

Minutes of a Regular Meeting of the Verona Township Council on Monday, May 20, 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 Ted Giblin and Councilman Jack McEvoy are present. Township Attorney Brian Aloia, Township Manager Matthew Cavallo and Municipal Clerk Jennifer Kiernan are also present. Councilman Roman will arrive late.

Mayor Ryan invites Cub Scout Pack 32, led by Russ Williamson to lead the Pledge of Allegiance.

Mayor's Report:

Mayor Ryan reads a proclamation for National Emergency Medical Responder's Week.

Mr. Ryan invites Jay Coltre, Essex County Liaison to the lectern. Mr. Coltre reports the County Executive will hold the Annual Memorial Day Celebration in Veteran's Park on Wednesday, May 22, 2019. The Turtle Back Zoo will hold its Open House on Saturday, June 1 from 10:00 am – 2:00 pm. The Valerie Fund Walk will be held in Verona Park on June 8.

Councilman Roman enters Council Chambers at 7:05 pm.

Mayor Ryan reports that this is the first meeting since the Municipal Election and congratulates Ms. McGrath and Alex Roman and states the Reorganizational Meeting will be held on July 1 before the fireworks.

Last Friday OLL held their TREP\$ Entrepreneurial Education Program for 7th and 8th graders. He attended the ribbon cutting ceremony and states there were over 24 participants.

The Mayor participated in a conference call with Judge Gardner on the Affordable Housing issue. He states the Judge is pleased with the Township's progress and agreement with the various parties. Immunity has been extended until July 31.

Manager's Report:

Mr. Cavallo explains that the ordinances for Introduction are a Bond Ordinance authorizing \$1,260,000 from the General Capital Fund to fund the replacement of a Fire Engine (Engine 10 – Station 1) and an Ambulance (Rescue 9). Engine 10 is a 1999 Pierce Dash Pumper. Rescue 9 is a 2008 Ford Ambulance. I intend to purchase both vehicles under the HGAC Cooperative Contract. Under these contracts, Engine 10 is expected to cost approximately \$715,000 with equipment and Rescue 9 is expected to cost approximately \$345,000 with equipment.

Ordinance 2019-16 – Adopts a Redevelopment Plan for the Depot and Pine Redevelopment Area. This Ordinance has been referred to the Planning Board and is tentatively scheduled for consistency review this Thursday, May 23. Resolution 2019-99 – Refers the Spectrum 360 property back to the Planning Board for a second review to determine if the property meets the requirements of a non- condemnation area in need of redevelopment. I expect this review to occur early next month.

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 Municipal Building Roof Replacement project is still underway. The new roofing material has been installed. Restoration of the cupola is underway. Construction of the entrance awning by the Police Department started last week.

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 deadline that residents can choose to opt-out of the SEA R-GEA Program is May 30. The Township hopes to see everyone remain in the program but if you choose, which is your choice, please do so before May 30.

A free rabies clinic is scheduled for Wednesday May 22 at the DPW Garage on Ozone Avenue. Dogs will be vaccinated between 6:00 p.m. and 6:45 p.m. and cats will be vaccinated from 6:45 to 7:30 p.m. Pet licensing will also be available that evening.

The rabies vaccine is recommended every two years (mandated every three years) and is necessary for animal licensure. No appointment necessary and questions can be directed to the Verona Community Services Department at 973-857-4800. The next scheduled clinic will be in the fall of 2019.

Verona Cub Scout Pack 32 is hosting an Open House Ice Cream Social. All are urged to come learn what it means to be a Cub Scout family, have fun, and enjoy some ice cream! Thursday, May 23 at 7:00 p.m. at the First Congregational Church Of Verona, Church Street. More information is available on the Township Website.

There are several openings on several Boards and Commissions. In addition, there are some positions that might become vacant on July 1 due to expiration of terms. Any resident who wishes to be considered for any post on a Board or Commission is requested to submit an application on the Township's website.

Essex County Clerk Outreach is Wednesday May 22 from 9:30 a.m. – 3:00 p.m., the Verona Pool Opens on Saturday, May 25; the Memorial Day Parade will be held on Monday, May 27; the Senior Pool Party is Monday, June 3 from 12:00 p.m. to 2:30 p.m.; Primary Election Day is Tuesday, June 4. Polls open from 6:00 a.m. to 8:00 p.m., Verona Pool Opens FULL TIME on Friday, June 21 and Summer Recreation Playground begins Monday, June 24. The Re-Organization Meeting is Monday, July 1, but the time is still to be decided. This year's Summer Concert Series will be held July 10, 17, 24 and 31.

He invites Jessica Pearson, Environmental Commission Chairperson to the lectern. She announces that the original clean-up of the area behind FN Brown Elementary School will take place on June 1.

Councilmember Reports:

Deputy Mayor Nochimson congratulates Christine McGrath and Alex Roman. He states the universal goal of the candidates is to utilize their skillset to move Verona forward. He states that attempting to make a left turn onto Bloomfield Avenue from the Verona Diner is dangerous and asks if the handicap spot in front of the building can be moved. He also states the building of townhouses in Cedar Grove by the Hilltop is effecting residences on Cypress and Willow Terrace. There is water everywhere and the residents are disappointed.

Councilman Roman congratulates Christine McGrath on a well thought out campaign. She did a great job communication the accounts of previous council meetings and is looking forward to working with her. The Councilman states there were a lot of good candidates on the ballot with a close result. He reminds the public that every vote counts. He is honored to be re-elected and welcomes the opportunity to serve again. He congratulates John Quattrocchi, John FioRito and Michael Nochimson for running great campaigns.

Councilman McEvoy thanks all five candidates and congratulates Councilman Roman and Councilwoman-elect McGrath. He states his hat's off to EMS workers, the members of the Verona Rescue Squad who, last year, saved the taxpayers \$1.7 million in rides to the hospital alone.

Councilman Giblin congratulates EMS personnel and is appreciative of all volunteers. He congratulates Councilman Roman and Ms. McGrath. He also states he recognizes the efforts of the Municipal Clerk, who puts in a 20 hour workday with elections. He appreciates dedication.

ORDINANCE NO. 2019-17

**BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF AN
AMBULANCE AND A FIRE ENGINE IN AND BY THE TOWNSHIP OF
VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING
\$1,260,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,199,000
BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE
COST THEREOF**

The Municipal Clerk reads Ordinance No. 2019-17 by title into record.

Motion to introduce Ordinance No. 2019-17 is moved by Mayor Ryan; seconded by Councilman Roman.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

Ordinance No. 2019-17 is adopted 5-0 and will be published according to law and a public hearing will be held on June 3, 2019.

ORDINANCE No. 2019-18

**AN ORDINANCE TO AMEND CHAPTER 140 (VEHICLES AND TRAFFIC)
OF THE CODE OF THE TOWNSHIP OF VERONA BY AMENDING
CERTAIN SECTIONS**

The Municipal Clerk reads Ordinance No. 2019-18 by title into record.

Motion to introduce Ordinance No. 2019-18 is moved by Mayor Ryan; seconded by Councilman Roman.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

Ordinance No. 2019-17 is adopted 5-0 and will be published according to law and a public hearing will be held on June 3, 2019.

RESOLUTION No. 2019-102

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

**APPROVING CONTRACT CHANGE NO. 1 -
CONTRACT NO. 18-11 - FAIRWAY AVENUE WATER TANK
REHABILITATION**

WHEREAS, Manda Corporation and the Township of Verona have heretofore entered into an Agreement, more particularly known as Contract No. 18-11 - "Fairway Avenue Water Tank Rehabilitation" for the furnishing of labor, equipment and materials in the amount of \$688,400.00, in accordance with the requirements of the Local Public Contract Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, during mobilization for this project, it was discovered that the White Rock Water Tank had a faulty altitude valve which was required to be corrected before the Township could take the Fairway Avenue Water Tank offline for rehabilitation; and

WHEREAS, the Council has received Contract Change No. 1 for the within contract from the Consulting Engineer, dated April 23, 2019 in an amount of plus \$49,512.70, for a final contract amount of \$737,912.70; and

WHEREAS, Contract Change No. 1 also increases the allowed Contract Time by sixty (60) days; and

WHEREAS, the within Contract Change No. 1 is 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 Contract Change No. 1, in the amount of (plus) \$49,512.70, for a final contract amount of \$737,912.70 be approved; and

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

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2019-103

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

APPROVING CONTRACT CLOSE-OUT - CONTRACT NO. 16-10

WHEREAS, National Metering Services, Inc. and the Township of Verona have heretofore entered into an Agreement, more particularly known as Contract No. 16-10 - "Remote Water Meter Installation Services" for the furnishing of labor, equipment and materials in accordance with the requirements of the Local Public Contract Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, during the course of the Project, National Metering Services, Inc. successfully completed the replacement of 1,340 size 5/8" x 3/4" cold water meters (Item # A-1) and 19 size 1" cold water meters (Item # A-2); and

WHEREAS, the total cost of the work completed totals \$115,746.20.

WHEREAS, the Township has withheld retainage in the amount of two-percent (2%) from National Metering Services, Inc. in the amount of \$2,310.30 as warranty for workmanship pursuant to the Bid Specifications.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Contract No. 16-10 be closed out and the retainage withheld by the Township in the amount of \$2,310.30 be released to National Metering Service, Inc.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2019-104

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

ACCEPTING THE AWARD OF A 2019 GREEN COMMUNITIES GRANT

WHEREAS, the Township of Verona has been awarded a grant in the sum of \$3,000 from the NJDEP New Jersey Forest Service Urban and Community Forestry Program for assistance in creating a Community Forestry Management Plan (CFMP) ; 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 Township of Verona is hereby authorized to accept for this grant in the amount of \$3,000.

BE IT FURTHER RESOLVED that the Township Manager and the Municipal Clerk 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. 2019-105

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

**AUTHORIZING THE INSERTION INTO THE FY2019 MUNICIPAL
BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) OF A
SPECIAL ITEM OF REVENUE IN THE FORM OF MUNICIPAL ALLIANCE
GRANT**

WHEREAS, *N.J.S.A. 40A:4-87* provides that The Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, The Township of Verona has received a Green Communities grant in the amount of \$ 3,000 from the NJ DEP Division of Parks and Forestry and wishes to amend its 2019 Municipal Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED, that The Mayor and Council of the Township of Verona, The County of Essex, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019 in the sum of \$3,000 which is now available as revenue from:

Miscellaneous Revenues - Section F:

Special Items of General Revenue Anticipated with Prior Written Consent of
Director of Local Government

Services - Public and Private Revenues Offset with Appropriations:

Green Communities Grant

BE IT FURTHER RESOLVED, that the like sum of \$3,000 is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Revenues Offset with Appropriations:

Green Communities Grant

BE IT FURTHER RESOLVED that a copy of this Resolution will be electronically filed with The Director of Local Government Services for approval.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2019-106

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received from Stephen Johnson, for property located at 94 Elmwood Road and the fees have been held in Trust; and

WHEREAS, certification has been received from the Engineer to release these funds, from Trust, as follows:

<u>ESCROW AMOUNT</u>	<u>LAWYER FEES</u>	<u>AMOUNT TO BE REFUNDED</u>
\$500.00	\$130.00	\$370.00

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer/Tax Collector be authorized to refund, from the Trust Account, \$370.00 to:

Stephen Johnson
94 Elmwood Road
Verona, NJ 07044

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2019-107

A motion was made by Mayor Ryan; 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 by not shoveling snow; and

WHEREAS, clean up was performed by Green Valley on behalf of the Township on March 2 and March 4, 2019 totaling the amount of \$210.00; 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 (\$210.00), 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. 2019-108

A motion was made by Mayor Ryan; 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-003739-19
(First Ridge Alliance v. Township of Verona, Mayor and Council)
 - 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. 2019-109

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

DIRECTING THE TOWNSHIP MANAGER TO UNDERTAKE THE NEGOTIATIONS WITH THE BOARD OF EDUCATION REGARDING THE DISTRIBUTION OF SURPLUS REVENUE

WHEREAS, Long-term tax abatements (NJSA 40A:20-1) may last up to 30 years from completion of a project, are typically utilized for larger redevelopment projects, and require a municipality to declare an area as being in need of redevelopment; and

WHEREAS, long-term agreements can be a valuable tool for municipal-government leaders to stimulate redevelopment in their communities; and

WHEREAS, the Township has entered into four Financial Agreements in which Payments in Lieu of Taxes, "PILOT", are paid to the Township pursuant to the Long Term Tax Abatement Law (N.J.S.A. 40A:20-1 et seq.); and

WHEREAS, as part of the certain proposed projects in Redevelopment Areas it is anticipated that the Township will enter additional PILOT agreements; and

WHEREAS, the Verona Board of Education (hereafter "Board") reports that as of May 2017, there are twenty students in the Verona School System that reside the developments covered under the Financial Agreements; and

WHEREAS, the Board has requested that the Township consider allocating a portion of the revenues generated from PILOT to help supplement the Board's budget.

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, is hereby directed to meet with the Board to discuss the potential of allocating a portion of revenues received from PILOTs to the Board; and

BE IT FURTHER RESOLVED, that the Township Manager may direct any other employee, professional or person that the Manager deems necessary to accompany him during the meeting; and

BE IT FURTHER RESOLVED that the Township Clerk shall forward a copy of this Resolution to the Verona Board of Education.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

Discussion on scheduling of Reorganizational Meeting: Mr. Cavallo recommends a 5:30 pm start in order for the public to enjoy the fireworks scheduled for that evening. The rain location will be the ballroom in the Community Center. There is unanimous consent.

Public Participation:

Glenn Elliot, 35 Brentwood Drive, Verona, NJ
Will Battersby, 56 E. Reid Place, Verona, NJ
Ellen Buttolph, 51 Morningside Road, Verona, NJ
Rich Aloia, 37 Malvern Place, Verona, NJ

Adjournment:

Council goes into Closed Session at 8:38 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 9:59 p.m.

The next regular scheduled meeting is June 3, 2019 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Kevin Ryan
Kevin Ryan, Mayor

APPROVED: June 3, 2019