

TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY



TOWNSHIP COUNCIL AGENDA

REGULAR MEETING

7:00 P.M.

OCTOBER 21, 2019

Municipal Building, 600 Bloomfield Avenue

A. CALL TO ORDER

1. Open Public Meetings Act Compliance Statement

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. MAYOR'S REPORT

1. Julius N. Coltre, Essex County Liaison
2. Environmental Commission Poster Contest Winners
3. Verona Fights Hunger Week Proclamation – Junior Woman's Club

E. REPORT OF MANAGER

F. COUNCILMEMBERS' REPORTS

G. HEARING ADOPTION OR AMENDMENT OF ORDINANCES

1. Ordinance No. 2019-33 Bond – Swimming Pool Utility (\$850,000)***
2. Ordinance No. 2019-34 Tree Preservation, Removal & Replacement

H. PROPOSED ORDINANCES

CONSENT AGENDA

I. MINUTES

1. October 7, 2019 – Regular Meeting

J. PROPOSED RESOLUTIONS

1. Resolution No. 2019-____ Cancellation of Taxes – 201 Bloomfield Avenue
2. Resolution No. 2019-____ Award Contract 19-02A – Linn Drive
Reconstruction Rebid (\$569,759.31)
3. Resolution No. 2019-____ Award Contract to Reiner Pump Systems, Inc.
(\$39,900.00)
4. Resolution No. 2019-____ Obsolete Equipment
5. Resolution No. 2019-____ Executive Session

TOWNSHIP COUNCIL AGENDA

OCTOBER 21, 2019

K. LICENSES AND PERMITS

1. Limousine License Renewal – Corina Transportation – 62 Otsego Road

L. ADDENDUM

M. NEW/UNFINISHED BUSINESS

N. PUBLIC COMMENT

O. EXECUTIVE SESSION

1. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
 - NJ DEP Lab Certification
 - Township Manager Contract
2. Pending, Ongoing, or Anticipated Litigation pursuant to *N.J.S.A. 10:4-12 (7)*
 - Docket No. ESX-L-781-19 (Jennifer Kiernan vs. Township of Verona)
 - Docket No. ESX-L-2391-19 (Erika Varela vs. Township of Verona, Matthew Cavallo)

P. ADJOURNMENT

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE NO. 2019-33

**BOND ORDINANCE PROVIDING FOR POOL IMPROVEMENTS IN AND
BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW
JERSEY, APPROPRIATING \$850,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$750,000 BONDS OR NOTES OF THE TOWNSHIP TO
FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the Township of Verona, in the County of Essex, New Jersey (the "Township"). For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of \$850,000, including the sum of \$100,000 as the down payment. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

SECTION 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$750,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is various swimming pool improvements, including the renovation of the children's pool, installation of a splash park and improvements to the swimming pool water lines, including work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

SECTION 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to

mature at such later date in accordance with applicable law. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

SECTION 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department

of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$750,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$170,000 for items of expense listed in and permitted under *N.J.S.A. 40A:2-20* is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the Township solely for purposes described in *N.J.S.A. 40A:2-7(h)*. The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to *N.J.S.A. 40A:2-47(a)* and are deductible from the gross debt of the Township pursuant to *N.J.S.A. 40A:2-44(c)*.

SECTION 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purpose described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 9. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF OCTOBER 11, 2019 AND XXXX.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: October 7, 2019
PUBLIC HEARING: October 21, 2019
EFFECTIVE DATE:

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2019-34

AN ORDINANCE REPEALING CHAPTER 136 (TREES), ESTABLISHING A
NEW CHAPTER 136 (TREE PROTECTION, REMOVAL AND
REPLACEMENT) AND AMENDING CHAPTER A175 (SCHEDULE OF FEES)
OF THE CODE OF THE TOWNSHIP OF VERONA WITH RESPECT TO THE
NEW CHAPTER

BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex, New Jersey, as follows:

SECTION 1. The language currently contained in Chapter 136 (Trees), of the Code of the Township of Verona, is hereby deleted in its entirety.

SECTION 2. There is hereby established a new Chapter 136 (Tree Protection, Removal and Replacement) of the Code of the Township of Verona, to read as follows:

§136-1 Purpose and findings of fact and purpose.

- A. The Township Council of the Township of Verona find that the preservation, maintenance, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in the removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against noise and pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; preserves and enhances the Township's physical and aesthetic appearance; and generally protects the public health and safety as well as the general welfare. It is the intent, therefore, of this Chapter to regulate and control the indiscriminate and excessive cutting of trees on private property in the Township. It is the further intent of this Chapter to encourage property owners to preserve and build around trees whenever possible.
- B. Trees are declared important cultural, ecological, scenic, and economic resources. It is recognized that there is a strong relationship between the integrity of the Township's water resources, development on steep slopes, tree removal, soil disturbance, stormwater management and the general use of the land resources; and a correlation between increased air pollution and high-density residential and commercial or industrial uses. Therefore, the Township finds that the appropriate management of these resources is an important health, safety, and general welfare concern.
- C. The enforcement of this Chapter shall be the responsibility of the Zoning Official.
- D. Each of the following agencies shall have full authority to enforce the provisions of this Chapter, including but not limited to, the power to make inspections, the issuance of summonses, the issuance of cease and desist notices, the serving of summonses and notices, the prosecution of violators of this Chapter in Municipal Court, and the prosecution of violations in any court of competent jurisdiction: Violations may be issued by the Zoning Official, the Construction Code Official, the Superintendent of Public Works, the Township Engineer, the Township Manager or a member of the Police Department.
- E. Nothing contained in this article shall be held to take away or diminish any of the powers or authority of the Shade Tree Commission pursuant to Statute.

§136-2 Definitions.

- A. As used in this Chapter, the terms hereafter set forth shall be defined and deemed to have the following meanings:

CALIPER

The diameter of a tree trunk measured in inches at the height of 4-1/2 feet above ground level on the downhill side of the tree. When multiplied, trunks are joined together below a height of 4 feet, the caliper shall be deemed to be 75% of the sum of the calipers of the individual joined trunks.

DEAD TREE

A tree that has ceased to function physiologically. Such tree is typically devoid of leaves and may have lost bark.

DIAMETER AT POINT OF MEASUREMENT or DPM

The diameter of a tree measured 4-1/2 feet (forestry method) above the ground level on the downhill side for existing trees. Trees utilized in the replacement of existing trees or proposed as part of a landscape plan shall be measured 12 inches above ground level for trees over a four-inch diameter, and the measurement shall be six inches above grade for trees up to four-inch diameter (nursery method).

DISEASED TREE

A tree that is terminally infested with fungus, virus or insects.

DRIPLINE

The circular area surrounding a tree, the radius of which area shall be the distance from the trunk of the tree to the tip of the outermost branch of the tree.

EXTRAORDINARY TREE

Any tree with a DPM of 36 inches or greater or any tree designated by the Township Council as an historic or landmark tree and such other trees or species of tree as the Council may, from time to time, designate as an extraordinary tree.

LICENSED TREE EXPERT or LICENSED TREE OPERATOR

An individual who is licensed as a Tree Expert or a Tree Operator by the State of New Jersey after successfully passing an examination administered by the Board of Tree Experts.

MANAGEMENT PLAN

Plan for the management of timbered or forested lands developed by the New Jersey Department of Environmental Protection (DEP), Bureau of Forestry, or similar state or federal agency

MATURE TREE

Any deciduous tree that has a caliper at the point of measurement of six (6) inches or more or any coniferous tree with a height of more than ten (10) feet.

REPLACEMENT TREE

A nursery-grown certified tree, having a caliper of no less than 2 inches if deciduous or a height of no less than 5 feet above the root ball if coniferous, properly balled and burlapped, and marked with a durable label indicating genus, species and variety, and satisfying the standards for nursery stock and installation thereof, set forth by the American Association of Nurserymen. Native species are encouraged to be used whenever possible. Nonbiodegradable materials such as plastic must be removed.

ROOT PROTECTION ZONE

An area extending 360° around a tree trunk for the greater of either the distance from the tree trunk to the dripline or a distance equal to caliper multiplied by one foot (twelve inches); but never less than eight feet in radius.

SIGNIFICANT TREE

A deciduous tree with a caliper that is then greater than 20 inches, or a coniferous tree with a height that is then greater than 30 feet; provided, however, that a Dogwood with a then caliper in excess of five inches shall be considered a significant tree.

SHADE TREE COMMISSION or STC

The Shade Tree Commission of the Township of Verona, including any of its duly appointed members and alternates and any of its duly authorized agents, contractors, consultants, or employees.

- B. Any term or provision of this Chapter that contemplates, directs, regulates or prohibits the doing of any act may, in applicable cases and where the context so requires, be construed to include the causing, allowing, permitting or suffering of such act to be done by others under the direction, control or supervision of the person charged therewith. Every such act shall be deemed to be within the scope of this Chapter, regardless of whether it is a deliberate, intentional, or purposeful act or a careless, negligent, or unintentional act.

§136-3 Permit required.

- A. It shall be unlawful for any person to cut, destroy, remove or trim more than thirty percent (30%), or cause to be cut, destroyed, removed or trimmed more than thirty percent (30%), any healthy mature tree upon any lands within the Township without a tree removal permit. Property owners are encouraged to keep and build structures and sidewalks around trees whenever possible. If a tree on private property does not meet the size requirements of a mature tree, a permit is not required unless declared by Township Council to be an extraordinary tree.
- B. No more than two trees shall be permitted for removal on any property per calendar year. When the proposed removal of trees involves more than two (2) healthy mature trees within a calendar year, a site plan showing the location of these trees shall be submitted to the Planning Board for their review. Upon receipt of this plan and review of the site conditions, the Planning Board shall hold a public hearing regarding the proposed tree removal and shall render their decision within thirty (30) days.
- C. Tree removal permits shall be issued by the Zoning Official and shall be valid for twelve (12) months. Permits may be renewed for an additional six months for a fee.
- D. Extraordinary trees. On all real property upon which extraordinary trees are located, trees having been designated as such under the provisions of this Chapter shall be maintained in a living condition, and it shall be unlawful for any person to harm or remove said tree without an approved tree removal permit.
- E. Site or tree removal plan. Trees shall be designated as follows and shall require that their location, DPM or height and type be shown on the site or tree removal plan:
 - (1) All living deciduous trees having a DPM of six (6) inches or greater.
 - (2) All living coniferous trees having a height of ten (10) feet or greater.
 - (3) Such trees declared as extraordinary.
- F. Excepted from specific tree removal permit application fee, but not from tree replacement or from mitigation payments to the tree replacement fund, shall be:

- (1) All land-clearing operations as authorized in accordance with a site plan approval or subdivision approval and conditions imposed with respect to tree removal and planting granted by the Planning Board or Board of Adjustment of the Township in accordance with the provisions of N.J.S.A. 40:55D-20. Under no circumstances shall clear-cutting be permitted on any property.
- (2) The pruning or trimming of trees in a manner that is not harmful to the health of the tree.
- (3) The cutting, removal, or destruction of any tree pursuant to an order or directive of any municipal, county, or state agency or court.

§136-4 Hearing on removal of more than two (2) trees.

- A. Upon receipt of an application for removal of more than two (2) trees the Zoning Official will visit the site and issue a report. Upon receipt of the report of the Zoning Official, the Planning Board shall hold a hearing upon notice to the applicant, the owner of the affected premises and persons within two hundred feet (200') of the affected premises. The notice to persons within two hundred feet (200') of the premises shall be the responsibility of the applicant and be conducted in the same manner as provided under the Township Zoning Regulations (by certified mail or hand delivery with affidavit of service, at least ten days prior to the public hearing).
- B. The Planning Board at its hearing, shall consider the following criteria to determine whether the cutting, removal or destruction of the trees will:
 - (1) Impair drainage conditions
 - (2) Impair soil erosion
 - (3) Increase dust concentration
 - (4) Decrease soil fertility
 - (5) Deteriorate property value
 - (6) Cause a deleterious effect on the land's physical condition
 - (7) Destroy a buffer between residential and non-residential uses
 - (8) Actions endanger life or property within the property, adjoining properties and/or the public right of way.
- C. The Planning Board shall not permit removal of a tree unless the applicant proves that the removal of the trees will not have a negative impact on any of the criteria listed above or unless it determines that the continued existence of the tree will cause a hardship to the owner of the property or the occupant of the property where the tree is located, or endanger the public on the property where the tree is located, or adjoining property owner.
- D. This section of the ordinance shall not apply to any tree certified to be a dead tree by a licensed tree expert. It shall not apply to trees located in an area to be occupied by a building, driveway, street cart-way or recreational area shown on a plan approved by the Zoning Official, Planning Board or Board of Adjustment, locating all trees within relationship to the proposed improvements or within a distance of fifteen feet (15') around the perimeter of any such building, driveway, street cart-way or recreation area, unless a particular tree is determined by the Planning Board to be of particular value.

§136-5 Applicability of permit.

- A. Any person wishing to obtain a permit to remove one or more trees as required under the provisions of this Chapter shall make application to the Zoning Official by filing a written application and paying such fee(s) as set forth in §A175. Where an application as required by this Chapter has been submitted, no permit shall be issued until a tree removal plan and tree replacement plan for the lot or parcel has been reviewed and approved by the Zoning Official after an on-site inspection or review of a certified tree expert statement as to condition of the tree by the Zoning Official. A permit shall be issued or denied within twenty (20) business days of submission of an application for a permit.

- B. Residential development. For residential development where tree removal is to occur within public or private roadways/rights-of-way, drainage facilities, parking areas or proposed open space or private property, all trees are subject to replacement in accordance with this Chapter. All required escrow and bond fees for said subdivision application, including required tree replacement, shall be verified as paid prior to the issuance of the tree removal permit by the Zoning Official.
- C. Nonresidential development. All commercial and industrial developments are required to replace all trees removed in accordance with §136-10 of this Chapter.
- D. The Township, the County of Essex, the State of New Jersey, or its agencies is exempt from the permit application process.

§136-6 Permit application.

- A. Applications for a permit shall be made to the Zoning Official and shall contain the following information:
 - (1) The name and address of the applicant.
 - (2) The name and address of the owner of the property from which the trees are to be removed.
 - (3) The address, tax lot, and block of the property.
 - (4) The number of trees requested to be removed and the reason for removal.
 - (5) A tree removal plan consisting of a map drawn to scale showing the following information:
 - (a) The shape and dimensions of the lot or parcel, including the location of all easements.
 - (b) The limits of all existing and proposed tree line limits.
 - (c) The identification and location of all trees to be removed, specifically by an assigned number, species, and the DPM of each tree.
 - (d) The installation and limits of a temporary existing tree protection fence along the limit of proposed tree removal.
 - (e) The location of all existing and proposed structures on the property, along with the distance that the trees proposed to be removed are located from such structures and from property lines. A reproduction of the Tax Map or an existing survey modified to provide this information would be acceptable.
 - (f) Tree removal and replacement plan shall include specific information regarding the disposal of the removed trees in a manner to avoid spreading disease or pests harbored in the wood.
 - (g) Any other information which may reasonably be required to enable the application to be properly evaluated, including but not limited to a description of the purpose for which this application is to be made; e.g., clearing land for agricultural use, fire protection, private parks, scenic improvements, hardship, danger to adjacent properties, removal of diseased or damaged trees, transplanting or removal in a growing condition to other locations, installation of utilities, or drainage of surface water.
 - (h) Any tree removal permit for trees to be removed pursuant to this Chapter shall be accompanied by a certification from a licensed tree expert, hired by the applicant, verifying that any tree to be removed qualifies under said section
 - (i) A list of the number, species and DPM of all trees on the property.

- (j) Applicants shall provide proof of liability insurance of the tree removal contractor.
 - (k) Any and all environmentally sensitive areas including but not limited to floodplains, riparian zones, steep slopes, transition zones, and wetlands.
- (6) A tree replacement plan showing the location of all trees to be planted, the species of such trees and their caliper or size as required.
- B. Inspection. The applicant shall place a one-inch-wide red, yellow, or blue ribbon around the trunk of each tree to be removed at a height of 4-1/2 feet above the ground so that the proposed tree removal may be inspected in the field. This ribbon shall include the tree number and the species as indicated on the tree removal plan submitted as part of the application.
- C. All reasonable efforts shall be made to preserve extraordinary trees, including but not limited to, if feasible, relocation of infrastructure, roadways, and buildings. Removal of extraordinary trees shall require the specific written recommendation of Zoning Official and approval of the Township Council.
- D. If any area of the property for which the tree removal permit is sought meets the definition of a "steep slope," as set forth in Chapter §150-21 of this Code, then no trees shall be removed from such area unless certified by a New Jersey Certified Tree Expert to pose a threat to the public health, safety or welfare. The tree removal plan required under §136-6A(5) shall include the delineation of each such steep slope area.
- E. If any area of the property for which the tree removal permit is sought meets the definition of "riparian zone," as set forth in N.J.A.C. 7:13-4.1 then no trees shall be removed from such area. The tree removal plan required under §136-6A(5) shall include the delineation of each such riparian zone.

§136-7 Conditions for issuance of permit.

- A. Upon receipt of an application for the cutting, destruction or removal of trees, the Zoning Official shall inspect the site on which the trees sought to be cut, destroyed or removed are located and shall evaluate the drainage and other physical conditions existing on the subject property and adjoining properties. The following factors shall be considered in deciding whether to issue such permit:
 - (1) Whether the area where the trees are located shall be used for a building or other structure, a patio, a driveway, a recreation area, a roadway, a drainage right-of-way or a sewerage line or whether the trees are located within 15 feet of any of the foregoing.
 - (2) Whether the topography of the land in which the trees are located is deemed dangerous for the continued existence of the tree or trees located nearby.
 - (3) Whether the trees, if left undisturbed, are likely to cause a hardship upon the applicant or place the community in danger or affect deleteriously an adjacent property owner.
 - (4) Whether the proposed cutting, destruction, or removal of the trees would change existing drainage patterns, allow soil erosion, increase dust or decrease the fertility of the soil on the land under consideration or shall similarly affect adjacent land or land located downstream from the land under consideration.
 - (5) Whether the proposed cutting, destruction, or removal would impair the growth and redevelopment of the remaining trees on the applicant's property or adjacent property.
 - (6) Whether the proposed cutting, destruction, or removal would constitute a significant change in the screening between existing or proposed buildings on contiguous lots or the wooded aspect of the lot as viewed from the adjacent public road.

- (7) Whether the proposed cutting, destruction, or removal would constitute a horticulturally advantageous thinning of an existing overgrown area or the removal of dead or diseased trees.
 - (8) Whether the proposed cutting, destruction, or renewal would affect the physical and aesthetic value of the property and the neighborhood or would remediate a safety hazard to persons or structures.
 - (9) Whether the proposed changes in the topography of the area where such trees are located will have depressed land configuration or fill of land which shall be deemed injurious to the tree or other trees located nearby so as to require welling, construction of an aerification system, or tree removal or replacement.
 - (10) No street tree planted in Township right-of-way is to be removed by adjacent property owners.
- B. A tree removal permit may be granted and application fees waived for the removal of trees, without mitigation, if: The tree is dead, diseased, injured, in danger of falling, poses a safety hazard, or interferes with existing utility service and cannot be reasonably remedied by trimming, as determined by a New Jersey Certified Tree Expert or the continued presence of the tree conflicts with any other ordinances or regulations.
- C. No permits shall be granted for any properties who are delinquent in payments of property taxes, sewer, or water utility payments or any other charges levied by the Township.

§136-8 Time of permit.

All tree removal permits shall be limited to one year from date of issuance as designated by the permit. If the approved tree removal has not occurred within one year, a new permit must be applied for and is subject to the payment of new application fees. If, however, the applicant diligently pursues other governmental approval, or if approved development is ongoing, the permit may be renewed for up to two six-month periods.

§136-9 Protection of existing trees.

- A. During construction. In connection with any construction, subsequent to tree removal but prior to the issuance of a building permit or start of construction, the developer shall be required to erect snow fencing or other tree protective barriers acceptable to the Construction Code Official. Such barriers shall be placed at least 10 feet from the trunk of any tree and shall remain in place until the Construction Code Official authorizes the removal of the protection or after issuance of a certificate of occupancy or temporary certificate of occupancy. No equipment, chemicals, soil deposits or construction materials shall be placed within any area so protected by barriers. Nor shall any attachments or wires be attached to any of said trees so protected. Any landscaping activities subsequent to removal of barriers shall be accomplished with light machinery or hand labor.
- (1) A description of the existing tree protective barrier shall be provided on all major applications. The protective barrier shall be four feet high.
 - (2) The protective barrier shall be placed at the dripline of any tree along the limit of clearing and around the entire tree dripline for trees to remain undisturbed within the limit of clearing.
 - (3) It shall be unlawful for any person in the construction of any structures or other improvements to place solvents, material, construction machinery or temporary soil deposits within the dripline.
 - (4) Street right-of-way and utility easements may be ribboned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.
 - (5) Large property areas separate from the construction or land-clearing area into which no equipment will venture may also be ribboned off as determined by the Zoning Official following a field evaluation.

- B. No person shall:
- (1) Cut down, destroy or remove any tree except as permitted by this article or allow or cause such cutting, destruction or removal.
 - (2) Cause or allow any willful damage, injury or disfigurement of any tree growing within the Township. For purposes of this subsection, the actions of any person shall be deemed willful if the damage, injury or disfigurement of any tree is caused as a result of but not limited to the following: cutting, gashing or slitting of any tree; pouring any liquid or other material on any tree or on the nearby ground; construction or placement of any nonporous material on the ground around any tree so as to cut off air, light or water from the roots; or placement or removal of any soil from within 15 feet of any tree; or mounding mulch against the tree trunk.
 - (3) Store or pile building material or debris or place construction equipment within 10 feet of any tree.
- C. In the event that any tree to be saved in connection with construction as set forth above or any tree planted in mitigation shall die within two years after planting, it shall be replaced by the applicant or property owner within six months.

§136-10 Tree replacement.

Any tree removed pursuant to this Chapter shall be replaced pursuant to at least one of the following criteria:

- A. For each mature tree is removed, the applicant shall prepare a replanting scheme for other treeless areas of the property to compensate for the clearing of the tree area. The replanting scheme shall reflect a one-to-one tree replacement unless otherwise stated herein. All replacement deciduous trees shall have a DPM of not less than two-inch caliper. For each deciduous tree to be removed that is: 1) Six inches DPM but less than sixteen inches, replacement shall be by a single replacement tree; 2) sixteen inches DPM but less than twenty-four inches, replacement shall be by two replacement trees; 3) Twenty-four inches DPM or greater, replacement shall be by four replacement trees. For each coniferous tree to be removed that is: 1) between ten feet and under twenty-five feet in height, replacement shall be by a single replacement tree; 2) twenty-five feet and over in height, replacement shall be by two replacement trees. A list showing species and size of all proposed replacement trees shall be submitted for review and approval prior to the issuance of a tree removal permit. Only native and non-invasive species shall be planted.
- (1) In the event that the tree removal occurs in an area other than as permitted under §136-7A, mitigation shall be required at a rate of two replacements for each tree removed in addition to any fines levied.
 - (2) In the event that it is unknown how many trees were removed from any given site, and removal took place without a tree permit issued pursuant to this Chapter, the number of trees requiring mitigation shall be computed by the Zoning Official (based on an average number of trees/lot from comparable lots in the Township).
 - (3) Mitigation in any instance is not to be considered a penalty, but rather an implementation of the purposes of this article. Mitigation shall not be a substitute for, but shall be in addition to, any penalty imposed for violation of the provisions of this article.
- B. Trees determined to be dead, diseased or a safety hazard by a licensed tree expert shall be exempt from the replacement requirements of this Chapter.
- C. For sites where trees (regardless of size) cover large portions of the site, so that those portions may be considered woods or forest or recovering woods or forest, the applicant shall prepare a reforestation scheme on other treeless open

space to compensate for clearing of the tree area with equal square-foot area of new plantings. If sufficient suitable on-site area is not available, the Zoning Official or Land Use Board may direct that the compensating reforestation take place on municipally owned open space and or along a public street upon the consent of the STC.

- D. Reforestation. The reforestation plan shall be based on twenty-foot-by-twenty-foot grid. Of this number of trees, 10% shall be balled and burlapped two-inch to 2-1/2 inch caliper, 20% shall be balled and burlapped 1 3/4 inch by two inches caliper, 30% shall be bare root 1-1/4 inch by 1-1/2 inch caliper and 40% shall be bare root six-foot to eight-foot tall whips. A mixture of trees indigenous to the area and site shall be utilized. Proposed trees shall be planted in natural groves and may be spaced five feet to 20 feet on center. The ground shall be seeded with a meadow grass mixture approved by the Zoning Official.
- E. Tree Replacement Fund. The Zoning Official may permit an applicant to make a payment to the Township's Tree Replacement Fund, established hereunder in §136-11, in lieu of replacement of part or all of the trees removed pursuant to this Chapter.
- F. All replacement trees shall be planted on site in accordance with the foregoing. However, if one or more of the following conditions exist, some or all of the replacement trees may be planted off-site:
 - (1) The site in question cannot physically accommodate the total replacement amount of trees, and the applicant contributes an amount equal to the calculated monetary value of unreplaced trees to the Tree Replacement Fund; or
 - (2) The Zoning Official and applicant agree in writing that the applicant shall make payment to the Tree Replacement Fund based upon the above; or
 - (3) The Zoning Official in agreement with the STC and applicant agree in writing that the applicant shall plant replacement trees off-site on municipally owned property pursuant to the municipal Community Forestry Management Plan.
- G. All tree replacement requirements and/or fees as set forth in this subsection shall be approved and/or paid prior to the issuance of the tree removal permit by the Zoning Official.

§136-11 Tree replacement fund.

- A. There is hereby established a Tree Replacement Trust Fund to receive and disburse replacement tree contributions. The Tree Replacement Fund shall be the repository of all monies paid to the Township pursuant to this Chapter and may also accept contributions for its purposes from private sources.
- B. The primary purpose of said fund is to provide for the replacement, planting and maintenance of trees and woody shrubs on public property within the Township (including groundcovers, grasses, ferns, vines, and forbs when they are part of an ecological project using native plants). Professional consultant fees for administrative and/or consultant costs to implement the provisions of this Chapter, including but not limited to site inspections, processing of permits, supervision of tree replacement, and enforcement of this Chapter, shall not exceed 30% of the fund. Appropriations from the Tree Replacement Fund shall be authorized by the Township Manager in accordance with the Community Forestry Management Plan of the Township.

§136-12 Performance bond.

Whenever trees are replaced pursuant to this Chapter, the applicant shall post with the Township Clerk a performance bond for one year in an amount to be determined

by the Township, but in no event to exceed the amount per tree specified in Chapter §A175 of this Code. The performance bond may be either in the form of a cashiers' check or certified check made payable to the Township or in the form of a corporate surety performance bond issued by a New Jersey corporation. No performance bond shall be released except on certification of the Zoning Official that the replacement tree(s) remain healthy one year after planting. If they are found at that time by Zoning Official or its agents to be healthy and capable of surviving, and other performance requirements have been met, then the Zoning Official shall order the bond returned. If any trees are not at that point healthy, the tree(s) shall be replaced.

§136-13 Appeal of Zoning Official's rejection of tree removal permits.

Any applicant aggrieved by the action of the Zoning Official may appeal the determination to the Planning Board, providing the appeal is taken in writing directed to the Secretary of the Planning Board within ten (10) days of the determination of the Zoning Official. The Planning Board shall hear the appeal within thirty (30) days and may affirm, reverse, or modify the determination of the Zoning Official, setting forth a resolution, and the reasons for its result.

§136-14 Violations and penalties.

Any person, firm, partnership, corporation, association or other legal entity violating any of the provisions of this Chapter shall, upon conviction of such violation, be punished by a fine not less than \$200 and not to exceed \$2,000 for each offense, in addition to the required mitigation for each tree illegally removed. Each illegally removed or damaged tree shall constitute a separate offense.

SECTION 3. The language currently contained in Chapter A175 (Schedule of Fees) of the Code of the Township of Verona is hereby amended in part to read as follows:

A175 SCHEDULE OF FEES.

Ch. 136 Tree Protection, Removal and Replacement

Tree removal permit application fee (up to two trees) = \$50

A permit renewal fee per tree to be removed per six-month renewal period = \$10

Permit fee for dead, diseased or hazardous tree removal = \$0

Tree Replacement Fund payment per replacement = \$400

SECTION 4. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 5. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF OCTOBER 11, 2019 AND XXXX.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: October 7, 2019
PUBLIC HEARING: October 21, 2019
EFFECTIVE DATE:

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2019-__

A motion was made by seconded by that the following resolution be adopted:

CANCEL TAXES BLOCK 201 LOT 1 QUALIFIER X

WHEREAS, the Tax Collector was notified from the Tax Assessor's office that Block 201 Lot 1 Qualifier X, property known as 201 Bloomfield Avenue, owned by Chrill Realty Company should be totally exempt, and

WHEREAS, this property was originally billed for 4th quarter 2019 in the amount of \$1,572.81, and

WHEREAS, this property should no longer be billed as of October 11, 2019

NOW, THEREFORE, BE IT RESOLVED, that the Tax Collector be authorized to cancel the 4th quarter billing on Block 201 lot 12 Qualifier X.

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON OCTOBER 21, 2019.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2019-___

A motion was made by _____; seconded by _____ that the following resolution be adopted:

**AWARDING CONTRACT No. 19-02A
LINN DRIVE RECONSTRUCTION**

WHEREAS, the Township of Verona received bids for Reconstruction of Linn Drive – Contract No. 19-02 on May 9, 2019; and

WHEREAS, the base bids proposed substantially exceeds all cost estimates and budgetary appropriations for this project; and

WHEREAS, Resolution 2019-137 passed on July 15, 2019 rejected all bids received for Contract No. 19-02 and authorized a rebid; and

WHEREAS, on October 8, 2019 the Township of Verona received bids for Reconstruction of Linn Drive Rebid – Contract No. 19-02A; and

WHEREAS, seven (7) bids were received for Contract 19-02A; and

WHEREAS, six (6) of the bids received were deemed non-responsive for failure to submit documentation required on the Document Checklist; and

WHEREAS, KM Construction Corp, 14 Cordier Street, Irvington, New Jersey 07111 was the sole responsive and responsible bidder in the Base Bid Amount of \$370,466.09 for Section 1 and the Base Bid Amount of \$199,293.22 for Section 2 for a total of \$569,759.31; and

WHEREAS, the Township Engineer has reviewed and recommends the Contract award be made to KM Construction Corp, as the lowest responsive and responsible bid.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the contract for Contract No. 19-02A be awarded, pending approve of the County of Essex Community Development Block Grant coordinator, to the lowest responsive and responsible bidder, KM Construction Corp, 14 Cordier Street, Irvington, New Jersey 07111 in the total amount of \$569,759.31.

BE IT FURTHER RESOLVED that this expenditure shall be charged against the 2017 CDBG Grant for the (\$106,563.00), the 2018 CDBG Grant (\$106,563.00) and Capital Account No. C-53-46-032-000 – Bond Ordinance No. 2019-22 (\$356,633.31) or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON OCTOBER 21, 2019.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2019-__

A motion was made by _____; seconded by _____ that the following resolution be adopted:

**AUTHORIZING A CONTRACT WITH REINER PUMP SYSTEMS, INC. FOR THE
PURCHASE OF A PORTABLE 6-INCH CENTRIFUGAL DEWATERING
PUMP FOR THE SEWER UTILITY**

WHEREAS, the Township Sewer Utility has a need to purchase a portable 6-inch centrifugal dewatering pump; and

WHEREAS, quotations were solicited and three quotations were received from Reiner Pump Systems, Inc. totaling \$39,900, Xylem Americas totaling \$51,921 and Rapid Pump and Meter Service Co., Inc. totaling \$55,780; and

WHEREAS, N.J.S.A. 40A:11-3 and N.J.S.A. 40A:11-6.1 permits a contract award without advertising for public bids if the cost of the contract does not exceed the authorized bid threshold, currently set at \$40,000, as long as at least two competitive quotations were solicited for contracts that exceeding fifteen percent of the authorized bid threshold; and

WHEREAS, the Township Manager/Qualified Purchasing Agent has recommended that the Reiner Pump Systems, Inc., 53 US Highway 206, Stanhope, New Jersey 07874 be awarded a contract to provide the aforementioned goods; and

WHEREAS, the award of the contract to Reiner Pump Systems, Inc. is being made pursuant to N.J.S.A. 19:44A-20.5.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Reiner Pump Systems, Inc., 53 US Highway 206, Stanhope, New Jersey 07874 is hereby awarded a contract to provide the aforementioned goods in the contract amount of \$39,900.

BE IT FURTHER RESOLVED that this expenditure shall be charged against Capital Account No. C-51-44-986-919 – Water/Sewer Utility Bond Ordinance No. 9-11A or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and Determination of Value are to be placed on file with this Resolution; and

BE IT FURTHER RESOLVED that this contract is being awarded pursuant to N.J.S.A. 19:44A-20.5.

BE IT FURTHER RESOLVED that a notice of this action shall be published once in the Verona-Cedar Grove Times; and

BE IT FURTHER RESOLVED that the Township Manager and the Township Clerk are hereby authorized to enter into an agreement for the aforementioned services a copy of which shall be available for public inspection in the Office of the Township Clerk.

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON OCTOBER 7, 2019.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

DETERMINATION OF VALUE

TO: Township Council of the Township of Verona
FROM: Matthew Cavallo, Township Manager
RE: Purchase a portable 6-inch centrifugal dewatering pump for the Sewer Utility
DATE: October 18, 2019

This memorandum is being written to request your approval of a resolution authorizing the award of a contract pursuant to *N.J.S.A. 19:44A-20.5*, for professional services.

Contractor: Reiner Pump Systems, Inc.
53 US Highway 206
Stanhope, New Jersey 07874

Cost: \$39,900

Purpose: Purchase a portable 6-inch centrifugal dewatering pump for the Sewer Utility

I certify that the value of the contract exceeds \$17,500.00 and is to be awarded as a Non-Fair and Open Contract, pursuant to *N.J.S.A. 19:44A-20.5*.



MATTHEW CAVALLO,
Township Manager

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY
RESOLUTION No. 2019-**

A motion was made by ;seconded by that the following resolution be adopted:

DISPOSAL OF OBSOLETE TOWNSHIP EQUIPMENT

WHEREAS, the Township Manager has advised the Township Council that there is obsolete equipment that is no longer needed for public use; and

WHEREAS, *N.J.S.A. 40A:11-36(7)* authorizes the disposition of personal property not needed for public use as part of a purchase to offset the price of the new purchase; and

WHEREAS, it is in the best interest of the Township to dispose of said equipment by trade-in specifically Two-Way Radios, (including radio parts, chargers, base stations and walkers).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the obsolete equipment referenced by the Township Manager which is no longer needed for public use by the Township shall be disposed of according to the manner as prescribed by law.

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY TOWNSHIP COUNCIL FOR THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON OCTOBER 7, 2019

**JENNIFER KIERNAN
MUNICIPAL CLERK**

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2019-___

A motion was made by _____ ; seconded by _____ that the following resolution be adopted:

PERMITTING ITEMS TO BE DISCUSSED IN EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exists.

NOW, THEREFORE, BE IT RESOLVED by the Township of the Township of Verona, County of Essex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Pending, Ongoing, or Anticipated Litigation pursuant to *N.J.S.A. 10:4-12 (7)*
 - Docket No. ESX-L-781-19 (Jennifer Kiernan vs. Township of Verona)
 - Docket No. ESX-L-2391-19 (Erika Varela vs. Township of Verona, Matthew Cavallo)
 - b. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
 - NJ DEP Lab Certification
 - Township Manager Contract
3. It is anticipated at this time that the above stated subject matter will be made public when said subject has been fully discussed by the Council, and the attorney rules this matter may be brought before the public without jeopardizing any pending litigation.
4. This resolution shall take effect immediately.

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON OCTOBER 21, 2019.

**JENNIFER KIERNAN
MUNICIPAL CLERK**