

Minutes of a Regular Meeting of the Verona Township Council on Monday, January 24, 2022, beginning at 7:01 p.m. in the Municipal Building, 600 Bloomfield Avenue, Verona, New Jersey and via Zoom video conferencing platform.

#### 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 of the Township Council which is being held via Zoom video conferencing and in person due to the COVID-19 pandemic. Specifically, the time and date were included in the public meeting notice. This information, along with the public internet link and telephone call-in information was posted in the Municipal Building, and sent the official newspapers of the Township, the Verona-Cedar Grove Times and the Star Ledger and MyVeronaNJ.com, TAPinto and the Verona/Cedar Grove PATCH, the official online news source(s) of the Township, at least 48 hours preceding the start time of this meeting. The agenda and public handouts for this meeting can be viewed online at [www.veronanj.org/councilmeetings](http://www.veronanj.org/councilmeetings). A public comment period will be held in the order it is listed on the meeting agenda and instructions on how to comment will be provided at the appropriate time. This meeting is being recorded, both audibly and visually for retention purposes and for rebroadcast on the Township's YouTube.

#### Roll Call:

Mayor Alex Roman, Deputy Mayor Christine McGrath, Councilman Jack McEvoy, Councilwoman Cynthia Holland and Councilman Chris Tamburro. Township Manager Matthew Cavallo, Township Attorney Brian Aloia and Municipal Clerk Jennifer Kiernan are also present.

#### Mayor's Report:

Mayor Alex Roman reports that after an intense process and careful consideration, the Council has named a Township Manager and hired Mr. Joseph D'Arco who is currently serving as the Borough Administrator of Paramus. He has a very long distinguished career in municipal government administration. He has served in Kearny, Sayreville, South Orange Village, Rockaway Township and Borough of Caldwell. The Council was very impressed at the level of creativity and problem solving. He has resolved many issues in a manner that displayed out of the box thinking, which the Council liked a lot. Mr. D'Arco believes in the power of community service and resident services and the Council is very much looking forward to having Mr. D'Arco join us. He has a Master in Public Administration from Fairleigh Dickinson University, he's a Veteran, a member of the NJMMA, the ICMA, and several community service organizations. Mayor Roman thanks his fellow council members as well as Mr. Aloia and Mrs. Kiernan. There were a lot of hours and a lot of late nights of meetings. He states this will be a very good step forward and looks forward to having Mr. D'Arco join us on his first day, February 7<sup>th</sup>, when he will overlap with Matt's last days here in the Township, aiding the in transitioning process.

Essex County Liaison, Julius Coltre states there is skating on the lake in Verona Park from 3-7pm. Vaccination sites will now be closed on Mondays. Tuesdays through Friday, from 9am - 7pm, 5-11 year olds are slotted for 4-7pm and Saturdays 8am - noon.

#### Manager's Report:

Verona has had many positive cases of COVID in the last two weeks. Fortunately the rate of increase is finally falling. Unfortunately we have seen several new deaths among our senior population that were either confirmed COVID related or suspected to be COVID related. Get tested and isolate if you have symptoms. Wear a mask! Get vaccinated! Get boosted! Fortunately, the Virus did not affect municipal operations that much. We only had a handful of employees that tested positive and all are either recovered or well on their way to recovery. The NJ Department of Health and Vault Medical Services have partnered to offer a free, at-home COVID-19 saliva test kit that is available to every New Jerseyan who thinks they need a test - even if you don't have symptoms. To order a free test kit, visit [learn.vaulthealth.com/nj](http://learn.vaulthealth.com/nj). The kit will be shipped through UPS with next-day delivery. Once received, you will connect over Zoom with a Vault healthcare professional who will walk you through the test and answer your questions. When complete, the test can be sent back in a prepaid package via UPS next-day shipping. You will receive your test results 24 to 48 hours after your sample arrives at the lab.

You will not be charged for the test, and you will not be asked for your credit card information. In addition, in-person testing is available at locations across the state, including free testing. Learn more about COVID-19 testing in New Jersey at [covid19.nj.gov/testing](https://covid19.nj.gov/testing). Every home in the U.S. is eligible to order 4 free at-home COVID-19 tests. The tests are completely free. Orders will usually ship in 7-12 days. Order your tests now so you have them when you need them. The website is [www.COVIDTests.gov](https://www.COVIDTests.gov).

In regards to a PFOA Remediation Update, the required quarterly Public Notice was sent and delivered into homes within the past two weeks. Representatives from Brightview Engineering will be in attendance at our next meeting on February 7 to address where we stand on our findings with regard to remediation. Mr. Cavallo reiterates the water currently being distributed to the Township's water users meets all safety standards and is safe to drink.

The Lunar New Year Celebration will be held Monday, January 31 at 6:30 p.m. in the VCC Gymnasium.

The Township's Comprehensive Master Plan website has launched. A new Township Master Plan will shape the physical, social, environmental, and economic future of the community. The Master Plan provides a framework for preserving Verona's character, supporting investment, and promoting desired changes. The process will take several months to complete, with a goal to have the plan complete in mid-2022. The public survey is available for all residents to take. We look forward to hearing your opinion on all of the topics that the Master Plan will cover. In addition to the survey, Verona residents will be able to share their opinions at the Master Plan Community Workshop. Your opinions will help to shape the Master Plan as the drafting process moves along. We are working with the Verona Public Library to assist residents who have issues accessing the internet. We are also discussing the possibility of a post card mailer to each residence. More to come!

If you have not put out your Christmas tree at the curb yet, the last day to get them collected at the curb is this Wednesday. Trees wrapped in plastic will not be collected. Any questions, please call the Public Works Office.

The Verona Police Department reminds everyone to lock your vehicle and remove your keys fobs and valuables from the car, at all times when not occupied not just at night. There has been a rise in the rate of vehicle thefts around the region and they are not just occurring overnight. Be vigilant, protect yourselves by locking your doors and removing your key fobs from your vehicles. And as a reminder report suspicious activity to the Police Department immediately. Essex County Executive Joseph N. DiVincenzo, Jr. invites Essex County residents to participate in an Essex County Community Health Assessment Survey. The results of the survey will help the Essex County Public Health Office identify health issues affecting the Essex County community and create a public health plan to raise awareness and promote wellness. Residents can access the on-line survey at [www.EssexCountyNJ.org](https://www.EssexCountyNJ.org) and clicking on the "Community Health Assessment Survey" link. Responses will be collected until March 31, 2022. Residents linking to the survey will be asked a variety of general questions about their overall health, diet and exercise habits, access to affordable medical care and prescriptions, and if there are any barriers that they experience in obtaining health care. All responses are anonymous and confidential. The survey takes about 15 minutes to complete. Essex County has contracted with Rutgers University School of Public Affairs and Administration to conduct the study. Participants in the study may choose to participate in a raffle from which they could win a variety of Amazon gift cards.

Bill Noss, the Building Sub code Official will be retiring on January 31. A new employee has been selected and given a conditional offer of employment. Once he has gone through the hiring process, I will announce his name. He is expected to start around February 15.

#### Councilmembers' Reports:

Deputy Mayor McGrath submitted her statement on the hiring of the new Township Manager. "I am thrilled that we are hiring Mr. D'Arco. I am so excited for his experience, the new ideas he will bring to the Township, and how he will help to mentor and grow our staff.

I do want to take a moment to thank my fellow Council members – and particularly Mayor Roman – on the process. I have to say, this was one of the best examples of teamwork that I have

ever experienced. As a group, we were all equally engaged in every step of the process. From deciding who to interview, to drafting of the interview questions, to our final decision, we were all united every step of the way. We spent hours together, had several meetings go to midnight – but everyone was truly present and committed during every hour spent. Thank you to Mayor Roman for setting the tone of a truly collaborative process. I believe that as a result the residents and employees will truly benefit.

I also want to thank Municipal Clerk Kiernan and Attorney Brian Aloia who were with us for all of those hours – and helped us greatly. I also want to acknowledge that we had started the process of hiring an interim township manager through the Canning Group, anticipating that we may have a gap between Mr. Cavallo’s departure and a new manager starting. It turns out we didn’t need their services, but we are appreciative of their assistance in lining up for us a very qualified individual.”

Deputy Mayor McGrath also attended VMAC’s quarterly meeting. They have scheduled a seminar entitled, “Building Self-Esteem for Teens” which will be held on February 1<sup>st</sup> at 7:00pm. They also discussed a great program for all members of the community entitled, “Mental Health First Aid” and had a robust discussion on programs for seniors, which have been put on hold due to the pandemic. She also attended the Shade Tree Commission meeting and reports that the Commission members are concerned about their budget for tree removal, which is less money than the demand of trees that need to be removed. They are also looking into creating a digital map of every shade tree in Verona.

Councilman McEvoy echoes the Deputy Mayor’s comments on the incoming Township Manager and states the Mayor did a wonderful job. Councilman McEvoy reached out to the Historical Preservation Commission and report back at the next Council meeting. He also requests that residents make a better effort to clear sidewalks after a snow or ice storm. He witnessed many kids walking in the street to school this morning.

Councilman Tamburro reports that, like his colleagues, he would love to welcome Mr. D’Arco to Verona. He agrees with the Mayor and Deputy Mayor and Councilman McEvoy on the teamwork involved in this process. He states that Mr. D’Arco’s attributes were identified early on by this Council. He hopes residents will reach out as Mr. D’Arco is a friend to the residents in the communities he has served. He will be responsive to any questions and concerns residents may have and he looks forward to having Mr. D’Arco on the dais.

The Neighborhood Traffic & Safety Advisory Committee rescheduled their meeting to February 16 at 7:00 pm on Zoom. He reports that several topics will be discussed including potential financing and requests coming through the town for some traffic calming mechanisms. They will also be having a short presentation from Police Chief Christopher Kiernan on auto theft and how to prevent it. The OEM team met last week to identify some goals and community outreach and thanks Detective Joel Martin for being OEM Coordinator and leading that.

Councilwoman Holland submitted her report in writing. “I am so pleased that Mayor Roman was able to announce the new Township Manager this evening. I really want to congratulate you, Mr. Mayor for leading this process, but also express my appreciation for all of my colleagues, as well as Ms. Kiernan and Mr. Aloia, for the collaboration and professionalism throughout this process. Given our form of government, the Township Manager position is so important; few actions we take as a Council can compare to the importance of the action of hiring the Township Manager. I’m so grateful to have been part of this process and look forward to working with Mr. D’Arco.

In addition to skating in Verona Park - which is amazing (a massive thank you Essex County!) - it’s nice to see such a positive response to the new Verona Ski program, some winter rec programs have been announced, and it's great to see kids playing basketball.

The Verona Environmental Commission held their first meeting of the New Year. That meeting included an informative PFOA presentation, which the commissioners discussed providing to the public and have since scheduled. I do encourage residents with concerns to listen to the presentation. I compliment the Commission for taking this proactive step. I look forward to additional presentations in the future as well.

Finally, I attended a few relevant seminars with the DEP: one was a presentation about stormwater issues in the State (there is another meeting on this topic tomorrow). Stormwater

(noting its impact on water quality) is a matter of particular significance to Verona that I believe will continue to be a concern in 2022. The other seminar I attended was the DEP's first information session (specifically for elected officials) concerning their upcoming intended use plan (IUP) for their infrastructure monies.

DEP is going to be getting about \$900M a YEAR, with substantial portions of that money going to grants/principal forgiveness loans. I'm happy to discuss this session further in New Business. Thank you. That concludes my report."

Hearing Adoption or Amendment Ordinances:

**ORDINANCE No. 2021-29**

**CHAPTER 69 (OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND), ARTICLE II (OPEN SPACE TRUST FUND ADVISORY COMMITTEE), SECTION 14 (POWERS AND DUTIES) TO CORRECT AN ERROR IN CODIFICATION**

The Municipal Clerk reads Ordinance No. 2021-29 by title into record.

Motion to adopt Ordinance No. 2021-29 is moved by Deputy Mayor McGrath; seconded by Councilman Tamburro.

Public Hearing:

None.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

Ordinance No. 2021-29 is adopted 5-0 and will be published according to law.

**ORDINANCE No. 2022-01**

**AMENDING CHAPTER 18 (COMMISSIONS, COMMITTEES AND BOARDS), ARTICLE II (ENVIRONMENTAL COMMISSION), SECTION 17 (MEMBERSHIP; COMPENSATION; TERMS; ALTERNATE MEMBERS) TO CHANGE THE APPOINTING AUTHORITY**

The Municipal Clerk reads Ordinance No. 2022-01 by title into record.

Motion to adopt Ordinance No. 2022-01 is moved by Councilwoman Holland; seconded by Councilman Tamburro.

Public Hearing:

None.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

Ordinance No. 2022-01 is adopted 5-0 and will be published according to law.

**ORDINANCE NO. 2022-02**

**AN ORDINANCE REPEALING CHAPTER 12 (CLAIMS) IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 12 (CLAIMS, PAYMENT OF) OF THE CODE OF THE TOWNSHIP OF VERONA**

Motion to adopt Ordinance No. 2022-02 is moved by Councilman Tamburro; seconded by Councilman McEvoy.

Public Hearing:

None.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

Ordinance No. 2022-02 is adopted 5-0 and will be published according to law.

**ORDINANCE # 2022-03**

**FIXING THE SALARIES AND COMPENSATION OF THE PAID  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP FOR THE  
2021 CALENDAR YEAR**

Motion to adopt Ordinance No. 2022-03 is moved by Councilman McEvoy; seconded by Councilman Tamburro.

Matthew Cavallo states the Council's salaries are not included in this ordinance as they are listed in Chapter 5 of the Code of the Township where each council person received \$2,069 annually, with the Mayor receiving an additional \$2,894 (for a total of \$4,963 annually for the Mayor). Mr. Cavallo states that this ordinance is mainly a 2% increase across the board except for the secretary to the Township Manager who received a 3% increase.

Public Hearing:

Kevin Ryan, [REDACTED]

Council Discussion:

Deputy Mayor McGrath states that passing salaries retroactive over a year is obviously not a best practice and thinks it is important to be prompt with these salary ordinances in the future.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

Ordinance No. 2022-03 is adopted 5-0 and will be published according to law.

**ORDINANCE # 2022-04**

**FIXING THE SALARIES AND COMPENSATION OF THE PAID  
OFFICERS AND EMPLOYEES OF THE TOWNSHIP FOR THE  
2022 CALENDAR YEAR**

Motion to adopt Ordinance No. 2022-04 is moved by Councilman Tamburro; seconded by Councilman McEvoy.

Mr. Cavallo states this is a similar ordinance with a 2% increase with several exceptions. The secretary to the Township Manager, Director of Administration & Economic Development, the Tax Collector-Deputy Treasurer, the Zoning Officer and the Emergency Management Coordinator each received adjustments.

Public Hearing:

None.

Council Discussion:

Councilwoman Holland submitted her statement in writing: "I was concerned about this ordinance from the outset, which was why I opposed its introduction. Unfortunately, the time between first and second reading, and the public hearing, did not assuage my concerns. Indeed, they've been amplified.

I recognize that the cost of everything is increasing and I very much want to reward good work. I know our employees have worked hard during the pandemic, but we do not have employee

performance reviews to support the pay increases put forward, especially those that are markedly higher than others.

It has been brought to our attention recently that we have employee morale issues in town. Some employees feel a loss of the "Team Verona" spirit.

With that in mind, I fail to see how selecting some, but not others, for sizable percentage pay increases does anything to address those morale issues. I personally believe those concerns will only continue if we stay on this path.

The discussion around this ordinance and the responses to my inquiries on this salary ordinance have left me unsatisfied. It is my opinion that the exercise of discretion without adequate support will likely lead to challenges that the percentage increases for some, but not others, are based on favors, undue preference, or other arbitrary grounds. It is my opinion that we require something objectively reasonable that we can show the public to justify the different treatment among employees; I am not satisfied that we have that.

I am optimistic, however, that the change in Administration will work to address some of the employee morale concerns and establish policies for performance reviews so we do not have this situation again.

But that is not the case today. And, with the information I have today, I cannot and do not support this ordinance. Thank you."

Councilman Tamburro states that being that the Councilwoman called into question the reason for the increases, he would appreciate Mr. Cavallo providing an opportunity to explain those as he found Mr. Cavallo's arguments to be quite logical and reasonable and based on developing equity in the Town which has been a problem in the past which led us to litigation.

Mr. Cavallo states the Confidential Secretary has taken on additional responsibilities along with receiving additional certification. The Director of Economic Development and Tax Collector/Deputy Treasurer are getting adjustments based on bringing them in line with additional supervisors handling similar levels of responsibility. The Zoning Officer has additional responsibilities due to the tree ordinance and the OEM Coordinator is receiving additional responsibilities due to the increased responsibilities these days with the pandemic and continuous storms.

Councilman Tamburro states he is very particular when spending taxpayer money but thinks in this circumstance the identified employees were identified with very clear criteria that was explained to the Council multiple times in very clear language. The Town is now in an equitable situation for staff with similar responsibilities – some who were actually being paid less than staff with less responsibility. Referencing staff morale, Mr. Tamburro believes the Councilwoman is bringing up some observations from a limited number of employees with not as much specific support. He wants to point out that members of the staff did reach out to him thanking him for his advocacy and providing them the increases they deserve.

Councilman McEvoy states that he thought back over the last couple years and this council directed the Township Manager about a year and a half ago to review all our employees and make sure that we weren't susceptible to further lawsuits and we should bring people in link with the proper amount of work that they perform and he thinks that that's what several of these salary adjustments do.

Deputy Mayor McGrath began by stating that there is a different recollection on some of the conversations had with the previous governing body. In particular there was a resolution that she had proposed that did not pass with the governing body to make sure that an analysis of all employee salaries was performed to ensure we are not in violation of the Equal Pay Act, but that was not approved. She submitted her statement in writing: "Unfortunately tonight I will not be voting in favor of this salary ordinance for 2022. I do not feel that the Council was provided with significant backup and justification for the changes in salary that are being proposed. Performance reviews of the direct reports of the Township Manager have not been conducted in over two years. I would like to see a comparison of job responsibilities to justify some of these increases, and a comparison externally to other towns to help identify how we are paying vs. other communities. In addition, while I am 100% supportive of employees obtaining advanced

degrees and certifications that the Township pays for, I do not believe we should be providing pay increases based on achieving those degrees unless the job responsibilities have been upgraded and/or a new position taken. There is also a confidential matter that I raised in closed session that the majority of my fellow council members did not support. I am still concerned about that matter and I cannot go forward with voting for this ordinance.

To the employees - I want to reiterate that I am 100% committed to ensuring that Verona is a preferred employer. I want to ensure that everyone receives an annual review, and that our salaries are fair and properly reward employees for hard work across the organization. I will be stressing this with our new administration, and you have my commitment that I want to see improvement in this area. Thank you."

Mayor Roman states he had a fairly extensive one-on-one with Mr. Cavallo on the issue as he was attempting to determine what the salary level should be for these employees and we were looking at it on a position by position basis on a spreadsheet. Mr. Cavallo had clear and well-reasoned thoughts on why each employee was receiving an out-of-band pay increase. The intent here was to pull everyone towards a fairly similar compensation level based on their duties, longevity with the town and other achievements. The Mayor really thinks that he got there. He is satisfied that these are well-adjusted, well-considered salary increases.

**ROLL CALL:**

**AYES: Tamburro, McEvoy, Roman**

**NAYS: Holland, McGrath**

Ordinance No. 2022-04 is adopted 3-2 and will be published according to law.

Proposed Ordinances:

Council unanimous decided to move H-1 on the agenda to New Business for further discussion before voting to introduce.

Minutes from the January 6, January 13, January 15, January 17 and January 20, 2022 Special Meetings are approved unanimously.

Public Comment on Consent Agenda Items:

Kevin Ryan, [REDACTED]

**RESOLUTION No. 2022-024**

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

**PERMITTING ITEMS TO BE DISCUSSED IN EXECUTIVE SESSION  
AT A SPECIAL MEETING HELD JANUARY 20, 2022 via ZOOM CONFERENCE  
PLATFORM**

**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 was of the opinion that such circumstances existed for the Special Meeting held on January 20, 2022; and

**WHEREAS**, the meeting was being held virtually using the Township's Zoom platform; and

**WHEREAS**, the platform/program continued to crash after a short period of time; and

**WHEREAS**, the Administration of the Township attempted to remedy the situation to no avail; and

**WHEREAS**, during the first 15 minutes of the meeting, no members from the public joined, the determination was made to enter into Executive Session and, for transparency and compliance with the Open Public Meetings Act, adopt the Executive Session resolution at the next

regular scheduled meeting of the Township Council on January 24, 2022.

**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. Personnel Matters pursuant to N.J.S.A. 10:4-12 (7)
    - Township Manager vacancy - Candidate Interviews

**ROLL CALL:**

**AYES:** Holland, Tamburro, McEvoy, McGrath, Roman

**NAYS:**

**RESOLUTION No. 2022-025**

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

**AUTHORIZE BUDGET TRANSFERS BETWEEN APPROPRIATION  
ACCOUNTS PURSUANT TO N.J.S.A. 40A:4-58**

**WHEREAS**, certain transfers of funds for various 2021 budget appropriations are necessary to cover anticipated expenditures; and

**WHEREAS**, N.J.S.A. 40A:4-58 provides for transfer of appropriations with an excess over and above the amount deemed necessary to fulfil their purposes to those appropriations deemed to be insufficient;

**WHEREAS**, the appropriations subject to fund transfers hereby are not within those restricted by N.J.S.A. 40A:4-58 for transfer purposes;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Verona, in the County of Essex, State of New Jersey that the Chief Financial Officer shall and is hereby authorized to make transfers between appropriations accounts of the 2021 Municipal Budget as follows:

	<b>TO:</b>	<b>FROM:</b>
Street and Highway - Salary and Wages	\$4,000.00	
Street and Highway - Operating Expenses		\$4,000.00
Solid Waste - Operating Expenses	\$50,000.00	
Assessor - Operating Expenses		\$15,000.00
Communications - Operating Expenses		\$10,000.00
Fire Prevention - Salary and Wages		\$10,000.00
Recreation - Salary and Wages		\$10,000.00
Shade Tree- Operating Expenses		\$5,000.00
Police - Salary and Wages	\$2,000.00	
Dispatcher - Salary and Wages		\$2,000.00
Pool - Other Expenses	\$7,000.00	
Pool - Salary and Wages		\$7,000.00
Water and Sewer - Other Expenses	\$130,000.00	
Water and Sewer - Salary and Wages		\$130,000.00



	\$193,000.00	\$193,000.00
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**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-026**

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

**AUTHORIZING A CONTRACT WITH MCMANIMON, SCOTLAND & BAUMANN, LLC FOR SERVICES AS SPECIAL LEGAL COUNSEL**

**WHEREAS**, the Township Attorney has determined a need for outside Special Counsel to handle certain matters related to the issuance of bonds and notes and other legal and litigation matters deemed appropriate by the Township Attorney; and

**WHEREAS**, the Township Manager, concurring with the Township Attorney, has determined that it would be beneficial in to appoint McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068 as Special Legal Counsel to represent the Township in these matters; and

**WHEREAS**, the Local Public Contracts Law (*N.J.S.A. 40A:11-5(a)(1)(i)*) permits contracts for professional services to be negotiated and awarded by the governing body without public advertising for bids and requires that the resolution authorizing the award of a contract for professional services without competitive bids and the contract itself be available for public inspection; and

**WHEREAS**, the award of the contract to McManimon, Scotland & Baumann, LLC is being made pursuant to *N.J.S.A. 19:44A-20.5* and the Business Entity Disclosure Certification and Political Contribution Disclosure Form completed by McManimon, Scotland & Baumann, LLC are annexed to this Resolution as Exhibit B; and

**WHEREAS**, the cost for said professional services shall be set at a fixed hourly rates of ranging from \$125.00 to \$ 215 per hour for services plus the cost of reimbursable expenses, not to exceed \$50,000 for the calendar year without further authorization by the Township Council; and

**WHEREAS**, this expenditure shall be charged to Budget Account No. 01-20-155-027, certain Utility Accounts, Capital Ordinance, Certain Escrow/Trust Accounts or any other account that may be deemed appropriate by the Chief Financial Officer or his/her designee, and the availability of funds which shall be certified by the Chief Financial Officer upon presentation of a property executed Purchase Order and approval of the 2022 Budget.

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

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. An agreement with the McManimon, Scotland & Baumann, LLC, 75 Livingston Avenue, Roseland, New Jersey 07068 is hereby authorized to provide to provide special legal services for the period commencing on January 1, 2022 and terminating on December 31, 2022 not to exceed \$50,000 without further authorization of the Township Council.
3. That the Township reserves the right to cancel this contract upon thirty (30) days' notice and McManimon, Scotland & Baumann, LLC shall only be paid for the work completed; furthermore, no minimum amount of work or payment is implied or guaranteed.
4. That this contract is being awarded pursuant to *N.J.S.A. 19:44A-20.5*.

5. That a notice of this action shall be published once in the Verona-Cedar Grove Times.
6. That the Township Manager and the Township Clerk are hereby authorized to enter into any agreement necessary for the aforementioned services a copy of which shall be available for public inspection in the Office of the Township Clerk.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-027**

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

**AUTHORIZING A CONTRACT WITH LAW OFFICES OF MICHAEL A. DeMIRO, JR. FOR SERVICES AS SPECIAL LEGAL COUNSEL**

**WHEREAS**, the Township Attorney has determined a need for outside Special Counsel to handle certain litigation matter related to property tax appeals; and

**WHEREAS**, the Township Manager, concurring with the Township Attorney, has determined that it would be beneficial in to appoint the Law Offices of Michael A. DeMiro, Jr., 155 Pompton Avenue, Verona, New Jersey 07044 as Special Legal Counsel to represent the Township in these matters; 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 Law Offices of Michael A. DeMiro, Jr. is being made pursuant to *N.J.S.A. 19:44A-20.5* and the Business Entity Disclosure Certification and Political Contribution Disclosure Form completed by Law Offices of Michael A. DeMiro, Jr. are annexed to this Resolution as Exhibit B; and

**WHEREAS**, the cost for said professional services shall be set at a fixed hourly rate of \$125.00 per hour for attorney services plus the cost of reimbursable expenses, not to exceed \$35,000 for the calendar year without further authorization by the Township Council; and

**WHEREAS**, this expenditure shall be charged to Budget Account No. 02-20-155-028, certain Utility Accounts, Capital Ordinance, Certain Escrow/Trust Accounts or any other account that may be deemed appropriate by the Chief Financial Officer or his/her designee, and the availability of funds which shall be certified by the Chief Financial Officer upon presentation of a property executed Purchase Order and approval of the 2022 Budget.

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

7. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
8. An agreement with the Law Offices of Michael A. DeMiro, Jr., 155 Pompton Avenue, Verona, New Jersey 07044 is hereby authorized to provide to provide special legal services for the period commencing on January 1, 2022 and terminating on December 31, 2022 not to exceed \$35,000 without further authorization of the Township Council.
9. That the Township reserves the right to cancel this contract upon thirty (30) days' notice and Law Offices of Michael A. DeMiro, Jr. shall only be paid for the work completed; furthermore, no minimum amount of work or payment is implied or guaranteed.
10. That this contract is being awarded pursuant to *N.J.S.A. 19:44A-20.5*.

11. That a notice of this action shall be published once in the Verona-Cedar Grove Times.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-028**

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

**AUTHORIZING THE EXECUTION OF AN  
INDEMNIFICATION AND TRUST AGREEMENT WITH  
THE BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND**

**WHEREAS**, a number of public entities in the State of New Jersey have joined together to form the Bergen Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by *N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.*, and;

**WHEREAS**, the FUND was approved to become operational by the Department of Banking and Insurance and the Department of Community Affairs and has been operational since that date, and;

**WHEREAS**, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

**WHEREAS**, the Township of Verona has determined that membership in the FUND is in the best interest of the Township.

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

1. Renews membership in the FUND for the period commencing on January 1, 2022 and ending on December 31, 2024;
2. Will participate in the following type (s) of coverage (s):
  - a. Health Insurance and/or Dental and/or Prescription as defined pursuant to *N.J.S.A. 17B:17-4*, the FUND's Bylaws, and Plan of Risk Management.
3. Adopts and approves the FUND's Bylaws.
4. Execute an application for membership and any accompanying certifications.

**BE IT FURTHER RESOLVED** that the Township Manager and the Township Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

1. Approval of the Township of Verona's membership by the FUND.
2. Receipt from the Township of Verona of a Resolution accepting assessment.
3. Approval by the New Jersey Department of Banking and Insurance and the Department of Community Affairs.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-029**

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

**AUTHORIZING THE EXECUTION OF AN INDEMNIFICATION AND  
TRUST AGREEMENT WITH THE**

## NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND

**WHEREAS**, the Township Council of the Township of Verona (hereinafter the "Local Unit") has determined that membership in the New Jersey Intergovernmental Insurance Fund (hereinafter the "Fund") established pursuant to Chapter 372, Laws of 1983 (*N.J.S.A. 40A:10-36 et. seq.*), is in the best interest of the municipality.

**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:

**SECTION 1.** The Township of Verona hereby agrees to continue as a member in the "Fund" for a period commencing on January 1, 2022 and terminating on December 31, 2024 for the following types of insurance coverage:

- a) Workers Compensation and Employers Liability
- b) General Liability (including Police Professional & Public Officials Liability);
- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, Crime and Boiler & Machinery);
- e) Environmental Impairment Liability;
- f) Cyber Liability

**SECTION 2.** Local Unit agrees to enter into and abide by the terms of the Indemnity and Trust Agreement, attached hereto as Exhibit A. Local Unit hereby authorizes and directs the Township Manager and the Township Clerk to execute the Indemnity and Trust Agreement and such other documents as are necessary to comply with the requirements if the Fund.

**SECTION 3.** The Bylaws of the New Jersey Intergovernmental Insurance Fund are hereby adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the "Fund" according to the rights and obligations set forth therein.

**SECTION 4.** The Local Unit certifies that it has never defaulted on claims under a self-insurance plan and that it has not had its insurance canceled for non-payment of premium for a period of at least two (2) years prior to this application.

**SECTION 5.** Inconsistent Resolutions. All resolutions or parts thereof that are or may be, inconsistent with provisions of this Resolution are hereby repealed to the extent of such inconsistency.

**SECTION 6.** Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Resolution shall be deemed valid and effective.

### **ROLL CALL:**

**AYES:** Holland, Tamburro, McEvoy, McGrath, Roman

**NAYS:**

### **RESOLUTION No. 2022-030**

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

#### **AUTHORIZING A CONTRACT WITH GRAZIANO & CAMPI, P.C. FOR SERVICES AS RENT CONTROL BOARD ATTORNEY**

**WHEREAS**, the § 402-12(C) of the Code of the Township of Verona calls for the appointment of Counsel to the Rent Control Board; and

**WHEREAS**, on January 24, 2022 the Township Council appointed Alex J. Graziano, Esq. of the firm Graziano & Campi, P.C., 155 Pompton Avenue, Verona, New Jersey 07044 to serve as Counsel to the Rent Control Board upon recommendation of the Township Attorney; 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 Graziano & Campi, P.C. is being made pursuant to *N.J.S.A. 19:44A-20.5* and the Business Entity Disclosure Certification and Political Contribution Disclosure Form completed by Graziano & Campi, P.C. are annexed to this Resolution as Exhibit B; and

**WHEREAS**, the cost for said professional services shall be set at a retainer of \$6,000 for the calendar year to include general services and a fixed hourly rate of \$125.00 per hour not to exceed \$17,500 for outside services without further authorization by the Township Council; and

**WHEREAS**, this expenditure shall be charged to Budget Account No. 02-20-222-045 or any other account that may be deemed appropriate by the Chief Financial Officer or his/her designee, and the availability of funds which shall be certified by the Chief Financial Officer upon presentation of a properly executed Purchase Order and approval of the 2022 Budget.

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

12. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
13. An agreement with the Graziano & Campi, P.C., 155 Pompton Avenue, Verona, New Jersey 07044 is hereby authorized to provide to provide special legal services for the period commencing on January 1, 2022 and terminating on December 31, 2022 not to exceed \$17,500 without further authorization of the Township Council.
14. That the Township reserves the right to cancel this contract upon thirty (30) days' notice and Graziano & Campi, P.C. shall only be paid for the work completed; furthermore, no minimum amount of work or payment is implied or guaranteed.
15. That this contract is being awarded pursuant to *N.J.S.A. 19:44A-20.5*.
16. That a notice of this action shall be published once in the Verona-Cedar Grove Times.

**ROLL CALL:**

**AYES:** Holland, Tamburro, McEvoy, McGrath, Roman

**NAYS:**

**RESOLUTION NO. 2022-031**

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

**AUTHORIZING TO SETTLE TAX APPEAL ENTITLED  
GAHC3 VERONA NJ MOB, LLC  
BLOCK 1602 LOT 8 (799 BLOOMFIELD AVENUE)**

**BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the settlement of the tax appeal presently pending before the Tax Court of New Jersey entitled GAHC3 Verona NJ MOB, LLC v. Township of Verona, Block 1602 Lot 8 (799 Bloomfield Avenue) is approved as follows:

<b>2016 (Docket No. 007135-2016)</b>			
	Original	County Board	
	<u>Assessment</u>	<u>Judgment</u>	<u>Settlement</u>
Total:	\$8,410,500	N/A	WITHDRAWN
<b>2017 (Docket No. 003726-2017)</b>			
	Original	County Board	

Total:	<u>Assessment</u> \$8,410,500	<u>Judgment</u> N/A	<u>Settlement</u> WITHDRAWN
<b>2018 (Docket No. 007212-2018)</b>			
Total:	Original <u>Assessment</u> \$8,410,500	County Board <u>Judgment</u> N/A	<u>Settlement</u> WITHDRAWN
<b>2019 (Docket No. 005226-2019)</b>			
Total:	Original <u>Assessment</u> \$9,896,400	County Board <u>Judgment</u> N/A	<u>Settlement</u> WITHDRAWN
<b>2020 (Docket No. 005091-2020)</b>			
Total:	Original <u>Assessment</u> \$9,896,400	County Board <u>Judgment</u> N/A	<u>Settlement</u> \$9,520,000
<b>2021 (Docket No. 006016-2021)</b>			
Total:	Original <u>Assessment</u> \$9,896,400	County Board <u>Judgment</u> N/A	<u>Settlement</u> \$9,520,000

**BE IT RESOLVED** statutory interest pursuant to *N.J.S.A. 54:3-27.2* is waived by taxpayer so long as any refund, credit or payment is made 60 days after the issuance of judgment.

**BE IT FURTHER RESOLVED** that should any documents be required in connection with this refund, the Township Manager, Township Clerk, Chief Financial Officer, Tax Collector, or any other Township Official, as may be appropriate, are authorized to execute said documents.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-033**

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

**AUTHORIZE TOWNSHIP ENGINEER TO EXECUTE 2022 NJDEP, NJDOT,  
STATE OF NEW JERSEY & ESSEX COUNTY PERMIT APPLICATIONS ON  
BEHALF OF THE TOWNSHIP**

**WHEREAS**, from time to time, the Township Engineer and Township Manager are required to sign permit documents that are prepared by the NJDEP, NJDOT, State of New Jersey and County of Essex in conjunction with various construction projects; and

**WHEREAS**, currently each permit document that requires such signatures is presented to the governing body for authorization to sign, which often delays the process for developers; and

**WHEREAS**, providing a blanket authorization for the Township Engineer and Township Manager to sign such permit documents as they are submitted would expedite the process and be more efficient; and

**WHEREAS**, the Township Council wishes to have the Township Engineer sign such permit applications on behalf of the Township of Verona; and

**WHEREAS**, the execution of such permit documents is required for multiple New Jersey departmental permits necessary for the Township of Verona to have in connection with various construction projects.

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

1. The Township Engineer and, when required, the Township Manager, execute all necessary permit documents prepared or required by the NJDEP, NJDOT, State of New Jersey and County of Essex, as well as other New Jersey Departments, in conjunction with various construction projects, on behalf of the Township of Verona for the 2022 calendar year.
2. The Township Engineer, under his/her license, will exercise sound engineering judgment when signing such documents and shall notify the governing body if action of the governing body is required before signing such documents.
3. The granting of blanket authorization as described above shall be considered for renewal in January of each year.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-034**

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

**DISPOSAL OF OBSOLETE TOWNSHIP EQUIPMENT**

**WHEREAS**, the Township Manager has advised the Township Council that there is obsolete equipment that is no longer needed for public use; and

**WHEREAS**, N.J.S.A. 40A:11-36(7) authorizes the disposition of personal property not needed for public use as part of a purchase to offset the price of the new purchase; and

**WHEREAS**, it is in the best interest of the Township to dispose of said equipment:

John Deere 54" Front Blade	Cargo/Tool Box for small pickup
John Deere 54" Snow Pusher 1XFAS10FJH0000182	Toro Lawn Mower with Vacuum
Toro GroundMaster 345	CarMate Car trailer
Bob Cat Lawn Mower	Building Generator Natural Gas
Briggs Stratton Lawn Edger 475	2013 Ford P2M 1FAHP2M80DG144922
Cement Mixer	Flood Light Tower Set W81W2971370025
Billy Goat Leaf Vacuum 91698021	Generator Set Diesel W90CGJ70689011
Snapper ZT Rider #312 2014386117	Generator Engine FZ30133
Snapper ZT Rider #106 2014386117	Generators on two separate trailers 183031392 FZ35463
Snapper ZT Rider #103	Scan Coin SC3003 230030-US0 S/N 13678
Snapper ZT Rider #113	

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the obsolete equipment referenced by the Township Manager which is no longer needed for public use by the Township shall be disposed of according to the manner as prescribed by law.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-035**

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

**REFUNDING TAX LIEN REDEMPTION**

**WHEREAS**, property located at [REDACTED] owned by Natasha

Murphy Ludlow, has been held in tax lien since December 5, 2019; and

**WHEREAS**, payment was received, in the amount of \$81,519.23 from the Natasha Murphy Ludlow, clearing the lien as follows:

<b>Certificate #19-00003</b>	
Certificate	\$ 18,615.15
6% Redemption Penalty	\$ 1,116.91
2019 Taxes plus Interest	\$ 21,465.99
2019 6% Year End Penalty	\$ 933.34
2019 Water & Sewer plus Interest	\$ 223.62
2020 Taxes plus Interest	\$ 19,228.82
2020 6% Year End Penalty	\$ 990.18
2020 Water & Sewer plus Interest	\$ 646.81
2021 Taxes plus Interest	\$ 16,586.33
2021 6% Year End Penalty	\$ 1,019.84
2021 Water and Sewer plus Interest	\$ 627.24
Recording Fee	\$ 53.00
Search Fee	\$ 12.00
	<u>\$ 81,519.23</u>
Premium	\$94,500.00
<b>Total</b>	<b>\$176,019.23</b>

**WHEREAS**, this certificate has been held by the Township of Verona and the certificate has been received and properly signed for cancellation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer and Tax Collector be authorized to refund, from Trust, \$176,019.23 to:

US Bank Cust Actlien Holding  
50 South 16<sup>th</sup> Street, Suite 2050  
Philadelphia, PA 19102

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**  
**NAYS:**

**RESOLUTION No. 2022-036**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Board of Adjustment, were received from Steve Cruz, for property located at [REDACTED] 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:

<b>ESCROW AMOUNT</b>	<b>EXPENSES</b>	<b>AMOUNT TO BE REFUNDED</b>
\$500.00	\$138.39	\$361.61

**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, \$361.61 to Steve Cruz, [REDACTED]



**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-037**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Board of Adjustment, were received from 21 & 25 Grove Avenue Associated LLC, 250 Moonachie Road, Ste. 302, Moonachie, New Jersey, for property located at 21-25 Grove 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:

<b>ESCROW AMOUNT</b>	<b>EXPENSES</b>	<b>AMOUNT TO BE REFUNDED</b>
\$14,000.00	\$10,896.50	\$3,103.50

**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, \$3,103.50 to 21 & 25 Grove Associates LLC, 250 Moonachie Road, Ste. 302, Moonachie, NJ 07074.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

**NAYS:**

**RESOLUTION No. 2022-038**

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

**AUTHORIZING A CONTRACT WITH JOSEPH O. D'ARCO AS  
TOWNSHIP MANAGER**

**WHEREAS**, Township Manager Matthew A. Cavallo submitted his letter of resignation to the Township Council effective February 11, 2022; and

**WHEREAS**, the Township Council has completed the process of soliciting resumes and interviewing candidates to identify and select a new Township Manager to serve the Township of Verona; and

**WHEREAS**, the Township Council has determined that Joseph O. D'Arco is the best candidate to fill the position of Township Manager; and

**WHEREAS**, the Township Council has offered Mr. D'Arco the position and presented him with the attached employment agreement for consideration; and

**WHEREAS**, Mr. D'Arco has accepted the position and indicated an ability to begin working on February 7, 2022; and

**WHEREAS**, the Township Council recognizes that the date of Mr. Cavallo's departure and Mr. D'Arco's start date overlap; and

**WHEREAS**, the Township Council has determined that it is in the Township's best interest that Manager Cavallo's and Manager D'Arco's employment overlap to allow Manager Cavallo to update Manager D'Arco on open matters and issues.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of

Verona, in the County of Essex, New Jersey that Joseph O. D'Arco is hereby appointed as Township Manager effective February 7, 2022; and

**BE IT FURTHER RESOLVED**, that the Township Council authorizes the Mayor and Municipal Clerk to execute the agreement with Joseph O. D'Arco a copy of which shall be available for public inspection in the Office of the Municipal Clerk.

**BE IT FURTHER RESOLVED**, that a notice of this action shall be published in the Verona-Cedar Grove Times; and

**ROLL CALL:**

**AYES:** Holland, Tamburro, McEvoy, McGrath, Roman

**NAYS:**

**RESOLUTION No. 2022-039**

A motion was made by Deputy Mayor McGrath; seconded by Councilman Tamburro 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:

3. The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.
  - a. Personnel Matters pursuant to *N.J.S.A. 10:4-12(8)*
    - Township Manager vacancy - employment, appointment, terms & conditions of employment
  - b. Pending, Ongoing, or Anticipated Litigation and Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
    - Marve Development Corporation

**ROLL CALL:**

**AYES:** Holland, Tamburro, McEvoy, McGrath, Roman

**NAYS:**

New/Unfinished Business:

Councilwoman Holland attended the conference discussion this morning about the Intended Use Plan which was particularly relevant. There was discussion about \$900 million to be divided into different pots including water quality that will include our storm water management system and drinking water so it could address both or PFOA remediation concerns as well as some of our storm water and Peckman River concerns. The Councilwoman is very excited for our engineering team to work with the new Administration. She states there are other informational sessions through the end of the week if others still want to attend. A draft of the Intended Use Plan will be released in early March with a comment period. She emphasized that it is very clear that there is a substantial amount of money as the program runs for five (5) years which includes grants and principle forgiveness. Mayor Roman states that Congresswoman Sherrill put out a press release regarding a project a little further downstream on the Peckman River where it joins in with the Passaic River and is fully funded by the Federal Army Corps of Engineers.

Mayor Roman states that the Open Space Trust Fund Advisory Committee will meet soon.

Deputy Mayor McGrath states there has been a lot of work done by Councilwoman Holland, herself and Steve Neal on the implementation of the Multicultural Inclusion and Advisory Accessibility Committee. She is hopeful that the Committee will be publicized and the application process opened. High School students will be encouraged to apply. The process is still ongoing.

The Committee will meet the fourth Wednesday of the month, with the first meeting planned for February 23, but the members and Council Liaison still need to be set.

The Council unanimously appointed Alex Graziano, Esquire as the Rent Control Board Attorney for a retroactive term beginning 7/1/2021 and ending 6/30/2022.

Mayor Roman requests that Mr. Cavallo provide some background as to the need to an increase in water rates, an ordinance on tonight's agenda for Introduction. Mr. Cavallo states that in August, the wells were shut down due to PFOA contamination. At that time, the Township thought that there was no need for a rate increase, but after review of the water consumption over the past five (5) months and comparing that to the consumption over the past 5 years, it is now estimated that there is a need to increase rates as the Township is spending approximately about \$40,000 more per months to purchase water. Since the start of the pandemic, water usage town-wide has increased by 7.56%. An increase is necessary as there are multiple capital projects that require considerable funding. All in all, the Township Manager states we need about \$620,000-\$730,000 extra in revenue to balance the water utility budget. He presents two options: As the current rate is \$5.49 per thousand gallons of water, the first option is to increase the base rate by 7.7%, which covers the prior years where there was no increase in rates. Increasing the rates by that percentage would come to \$5.92 per 1,000 gallons of water plus a temporary \$1 surcharge which the Council can then remove when the Township is no longer relying heavily on Passaic Valley Water. Option #2 is to have a slighter increase of 3% with a rate of \$5.65 but setting the surcharge at \$1.25. Mr. Cavallo warns that if there is no increase to the water rates, the water utility will be in an operating deficit by the end of August. Therefore, Mr. Cavallo would like this increase to be on the next water billing cycle, which is at the end of February.

Mayor Roman states he had a discussion with the Township Manager and agrees on this increase with a surcharge because theoretically, if you raise the base rate, it is difficult to bring back down. However, he feels in terms of practicality, a surcharge is something the Council will have a getter change of getting rid of once the projects have ended when the Council will have to re-evaluate.

Councilman Tamburro feels that it is unfortunate that this has to be done, but the Township is in a position where State regulation put us in this place and it is not the fault of the Township. He is more in favor of Option #2, having a higher surcharge and have the expiration built into the ordinance. He is very skeptical and wary of government and thinks by having an expiration built in, it gives residents the comfort and security that their rates will go down unless the Council can justify using a rate study or whatever mechanism we want to use.

Councilwoman Holland states that as she works for a utility company, it is important for everyone to understand that regardless of whether it's called a "base rate" or "surcharge" it is the rate that you are paying for your utility based off of your consumption. She states the way you reevaluate rates is through a detailed cost of service study. She found it interesting that there doesn't appear to be a history of rate studies associated with these rate increases and the Asset Management Plan is particularly noteworthy as it should have been in effect years ago. Had that been done, it would have aided the Township to cost effectively plan going forward and can be tied into a rate study. She urges that a rate study associated with the Asset Management Plan be performed so there is adequate justification for the increase based on a cost of service study based on these metrics as it is the elected official's obligation to their constituents to ensure that the money spent is properly. She states she would be willing to support this for the moment because of the concerns but going forward it is imperative to have a much more rational basis to support rate making and it need to be based on a rate study. She also states that it can be called a "surcharge" but the bill with only be one number. Councilwoman Holland is opposed to an expiration that is not linked to a comprehensive reevaluation in some form of a rate study cost of service analysis. She states it is not transparent to call it a "surcharge".

Deputy Mayor McGrath agrees with Councilwoman Holland. She states that the need to do a rate study and create the Asset Management Plan could result in determining that the Township could be grossly overcharging on water rates. She disagrees with the idea of a surcharge and thinks the Township should pass 6.92% increase with no surcharge.

Councilman McEvoy states that in looking at the numbers, in essence, it's almost comparable to someone who is not paying higher taxes and gets reassessed that the taxes jump. In essence, they have not been paying their fair share of taxes in prior years so they need to catch up. The need here is to balance things out. He states that Option #1 is best.

Mayor Roman confirms that it is agreed to implement temporary water surcharges from 1/01/2022 through 12/31/2023 with a \$5.92 and with a \$1.00 surcharge and noting the amendments agreed upon. The Deputy Mayor requests that the handouts provided to the Council by the Township Manager be posted on the website.

**ORDINANCE #2022-05**

**AN ORDINANCE TO AMEND CHAPTER A565-1 (SCHEDULE OF FEES) OF THE CODE OF THE TOWNSHIP OF VERONA TO AMEND BASIC WATER CONSUMPTION RATES**

Motion to introduce Ordinance No. 2022-05 is moved by Councilman McEvoy; seconded by Councilman Tamburro.

**ROLL CALL:**

**AYES: Holland, Tamburro, McEvoy, McGrath, Roman**

Mr. Cavallo states that the Council has received plans from One Sunset (Spectrum360). The Redevelopment Agreement states that the Council must do a consistency review to determine whether the application is consistent with the Redevelopment Plan. The Planner, Chelsea Gleis is preparing a report which the Council should have by the end of the week. He feels the Council should reconvene on February 7, 2022 at the regularly scheduled meeting and act on the matter.

Public Comment:

Kevin Ryan, [REDACTED]  
Howard Conklin, [REDACTED]

Mayor Roman states that Council will be entering into Executive Session but may return into the Public Session to take official action. Council enters into Executive Session at 9:25 p.m.

Council returns into Public Session at 10:02 p.m.

Adjournment:

A motion to adjourn the meeting is made by Councilman Tamburro; seconded by Deputy Mayor McGrath at 10:04 p.m. The next regular scheduled meeting of the Township Council is February 7, 2022 at 7:00 p.m.

Respectfully submitted,

  
Jennifer Kiernan, Municipal Clerk

  
Alex Roman, Mayor

APPROVED: February 7, 2022