

Minutes of a Regular Meeting of the Verona Township Council on Monday, August 19, 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 Jack McEvoy, Deputy Mayor Alex Roman, Councilman Kevin Ryan; Councilman Ted Giblin and Councilwoman Christine McGrath. Township Attorney Brian Aloia, Township Manager Matthew Cavallo and Municipal Clerk Jennifer Kiernan are also present.

Mayor's Report:

Mayor McEvoy calls for the pledge of allegiance.

Mr. McEvoy thanks Congresswoman Mikie Sherrill for holding her Town Hall in Verona. He also warns the public about PSE&G scams through phone calls asking for personal information.

Mayor McEvoy reports that the last concert will be held Monday, August 26 in the Civic Center. He also states that National Night Out was a fantastic event with a descent turnout.

Manager's Report:

Mr. Cavallo reports that the Municipal Building Roof Replacement project is substantially complete. The Township is waiting on the Contractor to complete punch-list items and then the project can be closed out.

Concrete work is currently underway for the reconstruction of Park Avenue, South Prospect Street and Harrison Street. Paving is expected in a new weeks.

The solicitation of bids for lease extensions of the Linn Drive Tower closed on August 13. Four bids were received from our current tenants (Verona, AT&T, T-Mobile and Sprint) for \$40,000 annually. The bids are currently being reviewed by our Consultant and Ordinances authorizing the leases will be presented for Introduction at our next meeting.

On Thursday, August 15 Councilman Ryan, Steven Neale, Chuck Molinaro and Mr. Cavallo met in Cedar Grove with DOT Commissioner Diane Gutierrez-Scaccetti and her staff to discuss their displeasure with the slow pace which the Route 23 Reconstruction Project has taken. They had a list of concerns and requests for project timelines. Mr. Molinaro and Mr. Cavallo met again today with senior staff at the DOT and the project engineers to go over in detail our concerns. He reports that they seem to be very sympathetic to our complaints and we will await to see the outcome. Mr. Cavallo personally thanks Senator Kristin Corrado and Assemblyman Chris DePhillips along with Cedar Grove Manager Tom Tucci for setting up the meetings.

One responsive and responsible was received for the HVAC Service Contract and New Work bid from Univent, Inc. Rates proposed for a Journeyman are \$110 per hour compared to \$85 in our last bid with the Reiner Group.

The 3rd Annual Sports, Instrument and Baby Gear Swap will be held this Saturday, August 24 from 10 a.m. to 4 p.m. at the Community Center Gymnasium. Drop off will be on Friday, August 23 from 3 p.m. to 5 p.m. All proceeds benefit the Verona Children's Fund.

Movie Under The Stars - "A Dogs Way Home" will be held Tuesday, August 20 (raindate Wednesday, August 21). The final Summer Concert is August 26 at 7:00 p.m. Verona Restaurant Week 2019 is September 15-19.

Mr. Cavallo reminds the public that Resolution 2019-99 referred 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. The Planning Board voted to hire Mr. Fred Suljuc, PP to conduct a new Area in Need of Redevelopment Survey of the property. A draft of report has been published and a new review by the Planning Board began on July 25. On August 13, the Planning Board received further testimony and at the conclusion of the meeting, the Planning Board voted 7-1 to confirm that the property does meet the requirements of a non-condemnation area in need of redevelopment. A resolution declaring the property as such is on tonight's consent agenda.

Councilmember Reports:

Deputy Mayor Roman comments that National Night Out was a well assembled even with demonstrations from fire and rescue.

Councilman Ryan echoes the remarks of the Deputy Mayor. He states that he attended the Shade Tree Commission meeting Monday. They are diligent in applying for grants. He also commenting on information he read on social media and wants to clarify the implications that the township is receiving money from PILOT programs, specifically at Spectrum 360 and not sharing funds. He states that this couldn't be farther from the truth and states that this resolution on tonight's agenda starts negotiations going forward. He also states he attended the conference with Mr. Cavallo on the Route 23 project, expressing that he is not satisfied with the contractors.

Councilman Giblin had the opportunity to attend the Neighborhood Traffic and Safety Advisory Committee meeting last week. He reminds the public that the Committee will hold a seminar entitled "The Need for Speed" on September 17 at 7:30 pm in the Community Center. He also reports that the Verona Rescue Squad will hold their annual Tricky Tray on September 24 in the Community Center.

Councilwoman McGrath thanks the Township Manager for taking her on a tour of the Township offices and facilities. Because she was not present at the last meeting, she thanks the Mayor and Council for recognizing the problem of gun violence. She also states that effective September 1, a new law called Extreme Risk Protective Order takes place and although it can help de-escalate tense situations, she requests that sometime in the fall season, the police department can address the Council and explain the law.

The Councilwoman also states that she hopes that the Township can publicize the Open Space Trust referendum before the vote by mail ballots go out in late September. She also reports she has received complaints about temporary signage on buildings, specifically political signs. The Township Attorney responds that political signage falls under free speech. The Councilwoman asks if the Township can request voluntary restrictions for candidates. The Township Attorney states he will get back to her.

ORDINANCE No. 2019-20

AMENDING CHAPTER A175 "FEES" THE CODE OF THE TOWNSHIP OF VERONA BY AMENDING CERTAIN SECTIONS THEREOF

The Municipal Clerk reads Ordinance No. 2019-20 by title into record.

Public Hearing: None

Motion to adopt Ordinance No. 2019-20 is moved by Councilman Giblin; seconded by Councilwoman McGrath.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-20 is adopted 5-0 and will be published according to law.

ORDINANCE NO. 2019-21

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$499,235 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The Municipal Clerk reads Ordinance No. 2019-21 by title into record.

Motion to introduce Ordinance No. 2019-21 is moved by Councilwoman McGrath; seconded by Mayor McEvoy.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-21 is adopted 5-0 and will be published according to law and a public hearing will be held on September 9, 2019.

ORDINANCE NO. 2019-22

BOND ORDINANCE PROVIDING FOR LINN DRIVE RECONSTRUCTION IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$385,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$366,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The Municipal Clerk reads Ordinance No. 2019-22 by title into record.

Motion to introduce Ordinance No. 2019-22 is moved by Deputy Mayor Roman; seconded by Councilman Ryan.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-22 is adopted 5-0 and will be published according to law and a public hearing will be held on September 9, 2019.

ORDINANCE NO. 2019-23

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF VERONA CHAPTER 4 (ADMINISTRATION OF GOVERNMENT) BY AMENDING CERTAIN SECTIONS

The Municipal Clerk reads Ordinance No. 2019-23 by title into record.

Motion to introduce Ordinance No. 2019-23 is moved by Councilman Giblin; seconded by Deputy Mayor Roman.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-23 is adopted 5-0 and will be published according to law and a public hearing will be held on September 9, 2019.

ORDINANCE NO. 2019-24

AN ORDINANCE TO AMENDING CHAPTER 104 (PEDDLERS AND SOLICITORS) OF THE CODE OF THE TOWNSHIP OF VERONA

The Municipal Clerk reads Ordinance No. 2019-24 by title into record.

Motion to introduce Ordinance No. 2019-24 is moved by Mayor McEvoy; seconded by Councilwoman McGrath.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-24 is adopted 5-0 and will be published according to law and a public hearing will be held on September 9, 2019.

ORDINANCE No. 2019-25

AMENDING CHAPTER A175 "FEES" THE CODE OF THE TOWNSHIP OF VERONA BY AMENDING CERTAIN SECTIONS THEREOF

The Municipal Clerk reads Ordinance No. 2019-25 by title into record.

Motion to introduce Ordinance No. 2019-25 is moved by Councilwoman McGrath; seconded by Deputy Mayor Roman.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-25 is adopted 5-0 and will be published according to law and a public hearing will be held on September 9, 2019.

ORDINANCE No. 2019-26

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF VERONA CHAPTER 140 THEREOF ENTITLED VEHICLES AND TRAFFIC BY AMENDING CERTAIN SECTIONS

The Municipal Clerk reads Ordinance No. 2019-26 by title into record.

Motion to introduce Ordinance No. 2019-26 is moved by Councilman Ryan; seconded by Councilman Giblin.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-26 is adopted 5-0 and will be published according to law and a public hearing will be held on September 9, 2019.

ORDINANCE # 2019-27

AN ORDINANCE FIXING THE SALARIES, COMPENSATION OF CERTAIN PAID EMPLOYEES OF THE TOWNSHIP

The Municipal Clerk reads Ordinance No. 2019-27 by title into record.

Motion to introduce Ordinance No. 2019-27 is moved by Deputy Mayor Roman; seconded by Mayor McEvoy.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2019-27 is adopted 5-0 and will be published according to law and a public hearing will be held on September 9, 2019.

Approval of Minutes:

The minutes from the August 5, 2019 meeting are approved by a motion from Mayor McEvoy; seconded by Councilman Ryan.

ROLL CALL:

AYES: Giblin, Ryan, Roman, McEvoy

NAYS:

ABSENT:

ABSTAIN: McGrath

RESOLUTION No. 2019-139

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

CERTIFICATION OF 2018 ANNUAL AUDIT

WHEREAS, *N.J.S.A.40A:5-4* requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2018 has been filed by a Registered Municipal Accountant with the Township of Verona pursuant to *N.J.S.A. 40A:5-6*, and a copy has been received by each member of the governing body; and

WHEREAS, *R.S. 52:27BB-34* authorized the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated *N.J.A.C. 5:30-6.5*, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled, "Comments and Recommendations; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to *N.J.A.C. 5:30-6.5*; and

WHEREAS, all members of governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of *R.S. 52:27BB-52*, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Division of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, New Jersey, hereby affirms compliance *N.J.A.C. 5:30-6.5* and does hereby submit a certified copy of this resolution and the required affidavit to the Local Finance Board to show evidence of said compliance.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-140

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

**DETERMINING THAT THE PROPERTY IDENTIFIED AS
BLOCK 303 LOT 4 BE DESIGNATED AS A NON-CONDEMNATION
REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL
REDEVELOPMENT AND HOUSING LAW,
N.J.S.A. 40A:12A-1 ET SEQ.**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, on May 6, 2019, the municipal council (the "Township Council") of the Township of Verona (the "Township") adopted Resolution No. 2019-99 authorizing and directing the Planning Board of the Township (the "Board") to conduct a preliminary investigation to determine whether certain property, identified as Block 303, Lot 4 on the Township's Tax Maps (collectively, the "Study Area"), meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condemnation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Board conducted a preliminary investigation of the Study Area to determine whether it should be designated as a Non-Condemnation Redevelopment Area in accordance with the criteria and procedures set forth in *N.J.S.A. 40A:12A-5* and *N.J.S.A. 40A:12A-6*; and

WHEREAS, as part of its preliminary investigation, the Board caused Mr. Fred Suljic, P.P., a licensed professional planner and landscape architect in the State of New Jersey, of the professional firm of Benecke Economics, to prepare an Area In Need of Redevelopment Investigation Study for the Board for its consideration in determining whether the Study Area should be designated a Non-Condemnation Redevelopment Area; and

WHEREAS, in addition to the foregoing, the Board prepared a map showing the boundaries of the proposed redevelopment area and locations of the parcels of property included therein, along with a statement setting forth the basis for its investigation in accordance with *N.J.S.A. 40A:12A-6(b)(1)*, which map and statement are on file with the Planning Board Clerk; and

WHEREAS, a public hearing was conducted by the Board on July 25, 2019 and August 13, 2019, with notice having been properly given pursuant to *N.J.S.A. 40A:12A-6(b)(3)*; and

WHEREAS, at the public hearing, the Board reviewed the Area In Need of Redevelopment Investigation Study, the map and associated documents, and heard testimony from Mr. Suljic; and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard, to address questions to the Board, to present their own experts and to cross examine the experts concerning the potential designation of the Study Area as a Non-Condemnation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at *N.J.S.A. 40A:12A-5 et seq.*, for designating the Study Area as a "Non-Condemnation Redevelopment Area" and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as memorialized by Memorandum, dated August 14, 2019, from Mrs. Ashley Neale, the Planning Board Secretary, the Board recommended to the Township Council that Block 303, Lot 4 be designated as a Non-Condemnation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, New Jersey hereby accepts the recommendation from the Planning Board of the Township of Verona and finds that Block 303 Lot 4 as shown on the official

tax map of the Township of Verona be and is hereby deemed to be a Non-Condemnation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*

BE IT FURTHER RESOLVED, that the designation of the Study Area as a Non-Condemnation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area.

BE IT FURTHER RESOLVED, that the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law.

BE IT FURTHER RESOLVED, that the Township Manager, the Township Clerk and any other Township officials as may be appropriate and necessary are hereby authorized to take all actions and to execute any and all documents necessary to effectuate this Resolution, in consultation with counsel.

BE IT FURTHER RESOLVED, that the Township Clerk shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review.

BE IT FURTHER RESOLVED, that within ten (10) days of the Township Council's adoption of the within Resolution, the Township Clerk shall serve notice of the Township Council's determination and the within Resolution upon all record owners of property within the Study Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-141

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

**AUTHORIZING THE RELEASE OF PERFORMANCE BOND NO. 104949958
TO K. HOVANIAN AT VERONA URBAN RENEWAL, LLC**

WHEREAS, the Township of Verona and K. Hovanian at Verona Urban Renewal, LLC, 10 Fieldcrest Avenue, CN 7825, Edison, New Jersey 08818 ("KHov") are parties to a Developer's Agreement for the Redevelopment of Hilltop Parcel #3; and

WHEREAS, on or about June 18, 2007, KHov posted Payment and Performance Surety Bond No. 104949958 in the amount of \$2,000,000 to secure the completion of the environmental remediation in accordance with the Site Investigation Report of Brinkerhoff Environmental Services, Inc. dated April 22, 2007; and

WHEREAS, on October 26, 2009, the Township Council adopted Resolution No. 115 of 2009 that approved the reduction of the surety bond to \$300,000 and in accordance with the Resolution, KHov submitted a Rider reducing the value of the surety bond to \$300,000; and

WHEREAS, on September 7, 2010, the Township Council adopted Resolution No. 112 of 2010 that approved the reduction of the surety bond to \$50,000 and in accordance with the Resolution, KHov submitted a Rider reducing the value of the surety bond to \$50,000; and

WHEREAS, on May 17, 2019, KHov submitted a letter requesting the release of the surety bond and enclosed a copy of the Response Action Outcome dated April 17, 2019 that indicates that the work has been completed; and

WHEREAS, on August 16, 2019, Michael DeCarlo, Engineering Manager and Zoning Official, opined that the work required and secured by the environmental remediation bond have been performed and completed pursuant to regulation and recommending that the Township release of the surety bond.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Surety Bond No. 104949958 and all subsequent riders posted by KHov with respect to the environmental remediation of Hilltop Parcel #3 be released in its entirety.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-142

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

**CANCELLING FUNDED APPROPRIATION BALANCES UNDER CERTAIN
BOND ORDINANCES PREVIOUSLY ADOPTED FOR VARIOUS CAPITAL
IMPROVEMENT PROJECTS IN THE TOTAL AMOUNT OF \$371,058.74
FROM THE GENERAL CAPITAL FUND**

WHEREAS, the Township previously adopted Bond Ordinances for the purpose of funding various capital projects and improvements of the Township as more fully specified in the Bond Ordinances; and

WHEREAS, as of the date hereof, the projects have been completed and/or funded balances remain open and unexpended; and

WHEREAS, the Township now desires to cancel such appropriations and transfer the funded balances in their respect fund surplus;

<u>ORDINANCE</u>	<u>AMOUNT TO BE CANCELLED</u>
General Capital	
4-15A	\$ 4,198.38
2-10A	0.08
18-05J	471.95
3-12E (13-17)	65,698.77
9-13B	460.84
2017-27	27,324.66
2017-30	270,630.00
5-09L	1,221.67
6-10J	<u>1,052.39</u>
TOTAL	\$ 371,058.74

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey as follows:

SECTION 1. The appropriation amounts associated with the Capital Projects under each of the following Bond Ordinances are funded as of the date hereof and are hereby cancelled as of the date of this Resolution:

SECTION 2. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-143

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

**CANCELLING UNFUNDED APPROPRIATION BALANCES UNDER
CERTAIN BOND ORDINANCES PREVIOUSLY ADOPTED FOR VARIOUS
CAPITAL IMPROVEMENT PROJECTS IN THE TOTAL AMOUNT OF
\$242,216.48**

WHEREAS, the Township previously adopted Bond Ordinances for the purpose of funding various capital projects and improvements of the Township as more fully specified in the Bond Ordinances and

WHEREAS, as of the date hereof, the projects have been completed and/or balances remain open and unexpended; and

WHEREAS, the Township now desires to cancel such appropriations and unused debt authorizations;

<u>ORDINANCE</u>	<u>AMOUNT TO BE CANCELLED</u>
General Capital	
4-15A	\$ 24,491.47
4-15D	2,142.99
9-13B	197.96
9-13D	202.04
15-15A	33,037.23
15-15D	16,641.41
15-15E	4,533.22
15-15H	11,297.87
15-15I	185.95
15-15J	6,520.64
15-15K	265.53
15-15M	2,363.97
18-16A	124,003.94
18-16E	242.80
18-16F	0.09
1-13A	<u>16,089.37</u>
TOTAL	\$ 242,216.48

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, County of Essex, State of New Jersey, as follows:

SECTION 1. The appropriation amounts associated with the Capital Projects under each of the following Bond Ordinances are canceled; and

SECTION 2. All resolutions or proceedings, or parts thereof, in conflict with the provisions of this Resolution are to the extent of such conflict hereby repealed.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-144

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

**CLARIFYING THE PURPOSE OF ORDINANCE No. 18-34 FOR THE
PURPOSES OF AFFORDABLE HOUSING**

WHEREAS, on December 3, 2019 the Township Council adopted Ordinance No. 18-34 entitled “BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY KNOWN AS THE CAMECO PROPERTY IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$3,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,952,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF”; and

WHEREAS, the Cameco Property was purchased by the Township for the purchases of

redevelopment to fulfill the Township's affordable housing obligation; and

WHEREAS, the Ordinance was moot to the matter of affordable housing and it is necessary to codify such purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that it is the desire of the Township of utilize the Cameco Property for the purposes of fulfilling the Township's affordable housing obligation and therefore authorize the utilization of the Affordable Housing Trust Fund to finance various costs related to this purchase including required down payments pursuant to the Local Bond Law.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-145

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

**AWARDING CONTRACT TO VCI EMERGENCY VEHICLE SPECIALISTS
FOR THE PURCHASE ONE NEW 2019 TYPE I, FORD 550, MODEL 623
AMBULANCE FOR THE VERONA RESCUE SQUAD**

WHEREAS, the Verona Rescue Squad ("Squad") recommends that Verona procure new Ambulance for its use by the Squad in fulfilment of their mission to the residents of the Township replacing the 2008 Ambulance owned by the Verona Rescue Squad; and

WHEREAS, the Squad has researched vendors that would achieve their goals and determined that the sought-after equipment may be procured through a nationally-recognized and accepted cooperative purchasing contract between the Houston-Galveston Area Council ("H-GAC") and Bay Head Investments, Inc. dba VCI Emergency Vehicle Specialists ("VCI"); and

WHEREAS, pursuant to *N.J.S.A. 52:34-6.2b.(3)* (as amended by *P.L. 2011, c.139*) and LFN 2012-10, a New Jersey municipality may purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally-recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding or contracting process by another contracting unit within New Jersey or another state; and

WHEREAS, H-GAC is a regional organization of governments operating under the laws of the State of Texas and is a political subdivision of the State of Texas; and

WHEREAS, the subject cooperative purchasing contract was awarded by H-GAC to VCI utilizing a competitive contracting process; and

WHEREAS, also pursuant to *N.J.S.A. 52:34-6.2b.(3)* (as amended by *P.L. 2011, c.139*) and LFN 2012-10, prior to making purchases under nationally-recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material, and delivery, have been considered; and

WHEREAS, the Squad have determined that Verona's use of the H-GAC cooperative purchasing contract to procure the sought-after ambulance will result in cost savings to Verona; and

WHEREAS, consistent with the H-GAC cooperative purchasing contract and needs of Verona, VCI has submitted a proposal to provide one (1) new 2019 Type 1, Ford F550, Model 623 ambulance to Verona for the sum of \$325,861.60; and

WHEREAS, the Township Manager/Qualified Purchasing Agent caused a Notice of Intent to award this contract in the August 1, 2019 edition of the Verona-Cedar Grove Times establishing a ten-day comment period which ended on August 10, 2019 during which no comments from the public were received; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available for this purchase in Bond Ordinance No 2019-17 (Capital Account # C-53-46-031-001).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, State of New Jersey, as follows:

1. The foregoing “Whereas” clauses are hereby incorporated as if fully restated.
2. A contract for the purchase of one (1) new 2019 Type 1, Ford F550, Model 623 ambulance for the sum of \$325,861.60 is hereby awarded to VCI without the Township soliciting public bids as permitted by law.
3. The Township Manager and Township Clerk are hereby authorized and directed to execute an “End User Agreement” with VCI pursuant to the terms of its nationally-recognized and accepted cooperative purchasing agreement with the Houston-Galveston Area Council.
4. The form and terms of the End User Agreement shall be consistent with this resolution is subject to the approval of the Township Attorney.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-146

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

**AWARD BID CONTRACT No. 19-09 TO UNITEMP, INC.
FOR HVAC SERVICE CONTRACT & NEW WORK**

WHEREAS, On July 23, 2 the Township of Verona received bids for Contract No. 19-09 – HVAC Service Contract & New Work; and

WHEREAS, one (1) responsive and responsible bid was received for Contract No. 19-09 in the amount of \$110.00 per hour for the Journeyman Maintenance/Repair Rate and \$98.00 per hour for the Apprentice Maintenance/Repair Rate along with a Material Contractors Cost of Plus 15%; and

WHEREAS, the Supervisor of Buildings and Grounds has reviewed the proposals and recommends that the Contract award be made to the Unitemp, Inc., 26 World Fair Drive, Unit D, Somerset, New Jersey 08873 as the lowest responsible bidder.

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. 19-09 – HVAC Service Contract & New Work be awarded to the lowest responsive and responsible bidder, Unitemp, Inc., 26 World Fair Drive, Unit D, Somerset, New Jersey 08873 in an amount of \$110.00 per hour for the Journeyman Maintenance/Repair Rate and \$98.00 per hour for the Apprentice Maintenance/Repair Rate along with a Material Contractors Cost of Plus 15%, with a minimum of zero (0) and a maximum of two-hundred fifty (250) service call per twelve-month period. No amount of this contract shall be chargeable until such time as to the certification of available funds is made by the Chief Financial Officer, upon receipt of a properly executed Purchase Order pursuant to *N.J.A.C. 5:30-11.10*.

BE IT FURTHER RESOLVED that the term of the contract is for a twenty-four (24) month period, with the Township’s option to renew the contract for a maximum for two (2) twelve (12) month terms, without further authorization by the Township Council pursuant to *N.J.S.A. 40A:11-15*.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-147

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

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE AMERICAN RED CROSS TO COORDINATE RESPONSES AND RESOURCES TO EMERGENCY OR DISASTER SITUATIONS

WHEREAS, the Township of Verona and American Red Cross desire to enter into a Memorandum of Understanding to define a working relationship between the two entities in preparing for, responding to, and recovering from emergencies and disasters; and,

WHEREAS, the Memorandum of Understanding provides a broad framework for cooperation and support between the Township and the American Red Cross in assisting individuals, families, and communities who have been or could be impacted by a disaster or an emergency; and,

WHEREAS, the Township recognizes the American Red Cross as having mass care responsibility in domestic disasters and when activated, authorizes and will support and coordinate in with the Red Cross in the execution of these duties to maximize services to the community and duplication of efforts,

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, New Jersey hereby authorizes the Township Manager, Township Clerk and any other municipal officials deemed appropriate to execute a Memorandum of Understanding, a copy of which is on file in the Office of the Municipal Clerk, with the American Red Cross to provide a framework for coordination of activities in preparation, response, or recovery from emergencies and disasters; and,

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Coordinator of the Office of Emergency Management.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION NO. 2019-148

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

PROPERTY MAINTENANCE LIEN

WHEREAS, the Construction Code Official determined that the owner of the Block 501, Lot 51 on the Tax Maps of the Township of Verona, commonly known as 25 Gordon Place, to comply with the Township property maintenance code, specifically not mowing the lawn of the property; and

WHEREAS, clean up was performed by Green Valley Landscape Design on behalf of the Township on June 21 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 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 25 Gordon Place, Verona, New Jersey (Block 501, Lot 51) 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: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-149

A motion was made by Mayor McEvoy; seconded by Councilman 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 re Adoption of *N.J.A.C. 5:96, 221 N.J. 1 (2015)*)
Docket No. ESX-L-003739-19 (First Ridge Alliance v. Twp of Verona, Mayor & 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 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: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2019-150

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

**IN SUPPORT OF THE NEW JERSEY STATE LEAGUE OF MUNICIPALITIES'
PETITION FOR RULEMAKING TO AMEND THE UNIFORM
CONSTRUCTION CODE**

WHEREAS, the State of New Jersey has adopted a Uniform Construction Code ("UCC") with the purpose to provide for uniform construction standards to insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of the State; and

WHEREAS, the Department of Community Affairs ("DCA") has been granted authority to amend or alter provisions of the UCC to insure the intent and purposes of the UCC continue to be fulfilled; and

WHEREAS, municipal construction officials act as the enforcing agency tasked with administering and enforcing all provisions of UCC for construction within municipal boundaries; and

WHEREAS, permits and inspections form the foundation for the safe building environment; and

WHEREAS, the DCA made amendments to N.J.A.C. 5:23-1.4, 2.7, 2.14, & 2.17A, commonly referred to as the “Minor Work” and “Ordinary Maintenance” provisions of the UCC that took effect on March 5, 2018, which undermine the UCC’s intent and purpose; and

WHEREAS, unless these amendments are retracted or further remedial amendments are made to the UCC, the health, safety, and welfare of the citizens of the State will be jeopardized and residents could see overall construction expenses increase if work is not properly performed; and

WHEREAS, the New Jersey State League of Municipalities along with New Jersey’s six professional code official associations has filed a petition for rulemaking with the DCA requesting necessary and appropriate amendments be made to ensure the intent and purpose of the UCC is reinforced and preserved.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Verona, in the County of Essex, New Jersey supports the rulemaking petition submitted by the League and the six professional code official associations and requests that the DCA work to expeditiously adopt the measures offered by the petition; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Governor Phil D. Murphy and Lieutenant Governor/Commissioner of the New Jersey Department of Community Affairs Shelia Y. Oliver, Senator Joseph Pennacchio, Assemblywoman Bettylou DeCrose, Assemblyman Jay Weber, the Director of the Division of Codes and Standards Edward M. Smith, and the President of the New Jersey State League of Municipalities Colleen Mahr.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

New Business:

The Township Manager gives a Capital project update on the Police locker room and records retention.

Public Participation:

Gerard Shimonaski, 33 Kenwood Road, Verona, NJ
Kathleen Laterza, 810 Bloomfield Avenue, Verona, NJ
Jim Day, 8 Windemere Road, Verona, NJ
Jack Martin, 800 Bloomfield Avenue, Verona, NJ

Adjournment:

Motion to adjourn moved by Deputy Mayor Roman; seconded by Councilman Ryan at 8:58 p.m.

The next regular scheduled meeting is September 9, 2019 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Jack McEvoy
Jack McEvoy, Mayor

APPROVED: September 9, 2019