

Minutes of a Regular Meeting of the Verona Township Council on Monday, November 18, 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 Manager Matthew Cavallo and Municipal Clerk Jennifer Kiernan are also present. Brian Aloia, Township Attorney is running late.

Mayor's Report:

Mayor McEvoy calls for the pledge of allegiance.

Julius Coltre approaches the lectern to update the public on County activities. He reports that the County will hold Holiday Lights at the Turtle Back Zoo beginning on November 22, A ginger bread house workshop will be held at the Environmental Center on December 2. Mr. Coltre also reports that the flagpole is completed in Verona Park and the County has confirmed that the section of Pompton Avenue between Claremont and Bloomfield Avenues will be paved upon completion of the State's paving project of Route 23.

Mr. McEvoy invites Colin Boyle of the Verona Municipal Alliance Commission to the lectern and asks Deputy Mayor Roman to read the resolution recognizing November as Safe Homes Month.

**RESOLUTION No. 2019-178**

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

**RECOGNIZING NOVEMBER AS SAFE HOMES MONTH**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Township Council of the Township of Verona recognize that the abuse of alcohol and drugs is a serious problem in our society among persons of all ages; and therefore has an established the Municipal Alliance Committee; and

**WHEREAS**, the Verona Municipal Alliance Committee is a sponsor of Safe Homes, a program that empowers parents and guardians to create a community of people who have pledged to not allow underage alcohol and drug use in their homes and on their property and to provide secure storage places for firearms, matches, toxic chemicals and to monitor computer use; and

**WHEREAS**, parents could be held civilly liable for any incident arising as a result of serving or allowing alcohol to be consumed on their property; and

**WHEREAS**, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**NOW, THEREFORE BE IT RESOLVED**, that the Township Council of the Township of Verona, in the County of Essex, New Jersey recognize November to be Safe Homes Month.

**ROLL CALL:**

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

**NAYS:**

The Mayor announces that due to the heavy agenda, Councilmembers' Reports will be suspended this evening.

Township Attorney Brian Aloia enters Council Chambers at 7:25 p.m.

Manager's Report:

The Township Manager appoints Christen Dietz as an Alternate #2 Member with a term ending 6/30/2021 to the Environmental Commission.

Mr. Cavallo announces that Joseph Baumann Esq., of McManimon, Scotland and Baumann along with Special Counsel Brian Giblin, Gary Veenstra, of Neglia Engineering, representing Benecke Economics is present this evening along with Special Master Beth McManus. Mr. Baumann approaches the lectern to explain to the public where the Township is in terms of Affordable Housing obligations as well as what is ahead for Council to take action upon.

After Mr. Baumann speaks to the public, Mayor McEvoy motions for a special Public Comment period on this matter only; seconded by Councilman Giblin. Vote: 5 ayes.

Monika Martin, 84 Pine Street, Verona, New Jersey  
Charles Cerle, 37 Depot Street, Verona, New Jersey

**RESOLUTION No. 2019-179**

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

**AUTHORIZING THE EXECUTION OF AN AMENDED 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 amend the Settlement Agreement, dated as of May 31, 2019, 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 First Amended and Restated Settlement Agreement with Spectrum 360 attached hereto as Exhibit A with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township's redevelopment counsel, planning consultant and other professionals.

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION No. 2019-180**

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

**DESIGNATING A REDEVELOPER, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES PURSUANT TO N.J.S.A. 55:14K-1 ET SEQ., AND AUTHORIZING THE EXECUTION OF A REDEVELOPER AGREEMENT, WITH PIRHL DEVELOPERS, LLC CONCERNING PROPERTY IDENTIFIED AS BLOCK 2301, LOTS 11, 12, 14, 15 AND 16 ON THE TOWNSHIP TAX MAPS**

**WHEREAS**, on February 11, 2019, the Township Council for the Township of Verona (the "**Township Council**") adopted Resolution No. 2019-55, designating as a non-condemnation redevelopment area, as defined in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.* (the "**Redevelopment Law**"), Block 2301, Lots 1 through 12 and 14 through 19 as shown on the Tax Map of the Township, commonly known as the "Depot and Pine Redevelopment Area," (the "**Redevelopment Area**"); and

**WHEREAS**, by Ordinance No. 2019-16 the Township Council adopted a redevelopment plan for the Redevelopment Area entitled "Depot and Pine Redevelopment Area, Redevelopment Plan, Block 2301, Lots 1-12, 14-19, Township of Verona, New Jersey", dated April 22, 2019 (as may be amended and supplemented from time to time, the "**Redevelopment Plan**"); and

**WHEREAS**, the Township is the Owner of real property identified on the Township's tax map as Block 2301, Lots, 11, 12, 14, 15, and 16 or a mutually agreeable reconfiguration of property in the event the Township undertakes a land swap with the owners of Block 2301, Lots 17 and 18 (the "**Property**"); and

**WHEREAS**, PIRHL Developers, LLC (the "**Redeveloper**") seeks to be designated as the "redeveloper" (as defined in the Redevelopment Law) of the Property, so as to redevelop the Property in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

**WHEREAS**, the Township desires to sell the Property to Redeveloper for \$1.00, for redevelopment of the Property with an affordable housing project consisting of not less than 85-

units, including 17 one-bedroom units, 46 two-bedroom units, and 22 three-bedroom units, lobby, community room, and management office, to be located in a four-story elevator building, 139 on-site parking spaces, together with such other improvements as may be necessary in connection therewith, (the “**Project**”); and

**WHEREAS**, the Project will help satisfy the Township’s “Mt. Laurel” affordable housing obligation; and

**WHEREAS**, the Project will be subject to the requirements of the New Jersey Housing and Mortgage Finance Agency (the “**HMFA**”), including mortgage and loan documents executed pursuant to N.J.S.A. 55:14K-1 et seq. (the “**HMFA Law**”); and

**WHEREAS**, the not less than 85 units of rental housing in the Project will qualify as low and moderate income units under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq. and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., except as exempted by Section 42 of the Internal Revenue Code relative to Federal Low-Income Housing Tax Credits; and

**WHEREAS**, the HMFA Law permits the governing body of a municipality in which a housing project financed by the HMFA is located to exempt such housing project from real property taxation if the housing project’s sponsor enters into an agreement (a “**PILOT Agreement**”) with the municipality for payments to the municipality in lieu of taxes for municipal services; and

**WHEREAS**, the Township Council find that entering into a PILOT Agreement with the Redeveloper is necessary to assure implementation of the Project and the construction of the affordable rental housing, and have negotiated a PILOT Agreement with the Redeveloper consistent with HMFA Law and protocols that obligate the Redeveloper to pay an annual service charge of 1% of its Project revenues to the Township for a period of 30 years; and

**WHEREAS**, the Redeveloper has provided an estimate of Project revenues and payments in lieu of taxation to the Township, it being acknowledged that the actual Project revenues and corresponding payments in lieu of taxation cannot be determined until the Project has been implemented and, further are subject to HMFA Law; and

**WHEREAS**, the Township Council deem it appropriate to authorize and enter into a PILOT Agreement with the Redeveloper (in the form attached hereto as Exhibit A; and

**WHEREAS**, in order to effectuate the Redevelopment Plan and the redevelopment of the Property, the Township desires to designate Redeveloper as the redeveloper of the Property and to authorize the execution of a redevelopment agreement with the Redeveloper (in the form attached hereto as Exhibit B, the “**Redeveloper Agreement**”).

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona as follows:

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Redeveloper is hereby designated as the “redeveloper” of the Property pursuant to the Redevelopment Law.
3. The Township Manager and Township Clerk are hereby authorized to execute a PILOT Agreement for payments in lieu of taxes with the Redeveloper, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township’s redevelopment counsel, planning consultant and other professionals.
4. This Resolution is hereby adopted with the intent and purpose that from the date of execution of a mortgage from the HMFA, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Law, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in the manner set forth in the attached PILOT Agreement.
5. The Township Council does hereby adopt the within Resolution and make the

determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Law with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Redeveloper, which shall construct, own and operate the Project.

6. The Township Manager and Township Clerk are hereby authorized to execute the Redeveloper Agreement, in the form attached hereto as Exhibit B, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township's redevelopment counsel, planning consultant and other professionals.

7. This resolution shall take effect immediately.

**ROLL CALL:**

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

**NAYS:**

Mr. Cavallo continues his report stating that Linn Drive Reconstruction work has begun on the Linn Drive Reconstruction Project. Belgian Block work is currently underway and will be completed this week. The Contractor is hoping to pave this year. The NJDOT is milling and paving Pompton Avenue one lane at a time from Bloomfield Avenue to Ridge Road (Cedar Grove). Work is hopefully going to be completed this week, weather permitting. He states that in regards to the Fairway Avenue Tank residents in the High Service Area (the area to the west of Forest Avenue and the Linn Drive Apartments) may experience low water pressure this week beginning tomorrow night from 11:00 p.m. to 5:00 a.m. as the Fairway Avenue Water Tank is refilled. Overnight parking restrictions will be relaxed Friday, November 22 through Sunday, December 1 and Monday, December 16 through Thursday, January 2.

Parking meters will be disabled from Thanksgiving to New Year's: Wednesday, November 27 through Thursday, January 2.

A presentation entitled What You Need to Know! Vaping, Concentrates, and Edibles will be held from 7:30 p.m. – 8:30 p.m. on Tuesday, November 19 in the Verona Community Center Ballroom. This presentation is sponsored by the Verona Municipal Alliance Committee and the Verona Health Department.

Friends of the Verona Public Library Annual December Book Sale will be Thursday, December 5 through Sunday, December 8. The Verona Interfaith Thanksgiving Service is scheduled for Sunday, November 24 beginning at 3:00 p.m. at the Episcopal Church of the Holy Spirit. The Fair in the Square will be held on Saturday, December 7 from 12:00 p.m. to 5:00 p.m. at the Civic Center. The Town Menorah Lighting will take place on Sunday, December 22 at the Civic Center.

**ORDINANCE NO. 2019-35**

**AN ORDINANCE ESTABLISHING CHAPTER 15 (DEFENSE AND INDEMNIFICATION) OF THE CODE OF THE TOWNSHIP OF VERONA**

The Municipal Clerk reads Ordinance No. 2019-35 by title into record.

Motion to introduce Ordinance No. 2019-35 is moved by Councilman Ryan; seconded by Deputy Mayor Roman.

**ROLL CALL:**

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

**NAYS:**

Ordinance No. 2019-35 is adopted 5-0 and will be published according to law and a public hearing will be held on December 2, 2019.

**ORDINANCE NO. 2019-36**

**AN ORDINANCE ESTABLISHING CHAPTER 98 (OPEN SPACE, RECREATION, AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND) OF THE CODE OF THE TOWNSHIP OF VERONA**

The Municipal Clerk reads Ordinance No. 2019-36 by title into record.

Motion to introduce Ordinance No. 2019-36 is moved by Councilman Ryan; seconded by Mayor McEvoy.

**ROLL CALL:**

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

**NAYS:**

Ordinance No. 2019-36 is adopted 5-0 and will be published according to law and a public hearing will be held on December 2, 2019.

**ORDINANCE NO. 2019-37**

**AN ORDINANCE REPEALING CHAPTER 6 IN ITS ENTIRETY, ARTICLE IX OF CHAPTER 34, ARTICLES I AND II OF CHAPTER 36, CHAPTER 42 IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 36 (PERSONNEL BENEFITS, COMPENSATION AND REGULATIONS) OF THE CODE OF THE TOWNSHIP OF VERONA**

The Municipal Clerk reads Ordinance No. 2019-37 by title into record.

Motion to introduce Ordinance No. 2019-37 is moved by Councilwoman McGrath; seconded by Councilman Ryan.

**ROLL CALL:**

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

**NAYS:**

Ordinance No. 2019-37 is adopted 5-0 and will be published according to law and a public hearing will be held on December 2, 2019.

**ORDINANCE NO. 2019-38**

**SUPPLEMENTING CHAPTER 140 (VEHICLES AND TRAFFIC) AND CHAPTER A175-1 (SCHEDULE OF FEES) OF THE CODE OF THE TOWNSHIP OF VERONA TO ESTABLISH REGULATIONS FOR PUBLIC PARKING SPACES FOR CHARGING OF ELECTRIC VEHICLES**

The Municipal Clerk reads Ordinance No. 2019-38 by title into record.

Motion to introduce Ordinance No. 2019-38 is moved by Deputy Mayor Roman; seconded by Mayor McEvoy.

**ROLL CALL:**

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

**NAYS:**

Ordinance No. 2019-38 is adopted 5-0 and will be published according to law and a public hearing will be held on December 2, 2019.

**ORDINANCE NO. 2019-39**

**FIXING THE SALARIES AND COMPENSATION OF THE PAID OFFICERS AND EMPLOYEES OF THE TOWNSHIP FOR THE 2020 CALENDAR YEAR**

The Municipal Clerk reads Ordinance No. 2019-39 by title into record.

Motion to introduce Ordinance No. 2019-39 is moved by Councilman Ryan; seconded by Deputy Mayor Roman.

**ROLL CALL:**

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

**NAYS:**

Ordinance No. 2019-39 is adopted 5-0 and will be published according to law and a public hearing will be held on December 2, 2019.

The minutes from October 21, 2019; October 28, 2019 and November 11, 2019 are approved by unanimous consent.

**RESOLUTION No. 2019-181**

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

**AUTHORIZING A CONTRACT WITH MOTT MACDONALD, LLC FOR  
ENGINEERING SERVICES RELATED TO THE WATER/SEWER UTILITY**

**WHEREAS**, the Township Engineer has determined a need for an outside Engineering Firm to handle certain matters related to the maintenance of the Water/Sewer Utility; and

**WHEREAS**, the Township Manager, concurring with the Township Engineer, has determined that it would be beneficial in to appoint the Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, New Jersey 08830-4112 to provide such services for the Township; 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 the Mott MacDonald, 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 in the fee schedule which shall be annexed hereto this resolution; and

**WHEREAS**, this expenditure shall be charged to Budget Account No. 05-55-502-374, certain Capital Ordinances, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2019 Budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Mott MacDonald, LLC, 111 Wood Avenue South, Iselin, New Jersey 08830-4112 is hereby appointed to provide engineering services related to the maintenance of the Water/Sewer Utility and shall be paid in accordance with the fee schedule annexed hereto this resolution not to exceed \$300,000.00 without further authorization of the governing body.

**BE IT FURTHER RESOLVED** that the Business Entity Disclosure Certification and Determination of Value are to be placed on file with this Resolution.

**BE IT FURTHER RESOLVED**, that the Township reserves the right to cancel this contract upon thirty (30) days' notice and Mott MacDonald, 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. 05-55-502-374, certain Capital Ordinances, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2019 Budget.

**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:** McGrath, Giblin, Ryan, Roman, McEvoy

**NAYS:**

**RESOLUTION No. 2019-182**

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

**AUTHORIZING AN INCREASE TO THE MAXIMUM CONTRACT AMOUNT  
WITH GIBLIN & GANNAIO, LLC FOR SERVICES AS SPECIAL LEGAL  
COUNSEL**

**WHEREAS**, on January 7, 2019 the Township Council passed Resolution 2019-27 appointing Giblin & Gannaio, LLC, 2 Forest Avenue, Suite 200, Oradell, New Jersey 07649 as Special Legal Counsel to represent the Township; 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 litigation which are expected to exceed the \$25,000 maximum contract amount set by Resolution 2019-27; 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 Giblin & Gannaio, 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 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 properly 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 Giblin & Gannaio, LLC, 2 Forest Avenue, Suite 200, Oradell, New Jersey 07649 acting as Special Legal Counsel and shall be increased to a maximum amount not to exceed \$50,000 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 Giblin & Gannaio, 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:** McGrath, Giblin, Ryan, Roman, McEvoy

**NAYS:**

**RESOLUTION No. 2019-183**

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

**AUTHORIZING AN INCREASE TO THE MAXIMUM CONTRACT AMOUNT  
WITH THE LAW OFFICES OF MICHAEL A. DeMIRO, JR. FOR SERVICES AS  
SPECIAL LEGAL COUNSEL**

**WHEREAS**, on January 7, 2019 the Township Council passed Resolution 2019-26 appointing the Law Offices of Michael A. DeMiro, Jr., 155 Pompton Avenue, Verona, New Jersey 07044 as Special Legal Counsel to represent the Township; 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 property tax appeals which are expected to exceed the \$25,000 maximum contract amount set by Resolution 2019-26; 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 the Law Offices of Michael A. DeMiro, Jr., 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 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 the Law Offices of Michael A. DeMiro, Jr., 155 Pompton Avenue, Verona, New Jersey 07044 acting as Special Legal Counsel and shall be increased to a maximum amount not to exceed \$50,000 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 the Law Offices of Michael A. DeMiro, Jr. 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 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:** McGrath, Giblin, Ryan, Roman, McEvoy

**NAYS:**

**RESOLUTION No. 2019-184**

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

**AUTHORIZING AN INCREASE TO THE MAXIMUM CONTRACT AMOUNT  
WITH LYONS ENVIRONMENTAL SERVICES, LLC**

**WHEREAS**, on January 28, 2019 the Township Council passed Resolution 2019-41 awarded a contract to Lyons Environmental Services, LLC, 1105 Green Grove Road, Building #2, Neptune, New Jersey 07753 to provide Licensed Water Treatment and Licensed Water Distribution System Operators to meet the requirements of the system permits from the New Jersey Department of Environmental Protection; at a rate not to exceed \$18,000 for the calendar year without further authorization by the Township Council; and

**WHEREAS**, the Township Manager has determined that additional services as the Township's Licensed Sewer Collection Operator are also required and the addition of such services are expected to exceed the \$18,000 maximum contract amount set by Resolution 2019-41; and

**WHEREAS**, the award of the contract to Lyons Environmental Services, LLC, is being made pursuant to *N.J.S.A. 19:44A-20.5*; and

**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 Lyons Environmental Services, LLC, 1105 Green Grove Road, Building #2, Neptune, New Jersey 07753 shall be increased to a maximum amount not to exceed \$28,000 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 2019-41.

**BE IT FURTHER RESOLVED**, that the Township reserves the right to cancel this contract upon thirty (30) days' notice and Lyons Environmental Services, LLC 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 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: McGrath, Giblin, Ryan, Roman, McEvoy**  
**NAYS:**

**RESOLUTION No. 2019-185**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS,** Escrow fees, for the Planning Board, were received from Lucy & Harris Perdikis, for property located at 7 South Prospect Street 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:

ESCROW AMOUNT	AMOUNT TO BE REFUNDED
\$984.00	\$984.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$984.00 to Lucy Perdikis, 35 Beverly Road, Cedar Grove, NJ 07009.

**ROLL CALL:**  
**AYES: McGrath, Giblin, Ryan, Roman, McEvoy**  
**NAYS:**

**RESOLUTION No. 2019-186**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS,** Escrow fees, for the Planning Board, were received from Litana Development, Inc., for property located at 42-48 Durrell Street 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:

ESCROW AMOUNT	AMOUNT TO BE REFUNDED
\$750.00	\$750.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$750.00 to Litana Development Inc., 50 Galesi Drive, Wayne, NJ 07470

**ROLL CALL:**  
**AYES: McGrath, Giblin, Ryan, Roman, McEvoy**  
**NAYS:**

**RESOLUTION No. 2019-187**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Planning Board, were received from 77 Hillside Avenue LLC, for property located at 77 Hillside Avenue 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:

ESCROW AMOUNT	EXPENSES	AMOUNT TO BE REFUNDED
\$500.00	\$304.06	\$195.94

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$195.94 to 77 Hillside Avenue LLC, 120 Walnut Street, Montclair, NJ 07042

**ROLL CALL:**

**AYES:** McGrath, Giblin, Ryan, Roman, McEvoy  
**NAYS:**

**RESOLUTION No. 2019-188**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Planning Board, were received from Karen Widuch, for property located at 80 Fairview Avenue 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:

ESCROW AMOUNT	TRAFFIC STUDY FEES	AMOUNT TO BE REFUNDED
\$3,500.00	\$2,875.00	\$625.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$625.00 to Karen Widuch, 4 Baldwin Dew Drive, Sparta, NJ 07871.

**ROLL CALL:**

**AYES:** McGrath, Giblin, Ryan, Roman, McEvoy  
**NAYS:**

**RESOLUTION No. 2019-189**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Planning Board, were received from Kieran & Melissa Collins, for property located at 126-132 Linden Avenue 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:

ESCROW AMOUNT	AMOUNT TO BE REFUNDED
\$500.00	\$500.00

**WHEREAS**, the homeowner has requested to apply this refund to their 2020 1<sup>st</sup> quarter taxes.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$500.00 to the Township of Verona, 600 Bloomfield Avenue, Verona, NJ 07044

**ROLL CALL:**  
**AYES:** McGrath, Giblin, Ryan, Roman, McEvoy  
**NAYS:**

**RESOLUTION No. 2019-190**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Planning Board, were received from D&R Verona, LLC, for property located at 141 to 151 Bloomfield Avenue 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:

ESCROW AMOUNT	AMOUNT TO BE REFUNDED
\$55,104.37	\$55,104.37

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$55,104.37 to D&R Verona, LLC 570 Commerce Blvd., Carlstadt, NJ 07072

**ROLL CALL:**  
**AYES:** McGrath, Giblin, Ryan, Roman, McEvoy  
**NAYS:**

**RESOLUTION No. 2019-191**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Planning Board, were received from Friendwell Management, LLC on behalf of Mr. Bruno’s Verona LLC, for property located at 148A Bloomfield Avenue 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:

ESCROW	LAWYER	AMOUNT TO
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AMOUNT	FEES	BE REFUNDED
\$1,500.00	\$1,325.00	\$175.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$175.00 to Friendwell Management LLC, 2035 Lincoln Highway, Suite 2150, Edison, NJ 08817

**ROLL CALL:**  
**AYES: McGrath, Giblin, Ryan, Roman, McEvoy**  
**NAYS:**

**RESOLUTION No. 2019-192**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS,** Escrow fees, for the Planning Board, were received from Citrano and Associates Realtors, for property located at 261 Bloomfield Avenue 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:

ESCROW AMOUNT	AMOUNT TO BE REFUNDED
\$1,000.00	\$1,000.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$1,000.00 to Catherine Citrano, 73 Otsego Road, Verona, NJ 07044.

**ROLL CALL:**  
**AYES: McGrath, Giblin, Ryan, Roman, McEvoy**  
**NAYS:**

**RESOLUTION NO. 2019-193**

A motion was made by Mayor McEvoy; seconded by Deputy Mayor Roman; 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 August 9, August 23, September 6 and September 20 totaling the amount of \$300.00; 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 (\$300.00), 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. 2019-194**

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

**PROPERTY MAINTENANCE LIEN**

**WHEREAS**, the Construction Code Official determined that the owner of the Block 902, Lot 10 on the Tax Maps of the Township of Verona, commonly known as 111 Linden Avenue, to comply with the Township property maintenance code, specifically not clearing the snow off the property and not mowing the lawn of the property; and

**WHEREAS**, clean up and snow removal was performed by Green Valley Landscape Design on behalf of the Township on March 2<sup>nd</sup> and 4<sup>th</sup> totaling the amount of \$135.00; and

**WHEREAS**, clean up and lawn maintenance was performed by Green Valley Landscape Design on behalf of the Township on August 13, August 27, September 10 and September 20 totaling the amount of \$200.00; 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 111 Linden Avenue, Verona, New Jersey (Block 902, Lot 10) a municipal lien in the amount of the tax lien certificate (\$335.00), 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. 2019-195**

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

**PROPERTY MAINTENANCE LIEN**

**WHEREAS**, the Construction Code Official determined that the porch at Block 902 Lot 10, property commonly known as 111 Linden Avenue, was dangerous and in need of demolition, and

**WHEREAS**, the Township of Verona hired Martin Contracting to perform the demolition of the porch due to safety concerns, 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 111 Linden Avenue, Verona, New Jersey (Block 902, Lot 10) a municipal lien in the amount of the tax lien certificate (\$7,680.00), 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. 2019-196**

A motion was made by Mayor McEvoy; seconded by Deputy Mayor Roman; 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. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
    - Township Manager Contract
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:**

Public Comment:

Gerard Shimonaski, 33 Kenwood Avenue, Verona, New Jersey  
Chris Reilly, 60 Sunset Avenue, Verona, New Jersey  
Kathleen Laterza, 810 Bloomfield Avenue, Verona, New Jersey

Adjournment:

Motion to enter into Executive Session is moved by Deputy Mayor Roman; seconded by Councilman Ryan at 9:00 p.m. Motion to adjourn the meeting at 10:07 pm is motioned by Mayor McEvoy; seconded by Deputy Mayor Roman.

The next regular scheduled meeting is December 2, 2019 at 7:00 p.m.

Respectfully submitted,



*Jennifer Kiernan*  
Jennifer Kiernan, Municipal Clerk

*Jack McEvoy*  
Jack McEvoy, Mayor

APPROVED: December 16, 2019