

Minutes of a Regular Meeting of the Verona Township Council on Monday, March 25, 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.

Mayor's Report:

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. The County will hold a Hazardous Waste day on May 4 from 8:30 am – 4:00 pm.

Mayor Ryan reads a proclamation to the Verona Woman's Club in celebration of their 125<sup>th</sup> anniversary.

Mayor Ryan states he and the Township Manager met with School Superintendent Rui Dionisio and Board of Education President Lisa Freschi for a discussion on Affordable Housing Issues. He also reports that last Saturday he attended the Islamic Center, where an inspirational community gathering was held following the New Zealand Mosque massacre.

Manager's Report:

Mr. Cavallo Reports that overtime, Township-wide, has decreased by almost 28% when compared to this time last year. A complete overtime report was emailed to the Council this morning.

Family Night will be celebrated on Wednesday, March 27. The calendar has been cleared of meetings, practices, and homework. Local restaurants will once again be offering discounts for Verona families who do not want to cook at home. Coupons are available at VMAC's web site [www.vmacnj.org](http://www.vmacnj.org) and available to parents through Verona's school district's Friday Folder. Printed coupons will be available at the Verona Library, Community Center and Town Hall.

Mr. Cavallo congratulates this year's H. B. Whitehorne Middle School 2019 Family Night poster contest winners: Sarah Wynne and Zia Mahmood. The posters will be displayed in Family Night restaurants, schools, and town buildings.

The Township closed on the purchase of the Cameco properties last Wednesday allowing the Township to move forward with the redevelopment plan.

It has been brought to the Township's attention that Chapter 104 (Solicitors and Peddlers) of the current Township Code can be interpreted to be in conflict with several Federal Court Decisions. The sections in question are the times in which a Door-to-Door Solicitor can conduct their business which has been found to be unconstitutional as it limits Freedom of Speech and the "excessive" permit application fee that cannot be justified.

The Township Manager, Township Clerk, Township Attorney are in the process of drafting

revisions to the Code to bring the Township into compliance with the recently decided cases including the establishment of a No-Knock Ordinance, which is similar to the Do-Not-Call Registry. We hope to have the revisions ready for Introduction at the next Council Meeting. In the meantime, the Township Clerk will not be issuing any new Solicitors Permits and the Township is unable to enforce the restrictions imposed by the current Chapter 104.

The property where the Leaf Dump is located is privately owned. The owner of the property informed the Township last year that the Township's use license was being terminated effective 1/1/2019. In order to create a new Dump/Composting Pile, very stringent DEP regulations and inspection procedures would need to be followed, which are very costly. At this time, there are no plans to open a new site on any site owned by the Township. Vegetative Waste is collected curbside each week, in garbage cans or biodegradable bags, on Wednesdays beginning April 1 and will continue through December 31.

The replacement of the roof on the Municipal Building has begun. Rehabilitation of the clock and cupola has already begun.

#### Councilmember Reports:

Deputy Mayor Nochimson reports that Family Night will be held this Wednesday with many restaurants offering a 20% discount. The Recreation Advisory Committee met and is introducing pickle ball this year through the Recreation Department and is open to both children and adults.

Councilman Roman reports that he also attended the Interfaith Service at the Islamic Center on Saturday. He thanks Dr. Awad and the other clergy in attendance. He reports that the County is holding an electric auto show at Maplewood Pool. The Councilman also attended the Verona Kids Rock Fashion Show for Kindness, an opportunity for kids to celebrate acts of kindness. He thanks all involved.

Councilman McEvoy reports that the Chamber of Commerce hold a social networking meeting on Wednesday where 20 people were in attendance. The next event will be on April 17 with a advertising workshop from 8:00 am – 9:30 am at the Community Center. The Historical Preservation Commission is looking for houses for historic designation. VFEE is holding their annual soiree on April 5 at Caldwell University at 7:30 pm.

Councilman Giblin reports that he is thankful to serve as a coach for this year's VBSL program. The annual VBSL parade will take place on Saturday, April 6 starting at the Civic Center and ending at 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.

Public Hearing: None.

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

#### **ROLL CALL:**

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

**NAYS:**

Ordinance No. 2019-08 is adopted 5-0 and will be published according to law.

**ORDINANCE NO. 2019-10**

**AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)**

The Municipal Clerk reads Ordinance No. 2019-10 by title into record.

Motion to introduce Ordinance No. 2019-10 is moved by Mayor Ryan; seconded by Councilman McEvoy.

**ROLL CALL:**

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

**NAYS:**

Ordinance No. 2019-10 is introduced 5-0 and will be published according to law. A public hearing will be held on April 8, 2019.

**RESOLUTION No. 2019-63**

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

**SELF-EXAMINATION OF BUDGET RESOLUTION**

**WHEREAS**, *N.J.S.A. 40A:4-78b* has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, *N.J.A.C. 5:30-7* was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to *N.J.A.C. 5:30-7.2* through *7.5*, the Township of Verona has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2019 budget year.

**NOW THEREFORE BE IT RESOLVED** by the governing body of the Township of Verona that in accordance with *N.J.A.C. 5:30-7.6a & 7.6b* and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to *N.J.S.A. 40A:4-45.2* and appropriations for exceptions to limits on appropriations found at *N.J.S.A. 40A:4-45.3 et seq.*, are fully met (complies with CAP Law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and *N.J.A.C. 5:30-4* and *5:30-5*.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of *N.J.S.A. 40A:4-5* shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

**ROLL CALL:**

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

**NAYS:**

#### **RESOLUTION No. 2019-64**

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

#### **TEMPORARY APPROPRIATIONS FOR OPERATING PURPOSES**

**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: Vehicle Maintenance</b>	<b>\$ 20,000.00</b>
<b>Police OE</b>	<b><u>\$ 20,000.00</u></b>
	<b>\$ 40,000.00</b>

**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. 2019-65**

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

#### **APPROVING CONTRACT CLOSE OUT -**

**FAIRVIEW AVENUE WELL PUMP REPLACEMENT, CONTRACT NO. 18-10**

**WHEREAS**, Uni-Tech Drilling Co., Inc. and the Township of Verona have heretofore entered into an Agreement, more particularly known as Contract No. 18-10, awarded on October 1, 2018, for the Fairview Avenue Well Pump Replacement, 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 \$91,242.00; and

**WHEREAS**, the Township Council has received the Project Close Out from the Project Engineer, in an amount of plus zero dollars; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Contract 18-10 is hereby closed out; and

**BE IT FURTHER RESOLVED** that the Township Manager, Township Engineer and the Municipal Clerk are hereby authorized to execute the Project Close Out Documents.

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION NO. 2019-66**

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

**PROPERTY MAINTENANCE LIEN**

**WHEREAS**, the Construction Code Official determined that the owner of the Block 203, Lot 2, commonly known as 53 Mt. Prospect Avenue, Verona, New Jersey failed to comply with the Township property maintenance code, specifically cutting the lawn; and

**WHEREAS**, clean up was performed by Green Valley Landscape Design & Maintenance on behalf of the Township on June 11<sup>th</sup>, 2018 totaling the amount of \$75.00; and

**WHEREAS**, these charges shall be imposed on the property in the form of a municipal lien for above services pursuant to *N.J.S.A. 54:5-8* and to any other applicable State of Federal regulation.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Verona, County of Essex, New Jersey, that the Tax Collector be and is hereby authorized and directed to take all appropriate actions to impose on the property commonly known as 53 Mt. Prospect Avenue, Verona, New Jersey (Block 203, Lot 2) a municipal lien in the amount of the tax lien certificate (\$75.00), where upon the Tax Collector shall, within ten (10) days of encumbering of the property, send official notice of said encumbrance via certified mail, return receipt requested and regular mail to any and all other lien holders or creditors with a secured interest in the property.

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION NO. 2019-67**

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

**PROPERTY MAINTENANCE LIEN**

**WHEREAS**, the Construction Code Official determined that the owner of the Block 1001, Lot 36, commonly known as 87 Grove Avenue, Verona, New Jersey failed to comply with the Township property maintenance code, specifically cutting the lawn; and

**WHEREAS**, clean up was performed by Green Valley Landscape Design & Maintenance

on behalf of the Township on June 13<sup>th</sup>, 2018 totaling the amount of \$75.00; and

**WHEREAS**, these charges shall be imposed on the property in the form of a municipal lien for above services pursuant to *N.J.S.A. 54:5-8* and to any other applicable State of Federal regulation.

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Township of Verona, County of Essex, New Jersey, that the Tax Collector be and is hereby authorized and directed to take all appropriate actions to impose on the property commonly known as 87 Grove Avenue, Verona, New Jersey (Block 1001, Lot 36) a municipal lien in the amount of the tax lien certificate (\$75.00), where upon the Tax Collector shall, within ten (10) days of encumbering of the property, send official notice of said encumbrance via certified mail, return receipt requested and regular mail to any and all other lien holders or creditors with a secured interest in the property.

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION No. 2019-68**

A motion was made by Councilman McEvoy; seconded by Councilman Giblin 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  
(In All Declaratory Judgement Actions Filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court's Decision in In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015))
    - Docket No. ESX-L-1710-19  
(Kensington Senior Development LLC v Township of Verona and Zoning Board of Adjustment of the Township of Verona)
    - Docket No. ESX-L-7289-16, A-2051-16  
(Sternas, Lars, v. Verona Planning Board, DMH2, LLC)
  - b. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
    - Docket No. ESX-L-4773-15  
(In All Declaratory Judgement Actions Filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court's Decision in In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015))
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. 2019-69**

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

**ACCEPTING THE AWARD OF A NJ DISTRACTED DRIVING CRACKDOWN GRANT**

**WHEREAS**, the Police Department has been awarded a grant in the sum of \$5,500 for the NJ 2019 Distracted Driving Crackdown “U Drive. U Text. U Pay.” from the New Jersey Division of Highway Traffic Safety; and

**WHEREAS**, the Township’s contribution toward the grant will be the sum of zero dollars.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Police Department is hereby authorized to accept for this grant in the amount of \$5,500.

**BE IT FURTHER RESOLVED** that the Township Manager, Chief Financial Officer, and the Chief of Police, as may be appropriate, are hereby authorized to execute any and all documents necessary to accept this grant.

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION No. 2019-70**

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

**INTRODUCTION OF THE MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the following statements of revenues and appropriations shall constitute the Municipal Budget of the Township of Verona for the 2019 calendar year;

<b>General Appropriations:</b>	<b><u>Year 2019</u></b>
1. Appropriations within “CAPS” (H-1 Sheet 19)	<b>\$ 17,695,028.00</b>
2. Appropriations excluded from “CAPS” (H-2 Sheet 28)	<b>\$ 5,061,283.68</b>
3. Reserve for Uncollected Taxes (M-Sheet 29)	<b><u>\$ 1,680,000.00</u></b>
4. Total General Appropriations (Item 9, Sheet 29)	<b>\$ 24,436,311.68</b>
5. Less: Anticipated Revenues Other than Current Property Tax (Item 5, Sheet 11)	<b>\$ (7,603,676.68)</b>
6. Less: Minimum Library Tax (Item 6(c), Sheet 11)	<b><u>\$ (828,470.00)</u></b>
7. Difference: Amount to be raised by Taxes for support of the Municipal Budget (as follows) (a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	<b>\$ 16,004,165.00</b>

**BE IT FURTHER RESOLVED**, that said Budget will be published in the Verona-Cedar

Times in the March 28, 2019 edition of the Verona Cedar Grove Times.

**BE IT FURTHER RESOLVED** that the Township Council of the Township of Verona does hereby approve the preceding as the Budget for the 2019 year:

A Hearing on the Budget and Tax Resolution will be held in the Municipal Building on April 22, 2019 at 7 o'clock p.m. at which time and place discussions to said Budget and Tax Resolution for 2018 may be presented by taxpayers or other interested persons.

**BE IT FURTHER RESOLVED** that copies of the budget are available in the office of the Municipal Clerk, Township of Verona, at the Municipal Building, 600 Bloomfield Avenue, Verona, New Jersey 07044 during the hours of 8:30 a.m. to 4:30 p.m. The budget is also posted on the Township's webpage at [www.veronanj.org](http://www.veronanj.org). All persons interested in the proposed budget will have an opportunity to address the Township Council during the aforementioned public hearing.

**ROLL CALL:**

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

**NAYS:**

Public Participation:

Jessica Pearson, 20 Montclair Avenue, Verona, NJ  
Christine McGrath, 57 Fairway Avenue, Verona, NJ

Adjournment:

Council goes into Closed Session at 8:03 p.m. is moved by Mayor Ryan; seconded by Councilman Ryan. Vote: 5 ayes.

The next regular scheduled meeting is April 8, 2019 at 7:00 p.m.

Respectfully submitted,

*Jennifer Kiernan*  
Jennifer Kiernan, Municipal Clerk

*Kevin Ryan*  
Kevin Ryan, Mayor

APPROVED: April 8, 2019