steve Young – Steve Young gave credit to the other volunteers who worked on the community garden. He said he was working with the High School students again. Mr. Young asked about changing the route for the Memorial Day Parade.

The Township Manager reported that he spoke with the DOT which did not want any part of closing Route 23. The Township Manager explained this year would be slightly exacerbating because of the work to be done by PSEG. The Township Manager said the Township planned a barbecue and ceremony at Community Park with the Fire and Police Departments and the Ambulance and Rescue Squad. He mentioned Veterans would be involved in planning a proper ceremony to honor their service to the country and honor and pay tribute to fallen soldiers.

There being no one else present wishing to be heard, Deputy Mayor Skabich closed the 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 March 4, 2024.
2. The general nature of the subject matters to be discussed are personnel 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 Maceri moved adoption of the resolution, seconded by Councilman Zazzali, and passed by the following vote:

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

**11. ADJOURNMENT**

Councilman Maceri moved adjournment of the public council meeting, seconded by Councilman Zazzali, and passed by the following vote:

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

The meeting adjourned at 7:53 PM.

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MELISSA SKABICH DEPUTY MAYOR

ATTEST:

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DALE A. FORDE MUNICIPAL CLERK