

Minutes of a Regular Meeting of the Verona Township Council on Monday, May 6, 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 reads a proclamation for National Small Business Week and presents it to Catherine Samarati and Township of Verona Director of Economic Development Steven Neale.

Mr. Ryan invites Jay Coltre, Essex County Liaison to the lectern. Mr. Coltre reports that last weekend the County held their annual recycling of hazardous waste. The County Environmental Center will hold a Mother's Day plant sale on May 11. There will be an open house at the Turtle Back Zoo from 10am – 2pm with free entry.

Mayor Ryan reports that he attended the candidate's forum on May 1 and extends his compliments to the 5 candidates. He states that the candidates has limited time to respond and issues were left dangling therefore, he feels the need to clarify some issues. In regards to Affordable Housing, the Township is still negotiating with an intervener and there is a current agreement with Poekel.

Manager's Report:

The Township Manager reports that in observation of the Ramadan Holiday, which runs from Sunday, May 5 through Tuesday, June 4, the Township's overnight parking restrictions are being relaxed until June 4.

The official letter for the Sustainable Essex Alliance Energy Aggregation Program was mailed from the Energy Consultant Gabel Associates last week notifying residents of the SEA CCA program and their new electric supply. An article has been posted on the homepage of the Township's website and shared on all of our social media platforms. An email was also sent out through Community Pass. All residents are encouraged to read the materials carefully. There will be an information session on Wednesday, May 15 at 7:00 p.m. in the Annex Building at the Community Center.

The Municipal Building Roof Replacement project is still underway. The new roofing material has been installed. Restoration of the cupola is underway. We expect the construction of the entrance awning by the Police Department to begin in the next two weeks.

Roadway Reconstruction and Resurfacing Projects include Brentwood Road reconstruction (from Cumberland Avenue to Otsego Road). Stanziale has completed the concrete work that was required prior to paving. We are waiting a few nice days, hopefully in the next two weeks to mill and pave the entire street. Harrison Street, Park Avenue and South Prospect Street reconstruction. (Park Avenue from Sunset Avenue to Hathaway Lane & South Prospect Street from Bloomfield Avenue to Pease Avenue): this project is scheduled to be awarded tonight by the Township Council. A majority of the funding for this project has come from a grant from the New Jersey Department of Transportation. This project should begin around the end of May and be

completed by the end of August. Linn Drive reconstruction: this project is currently out to bid and is scheduled to be awarded by the Township Council on May 20. A majority of the funding for this project has come from two grants from the Federal Community Development Block Grant Program administered by the County of Essex.

The Township's annual resurfacing project is scheduled to begin in the middle of June. A list of streets to be resurfaced include: Birdseye Glen – entire length, Brookside Terrace – from Franklin Street to Peckman Court, Cumberland Avenue – from Bloomfield Avenue to Edgemere Road, Elmwood Road – from Bloomfield Avenue to Claremont Avenue, Fellswood Road – entire length, Glen Road – entire length, Lakeview Place – entire length, Malvern Place – entire length, Morningside Road – entire length, Nassau Road – entire length, Ravine Road – entire length, Robert Court – entire length, Rose Terrace – entire length, South Prospect Street – from Pease to Morningside Road, Stonewood Parkway – entire length, Valley View Road – entire length, Westover Road – entire length, Witherspoon Road – entire length and Woodland Avenue – from Otsego Road for 500 feet.

The Municipal Elections are being held on Tuesday, May 14. The Township Manager wishes all the candidates running for office good luck. The polls will be open from 6:00 a.m. to 8:00 p.m. The Clerk's Office will be open at that time if any residents have any questions or concerns. The last day to register to receive an absentee ballot is tomorrow.

The Primary Election is being held on Tuesday, June 4. The last day to register to vote in that election is Tuesday, May 14. Town Hall will be open until 9:00 p.m. to accept registration forms for the Primary Election.

Registration is now open for the Township's Do Not Knock Registry List. More information is available on the Township's website or from the Township Clerk's Office.

The Essex County Computer & Election Recycling will be held on Saturday, May 18, 2019 from 9:00 a.m. to 3:00 p.m. at Essex County Public Works Complex located at 99 W. Bradford Avenue, Cedar Grove. Free to all Essex County Residents. Proof of residency required.

There will be a free Shredding Event hosted by Berkshire Hathaway Home Services on Saturday, May 18, 2019 from 11:00 a.m. to 2:00 p.m. at the Verona Town Hall. Bring your confidential and/or unwanted documents to our industrial-sized Shredder and dispose of financial statements, transaction records, insurance policies, books, ledgers, files, magazines, etc... with complete confidence. NO CHARGE for unlimited shredding, but donations to benefit the Sunshine Kids are encouraged and will be gratefully accepted. The Sunshine Kids is a nonprofit organization dedicated to children with cancer. For more information, visit SunshineKids.org

A Lead Screening Program for Children will take place on Monday, May 20 from 3:30 p.m. to 5:30 p.m. at the Verona Community Center. For more information, please reach out to the Health Department.

Our next visit from the Essex County Clerk's Office here in Verona is on May 20 from 9:30 a.m. to 3:00 p.m. in the 2nd Floor Conference Room at the Verona Public Library. Since the County Services were moved to the Library, attendance counts have doubled in Verona and exceed most of the other outreaches in the County. The County Clerk has expressed his gratitude to the Township for our openness to host this service.

Sergeant John Lecreux will be participating in the Police Unity Tour, bicycling from New Jersey to Washington D.C. beginning this Thursday. This is Sergeant Lecreux's sixth year participating in Unity Tour. This year, John is riding in memory of Trooper Nicholas F. Clark from the New York State Police who gave the ultimate sacrifice in the line of duty on July 2, 2018. Please join me in wishing good luck and Safe Travels to Sergeant Lecreux.

Some save the dates stated by the Township Manager include: Verona Pool Opens on Saturday, May 25; Memorial Day Parade – Monday, May 27; Senior Pool Party – Monday, June 3 from 12:00 p.m. to 2:30 p.m.; Re-Organization Meeting – Monday, July 1 (time to be decided); Fireworks at the Verona Community Center – Monday, July 1 (rain date Tuesday, July 2). The fireworks will be held at the Verona Community Center starting at dusk. Music and entertainment will begin at 7pm on Liberty Field off White Rock Road; Summer Concert Series – July 10, 17, 24 and 31.

The Township Manager invites Steven Neale to the lectern to provide detailed info on the energy program.

Mr. Neale also reports that the Episcopal Church of the Holy Spirit will hold a Bingo Night on May 17, 2019 at 7pm to benefit the Verona Fire Department.

Councilmember Reports:

Deputy Mayor Nochimson suggests implementing a grace period for homeowners who add on to their homes for added assessment payments. Mr. Cavallo will have more information for the next meeting.

Councilman Roman reports the Township's upgrade to its municipal buildings in terms of efficient lighting, air conditioning and heating will allow the Township to see a tremendous reduction in cost with an anticipated energy reduction to the equivalent of taking 27 cars off the road. The Councilman attended Verona Idol last Saturday which was well attended and raised funds for field hockey.

Councilman McEvoy states that the new banners look great. He thanks Steven Neale for the time and effort put into building the Chamber of Commerce. He also reports that at the last meeting of the Neighborhood Traffic and Safety Advisory Committee, providing jackets for the crossing guards was discussed.

Councilman Giblin supports the Township's decision to relax overnight parking enforcement over the next 30 days of Ramadan. He reminds the public of the upcoming May 14 Municipal Election and encourages everyone to get out and vote.

ORDINANCE NO. 2019-15

**BOND ORDINANCE PROVIDING FOR REPLACEMENT OF THE
MECHANICAL BAR SCREEN AT THE WASTEWATER TREATMENT
PLANT FOR THE SEWER UTILITY IN AND BY THE TOWNSHIP OF
VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING
\$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$600,000
BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST
THEREOF**

The Municipal Clerk reads Ordinance No. 2019-15 by title into record.

Public Hearing: none

Motion to adopt Ordinance No. 2019-15 is moved by Mayor Ryan; seconded by Deputy Mayor Nochimson.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

Ordinance No. 2019-15 is adopted 5-0 and will be published according to law.

RESOLUTION No. 2019-90

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

**AWARDING CONTRACT NO. 18-05 - RECONSTRUCTION OF PARK
AVENUE, SOUTH PROSPECT STREET, AND HARRISON STREET**

WHEREAS, on April 18, 2019 the Township of Verona received bids for Contract 18-05 – Reconstruction of Park Avenue, South Prospect Street and Harrison Street; and

WHEREAS, four (4) responsive and responsible bids were received for Contract 18-05; and

WHEREAS, the apparent lowest responsive and responsible bid was submitted

by Stanziale Construction, LLC, 2 Springdale Avenue, East Orange, New Jersey 07017 in the base bid amount of \$725,493.73; and

WHEREAS, the Township Engineer has reviewed and recommends the Contract award be made to Stanziale Construction, LLC, 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. 18-05 be awarded to the lowest responsive and responsible bidder, Stanziale Construction, LLC, 2 Springdale Avenue, East Orange, New Jersey 07017 for the base bid amount of \$725,493.73.

BE IT FURTHER RESOLVED that this expenditure shall be charged against Grant Account No. G-60-41-718-326 (NJ Department of Transportation Grants), Capital Account No. C-53-44-987-937 (Ordinance Nos. 3-12E & 13-17) 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 Township Manager, the Township Engineer, the Township Clerk, and any other officer as may be deemed appropriate are hereby authorized to enter into an agreement or any other required documents for the aforementioned services a copy of which shall be available for public inspection in the Office of the Township Clerk.

BE IT FURTHER RESOLVED that the Township Manager and the Township Clerk are hereby authorized to certify to a copy of this Resolution and forthwith transmit a copy of said Certified Resolution to the New Jersey Department of Transportation.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2019-91

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

AWARDING CONTRACT NO. 19-04 - MECHANICAL BAR SCREEN

WHEREAS, on March 28, 2019 the Township of Verona received bids for Contract No. 19-04 – Replacement of Mechanical Bar Screen; and

WHEREAS, eight (8) responsive and responsible bids were received for Contract No. 19-04; and

WHEREAS, the apparent lowest responsive and responsible bid was submitted by Fred Devens Construction, 403 Stonetown Road, Ringwood, New Jersey 07456; and

WHEREAS, James F. McGoldrick, P.E, Senior Project Manager at Mott MacDonald, the Township Consulting Engineer has reviewed and recommends the Contract award be made to Fred Devens Construction, 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. 19-04 be awarded to the lowest responsive and responsible bidder, Fred Devens Construction, 403 Stonetown Road, Ringwood, New Jersey 07456 for the base bid amount of \$495,000.00.

BE IT FURTHER RESOLVED that the award of this contract is contingent on the successful adoption of Bond Ordinance No. 2019-15.

BE IT FURTHER RESOLVED that this expenditure shall be charged to Bond Ordinance No. 2019-15 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 Township Manager, the Township Engineer, the

Township Clerk, and any other officer as may be deemed appropriate are hereby authorized to enter into an agreement or any other required documents 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. 2019-92

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

**AUTHORIZING AN AGREEMENT WITH THE
COUGAR AQUATIC SWIM TEAM**

WHEREAS, the Township of Verona wishes to enter into an agreement with the Cougar Aquatic Swim Team to provide for use of the Verona Community Pool facilities to conduct their summer practices; and

WHEREAS, the Cougar Aquatic Swim Team agrees to keep and maintain a daily log of all personnel who appear on the grounds and/or around the Pool areas under the terms of this Agreement; and

WHEREAS, the Township of Verona shall be paid directly by the Cougars for the use of the Community Pool facilities and staff in the sum of \$6,000.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and Municipal Clerk are authorized to execute an agreement with the Cougar Aquatic Swim Team for use of the pool facility, a copy of which is attached hereto and 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. 2019-93

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

**AUTHORIZING AN AGREEMENT WITH THE
CALDWELL CYCLONES SWIM TEAM**

WHEREAS, the Township of Verona wishes to enter into an Interlocal Agreement with the Borough of Caldwell to provide for use of the Verona Community Pool facilities to conduct the Caldwell Cyclones Swim Team summer practices; and

WHEREAS, the Caldwell Cyclones Swim Team agrees to keep and maintain a daily log of all personnel who appear on the grounds and/or around the Pool areas under the terms of this Agreement; and

WHEREAS, the Township of Verona shall be paid directly by the Borough of Caldwell for the use of the Community Pool facilities and staff in the sum of \$6,000.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona, County of Essex, State of New Jersey that the Township Manager and Municipal Clerk are authorized to execute an agreement with the Borough of Caldwell for use of the pool facility by the Caldwell Cyclones Swim Team, a copy of which is attached hereto and 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. 2019-94

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

**APPROVING CONTRACT CHANGE NO. 1 AND CONTRACT CLOSE-OUT
- CONTRACT NO. 18-09**

WHEREAS, JEV Construction, LLC and the Township of Verona have heretofore entered into an Agreement, more particularly known as Contract No. 18-09 - "Improvements to the Post Aeration System at the Wastewater Treatment Plant" for the furnishing of labor, equipment and materials in the amount of \$216,000.00, in accordance with the requirements of the Local Public Contract Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Council has received Contract Change No. 1 and Contract Close-Out for the within contract, dated April 18, 2019 in an amount of minus \$4,325.00, for a final contract amount of \$211,675.00; and

WHEREAS, the Contract Change No. 1 and Contract Close-Out do not expand the scope of the within contract; and

WHEREAS, JEV Construction, LLC have filed the required Maintenance Bond and Release of Liens with the Township and such documents have been recorded in the Office of the Township Clerk; and

WHEREAS, the within Contract Change No. 1 and Contract Close-Out is in the best interests of the Township of Verona.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Contract Change No. 1, in the amount of (minus) \$4,325.00, for a final contract amount of \$211,675.00 be approved and Contract No. 18-09 be closed out; and

BE IT FURTHER RESOLVED that the Township Manager, the Township Engineer, the Township Clerk and any other officer as may be deemed appropriate are hereby authorized to execute Contract Change No. 1 and Contract Close-Out for Contract No. 18-19 on behalf of the Township.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2019-95

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

**AUTHORIZING AN INCREASE TO THE MAXIMUM CONTRACT AMOUNT
WITH McMANIMON, SCOTLAND & BAUMANN, LLC FOR SERVICES AS
SPECIAL LEGAL COUNSEL**

WHEREAS, on January 7, 2019 the Township Council passed Resolution 2019-28 appointing McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068 as Special Legal Counsel at a rate not to exceed \$25,000 for the calendar year without further authorization by the Township Council; and

WHEREAS, the Township Attorney and the Township Manager have determined a need for outside Special Legal Counsel to handle certain matters related to but not limited to land acquisition, litigation, and redevelopment matters which are expected to exceed the \$25,000 maximum contract amount set by Resolution 2019-28; and

WHEREAS, the Local Public Contracts Law (*N.J.S.A. 40A:11-5(a)(1)(i)*) permits contracts

for professional services to be negotiated and awarded by the governing body without public advertising for bids and requires that the resolution authorizing the award of a contract for professional services without competitive bids and the contract itself be available for public inspection; and

WHEREAS, the award of the contract to McManimon, Scotland & Baumann, LLC, is being made pursuant to *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the cost for said professional services shall be set at a fixed hourly rates of ranging from \$125.00 to \$ 215 per hour for services plus the cost of reimbursable expenses; and

WHEREAS, this expenditure shall be charged to Budget Account No. 01-20-155-028, certain Capital Ordinances, Certain Escrow/Trust Accounts or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds which shall be certified by the Chief Financial Officer of the Township upon presentation of a property executed Purchase Order.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the maximum contract amount awarded to McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068 acting as Special Legal Counsel and shall be increased to a maximum amount not to exceed \$100,000 for the calendar year without further authorization by the Township Council.

BE IT FURTHER RESOLVED that the Business Entity Disclosure Certification and Determination of Value have been previously been placed on file with Resolution 2019-28.

BE IT FURTHER RESOLVED, that the Township reserves the right to cancel this contract upon thirty (30) days' notice and McManimon, Scotland & Baumann, LLC shall only be paid for the work completed; furthermore, no minimum amount of work or payment is implied or guaranteed.

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 this expenditure shall be charged to Budget Account No. 01-20-155-028, certain Capital Ordinances, Certain Escrow/Trust Accounts or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds which shall be certified by the Chief Financial Officer of the Township upon presentation of a property executed Purchase Order.

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

BE IT FUTHER 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. 2019-96

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

**AUTHORIZING A CONTRACT WITH BOWMAN CONSULTING GROUP, LTD.
FOR THE DESIGN AND ENGINEERING OF A SPLASH PARK AT THE
VERONA COMMUNITY POOL**

WHEREAS, the Township desires to construct a splash pad at the Verona Community Pool; and

WHEREAS, Bowman Consulting Group, Ltd., 54 Horsehill Road, Suite 100, Cedar Knolls,

New Jersey 07927 has submitted a proposal to provide various services related to surveying, design, bid scope, permitting and construction administration; and

WHEREAS, Bowman Consulting Group, Ltd. has extensive experience with such projects throughout the area; and

WHEREAS, the Township Manager has recommended that Bowman Consulting Group, Ltd. be awarded a contract to provide the aforementioned services; and

WHEREAS, the award of the contract to Bowman Consulting Group, Ltd. is being made pursuant to *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the cost for said professional services not to exceed \$85,000 as outlined in the proposal without further authorization by the Township Council; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Bowman Consulting Group, Ltd. is hereby awarded a contract for professional services.

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. 2019-97

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

PROPERTY MAINTENANCE LIEN

WHEREAS, the Police Department and the Montclair Health Department determined that conditions the property known as Block 902, Lot 10, commonly known as 111 Linden Avenue, Verona, New Jersey constituted a health hazard due to sudden death in the home, and

WHEREAS, bio-hazardous clean-up was performed by Aftermath in the amount of \$16,993.23, and

WHEREAS, this charges will be encumbered to the property with a lien for the above service pursuant to *N.J.S.A. 54:5-8* and any other applicable State or Federal regulation.

NOW, THEREFORE BE IT RESOLVED by the Township 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 111 Linden Avenue, Verona, New Jersey (Block 902, Lot 10) a municipal lien in the amount of the tax lien certificate (\$16,993.23), 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. 2019-98

A motion was made by Councilman Giblin; 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-7289-15
(Sternas vs. DMH2, LLC)
 - Docket No. ESX-L-5857-16
(The Land Tek Group, Inc, vs. Township of Verona)
 - Docket No. ESX-L-8050-17
(Jordan Descafano vs. Township of Verona, Michael Ruglio)
 - 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)
 - Docket No. ESX-L-1710-19
(Kensington Senior Development vs. Township of Verona, Zoning Board of Adjustment of the Township of Verona)
 - 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)*)
 - b. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
 - Prescription Drug Coverage Contract – Benecard and Gateway BMED
 - 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. 2019-99

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

AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A NEW

**PRELIMINARY INVESTIGATION TO RECONSIDER WHETHER BLOCK
303, LOT 4 QUALIFIES FOR AS AREA IN NEED OF REDEVELOPMENT**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A12A-1 et seq.* (the “Redevelopment Law”), provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Township Council of the Township of Verona (“Township”) desired to explore whether that certain real property located at the intersection of Bloomfield Avenue and Sunset Avenue, more commonly known as Block 303, Lot 4 on the Township Tax Map, inclusive of any and all streets, “paper” streets, private drives and right of ways (collectively, the “Study Area”) may be an appropriate area for consideration for the program of redevelopment; and

WHEREAS, the Redevelopment Law sets forth a specific procedure and criteria for establishing an area in need of redevelopment; and

WHEREAS, on or about January 7, 2019, by Resolution 2019-29, the Township Council authorized and directed the Township Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study Area qualified for designation as a Non-Condensation Redevelopment Area under the Redevelopment Law; and

WHEREAS, Jason L. Kasler, AICP, PP of Kasler Associates, PA prepared that certain study titled “2019 Township of Verona New Jersey, Property located at 1 Sunset Avenue, Verona, NJ 07044, Block 303 Lot 4, Determination of Area in Need of Redevelopment” dated January 20, 2019 (the “Kasler Study”); and

WHEREAS, on or about January 31, 2019, the Planning Board conducted a public hearing to consider the Kasler Study and to investigate whether or not the Study Area qualified for designation as a Non-Condensation Redevelopment Area under the criteria and pursuant to *N.J.S.A. 40A:12A-1 et seq.*; and

WHEREAS, on or about February 6, 2019, the Planning Board Secretary submitted its findings to the Township Council (the “Planning Board Memo”), stating that the Planning Board determined that the Study Area did not meet the criteria to qualify as an area in need of redevelopment and declined to recommend that the Study Area be designated a Non-Condensation Redevelopment Area; and

WHEREAS, the Township Council has considered the Planning Board Memo and desires to commission a new study of the Study Area and to refer said new study to the Planning Board for reconsideration of the Study Area as an area in need of redevelopment,

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby authorizes and directs the Township of Verona Planning Board to conduct a new investigation and to hold a public hearing to determine whether the Study Area defined hereinabove qualifies for designation as a Non-Condensation Redevelopment Area under the criteria and pursuant to the public hearing process as set forth in *N.J.S.A. 40A:12A-1 et seq.*; and

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution or Memorandum with supportive documentation.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Township Planning Board and the Planning Board Secretary.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

Public Participation:

Kevin Fremgen, 32 Otsego Road, Verona, NJ
Al DeOld, 15 Howard Street, Verona, NJ

Adjournment:

Council goes into Closed Session at 8:17 p.m. is moved by Councilman McEvoy; seconded by Mayor Ryan. Vote: 5 ayes.

Council comes out of Closed Session and the public meeting is adjourned at 9:05 p.m.

The next regular scheduled meeting is May 20, 2019 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Kevin Ryan
Kevin Ryan, Mayor

APPROVED: May 20, 2019