

Minutes of a Regular Meeting of the Verona Township Council on Monday, March 11, 2019 beginning at 7:00 p.m. in the Municipal Building, 600 Bloomfield Avenue, Verona, New Jersey.

Call to Order:

Municipal Clerk reads notice of Open Public Meetings law. The notice requirements of the Open Public Meetings Act have been satisfied with respect to this meeting; specifically, the time, date and location were included in the annual notice of meetings adopted by the governing body, posted in the Municipal Building, and sent to the official newspapers of the Township, the Verona Cedar Grove Times and the Star Ledger. Additionally, the agenda for this meeting was posted in the Municipal Building and sent to the two newspapers before 4:30 p.m. on the Friday preceding this meeting.

Roll Call:

Mayor Kevin Ryan, Deputy Mayor Nochimson, Councilman Roman, Councilman Ted Giblin and Councilman Jack McEvoy are present. Township Attorney Brian Aloia, Township Manager Matthew Cavallo and Municipal Clerk Jennifer Kiernan are also present.

Mayor Ryan leads the Pledge of Allegiance. There is a moment of silence for Fred Hill, Sr.

Mayor's Report:

Mayor Ryan reads a proclamation for former Fire Chief CT Magatti.

Mayor Ryan invites Essex County liaison Jay Coltre to the lectern. Mr. Coltre reports the construction for the new front entrance of the Turtle Back Zoo is ongoing. The Cherry Blossom Festival will kick off on April 6 with weeklong activities such as a bike race, 10K run, Family Day and culminate with Bloomfest at the Welcome Center on April 14.

Mayor Ryan states all the affordable housing public documents have been put up on the Township website and he encourages the public to read them to become educated on the issue. He also reports a recent study that puts Verona in the top 20 safest cities. He thanks the police department and vigilant citizen population.

Manager's Report:

Mr. Cavallo reports that the Township has now completed the second full month of the new Pitman Schedule for the Police Officers and Dispatchers. There is a 71% reduction in overtime hours for the police department and 71% reduction in overtime hours for dispatch. There was a bit of a rise in Police OT compared to last month due to Attorney General mandated training at the Police Academy but still considered an acceptable limit.

The Fairview Avenue Well has been back up and running for about two weeks now. Work should be complete by the end of June. While beginning the mobilization process an issue was discovered with the fill valves on the White Rock Road Tank. This valve work needs to be addressed before the work on Fairway can commence. The Township is waiting on a price from the Contractor for this Change Order.

The Township is current out to bid with the replacement of the Mechanical Bar Screen at the Wastewater Treatment Plant, with a return date of Thursday, March 28.

The Friends of the Library are now accepting donations of gently used books for 2019 book sales. Book sales are the Friend's primary source of fundraising in addition to membership dues. All proceeds go to support the fantastic children's, adults and teen programming the Library hosts throughout the year. Any member of the community that want to donate items for the book sales can drop items on the appropriate cart in the basement of the Library.

The Township closed on the Note Sale for the funds to purchase the Cameco Properties last week. We are expecting to close on the properties tomorrow. The Township will then own the 4 lots on Pine Street.

Mr. Cavallo encourages the public to look at the website for the calendar of upcoming committee meetings.

Gerard Shimonaski has resigned from the Neighborhood Traffic and Safety Committee. Anthony Gardner has resigned from the Library Board of Trustees. The Township is currently accepting letters of interest for these unexpired terms. Anyone interested in applying for these two openings should visit the Township's webpage for more information.

The implementation of ParkMobile is complete and the app is now live.

#### Councilmember Reports:

Deputy Mayor Nochimson reports the Recreation Advisory Committee will meet at 7:30 pm in the Community Center tomorrow.

Councilman Roman addresses the ordinance on introduction on tonight's agenda. He states he has significant concerns moving the election. He feels that in government, the smallest unit is the most impactful therefore he feels it is not a good idea to lump the municipal into the general election cycle. He looks forward to hearing input but will be voting "no" on the ordinance tonight.

Councilman McEvoy congratulates CT Magatti. The Councilman reports he attended the State of the County in Newark and found it very informative. He states the Neighborhood Traffic and Safety Committee is looking at traffic at schools and suggests that the Council look a possible opening the top of Dodd Terrace for a turnaround. The Verona Together Group held a corn hole tournament for the Jett Foundation and donated a total of \$20,450.

Councilman Giblin reports that he had the opportunity to read to the first graders at Forest Avenue School for Read Across America Day. He stated he also attended the State of the County. He reports that the VBSL Parade will be held on Saturday, April 6 and will take a different route this year. They will begin at the Civic Center and parade up to Everett Field.

#### **ORDINANCE No. 2019-08**

##### **SWIMMING POOL UTILITY CAPITAL ORDINANCE APPROPRIATING \$60,000 FROM THE CAPITAL IMPROVEMENT FUND TO FUND THE PRELIMINARY ENGINEERING AND DESIGN COSTS ASSOCIATED WITH THE CONSTRUCTION OF A SPLASH PARK AT THE VERONA COMMUNITY POOL BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY**

The Municipal Clerk reads Ordinance No. 2019-08 by title into record.

Motion to introduce Ordinance No. 2019-08 is moved by Councilman McEvoy; seconded by Deputy Mayor Nochimson.

#### **ROLL CALL:**

**AYES: Giblin, McEvoy, Roman, Nochimson, Ryan**

**NAYS:**

Ordinance No. 2019-08 is introduced 5-0 and will be published according to law. A public hearing will be held on March 25, 2019.

#### **ORDINANCE No. 2019-09**

##### **AN ORDINANCE AUTHORIZING A NON-BINDING REFERENDUM TO CONSIDER WHETHER THE TOWNSHIP SHOULD ESTABLISH THE NOVEMBER GENERAL ELECTION DAY AS THE DATE FOR THE TOWNSHIP OF VERONA'S NONPARTISAN MUNICIPAL ELECTIONS.**

The Municipal Clerk reads Ordinance No. 2019-09 by title into record.

Mr. Cavallo states that at the last meeting the Council discussed the possibility of moving the

municipal election from May to November to coincide with the general election. Although the Township can make the change without a referendum, there was a desire to hold a non-binding referendum. New Jersey election law allows for a non-binding referendum only if it is approved by ordinance first.

Motion to introduce Ordinance No. 2019-09 is moved by Mayor Ryan; seconded by Deputy Mayor Nochimson.

Mayor Ryan allows for council discussion before the roll call vote. There is lengthy discussion among the governing body in regards to the moving of the municipal election.

**ROLL CALL:**

**AYES: Nochimson, Ryan**

**NAYS: Giblin, McEvoy, Roman**

Ordinance No. 2019-09 is defeated on introduction by a vote of 2-3.

Meeting Minutes from February 11, 2019 and Special Meeting Minutes from March 5 and 7, 2019 are approved by unanimous vote.

**RESOLUTION No. 2019-57**

**TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES**

A motion was made by Mayor Ryan; seconded by Councilman McEvoy that the following resolution be adopted:

**WHEREAS**, *N.J.S.A. 40A:4-20* provides that, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for the current fiscal year and the date of the adoption of the budget for the current fiscal year; and

**WHEREAS**, the amount of such emergency temporary appropriations shall be included under corresponding headings in the budget as adopted or, if such appropriations are adopted after the introduction and approval of the budget and were not included in the budget as approved such appropriations shall be included by amendment in the budget as adopted without public advertisement or public hearing; and

**WHEREAS**, the Township has deemed certain emergency temporary appropriations to be necessary and such appropriations are conforming to the provisions of *N.J.S.A. 40A:4-20*;

**NOW, THEREFORE, BE IT RESOLVED** (not less than two-thirds of all members thereof affirmatively concurring) that pursuant to *N.J.S.A. 40A:4-20* an emergency temporary appropriation be and the same is hereby made for:

<b>Current Fund:</b>	<b>\$ 4,272,993</b>
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<b>Water and Sewer Utility:</b>	<b>\$ 837,549</b>
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**BE IT FURTHER RESOLVED** the said emergency temporary appropriations will be provided for in the 2019 Budget under the title of same.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby directed to file a certified copy of the resolution with the Director of the Division of Local Government Services.

**ROLL CALL:**

**AYES: Giblin, McEvoy, Roman, Nochimson, Ryan**

**NAYS:**

**RESOLUTION No. 2019-58**

A motion was made by Mayor Ryan; seconded by Councilman McEvoy that the

following resolution be adopted:

**APPROVING PROPOSED CHANGE ORDER Nos. 25-32 –  
PHAROS ENTERPRISES, LLC, CONTRACT NO. 17-03**

**WHEREAS**, Pharos Enterprises, LLC and the Township of Verona have heretofore entered into an Agreement, more particularly known as Contract No. 17-03, dated May 15, 2017, for the Verona Public Library Phase II Renovation and ADA Improvements, in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. in the contract amount of \$2,526,500.00; and

**WHEREAS**, the Township Council, previously approved Proposed Contract Change Nos. 1-15, 17-21 and 23-24 from the Project Architect, in an amount of plus \$210,049.65, for a revised contract amount of \$2,736,549.65; and

**WHEREAS**, the Township Council has received Proposed Contract Change Nos. 25-32 and Project Close Out from the Project Architect, in an amount of (plus) \$14,171.99; and

**WHEREAS**, Proposed Contract Change Nos. 25-32 and Contract Close Out do not expand the scope of the within contract; and

**WHEREAS**, the within Proposed Contract Change Nos. 25-32 and Contract Close Out are in the best interests of the Township.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Proposed Change Order Nos. 25-32 and Project Close out for Contract No. 17-03 in the amount of plus \$14,171.99, for a revised contract amount of \$ 2,750,721.64, is hereby approved and Contract 17-03 is closed out; and

**BE IT FURTHER RESOLVED** that the Township Manager, Township Engineer and the Municipal Clerk are hereby authorized to execute the within Contract Change Order.

**ROLL CALL:**

**AYES:** Giblin, McEvoy, Roman, Nochimson, Ryan

**NAYS:**

**RESOLUTION No. 2019-59**

A motion was made by Mayor Ryan; seconded by Councilman McEvoy that the following resolution be adopted:

**AUTHORIZING A CONTRACT WITH BENECARD SERVICES, LLC FOR  
PRESCRIPTION DRUG INSURANCE COVERAGE**

**WHEREAS**, there exists a need for the placement of Prescription Coverages for employees for the Township of Verona; and

**WHEREAS**, the Township of Verona has a need to acquire such services pursuant to N.J.S.A. 19-44A-20.5; and

**WHEREAS**, the Chief Financial Officer has determined that the value of said services will exceed \$17,500.00; and

**WHEREAS**, the Township Manager has recommended that the Benecard Services, LLC, 1200 Route 46 West, Clifton, New Jersey 07103 be awarded a contract to provide prescription coverage for Township employees.

**THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Benecard Services, LLC is hereby awarded a contract for providing prescription services not to exceed \$415,000.00 without further authorization of the Governing Body.

**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:** Giblin, McEvoy, Roman, Nochimson, Ryan

**NAYS:**

#### **RESOLUTION No. 2019-60**

##### **DISPOSAL OF OBSOLETE TOWNSHIP EQUIPMENT**

A motion was made by Mayor Ryan; seconded by Councilman McEvoy that the following resolution be adopted:

**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 public 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 a 2010 Ford Crown Victoria (Model P7B) VIN No. 2FABP7BVXAX111346.

**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:** Giblin, McEvoy, Roman, Nochimson, Ryan

**NAYS:**

#### **RESOLUTION No. 2019-61**

A motion was made by Mayor Ryan; seconded by Councilman McEvoy 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-4773-15
  - b. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
    - Redevelopment (Block 2301 – Lots 1-19)
  - c. Purchase, Lease or Acquisition of Real Property pursuant to *N.J.S.A. 10:4-12 (5)*

- Cameco Tract (Block 2301 – Lots 11, 12, 14 & 15)
- 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: Giblin, McEvoy, Roman, Nochimson, Ryan**

**NAYS:**

**RESOLUTION No. 2019-62**

A motion was made by Mayor Ryan; seconded by Deputy Mayor Nochimson that the following resolution be adopted:

**AUTHORIZING THE SUBMISSION OF A PROPOSITION TO  
THE VOTERS REGARDING THE ESTABLISHMENT OF A  
MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND  
AND HISTORIC PRESERVATION TRUST FUND PURSUANT  
TO N.J.S.A. 40:12-15.7, ET. SEQ.**

**WHEREAS**, N.J.S.A. 40:12-15.7 et seq. permits the governing body of any municipality to submit to the voters of the municipality in a general or special election a proposition authorizing the imposition of an annual tax levy for an amount or at a rate deemed appropriate for the acquisition, development and maintenance of lands for recreation and conservation purposes, historic preservation purposes, or the payment of debt service on indebtedness issued or incurred by the Township for the above purposes; and

**WHEREAS**, the Township Council of the Township of Verona desires to authorize the submission of such a proposition to the voters as set forth hereinafter.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, County of Essex, State of New Jersey that pursuant to N.J.S.A. 40:12-15.7, et seq., the Township Council hereby requests that the County Clerk of the County of Essex print upon the official ballots to be used at the November 5, 2019 general election the following proposition:

*Shall the Township Council of the Township of Verona, County of Essex adopt an Ordinance establishing a "Municipal Open Space, Recreation, and Farmland and Historic Preservation Trust Fund" to be funded through the imposition and collection of a tax not to exceed two (2) cents per ONE HUNDRED DOLLARS (\$100.00) of assessed valuation for the purposes of (a) acquisition of lands for recreation and conservation purposes; (b) development of lands acquired for recreation and conservation purposes; (c) maintenance of lands acquired for recreation and conservation purposes; (d) historic preservation of historic properties, structures, facilities, sites, areas or objects and acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes; and (e) payment of debt service on indebtedness issued or incurred by the Township of Verona for any of these purposes?*

**BE IT FURTHER RESOLVED** that the County Clerk of the County of Essex is hereby requested to print upon the official ballots to be used at the November 5, 2019 general election the following Interpretative Statement:

**EXPLANATORY STATEMENT**

*A "yes" vote for this proposition means that you do want the Township of Verona to take the necessary steps to establish a Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund that shall be used to acquire lands for recreation and conservation purposes. The Trust Fund can also be used to develop or maintain lands that are acquired for recreation and conservation purposes or used for the acquisition or historic preservation of historic properties, structures, facilities, sites, areas or objects located within the Township of Verona. The Trust Fund can also be used to make payments on bonds issued to acquire lands for these purposes.*

*The tax, if authorized at the full two (2) cents per One Hundred Dollars (\$100.00) of assessed valuation will result in the annual increase in the municipal portion of the real property taxes assessed on a home with an assessment of \$429,576.00, the Township average assessment, of \$85.92 and based upon the current assessed valuations of property within the Township, would raise approximately \$418,665.00 annually.*

**BE IT FURTHER RESOLVED** that Township Clerk shall file a copy of this ordinance with the County Clerk of County of Essex.

**ROLL CALL:**

**AYES: Giblin, McEvoy, Roman, Nochimson, Ryan**

**NAYS:**

The Township Manager asks the Municipal Clerk to give an update on the upcoming municipal election. The Municipal Clerk reports that today at 4pm was the deadline for candidate petition submissions. She reports that there are 5 valid petition submissions from John FioRito, Christine McGrath, Michael Nochimson, John Quattrocchi and Alex Roman. The election will be held on Tuesday, May 14, 2019. Polls will be open from 6:00 am – 8:00 pm.

There is discussion about the 2019 Municipal Budget. Mr. Cavallo reports that the budget will be on the agenda for introduction on March 25 and on the April 22 agenda for adoption.

There is unanimous consent to cancel the March 14, 2019 budget workshop previously scheduled.

Public Participation:

Christine McGrath, 57 Fairway Avenue, Verona, NJ  
Robert Blitz, 12 Stonewood Parkway, Verona, NJ

Adjournment:

Council goes into Closed Session at 8:30 p.m. is moved by Mayor Ryan; seconded by Councilman McEvoy. Vote: 5 ayes.

The next regular scheduled meeting is March 25, 2019 at 7:00 p.m.

Respectfully submitted,

*Jennifer Kiernan*  
Jennifer Kiernan, Municipal Clerk

*Kevin Ryan*  
Kevin Ryan, Mayor

APPROVED: March 25, 2019