

Minutes of a Special Meeting of the Verona Township Council on May 15, 2019 beginning at 7:30 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, advance written notice of at least 48 hours, giving the time, date and location and to the extent known, the agenda, which notice stated that formal action may be taken, was posted on the bulletin board in the Municipal Building and sent to the official newspapers, transmitted to the Verona-Cedar Grove Times and published on May 14, 2019 in the Star Ledger.

Roll Call:

Mayor Kevin Ryan; Deputy Mayor Michael Nochimson; Councilman Alex Roman; Councilman Ted Giblin and Councilman Jack McEvoy are present. Township Manager Matthew Cavallo, Township Attorney Brian Aloia, and Municipal Clerk Jennifer Kiernan are also present. Also in attendance are Special Master Beth McManus and Bob Benecke of Benecke Economics.

Mayor Ryan leads the Pledge of Allegiance.

Township Manager Matthew Cavallo presents an over of the status of the Affordable Housing litigation. He details the specifics of the agreement with Spectrum 360. The agreement is the topic of tonight's meeting and will be voted on by resolution.

Beth McManus, the Court appointed Special Master explains her role in the process is to work with the parties towards a settlement, navigate them through the process and advise the Judge. She explains how, without an agreement, the Township is jeopardizing their immunity that would render in the Township's Zoning and Master Plan irrelevant going forward.

Public Participation:

Ann Studholme, Esq., Representing First Ridge Alliance
John Inglesino, Esq., Inglesino, Webster, Wyciskala, Taylor, LLC
Larry Bovich, 86 Afterglow Avenue, Verona, New Jersey
Walter Koroluk, 88 Afterglow Avenue, Verona, New Jersey
John Denton, 16 Glen Road, Verona, New Jersey
Liz Koroluk, 88 Afterglow Avenue, Verona, New Jersey
Robert Blitz, 12 Stonewood Parkway, Verona, New Jersey
Erica Davila, 32 Sunset Avenue, Verona, New Jersey
Jessica Pearson, 20 Montclair Avenue, Verona, New Jersey
Juliet Bollini, 72 Sunset Avenue, Verona, New Jersey
Maria Squilanti, 6 Belleclaire Place, Verona, New Jersey
Jessica Pearson, 20 Montclair Avenue, Verona, New Jersey
Alex Scott, Overlook Park, Verona, New Jersey
Glenn Elliot, 35 Brentwood Drive, Verona, New Jersey
Kris Bromley, 35 Belleclaire Place, Verona, New Jersey

RESOLUTION No. 2019-100

A motion was made by Councilman Giblin; seconded by Mayor Ryan 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)*)
 - 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:

Council goes into Closed Session at 10:19 pm.

Council enters back into Public Session at 11:27 p.m.

Bob Benecke gives a financial perspective of Plan A versus Plan B of the Settlement Agreement with Spectrum explaining that it is much more financially lucrative for Spectrum to proceed with Plan A than Plan B.

RESOLUTION No. 2019-101

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

**AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT
WITH SPECTRUM 360 WITH REGARD TO DOCKET NO. ESX-L-4773-15**

WHEREAS, the Township of Verona (the "Township") has historically participated in the administrative affordable housing compliance process overseen by the New Jersey Council on Affordable Housing ("COAH"), and has received substantive certification for the Prior Round (1987-1999); and

WHEREAS, since 1999, COAH has failed to adopt constitutionally compliant Third Round Rules that have withstood judicial scrutiny; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued a decision in the case entitled In re Adoption of N.J.A.C. 5:96 and 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), whereby the Court terminated COAH's jurisdiction to administer and approve municipalities' affordable housing plans, determined that trial courts would reassert primary jurisdiction over the same, and directed interested municipalities to petition the Court for immunity while constitutionally compliant housing plans were prepared; and

WHEREAS, in compliance with the New Jersey Supreme Court decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 7, 2015, the Township filed an action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Verona, a municipal corporation of the State of New Jersey, Docket No. ESX-L-4773-15 (the "Township's DJ Action"), seeking a Judgment of Compliance and Repose approving its Fair Share Plan, in addition to related reliefs; and

WHEREAS, by Order dated May 12, 2017, SPECTRUM 360, LLC (“Spectrum” and, collectively with the Township, the “Parties”), a non-profit entity that operates schools and serves children, adolescents, young adults, and adults on the autism spectrum and with behavioral and related disabilities, was granted leave to intervene in the DJ Action as an interested party owning certain property located in the Township commonly known as One Sunset Avenue and otherwise designated as Block 13, Lot 4 on the Township’s official Tax Map (the “Property”); and

WHEREAS, the Property consists of approximately eight (8) acres, with approximately 5.5 acres situated in the Township and the remaining approximate 2.5 acres located in the Township of Montclair; and

WHEREAS, Spectrum currently utilizes the Property as a campus for its Lower School and has a need to expand the Lower School to develop a career education/vocational wing for older students, but lacks adequate space on the Property for the planned expansion; and

WHEREAS, given Spectrum’s inability to expand its existing Lower School on the Property, it desires to sell the Property for a developer who will develop the Property; and

WHEREAS, the Township and Spectrum wish to enter into this Settlement Agreement to memorialize general terms for the development of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey hereby authorizes the Township Manager and the Township Clerk to execute the Settlement Agreement with Spectrum 360 attached hereto as Exhibit A.

ROLL CALL:

AYES: Giblin, Roman, Nochimson, Ryan

NAYS: McEvoy

Adjournment:

Motion to adjourn the public meeting at 11:08 is moved by Councilman Roman; seconded by Mayor Ryan. Vote: 5 ayes.

The next regular scheduled meeting is May 20, 2018 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Kevin Ryan
Kevin Ryan, Mayor

APPROVED: May 20, 2019