

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

PUBLIC MEETING

MINUTES

SEPTEMBER 9, 2024

1. ROLL CALL, INVOCATION AND FLAG SALUTE

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

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

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

Absent: Mayor Skabich

The flag salute was led by Deputy Mayor Mega.

Deputy Mayor Mega 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 Meetings Act.

2. EXTRAORDINARY BUSINESS OF THE TOWNSHIP COUNCIL

a) To consider resolution appointing the Municipal Court Judge.

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

A RESOLUTION APPOINTING ROBERT J. CANDIDO, ESQ., THROUGH A FAIR AND OPEN PROCESS TO SERVE AS MUNICIPAL COURT JUDGE IN AN AMOUNT NOT TO EXCEED \$40,000 ANNUALLY

WHEREAS, the Township of Cedar Grove has the need to acquire a Municipal Court Judge as professional service and has solicited proposals through a fair and open process pursuant to the provisions of N.J.S. A. 19:44A-20.5; and

WHEREAS, the Township of Cedar Grove opened proposals on Wednesday, August 7, 2024 at 10:00 AM and reviewed proposals; and

WHEREAS, Robert J. Candido, Esq., who has served as Municipal Prosecutor for the Township of Cedar Grove for thirty-three (33) years, submitted a proposal and possesses the necessary qualifications to be appointed Municipal Court Judge;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove of Essex, New Jersey, that ROBERT J. CANDIDO, ESQ. is hereby appointed as the Municipal Court Judge of the Township of Cedar Grove, with all the powers and

duties pertaining to said office, to serve for a three-year term, commencing September 22, 2024, and terminating September 22, 2027.

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

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

Stephen J. Candido administered the Oath of Office to Municipal Judge Robert J. Candido.

Judge Candido thanked Members of Council, the Township Manager, the Police Chief and his Department. He thanked his family and friends.

Members of Council congratulated Judge Candido.

- b) To consider resolution appointing the Municipal Prosecutor.

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

A RESOLUTION APPOINTING KRISTIN M. CORRADO, ESQ., TO SERVE AS MUNICIPAL PROSECUTOR FOR THE TOWNSHIP OF CEDAR GROVE FOR AN UNEXPIRED TERM COMMENCING SEPTEMBER 10, 2024, AND TERMINATING DECEMBER 31, 2024.

WHEREAS, a vacancy has occurred in the office of Municipal Prosecutor for the Township of Cedar Grove; and

WHEREAS, a Municipal Prosecutor is a professional service which is a recognized profession, regulated by law requiring extensive and specialized training and as such is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5 et. seq.; and

WHEREAS, Kristin M. Corrado, Esq. possesses the knowledge, skills, and expertise for the position of Municipal Prosecutor.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove of Essex, New Jersey, hereby appoints KRISTIN M. CORRADO, ESQ. to serve as Municipal Prosecutor for the Township of Cedar Grove for an unexpired term commencing September 10, 2024, and terminating December 31, 2024 in the amount of \$7,000.00.

BE IT FURTHER RESOLVED that the Municipal Clerk & Township Manager are authorized to execute an agreement pertaining to this appointment.

BE IT FURTHER RESOLVED that notice of this appointment shall be published in the Verona-Cedar Grove Times.

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

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

Councilwoman Peterson administered the Oath of Office to Municipal Prosecutor Kristin Corrado.

Municipal Prosecutor Corrado thanked the Members of Council and the Township Manager. She congratulated Judge Candido and shared she had big shoes to fill.

Members of Council congratulated Municipal Prosecutor Corrado.

3. APPROVAL OF MINUTES

- a) To consider approval of minutes of regular public meeting – August 5, 2024.

Councilman Zazzali moved approval of the minutes as presented, seconded by Councilman Maceri, and passed by the following vote:

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

4. PUBLIC HEARING

- a) To consider adoption of Pending Ordinance No. 24-938 – A Capital Ordinance Providing Funding for Various Improvements for the Township of Cedar Grove and Appropriating \$1,900,000 for such purpose.

The Ordinance was read by title only as follows:

PASSED CAPITAL ORDINANCE NO. 24-938

A CAPITAL ORDINANCE PROVIDING FUNDING FOR VARIOUS IMPROVEMENTS FOR THE TOWNSHIP OF CEDAR GROVE AND APPROPRIATING \$1,900,000 FOR SUCH PURPOSE.

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

Councilwoman Peterson 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 Maceri and passed by the following vote:

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

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

Deputy Mayor Mega 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 Mega closed this portion of the meeting.

6. REPORTS OF TOWNSHIP OFFICIALS

a) Township Manager – The Township Manager reported as of Friday, 182 homes signed up for the Township Wide Garage Sale, which was scheduled for Saturday, September 14 with a rain date scheduled for September 21. He reported a list will be produced, and a map will be published this week. The Township Manager reported The Cedar Grove Volunteer Fire Department will be hosting a 9/11 Ceremony this Wednesday, September 11, at 9:00 am at Cedar Grove High School. The Township Manager provided paving and meter installation updates the Council. The Township Manager reported the Tenth Anniversary of Real Panthers Wear Pink was scheduled for October 17, 2024 at Panther Park at 6:00 PM. The Township Manager reported the Township was now on Edmunds for online payments. The Township Manager reported the Township switched from Remynder App to Recycle Coach. He explained the app would provide updates for garbage and recycling and allow the Township to receive complaints and advise specific streets of any issues.

b) Township Clerk – No Report.

c) Township Attorney – No Report.

d) Other Reports

Councilwoman Peterson – Councilwoman Peterson thanked the Fire Department for arranging the September 11th ceremony. She indicated she looked forward to it.

Councilman Zazzali – Councilman Zazzali reported he met with the Township Manager and Township Engineer. He reported that they visited the Peckman River, the center of Town and the Department of Public Works. He reported that he learned the DEP permitting process.

Councilman Maceri – Councilman Maceri acknowledged and thanked Judge Nicholas Brindisi for his contributions to the community. Councilman Maceri said the 9/11 Ceremony was getting bigger and bigger each year. He said it was a great event for the Town.

Deputy Mayor Mega – Deputy Mayor Mega wished students, faculty and parents a great school year. Deputy Mayor Mega commended PSE&G and MeterTek on the ease of replacing the gas main and water meters. Deputy Mayor Mega commended the Historical Society for Morgan's Farm. She reported the annual Pumpkin and Apple Sale with a petting zoo, face painting and balloon animals was scheduled for October 5th-6th from 10AM-

4PM. She reported the Fish and Chips Grab and Go on October 16th from 5PM-7PM. She reported that tickets were \$20. Deputy Mayor Mega reported the tenth annual Real Panther Wear Pink Walk at Panther Park on October 17th. Deputy Mayor Mega wished everyone well during the town-wide garage sale. Deputy Mayor Mega asked residents to attend the CGFD 9/11 Ceremony to honor the fallen.

7. CONSENT AGENDA

- a) To consider resolution concerning approval of raffle application – AAPI Montclair, Inc.

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

AAPI Montclair, Inc.
30 Norman Road
Montclair NJ 07043

EVENTS, DATES TIMES & PLACE

On Premise 50/50 Raffle Games to be held
November 15, 2024 at 6:30 PM – 11:30 PM at
The Grove
691 Pompton Ave, Cedar Grove NJ 07009

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

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

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

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

- b) To consider resolution concerning approval of raffle application – Cedar Grove Elks Lodge #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 #2237
405 Bowden Road
Cedar Grove NJ 07009

EVENTS, DATES TIMES & PLACE

Off Premise Raffle Games to be held
January 26, 2025 at 6:00 PM 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.

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

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

NO: None

ABSENT: Mayor Skabich

- c) To consider resolution authorizing a donation from Michael and Rosanne Codella.

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 AUTHORIZING THE ACCEPTANCE OF A DONATION FROM CEDAR GROVE RESIDENTS MICHAEL AND ROSANNE CODELLA IN THE AMOUNT OF \$1,500.00 FOR THE DONATION OF POLICE BODY ARMOR.

WHEREAS, Michael A. Codella Jr. was a Cedar Grove Police Officer for thirty-one (31) years; and

WHEREAS, Michael A. Codella Jr. passed away on Saturday, July 20, 2024; and

WHEREAS, the family of Michael A. Codella Jr. donated one-thousand-five-hundred dollars (\$1,500.00) to the Township of Cedar Grove for the purchase of police body armor; and

WHEREAS, the Township of Cedar Grove graciously accepts this donation of \$1,500.00 for the Cedar Grove Police Department.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey graciously accepts Michael and Rosanne Codella’s generous donation of \$1,500.00 to be put toward the purchase of new police body armor.

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

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

NO: None

ABSENT: Mayor Skabich

- d) To consider resolution authorizing the Police Department to participate in a Defense Logistics Agency, Law Enforcement Support of Office 1033 Program.

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

RESOLUTION AUTHORIZING THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF CEDAR GROVE THROUGH THE CEDAR GROVE POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE 1033 PROGRAM TO ENABLE THE CEDAR GROVE POLICE DEPARTMENT TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS, the United States Congress authorized the Defense Logistics Agency (“DLA”) Law Enforcement Support Office (“LESO”) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to Municipal, County, and State Law enforcement agencies; and

WHEREAS, DLA rules mandate all equipment acquired through the 1033 Program remain under the control of the requesting law enforcement agency; and

WHEREAS, participation in the 1033 Program allows municipal and county law enforcement agencies to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county law enforcement agencies, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property and for specialized training on the operation of any acquired property; and

WHEREAS, N.J.S.A. 40A:5-3.02 requires the Governing Body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the Cedar Grove Police Department is hereby authorized to enroll in the 1033 Program for a period from October 1, 2024, until December 31, 2024.

BE IT FURTHER RESOLVED that the Cedar Grove Police Department is hereby authorized to acquire items of non-controlled property designated “DEMIL A,” which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of non-military nature identified by LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Cedar Grove Police Department without restrictions.

BE IT FURTHER RESOLVED that the Cedar Grove Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property.

BE IT FURTHER RESOLVED that the Cedar Grove Police Department shall provide a quarterly account of all property obtained through the 1033 Program which shall be available to the public upon request.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property that may be available through the 1033 Program during the period of time for which this resolution authorizes: with Program participation and all property request authorization terminating on December 31st of the calendar year from October 1, 2024, to December 31, 2024.

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

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

NO: None

ABSENT: Mayor Skabich

- e) To consider resolution appointing the Municipal Housing Liaison and Deputy Liaison.

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

RESOLUTION APPOINTING MUNICIPAL HOUSING LIAISON FOR THE TOWNSHIP OF CEDAR GROVE

WHEREAS, the Township of Cedar Grove’s Housing Element and Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) applicable Council on Affordable Housing (“COAH”) regulations and Uniform Housing Affordability Controls (“UHAC”) regulations; and

WHEREAS, the Township of Cedar Grove is required to appoint a Municipal Housing Liaison for the administration of Cedar Grove’s affordable housing program to enforce the requirements of applicable COAH and UHAC regulations; and

WHEREAS, the Township of Cedar Grove’s Municipal Code §80-19 sets forth the requirements of the Municipal Housing Liaison to administer the Township’s affordable housing program.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, in the County of Essex, State of New Jersey, that the following individuals are hereby appointed as Municipal Housing Liaison and Deputy Municipal Housing Liaison for the administration of the Township’s affordable housing program.

- 1) Joseph M. Zichelli, Esq., Township Manager: Municipal Housing Liaison
- 2) Rebecca M. Roth, CMFO, Chief Financial Officer; Deputy Municipal Housing Liaison

BE IT FURTHER RESOLVED that the Municipal Housing Liaison shall receive an annual stipend of six-thousand dollars (\$6,000) and the Deputy Municipal Housing Liaison

shall receive an annual stipend of three-thousand dollars (\$3,000) to be paid for out of the Affordable Housing Trust Fund.

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

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

NO: None

ABSENT: Mayor Skabich

- f) To consider resolution authorizing Disabled Veteran Tax Exemption Status.

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

RESOLUTION AUTHORIZING TAX EXEMPTION DUE TO PERMANENTLY AND TOTALLY DISABLED VETERAN STATUS AS PER N.J.S.A. 54:4-3.30, BLOCK 120 LOT 86, 58 EAST BRADFORD AVENUE, NICK KAEL

WHEREAS, Nick Kael has provided a document from the Department of Veterans Affairs which discloses that his wartime service-connected disability is totally disabling in accordance with New Jersey State Statute N.J.S.A. 54:4-3.30, and

WHEREAS, the cancellation of taxes should be effective June 17, 2024, the date the application was filed with the Tax Assessor, and

WHEREAS, the Tax Assessor has reviewed the documentation and recommend the following:

- 1) Cancel 197 days of 2024 taxes pro-rated from the application date of 6/17/24: \$6,603.00
- 2) Cancel the preliminary 2025 tax billing: \$6,133.75
- 3) Total refund due to overpayment of 2024 taxes: \$459.87

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, in the County of Essex, State of New Jersey, that the recommendations of the Tax Assessor are hereby adopted.

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

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

NO: None

ABSENT: Mayor Skabich

8. NEW BUSINESS

- a) To consider resolution authorizing Change Order No. 2, Payment No. 2, Payment No. 3 and the Release of Performance Bond and Acceptance of the Maintenance Bond to D&L Paving Contractors for the Reconstruction of the Little Falls Basketball Courts.

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

AUTHORIZING CHANGE ORDER NO. 2, PAYMENT NO. 2, PAYMENT NO. 3, AND THE RELEASE OF PERFORMANCE BOND AND ACCEPTANCE OF THE MAINTENANCE BOND OF D&L PAVING CONTRACTORS FOR THE RECONSTRUCTION OF THE LITTLE FALLS ROAD BASKETBALL COURTS FOR THE BID AWARDED ON SEPTEMBER 11, 2023 – OVERALL INCREASE OF \$7,346.40-- TOTAL NOT TO EXCEED \$138,902.80.

WHEREAS, a Contract was awarded by the Township Council at a meeting held on September 11, 2023, to D&L Paving Contractors for the Reconstruction of Basketball Courts on Little Falls Road, Agenda Item #4(A); and

WHEREAS, it has been determined that certain changes and modifications were needed, and

WHEREAS, Change Order 1, approved on January 22, 2024, increased the amount of the Contract by \$8,846.80 which was 6.72% more than the original Contract award; and

WHEREAS, Change Order 2 now decreases the amount of the Contract by \$1,500.40 which is 1.11% less than the original Contract award; and

WHEREAS, Payment No. 1 was approved on January 22, 2024, in the amount of \$116,034.74; and

WHEREAS, both change orders resulted in a 5.58% net increase to the original Contract price; and

WHEREAS, the Maintenance Bond has now been received, reviewed, and approved by the Township Manager.

NOW, THEREFORE BE IT HEREBY RESOLVED by the Township Council of the Township of Cedar that Change Order No. 2, decreasing the Contract in the amount of \$1,500.40, for a total not to exceed \$138,902.80 is hereby approved.

BE IT FURTHER RESOLVED that the Township Council of the Township of Cedar Grove authorizes Payment No. 2 in the amount of \$20,090.00 and Payment No. 3 in the amount of \$2,778.06 to D& L Paving Contractors.

BE IT FURTHER RESOLVED that the Township Council of the Township of Cedar Grove hereby accepts Maintenance Bond No. B 1289071 dated August 6, 2024, in the amount of \$34,726.00 which is on file in the Office of the Township Clerk, and hereby authorizes the release of Performance Bond No. B 1289071 and that final payment is hereby authorized to be released.

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

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

NO: None

ABSENT: Mayor Skabich

- b) To consider resolution authorizing award of the 2024 Paving Contract through the Morris County Cooperative Pricing Council to Cifelli & Son General Contracting, Inc. in an amount not to exceed \$43,670.

A RESOLUTION AUTHORIZING AWARD OF THE 2024 PAVING CONTRACT THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL (“MCCPC”) CONTRACT NO. 6, CATEGORY E, DISTRICT NO. 3, ITEM B, NOS. 1 AND 3 “GRANITE AND CONCRETE VERTICAL CURB” TO CIFELLI & SON GENERAL CONTRACTING, INC., OF 81 FRANKLIN AVENUE, NUTLEY, NEW JERSEY IN AN AMOUNT NOT TO EXCEED \$43,670.

WHEREAS, the Township of Cedar Grove wishes to proceed with the 2024 Curb Reconstruction Program through the MCPPC Contract #6, Category E, District No. 3, Item B, NOS.1 and 3, awarded to Cifelli & Son General Contracting, Inc., of 81 Franklin Avenue, Nutley, New Jersey; and

WHEREAS, the total cost of this shall not exceed \$43,670; and

WHEREAS, there are sufficient funds available in the 2024 Capital Budget Account Number C-04-55-6078-2401 in the amount of \$312,155.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that a contract be awarded to Cifelli & Son General Contracting, Inc for the 2024 Curb Reconstruction Program.

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

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

NO: None

ABSENT: Mayor Skabich

- c) To consider resolution authorizing award of the 2024 Paving Contract through Morris County Cooperative Pricing Council to Riverview Paving in an amount not to exceed \$268,485.

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

A RESOLUTION AUTHORIZING AWARD OF THE 2024 PAVING CONTRACT THROUGH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL

(“MCCPC”) CONTRACT NO. 6, CATEGORY A, DISTRICT NO. 3, ITEMS 1 AND 3 AND CATEGORY B, DISTRICT NO. 3, ITEMS 1 AND 3 “ROAD RESURFACING” TO RIVERVIEW PAVING OF 859 WILLOW GROVE STREET, HACKETTSTOWN, NEW JERSEY, 07840 IN AN AMOUNT NOT TO EXCEED \$268,485.

WHEREAS, the Township of Cedar Grove wishes to proceed with the 2024 Road Resurfacing Program through the MCCPC No. 6, Category A, District No. 3, Items 1 And 3 and Category B, District No. 3, Items 1 And 3, awarded to Riverview Paving, located at 854 Willow Grove Street, Hackettstown, New Jersey; and

WHEREAS, the total cost of this shall not exceed \$268,485; and

WHEREAS, there are sufficient funds available in the 2024 Capital Budget Account Number C-04-55-6078-2401 in the amount of \$312,155.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove, County of Essex, State of New Jersey, that a contract be awarded to Riverview Paving for the 2024 Road Resurfacing Program.

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

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

- d) To consider resolution cancelling sewer utility debt.

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

RESOLUTION TO CANCEL SEWER CAPITAL APPROPRIATION BALANCES FOR COMPLETED PROJECTS

WHEREAS, certain Capital Improvement appropriation balances exist in the Sewer Utility Capital Appropriations and said balances remain dedicated to projects now completed or no longer needed; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to the Sewer Utility Capital Fund Balance and unused debt authorizations may be canceled.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that the following unexpended and dedicated balances of the Sewer Utility Capital Appropriations are hereby canceled.

ORD NO.	PROJECT DESCRIPTION	FUNDED	UNFUNDED
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14-774	Various Sewer Utility Improvements; acquisition of communication equipment; improvements to Woodmere Road Storm Sewer; painting of the equalization tank; N.J.S.A §40 Costs,	\$124,766.46	\$0

TOTAL TO BE CANCELED: \$124,766.46

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

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

- e) To consider introduction of Pending Capital Ordinance No. 24-939 – A Capital Ordinance providing funding for Various Sewer Utility Improvements for the Township of Cedar Grove and Appropriating \$124,766.46 for such purpose.

The Ordinance was read by title only as follows:

A CAPITAL ORDINANCE PROVIDING FUNDING FOR VARIOUS SEWER UTILITY IMPROVEMENTS FOR THE TOWNSHIP OF CEDAR GROVE AND APPROPRIATING \$124,766.46 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 1. The Township of Cedar Grove, in the County of Essex, New Jersey, authorizes various sewer utility improvements, including but not limited to improvements to the wastewater treatment plant, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk, to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$124,766.46 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Sewer Utility Capital Fund Balance in the amount of \$124,766.46.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Township determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Township of Cedar Grove may lawfully make as a general improvement.

Section 4. 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 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Deputy Mayor Mega moved adoption of the resolution, seconded by Councilman Maceri passed by the following vote:

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

9. APPROVAL OF BILLS

The Bill Resolution was read by title and amount as follows:

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 \$887,883.97.

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

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

10. CONTRACTS AND AGREEMENTS

- a) To consider resolution authorizing award of contract for professional land surveying and engineering design services for the Reconstruction of the Playground at Community Park to Suburban Consulting Engineers, Inc for an amount not to exceed \$60,575.00.

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

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL LAND SURVEYING AND ENGINEERING DESIGN SERVICES FOR THE RECONSTRUCTION OF THE PLAYGROUND AT COMMUNITY PARK TO SUBURBAN CONSULTING ENGINEERS, INC., OF 96 US 206 #101, FLANDERS, NEW JERSEY, 07836 FOR AN AMOUNT NOT TO EXCEED \$60,575.00.

WHEREAS, N.J.S.A. 40A:11-5 states “no local unit shall be required to advertise for bids for professional services”; and

WHEREAS, the Township wishes to retain Suburban Consulting Engineers, Inc., to provide land surveying and engineering design services for the reconstruction of the playground at Community Park; and

WHEREAS, there are sufficient funds available through the Capital Improvement Fund and a New Jersey Department of Environmental Protection (NJDEP) Jake’s Law Grant; and

WHEREAS, the Township previously received award notification of a grant from the NJDEP in the amount of \$750,000 to offset the costs of this reconstruction.

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:

1. The Township Council hereby awards a contract to Suburban Consulting Engineers, Inc., having offices at 96 US 205 #101, Flanders, New Jersey, 07836, to provide land surveying and engineering design services for the reconstruction of the playground at Community Park in an amount not to exceed \$60,575.00.
2. The Township Manager and Township Clerk are hereby authorized and directed to execute a contract with Suburban Consulting Engineers, Inc., in accordance with its proposal to provide land surveying and engineering design services for the reconstruction of the playground at Community Park.
3. There are sufficient funds available through the Capital Improvement Fund and a NJDEP Jake's Law Grant.
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

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

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

- b) To consider resolution authorizing award of contract for professional land surveying and engineering design services for the Reconstruction of Devonshire Road and Devonshire Road South to Suburban Consulting Engineers, Inc., of 96 US 206 #101, Flanders, New Jersey 07836 for an amount not to exceed \$39,450.00.

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

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL LAND SURVEYING AND ENGINEERING DESIGN SERVICES FOR THE RECONSTRUCTION OF DEVONSHIRE ROAD AND DEVONSHIRE ROAD SOUTH TO SUBURBAN CONSULTING ENGINEERS, INC., OF 96 US 206 #101, FLANDERS, NEW JERSEY, 07836 FOR AN AMOUNT NOT TO EXCEED \$39,450.00.

WHEREAS, N.J.S.A. 40A:11-5 states "no local unit shall be required to advertise for bids for professional services"; and

WHEREAS, the Township wishes to retain Suburban Consulting Engineers, Inc., to provide land surveying and engineering design services for the reconstruction of Smith Place and Carlson Parkway; and

WHEREAS, there are sufficient funds available through the Capital Improvement Fund and a New Jersey Department of Transportation (NJDOT) Local Aid Infrastructure Funding Grant; and

WHEREAS, the Township previously received award notification of a grant from the New Jersey Department of Transportation in the amount of \$350,000 to offset the costs of this reconstruction.

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:

1. The Township Council hereby awards a contract to Suburban Consulting Engineers, Inc., having offices at 96 US 205 #101, Flanders, New Jersey, 07836, to provide land surveying and engineering design services for the reconstruction of Devonshire Road and Devonshire Road South in an amount not to exceed \$39,450.00.
2. The Township Manager and Township Clerk are hereby authorized and directed to execute a contract with Suburban Consulting Engineers, Inc., in accordance with its proposal to provide land surveying and engineering design services for the reconstruction of Devonshire Road and Devonshire Road South.
3. There are sufficient funds available through the Capital Improvement Fund and a NJDOT Aid Infrastructure Funding Grant;
4. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

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

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

- c) To consider resolution authorizing settlement of Tax Appeals captioned Health Resources of Cedar Grove, Inc. by 536 Ridge Road Operations, LLC v. Township of Cedar Grove and Complete Care at Waterview, LLC et. al. v. Township of Cedar Grove

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

RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEALS CAPTIONED HEALTH RESOURCES OF CEDAR GROVE, INC. BY 536 RIDGE ROAD OPERATIONS, LLC (TAXPAYER) V. TOWNSHIP OF CEDAR GROVE and

COMPLETE CARE AT WATERVIEW, LLC, ET AL. V. TOWNSHIP OF CEDAR GROVE

WHEREAS, Health Resources of Cedar Grove, Inc. by 536 Ridge Road Operations, LLC was the owner and/or taxpayer of real property located at 536 Ridge Road in the Township of Cedar Grove and identified as Block 222, Lot 40, on the official Tax Map of the Township of Cedar Grove for a portion of tax year 2021; and

WHEREAS, Complete Care at Waterview LLC (d/b/a Complete Care at Cedar Grove), tenant in a parcel owned by Waterview Realty LLC is the owner and/or taxpayer of real property located at 536 Ridge Road in the Township of Cedar Grove and identified as Block 222, Lot 40, on the official Tax Map of the Township of Cedar Grove for a portion of tax year 2021 and for tax years 2022 through 2024; and

WHEREAS, taxpayers have filed property tax appeals against the Township of Cedar Grove for tax years 2021, 2022, 2023 and 2024 in matters entitled Health Resources of Cedar Grove, Inc. by 536 Ridge Road Operations, LLC (Taxpayer) v. Township of Cedar Grove and Complete Care at Waterview LLC (d/b/a Complete Care at Cedar Grove), tenant in a parcel owned by Waterview Realty LLC v. Township of Cedar Grove, which are presently pending in the Tax Court of New Jersey; and

WHEREAS, it has been determined that the proposed settlement offer is in the best interest of the Township of Cedar Grove; and

WHEREAS, the Township of Cedar Grove wishes to accept the proposed settlement offer of Counsel for the taxpayer.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Cedar Grove that Township of Cedar Grove is hereby authorized to accept the proposed settlement offer for the matters entitled Health Resources of Cedar Grove, Inc. by 536 Ridge Road Operations, LLC (Taxpayer) v. Township of Cedar Grove and Complete Care at Waterview LLC (d/b/a Complete Care at Cedar Grove), tenant in a parcel owned by Waterview Realty LLC v. Township of Cedar Grove, as follows:

Tax Year	Current Assessment	General Tax Rate (incl. garbage rate)	Proposed Assessment
2021	\$11,875,000	2.533%	\$11,138,700
2022	\$11,875,000	2.564%	\$10,916,200
2023	\$11,875,000	2.610%	\$10,749,900
2024	\$11,138,700	2.614%	\$10,690,500

BE IT FURTHER RESOLVED that the governing body acknowledges the Tax Assessor’s agreement to set the 2025 assessment at \$10,659,100.

BE IT FURTHER RESOLVED that the Township Manager, Township Clerk and Township’s Tax Appeal Attorney are hereby authorized and directed to execute any other documents necessary to effectuate the purpose of this Resolution.

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

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

- d) To consider resolution authorizing award of a non-fair and open contract for special litigation counsel to Trif and Modugno LLC, Attorneys-At-Law – Total Not to Exceed \$42,000.00.

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

A RESOLUTION AUTHORIZING AWARD OF A NON-FAIR AND OPEN CONTRACT FOR SPECIAL LITIGATION COUNSEL TO TRIF AND MODUGNO LLC, ATTORNEYS-AT-LAW, WITH OFFICES AT 89 HEADQUARTERS PLAZA, NORTH TOWER, SUITE 1201, MORRISTOWN, NEW JERSEY, 07960, TOTAL NOT TO EXCEED \$42,000.

WHEREAS, the Township of Cedar Grove has a need to acquire professional services of a construction litigator through a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5, et. seq.; and

WHEREAS, the practice of law is a recognized profession, regulated by law, requiring extensive and specialized training and, as such, is an exception to the bidding requirements set forth in N.J.S.A. 40A:11-5, et. seq.; and

WHEREAS, the Township Manager has determined and certified in writing that the value of the service will exceed \$17,500; and

WHEREAS, there are available funds in the professional services line of Capital Ordinance #24-938.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Cedar Grove authorizes the execution of a contract between the Township of Cedar Grove and Trif and Modugno, LLC, with offices located at 89 Headquarters Plaza, North Tower, Suite 1201, Morristown, New Jersey, 07960, in an amount not to exceed \$42,000.

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

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

- e) To consider resolution authorizing the renewal of membership with the New Jersey Intergovernmental Insurance Fund (NJIIF).

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

RESOLUTION AUTHORIZING THE RENEWAL OF MEMBERSHIP IN THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND

WHEREAS, the Township Council of the Township of Cedar Grove (hereinafter the “Local Unit”) has determined that Membership in the New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund”) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), is in the best interest of the municipality.

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

SECTION 1. The Township of Cedar Grove hereby agrees to continue as a member in the “Fund” for a period commencing on 01/01/2025 and terminating on 12/31/2027 for the following types of insurance coverage:

- a) Workers Compensation and Employers Liability
- b) General Liability (including Police Professional & Public Officials Liability);
- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, Crime and Boiler & Machinery)
- e) Environmental Impairment Liability
- f) Cyber Liability

SECTION 2. Local Unit agrees to enter into and abide by the terms of the Indemnity and Trust Agreement, attached hereto as Exhibit 1. Local Unit hereby authorizes and directs Township of Cedar Grove to execute the Indemnity and Trust Agreement, and such other documents as are necessary to comply with the requirements if the Fund.

SECTION 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund are hereby adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the “Fund” according to the rights and obligations set forth therein.

SECTION 4. The Local Unit certifies that it has never defaulted on claims under a self-insurance plan and that it has not had its insurance canceled for non-payment of premium for a period of at least two (2) years prior to this application.

SECTION 5. Inconsistent Resolutions. All resolutions or parts thereof that are or may be, inconsistent with provisions of this Resolution are hereby repealed to the extent of such inconsistency.

SECTION 6. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Resolution shall be deemed valid and effective.

SECTION 7. Effective Date. This Resolution shall take effect upon its passage.

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

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

NO: None

ABSENT: Mayor Skabich

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

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

1. Kate Hartwyk: Ms. Hartwyk announced upcoming County events.
2. Steve Young: Mr. Young thanked the DPW for maintenance around Morgan's Farms. He thanked the Township for the repairs and painting of the barn. He thanked the volunteers at the community garden. He indicated he was looking forward to getting students from neighboring towns to participate in the community garden as well.

There being no one else present wishing to be heard, Deputy Mayor Mega 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 September 9, 2024.
2. The general nature of the subject matter to be discussed is personnel and contract negotiations.
3. It is anticipated at this time that the above stated subject matter will be made public as soon thereafter as it is deemed in the public interest to do so.
4. This Resolution shall take effect immediately.

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

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

12. ADJOURNMENT

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

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

The meeting adjourned at 8:03 PM.

MICHELE MEGA DEPUTY MAYOR

ATTEST:

DALE A. FORDE MUNICIPAL CLERK