

Minutes of a Regular Meeting of the Verona Township Council on Monday, April 25, 2022, beginning at 7:00 p.m. 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. 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. 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.

Roll Call:

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

Mayor's Report:

Mayor Roman invites Essex County liaison Julius Coltre to the lectern. Mr. Coltre reports that Hazardous Waste Day will be on May 7, 2022 at 99 Bradford Avenue from 9am - Noon. Computer and Electronic Recycling Day will be held on May 21, 2022 at 99 Bradford Avenue from 9am - Noon. The playground in Verona Park will be resurfaced. The Kmart site for vaccines and testing is not open Thursdays and Fridays from 2pm-7pm and Saturdays from 8am-2pm. Beginning in May, the site will only be open on Fridays and Saturdays.

Mayor Roman reads proclamations for Arbor Day, Earth Day and Professional Municipal Clerks Week.

Mayor Roman attended the Parkside Café ribbon cutting ceremony.

Manager's Report:

Township Manager Joe D'Arco reports that Lyons Environmental has resigned as the Township's licensed water operators and the Engineering Department is searching for a new firm. As for now, Lyons is on stand-by. The Township Manager updates the Council on appointments that are on tonight's agenda, such as an Affordable Housing/Land Use attorney and Township ADA Coordinator. He states that several ordinances are currently being drafted for council discussion and he will present a spreadsheet for discussion at the next meeting. Mr. D'Arco also reports that the entire interior of the pool requires resurfacing before the 2023 season. He suggests the governing body adopt resolutions as opposed to ordinances to set a policy or process for committee appointments. There is currently a bid package being prepared for the storm drain maintenance program. Jacob's Engineering will be appointed tonight so their PFAS remediation proposal can be accepted. Brightview Engineering has received quotes from various vendors and recommends the appointment of Jacob's Engineering. The Rutgers Students will be at the May 23 meeting to present their study of the Peckman River. Bank stabilization of the Peckman River has been applied to the DEP. Also, applications have been submitted to I-Bank and the Township is still awaiting a report back.

Mr. D'Arco asks Steve Neale to give a presentation on a Food Waste Composting Program opportunity.

Councilmember's Reports:

Deputy Mayor McGrath met with Congressman Donald Payne, Jr., regarding Verona's challenges with the PFAS contamination and flooding of the Peckman River. She invited him to tour our

infrastructure and reports he is working with Congresswoman Sherrill's office for a smooth transition. The Engagement Subcommittee met with the Township Manager on initiatives, best practices and making improvements with the Resident Handbook. At the recent VMAC meeting, holding a seminar for seniors was discussed. The MIAAC will meet on Zoom, Wednesday at 7pm.

Councilman McEvoy attended the ribbon cutting at Parkside Social and wishes them luck. He attended the clean-up at Grove Park. He thanks Kerry Metzger and Danny from Compound Coffee for making the Verona Community Market happen and reports there are more sessions scheduled. Sundays, from 11am-3pm on June 5, 26, July 10, 31 and September 11, and October 2nd.

Councilman Tamburro wishes Parkside Social success. He would like to codify a system for advisory boards and committees to guide them in making recommendations to the governing body. He would like committee reports to be made public on the website. He also hopes residents will consider to walk Verona.

Councilwoman Holland attended the Recreation Advisory Committee meeting as liaison. She encourages residents to be mindful of their parking and traffic safety and mindful of traffic/safety regulations. She is pleased with the progress being made on disability inclusion across the township. Although, we still have a ways to go, positive incremental progress has been made and she is pleased of the work the Township Administration is doing in this area. The Councilwoman then discusses the significance of the Earth Day and Arbor Day Proclamations. April 22 marks 52 years of celebrating Earth Day; April 29 marks 150 years of celebrating Arbor Day. Trees absorb water and green infrastructure - combined with proper engineering solutions - help keep our homes and our neighborhoods dry despite these increasing rains. She congratulates the Verona Environmental Commission on their tree give away and Grove Park clean up this weekend.

Finally, she acknowledges an April 11 Op Ed in the Star Ledger wherein former Governors Florio and Whitman, who were not aligned on environmental and utility policy while in office, advocated for transformative government action to enhance water quality through stormwater, wastewater, and drinking water infrastructure projects.

Hearing Adoption or Amendment Ordinances:

ORDINANCE No. 2022-10

BOND ORDINANCE PROVIDING FOR ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,550,000 THEREFOR, INCLUDING \$90,000 EXPECTED TO BE RECEIVED AS A COMMUNITY DEVELOPMENT BLOCK GRANT AND \$505,000 EXPECTED TO BE RECEIVED AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, AND AUTHORIZING THE ISSUANCE OF \$1,550,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

The Municipal Clerk reads Ordinance No. 2022-10 by title into record.

Motion to move Ordinance No. 2022-10 is moved by Deputy Mayor McGrath; seconded by Councilman Tamburro.

Public Hearing:

None.

Council discussion.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Ordinance No. 2022-10 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2022-11

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE
SANITARY SEWER AND WATER DISTRIBUTION SYSTEM IN AND BY
THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY,
APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$1,000,000 BONDS OR NOTES OF THE TOWNSHIP TO
FINANCE THE COST THEREOF.**

The Municipal Clerk reads Ordinance No. 2022-11 by title into record.

Motion to move Ordinance No. 2022-11 is moved by Councilwoman Holland; seconded by Councilman Tamburro.

Public Hearing:

None.

Council discussion: Fees are being raised to pre-Covid rates.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Ordinance No. 2022-11 is adopted 5-0 and will be published according to law.

Proposed Ordinances:

ORDINANCE No. 2022-12

**ORDINANCE TO AMEND CHAPTER A565-5, RECREATION
DEPARTMENT AND COMMUNITY CENTER FEES, OF THE CODE OF
THE TOWNSHIP OF VERONA BY AMENDING CERTAIN SECTIONS**

Motion to introduce Ordinance No. 2022-12 is moved by Deputy Mayor McGrath; seconded by Councilwoman Holland.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

Ordinance No. 2022-12 is introduced by a vote of 5-0. It will be published according to law and a public hearing will be held on May 9, 2022.

ORDINANCE No. 2022-13

**FIXING THE SALARIES AND COMPENSATION OF CERTAIN PART TIME
PAID EMPLOYEES OF THE TOWNSHIP FOR THE
2022 CALENDAR YEAR**

Motion to introduce Ordinance No. 2022-13 is moved by Councilman McEvoy; seconded by Deputy Mayor McGrath.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

Ordinance No. 2022-13 is introduced by a vote of 5-0. It will be published according to law and a public hearing will be held on May 9, 2022.

ORDINANCE NO. 2022-14

**AN ORDINANCE PROVIDING FOR THE SITE LEASE FOR THE
OPERATION OF WIRELESS COMMUNICATION ANTENNAS AND
RELATED FACILITIES AT 880 BLOOMFIELD AVENUE, VERONA, NJ TO
DISH WIRELESS, LLC**

Motion to introduce Ordinance No. 2022-14 is moved by Mayor Roman; seconded by Councilman Tamburro.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

Ordinance No. 2022-14 is introduced by a vote of 5-0. It will be published according to law and a public hearing will be held on May 9, 2022.

Minutes from the April 4, 2022 Meeting are approved unanimously.

Public Comment on Consent Agenda Items:

None.

RESOLUTION No. 2022-079

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

**IN SUPPORT OF THE ABILITY OF MUNICIPALITIES TO ADOPT
REGULATIONS TO PROTECT PUBLIC HEALTH, SAFETY, AND WELFARE
FROM THREATS OF FLOODING**

WHEREAS, in recent years, residents have experienced more frequent and severe storms, which have caused increased flooding and flood damage in the municipality; and

WHEREAS, the increase of flooding events and flood damage threatens the public health, safety, and welfare, imposes economic damages to residents, and taxes municipal services that are forced to respond to increased flooding; and

WHEREAS, pursuant to *N.J.A.C. 7:8-1.5(a)*, municipalities are permitted to impose additional or more stringent stormwater management requirements than the model ordinance promulgated by the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, each municipality has unique situations that may require additional or more stringent regulations in order to be in full compliance with the controlling state and federal statutes, regulations, and permits, and in order to protect their residents from threats of flooding and flooding related damage; and

WHEREAS, the New Jersey Department of Community Affairs ("NJDCA") is considering proposed regulations amending Residential Site Improvement Standards that would further curtail a municipality's ability to protect its residents from the threat of flooding and flood related damage.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona that it supports regulations that provide flexibility to municipalities to adopt additional and/or more stringent stormwater regulations, in order to allow municipalities to protect its residents from threats of flooding and flood damage.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Verona opposes the continuation of any Residential Site Improvement Standard regulations that would limit a municipality's ability to establish more protective flood prevention and stormwater management regulations than the model ordinances promulgated by the NJDEP.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Verona requests the Governor and the state legislature take action to ensure that the Residential Site Improvement Standards do not limit a municipality's ability to protect its residents from the threat of flooding.

BE IT FURTHER RESOLVED, that the governing body of the Township of Verona requests the NJDEP take whatever legal action available to ensure that a municipality's ability to protect its residents from flooding is not in any way impeded or restricted.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Governor Phil Murphy, Lt. Governor Sheila Oliver, New Jersey Department of Environmental Protection Commissioner Shawn

LaTourette, and the New Jersey State League of Municipalities.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-080

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

**DESIGNATING A TEMPORARY AMERICANS WITH DISABILITY
COORDINATOR PURSUANT TO THE CODE OF FEDERAL
REGULATIONS TITLE 28, CHAPTER 1, PART 35 SUBPART A, 35.107(A)**

WHEREAS, Title 28 Judicial Administration, Chapter 1 Part 35 of the Code of Federal Regulations provides for the nondiscrimination on the Basis of Disability in State and Local Government Services; and

WHEREAS, a public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona, in the County of Essex, New Jersey that, effective immediately, the Township Manager, Joseph O. D'Arco, is hereby designated as the Township's Temporary Americans with Disabilities Coordinator.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-081

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

**DESIGNATING A TEMPORARY CHIEF FINANCIAL OFFICER OF THE
TOWNSHIP OF VERONA**

WHEREAS, there was a vacancy in the Office of the Chief Financial Officer as of October 1, 2021; and

WHEREAS, when a vacancy occurs in the office of chief financial officer following the appointment of a certified municipal finance officer to that office, the municipality's governing body may appoint, for a period not to exceed one year commencing from the date of the vacancy, a person who does not possess a municipal finance officer certificate to serve as a temporary chief financial officer pursuant to *N.J.A.C. 5:32-2.5*.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona, in the County of Essex, New Jersey that, effective October 1, 2021, Jennifer Muscara, is hereby designated as the Township's Temporary Chief Financial Officer for a term expiring September 30, 2022.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-082

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

**AUTHORIZING AN AGREEMENT WITH DECOTIIS, FITZPATRICK, COLE
& GIBLIN, LLP AS SPECIAL COUNSEL FOR LAND USE AND
AFFORDABLE HOUSING ISSUES**

WHEREAS, the Township has a need for special council for land use and affordable housing issues for the period commencing on January 1, 2022 and terminating on December 31, 2022; and

WHEREAS, the Township is empowered by law to appoint and employ professionals, technical advisors and experts as the Township may determine to be necessary for its efficient operation; and

WHEREAS, the position is being awarded by way of non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.8 et seq.*; and

WHEREAS, said services are recognized as “professional services” as same are to be rendered by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of said services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study, pursuant to and in accordance with *N.J.S.A. 40A:11-2(6)*; and

WHEREAS, the professional legal services to be performed by the Attorney are professional services and this contract was awarded without competitive bidding as a “professional service” pursuant to and in accordance with the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*, and DeCotiis, Fitzpatrick, Cole & Giblin, LLP has submitted all requisite documents and qualifies for appointment; and

WHEREAS, the Qualified Purchasing Agent has determined that the value of said services may exceed \$17,500.00 but will not exceed the Township’s bid threshold of \$44,000; and the Determination of Value is annexed to the Resolution as Exhibit A; and

WHEREAS, this special legal service agreement 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 DeCotiis, Fitzpatrick, Cole & Giblin, LLP have been filed with the Township and are annexed to this Resolution as Exhibit B; and.

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract without competitive bidding for professional services and the contract itself must be available for public inspection.

NOW THEREFORE BE IT RESOLVED, by the Township Council of the Township of Verona is desirous of engaging the Attorney for land use and affordable housing legal issues for the purposes hereinafter described in “Services to be Rendered”; and

1. That a notice of this action shall be published once in the Verona-Cedar Grove Times.
2. 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. 2022-083

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

**AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH JACOBS
ENGINEERING**

WHEREAS, the Township of Verona has a need to award a contract for water treatment plant upgrade designs for PFAS removal at the Linn Drive and Fairview Avenue Well Sites as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and,

WHEREAS, the Administration has determined and certified in writing that the value of the service will exceed \$17,500; and,

WHEREAS, Jacobs Engineering Group Inc., Water Business Group, with offices at 412 Mt Kemble Avenue, Morristown, New Jersey (hereinafter "Jacobs") has submitted the attached proposal indicating they will create the required designs for at a cost not-to-exceed \$500,000.00; and,

WHEREAS, the Township Council adopted Bond ordinance No. 2021-24 at a regular meeting on August 31, 2021 for the preliminary planning expenses for PFAS removal at the Fairview Avenue and Linn Drive wells to fund the costs associated with this project; and

WHEREAS, Jacobs has completed and submitted a Business Entity Disclosure Certification which certifies that Jacobs has not made any reportable contributions to a political or candidate committee in the Township of Verona in the previous one year, and that the contract will prohibit the Jacobs from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona, that a contract is awarded to Jacobs for water treatment plant upgrade designs for PFAS removal at the Linn Drive and Fairview Avenue Well Sites in an amount not-to-exceed \$500,000.00 subject to the following:

1. The award of this contract is subject to finalization of the contract terms to be drafted and approved by the Township Attorney.
2. The contract and any contract amendments which may become necessary shall be subject to the Township's ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the Township Council.
3. The Council hereby authorizes the Township Manager, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The Township is in receipt of the Stockholder Disclosure form, Contribution Disclosure form, Certificate of Employee Information Report, Business Registration Certificate, and Certificate of Insurance.
5. The Township Manager, or his designee, is hereby authorized to execute an agreement as outlined herein with:

Jacobs Engineering Group Inc., Water Business Group
412 Mt Kemble Avenue, Morristown, New Jersey

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-084

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

AUTHORIZING A CONTRACT WITH E&M O'HARA ELECTRIC

WHEREAS, the Community Pool is in need of electrical services; and

WHEREAS, the Qualified Purchasing Agent has determined that the value of said services has exceeded \$17,500.00 which is annexed this Resolution as Exhibit A; and

WHEREAS, funds are available to award contracts for the services listed shall be charged to the budget accounts or capital ordinances listed on the availability of funds, a copy of said Certification is annexed to this Resolution as Exhibit B; and

WHEREAS, the award of the contract to E&M O'Hara Electric, Inc., 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 E&M O'Hara Electric, Inc., have been filed with the Township and are annexed to this Resolution as Exhibit C; and

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona,

in the County of Essex, New Jersey that E&M O'Hara Electric, Inc. located at 144 Main Street, West Orange, New Jersey 07052 is hereby awarded a contract for providing various electrical services not to exceed \$44,000; and

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; and

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

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-085

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

AUTHORIZING A CONTRACT WITH STARFIRE CORPORATION

WHEREAS, the Recreation Department annually schedules the Township's fireworks display for the Fourth of July celebration; and

WHEREAS, the Qualified Purchasing Agent has determined that the value of said services has exceeded \$17,500.00 which is annexed this Resolution as Exhibit A; and

WHEREAS, funds are available to award contracts for the services listed shall be charged to the budget accounts or capital ordinances listed on the availability of funds, a copy of said Certification is annexed to this Resolution as Exhibit B; and

WHEREAS, the award of the contract to Starfire Corporation 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 Starfire Corporation have been filed with the Township and are annexed to this Resolution as Exhibit C; and

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Starfire Corporation, 566 Theatre Road, PO Box 179, St. Benedict, PA 15773 is hereby awarded a contract for providing fireworks display services not to exceed \$19,500; and

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; and

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

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-086

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

AUTHORIZING AN AGREEMENT WITH THE

COUGAR AQUATIC SWIM TEAM

WHEREAS, the Township of Verona wishes to enter into an agreement with the Cougar Aquatic Swim Team to provide for use of the Verona Community Pool facilities to conduct their summer practices; and

WHEREAS, the Cougar Aquatic Swim Team shall have the right to enter upon and use the Pool for practice sessions during the term commencing Monday, June 27, 2022 and ceasing on Friday, July 29, 2022; and

WHEREAS, the Cougar Aquatic Swim Team may use the Pool facility Monday to Friday, 6:00 a.m. until 8:00 a.m.; and

WHEREAS, the Cougar Aquatic Swim Team agrees to keep and maintain a daily log of all personnel who appear on the grounds and/or around the Pool areas under the terms of this Agreement; and

WHEREAS, the Township of Verona shall be paid directly by the Cougars for the use of the Community Pool facilities and staff in the sum of \$6,300.

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and Municipal Clerk are authorized to execute an agreement with the Cougar Aquatic Swim Team for use of the pool facility, a copy of which is attached hereto and 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. 2022-087

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

AUTHORIZING THE MUNICIPAL CLERK TO ENDORSE NJ STATE FIREMAN'S ASSOCIATION MEMBERSHIP APPLICATIONS ON BEHALF OF THE GOVERNING BODY

WHEREAS, the volunteer Verona Fire Department is regularly taking on new members; and

WHEREAS, after the vetting process performed by the VFD, and a background check completed, each perspective member must file their application for membership in the New Jersey State Firefighter's Association (NJSFA) before taking the required courses to obtain firefighter certification; and

WHEREAS, the NJSFA application requires the Municipal Clerk to sign said application attesting that the governing body approves the applicant.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, State of New Jersey hereby authorizes the Municipal Clerk to execute the New Jersey State Firemen's Association's Application for Membership and report such action taken to the governing body in a timely manner.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-088

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

RESOLUTION OF THE TOWNSHIP OF VERONA, COUNTY OF ESSEX, STATE OF NEW JERSEY, CANCELLING FUNDED APPROPRIATION BALANCES UNDER CERTAIN BOND ORDINANCES PREVIOUSLY ADOPTED BY THE TOWNSHIP OF VERONA FOR VARIOUS CAPITAL

IMPROVEMENT PROJECTS IN THE TOTAL AMOUNT OF \$1,373.09

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

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

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

ORDINANCE	AMOUNT TO BE CANCELLED
General Capital	
2019-12	\$469.09
2015-16	<u>\$904.00</u>
	\$1,373.09

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-089

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

RESOLUTION OF THE TOWNSHIP OF VERONA, COUNTY OF ESSEX, STATE OF NEW JERSEY, CANCELLING UNFUNDED APPROPRIATION BALANCES UNDER CERTAIN BOND ORDINANCES PREVIOUSLY ADOPTED BY THE TOWNSHIP OF VERONA FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS IN THE TOTAL AMOUNT OF \$60,110.63

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

WHEREAS, as of the date hereof, the projects have been completed and

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

ORDINANCE	AMOUNT TO BE CANCELLED
General Capital	
01-13	<u>\$59,410.63</u>
	\$59,410.63
Pool Capital	
8-09	<u>\$700.00</u>
	\$700.00

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-090

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received from James Ameen, for property located at 11 Cole Road and the fees have been held in Trust; and

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

ESCROW AMOUNT	EXPENSES	AMOUNT TO BE REFUNDED
\$500.00	\$125.76	\$374.24

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, \$374.24 to James Ammeen, [REDACTED]

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-091

A motion was made by Councilman McEvoy; 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:

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.
 - a. Pending, Ongoing, or Anticipated Litigation and Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

New Business:

Joseph Baumann and Tiena Cofoni from McManimon, Scotland & Baumann are present tonight for a discussion of a resolution for 1 Sunset Avenue. Before the discussion begins, Ms. Cofoni requests an Executive Session to advise the client (the Township of Verona) citing attorney-client privileges. A motion to enter into Executive Session is made by Councilman Tamburro; seconded by Deputy Mayor McGrath. Vote: 5 ayes. Council goes into Executive Session at 9:05 pm.

Council reconvenes in Public Session at 10:55 pm. The Township Council discusses the consistency review of 1 Sunset Avenue with the Redevelopment Plan and Redevelopment Agreement.

Public Comment:

David Orth, Esquire, Inglesino, Webster, Wyciskala & Taylor, LLC

Ms. Cofoni reads the title of the resolution into the record and explains that the Council determined that two (2) items are not consistent; those being the circular driveway and courtyard patios. Councilman Tamburro expresses his concern that the public has not yet seen the resolution and had, in the past, expressed opinions on this issue. The resolution was not on the agenda released to the public prior to the meeting and therefore he will be voting "no".

RESOLUTION No. 2022-092

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

**RESOLUTION OF THE TOWNSHIP OF VERONA, IN THE COUNTY OF
ESSEX, NEW JERSEY, FINDING THE PROPOSED REDEVELOPMENT
PROJECT FOR THE PROPERTY KNOWN AS BLOCK 303, LOT 4 ON THE
TAX MAPS OF THE TOWNSHIP CONSISTENT WITH THE
REDEVELOPMENT PLAN AND REDEVELOPMENT AGREEMENT EXCEPT
FOR THE SIZE OF THE COURTYARD PATIOS AND THE LOCATION OF
THE CIRCULAR DRIVE FOR WHICH VARIANCES MAY BE SOUGHT BY
THE REDEVELOPER FROM THE PLANNING BOARD IN CONNECTION
WITH THE SITE PLAN APPLICATION**

WHEREAS, the Township of Verona (the "Township") is a political subdivision of the State of New Jersey, located in the County of Essex; and

WHEREAS, by Resolution No. 2019-140 adopted on August 19, 2019, the Township Council of the Township (the "Township Council") designated Block 303, Lot 4, commonly known as 1 Sunset Avenue, as a non-condemnation area in need of redevelopment (the "Redevelopment Area") in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"); and

WHEREAS, by the adoption of Ordinance No. 2020-01 on March 8, 2021, the Township Council duly adopted a redevelopment plan for the Redevelopment Area entitled, "The Sunset Avenue Redevelopment Area Redevelopment Plan", which was thereafter amended by the adoption of Ordinance No. 2021-14 on June 21, 2021 (as the same may be further amended and supplemented from time to time, the "Redevelopment Plan"); and

WHEREAS, Verona Sunset Urban Renewal, LLC ("Redeveloper") and the Township entered into a redevelopment agreement dated January 17, 2022 for the redevelopment of the Redevelopment Area consistent with the Redevelopment Plan (the "Redevelopment Agreement"); and

WHEREAS, the Redevelopment Plan provides that the Township Council (or a subcommittee organized by the Township Council) acting as the Redevelopment Entity shall review all proposed redevelopment projects within the redevelopment area prior to site plan review by the Township Planning Board and shall determine whether the project is consistent with the Redevelopment Plan and the Redevelopment Agreement for such proposed redevelopment project, development regulations, and other provisions related to both on- and off-site improvements to ensure that the project adequately addresses the goals and objectives of the Redevelopment Plan; and

WHEREAS, Section 4.8 of the Redevelopment Agreement requires confirmation by the Township Council that the proposed application for site plan approval is consistent with the Redevelopment Plan and the Redevelopment Agreement for such application to be considered complete; and

WHEREAS, the Redeveloper submitted to the Township the following materials in connection with a request for consistency determination pursuant to the Redevelopment Plan and the Redevelopment Agreement (collectively, the "Consistency Review Application"): Preliminary and Final Major Site Plan prepared by Matrix New World Engineering, dated December 10, 2021; Architectural Plans prepared by Minno Wasko Architects & Planners, dated November 18, 2021; Landscaping Plans prepared by Linda Tycher and Associates, dated December 15, 2021; and Materials Book prepared by Minno Wasko Architects & Planners, dated December 17, 2021; and

WHEREAS, Benecke Economics reviewed the Consistency Review Application and prepared a Consistency Review Report dated February 8, 2022 identifying several areas of inconsistency and requesting additional information (the "Benecke Report"); and

WHEREAS, the Redeveloper submitted a letter dated March 8, 2022 providing the additional information requested in the Benecke Report; and

WHEREAS, on April 4, 2022, the Township Council reviewed the Benecke Report and the Redeveloper's March 8, 2022 response and adopted Resolution No. 2022-076 finding that for the

reasons stated on the record and the issues raised in the Benecke Report, the site plan is not consistent with the Redevelopment Plan and seeking a second review of the site plan by another Professional Planner to be issued within 15 days; and

WHEREAS, in accordance with Resolution No. 2022-076, on April 14, 2022, Bright View Engineering issued a report detailing its review of the site plans for consistency with the Redevelopment Plan and Redevelopment Agreement (the “Bright View Report”); and

WHEREAS, in response to Resolution No. 2022-076, on April 14, 2022, the Redeveloper submitted revised site plans for consideration by the Township (the “Revised Plans”); and

WHEREAS, the Township Council, having reviewed the Bright View Report and the Revised Plans, finds that the Revised Plans are consistent with the Redevelopment Plan and Redevelopment Agreement, except for the size of the courtyard patios and the location of the circular drive, all as set forth in detail below.

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

SECTION 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION 2. In accordance with the Redevelopment Plan and Section 4.8 of the Redevelopment Agreement, the Township Council hereby finds that the potential areas of inconsistency identified in the Bright View Report have all been resolved as set forth in detail below and therefore the Revised Plans are consistent with the Redevelopment Plan and Redevelopment Agreement, except for the size of the courtyard patios and the location of the circular drive for which variances may be sought. Accordingly, the Redeveloper has satisfied the requirement in the Redevelopment Plan and Redevelopment Agreement to obtain a consistency review by the Township Council.

1. Two encroachments within the 30-foot minimum planted buffer were identified in the Bright View Report. The first encroachment is the northern parking lot, which was relocated in the Revised Plans and is no longer within the 30-foot buffer area. The second encroachment is the circular portion of the driveway. Upon further review, the Council finds that the circular drive is not part of the driveway and therefore the required buffer area to the south of the driveway is not provided as required by the Redevelopment Plan. However, the Council acknowledges the Redeveloper’s ability to seek a variance from this buffer requirement.
2. The elimination of the parking area is not necessary as it has been relocated and no longer encroaches within the 30-foot buffer.
3. The site plans included with the Consistency Review Application indicate that the maximum building height is 60 feet for the garage building. Further, the Redeveloper confirmed that the garage building will not exceed the maximum height permitted.
4. The Redeveloper plans to raise with the Planning Board the issue of the courtyard patios exceeding the 70 square foot restriction and will either comply or seek a variance.
5. The Redeveloper represented that a drainage report and design will be submitted to the Planning Board as required by Section 455 of the Township Code.
6. Green infrastructure is included and is detailed in the drainage report to be submitted to the Planning Board.

SECTION 3. The Council requests that the Planning Board review and consider the following items during the site plan review and hearing:

1. The width of the circular drive should be reviewed to see if it can be reduced so as to increase the distance between the circular drive and Sunset Avenue. A reduction in the width of the circular drive would create an opportunity to provide additional plantings between the circular drive and Sunset Avenue enhancing that buffer.
2. Street trees planted along Sunset Avenue should be a minimum of five feet tall.
3. All landscaping should be deer-resistant species.

SECTION 4. This resolution shall take effect immediately.

ROLL CALL:

AYES: Holland, McEvoy, McGrath, Roman

NAYS: Tamburro

The Township Attorney, Brian Aloia states the next item on the agenda is a hearing requested by Ajaco Towing. The Police Chief will testify that the actions of Ajaco Towing, one of three (3) licensed towing contractors of the Township of Verona in 2021, were inconsistent with the Code of the Township of Verona and general business practices. The towing company will have the opportunity to present evidence and statements to the Council. After both parties have had a chance to be heard, the Council will then deliberate and come to a decision. Representatives from Ajaco Towing express concerns regarding the accommodation for ADA and states the Ajaco is the victim of crimes of certain parties particularly to this complaint and request an Executive Session to interact with the Township Attorney off-record. Township Attorney Brian Aloia recommends that they consider request adjourning tonight's hearing and then talk with him off-line tomorrow. The hearing is adjourned until May 9, 2022.

Mayor Roman makes the following appointments with consent of the Council:

- | | |
|--|---------------------|
| 1. Environmental Commission | Term Expires |
| i. Brook Berardo Member (4 year term) | 6/30/2023 |

Mayor Roman explains that Ms. Berardo is being moved from the Alternate #2 position to fill the unexpired term of Martin Golan, who resigned. Alternate #2 position remains open.

RESOLUTION No. 2022-093

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

**AWARDING CONTRACT No. 2022-09
DEMOLITIONS AT 100 PINE STREET**

WHEREAS, the Township of Verona received bids for Residential Demolitions - Contract No. 2022-09 on April 19, 2022; and

WHEREAS, four (4) bids were received for Contract 2022-09; and

WHEREAS, IBN Construction, 4 Hermon Street, Newark, New Jersey 07105 was the lowest responsive and responsible bidder in the Base Bid Amount of \$280,000.00; and

WHEREAS, the Qualified Purchasing Agent has reviewed and recommends the Contract award be made to IBN Construction, as the lowest responsive and responsible bid.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the contract for Contract No. 2022-09 be awarded, to the lowest responsive and responsible bidder, IBN Construction, 4 Hermon Street, Newark, New Jersey 07105 in the total amount of \$280,000.00.

BE IT FURTHER RESOLVED that this expenditure shall be charged against Capital Account No. C-53-46-038-001, Bond Ordinance No. 2022-06 (amended by Bond Ordinance #2020-12) or any other account that may be deemed appropriate by the Temporary Chief Financial Officer or his designee, and the availability of funds has been certified by the Temporary Chief Financial Officer.

ROLL CALL:

AYES: Holland, McEvoy, McGrath, Roman

NAYS: Tamburro

ORDINANCE No. 2022-15

**ORDINANCE APPROPRIATING \$25,000 FROM THE CAPITAL
IMPROVEMENT FUND IN ORDER TO PROVIDE A SUPPLEMENTAL
APPROPRIATION FOR THE REFURBISHMENT OF THE SWIMMING
POOL WATER SLIDES IN AND BY THE TOWNSHIP OF VERONA, IN THE
COUNTY OF ESSEX, NEW JERSEY**

Motion to introduce Ordinance No. 2022-15 is moved by Councilwoman Holland; seconded by Deputy Mayor McGrath.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

Ordinance No. 2022-15 is introduced by a vote of 5-0. It will be published according to law and a public hearing will be held on May 9, 2022.

Council discusses the Planning Board's Resolution 2022-02 requesting that the governing body amend Article XI, Section 11.7 of the Code. They request a draft ordinance be on the next meeting agenda for introduction. The Municipal Clerk will request a quote from General Code to codify a zoning ordinance.

Public Comment:

Sean DiBartolo,
Kevin Ryan,
Jessica Pearson,

Council enters into Executive Session at 11:06 p.m. and Mayor Roman states no official action will be taken when coming back to Public Session and adjourning the meeting.

Adjournment:

A motion to adjourn the meeting is made by Councilman Tamburro; seconded by Councilman McEvoy at 12:03 a.m. The next regular scheduled meeting of the Township Council is May 9, 2022 at 7:00 p.m.

Respectfully submitted,


Jennifer Kiernan, Municipal Clerk


Alex Roman, Mayor

APPROVED: May 9, 2022