

Minutes of a Regular Meeting of the Verona Township Council on Monday, January 25, 2021, beginning at 7:03 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 due to restrictions on indoor public gatherings resulting from 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. 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 Jack McEvoy, Deputy Mayor Alex Roman, Councilman Kevin Ryan, Councilman Ted Giblin and Councilwoman Christine McGrath. Township Manager Matthew Cavallo, Brian Aloia, Township Attorney and Municipal Clerk Jennifer Kiernan are also present.

Mayor's Report:

Essex County Liaison Julius Coltre reports that he has COVID recently and it was not too severe and he is feeling better. Essex County has vaccinated over 25, 000 people and are still testing. COVID testing continues with over 800 kits being utilized 3 days a week. Call 973-877-8456 for info or visit EssexCovid.org.

Mayor McEvoy sends his condolences to the Alatti family. He also gives his condolences to the Barone family and Officer Michael Barone. The Mayor attended a webinar on PILOT programs which he found interesting. He attended the Historical Preservation Commission meeting where the commission discussed the 80 structures they have identified as potential historical places. He urges any owner of the identified structures to reach out to the Commission. The Environmental Commission held a clean-up of the old leaf dump property recently acquired by the town. He states it was well attended and thanks the people of the neighborhood of Brookside and Oak Lane who helped out.

Manager's Report:

Mr. Cavallo thanks the Environmental Commission for spearheading a cleanup of the woods off Brookside Terrace and Oak Lane this past weekend. This is the property that was recently acquired by the Township for Open Space. A great amount off debris was removed and disposed of.

The Senior Freeze deadline extended to February 1, 2021. For more information please call the Tax Office.

The next election is the Municipal Election on Tuesday, May 11, 2021. Verona residents interested in running for Township Council in this Municipal Election must be a registered voter in the Township of Verona and have been a resident of the Township for at least 1 year. Three seats will be open for a four-year term. Interested residents can request a packet via the link on the Township website homepage starting today. Packets will then be sent to the requestors via email and regular mail. Hard copies are not available at Town Hall as the building is closed to the public. The deadline for submitting a complete candidate packet to be on the ballot is March 8, 2021. Contact the Township Clerk for more information.

Mr. Cavallo reminds the public to sign up for the Township's Online Monthly Newsletter and that the overnight parking ordinance is suspended through March 31.

Any doctors, physician's assistants, registered nurses, nurse practitioners, pharmacists, and paramedics who are willing to volunteer sometime in the upcoming weeks/months to help vaccinate homebound residents under direction of the Heath Department, please contact the Township Manager's Office at townshipmanager@veronanj.org or 973-857-4767 to express your interest.

Since the last update there have been some changes/updates with Sustainable Essex Alliance. A month after the Township signed the new contract, PSEG came out with a release stating they will be issuing a transmission credit ending in December 2021. This made our contract a lot less favorable and in the red for the length of the contract. In order to make sure we stay in the black, we had to go back and make adjustments and cuts with the new supplier, our energy consultant and the coalition. We had several phone calls and emails back and forth and just landed on the attached new terms. All seven towns and all parties including the new supplier have agreed on this. Basically, we will still be able to provide double the amount of renewable content, while showing a very slight savings. A mailer is set to go out on February 5th with these new terms and we am working on scheduling a new informational session for the public.

Verona Chamber of Commerce Presents: VERONA'S 1ST ANNUAL PIZZA FEST! This is an opportunity for Verona's participating restaurants to get creative and showcase their best pizza options for all to sample all week long! Pizza Fest will kick off on Sunday, January 24th and run through Saturday, January 30th. Each participating restaurant will come up with their own pizza options to highlight throughout the week. Pizza for breakfast, lunch and dinner! At the end of the week, we will ask residents to select their favorites in the following categories: Best Traditional, Best Non-Traditional and Most Creative.

Dog licenses expire on January 31. Call the Community Center for inquiries. The Township is in the process of trying to set up a socially distant Rabies clinic.

Mr. Cavallo makes the following appointments:

- a. Engineer
 - i. Brightview Engineering Township Engineer Term Expires 12/31/2021
- b. Clean Communities
 - ii. Steven Neale Coordinator

Councilmember's Reports:

Deputy Mayor Roman acknowledges that he has received a large amount of correspondence from the public on Spectrum360. He appreciates everyone for reaching out and states he is still going through emails.

Councilman Ryan sends condolences to Linda-Gail Alatti and the rest of the Alatti family. He states John Alatti was a true gentleman and will be missed. Councilman Ryan also attended the PILOT webinar and was impressed with the nature of the panel which included people from every aspect of a PILOT program. He urges the public to attend the Planning Board meeting on Thursday (January 18th) regarding Spectrum360.

Councilman Giblin attended the Neighborhood Traffic and Safety Advisory Committee meeting. He states that members expressed an interest in looking at traffic issues in town. Mr. Cavallo states the Township Engineer will be attending all Neighborhood Traffic and Safety Advisory Committee meetings for the remainder of the year.

Councilwoman McGrath attended the VMAC meeting where they discussed program updates. They recapped Family Week and are planning another Family Week for March 8, 2021. The Councilwoman reports that VMAC's Safe Homes lists of participants has increased this year. The Parks and Recreation Advisory Committee has been rethinking winter activities and devised a new slate of outdoor winter programs for 3rd graders and up. Registration begins tomorrow at 10:00 am. She attended the swearing in of Officer Anthony Huber, the son of former Chief of Police Doug Huber and Town employee Carol Huber. The Councilwoman congratulates the Huber family.

ORDINANCE No. 2021-02

AMENDING CHAPTER A565 "FEES" OF THE CODE OF THE TOWNSHIP OF VERONA BY AMENDING CERTAIN SECTIONS THEREOF

The Municipal Clerk reads Ordinance No. 2021-02 by title into record.

Motion to introduce Ordinance No. 2021-02 is moved by Mayor McEvoy; seconded by Councilman Ryan.

Mr. Cavallo states that this first reading of the ordinance. Steven Neale will have a presentation at the next meeting for the Community Garden to be located behind HB Whitehorne Middle School at the end of Park Place.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2021-02 is introduced 5-0 and will be published according to law and a public hearing will be held on February 8, 2021.

ORDINANCE No. 2021-03

ESTABLISHING CHAPTER 180 ENTITLED "CHILDREN'S FUND" OF THE CODE OF THE TOWNSHIP OF VERONA

The Municipal Clerk reads Ordinance No. 2021-03 by title into record.

Motion to introduce Ordinance No. 2021-03 is moved by Mayor McEvoy; seconded by Councilman Giblin.

Mr. Cavallo states that the Children's Fund was established in 1984 to assist children in need. Until now, no set rules officially governed the fund. This ordinance establishes the Fund, purpose and rules of how to govern. He thanks Councilman Ryan and Councilwoman McGrath, who pushed for this ordinance to be written.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2021-03 is introduced 5-0 and will be published according to law and a public hearing will be held on February 8, 2021.

Public Comment on Consent Agenda:

None

Approval of minutes from the January 4, 2021 Special (early) meeting and January 4, 2021 Regular meeting are approved unanimously by the Council.

RESOLUTION No. 2021-022

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

AUTHORIZING A CONTRACT WITH GIBLIN & GANNAIO, LLC FOR SERVICES AS SPECIAL LEGAL COUNSEL

WHEREAS, the Township Attorney has determined a need for outside Special Counsel to handle certain litigation matters; and

WHEREAS, the Township Manager, concurring with the Township Attorney, has determined that it would be beneficial in to appoint Giblin & Gannaio, LLC, 2 Forest Avenue, Suite 200, Oradell, New Jersey 07649 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 Giblin & Gannaio, LLC is being made pursuant to *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the cost for said professional services shall be set at a fixed hourly 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. 01-20-155-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been contingently certified by the Chief Financial Officer of the Township pending

approval of the 2021 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Giblin & Gannaio, LLC, 2 Forest Avenue, Suite 200, Oradell, New Jersey 07649 is hereby appointed as Special Legal Counsel and shall be paid at the fixed hourly rate of \$125.00 an hour, plus the cost of reimbursable expenses, not to exceed \$35,000 for the calendar year without further authorization by the Mayor and Council.

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

BE IT FURTHER RESOLVED, that the Township reserves the right to cancel this contract upon thirty (30) days' notice and Giblin & Gannaio shall only be paid for the work completed; furthermore, no minimum amount of work or payment is implied or guaranteed.

BE IT FURTHER RESOLVED that this contract is being awarded pursuant to *N.J.S.A. 19:44A-20.5*.

BE IT FURTHER RESOLVED that this expenditure shall be charged to Budget Account No. 01-20-155-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2021 Budget.

BE IT FURTHER RESOLVED that a notice of this action shall be published once in the Verona-Cedar Grove Times.

BE IT FURTHER RESOLVED that the Township Manager and the Township Clerk are hereby authorized to enter into an agreement for the aforementioned services a copy of which shall be available for public inspection in the Office of the Township Clerk.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-023

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

**AUTHORIZING A CONTRACT WITH PKF O'CONNOR DAVIES, LLP
FOR AUDIT SERVICES**

WHEREAS, *N.J.S.A. 40A:5-4* requires every local unit to cause an annual audit of their books by a Registered Municipal Accountant licensed in the State of New Jersey; and

WHEREAS, the Township Manager, concurring with the Chief Financial Officer, has determined that it would be beneficial for the Township Council to appoint the PKF O'Connor Davies, LLP, 293 Eisenhower Parkway, Suite 270, Livingston, New Jersey 07039 to perform Auditing Services pursuant to statute for the fixed amount of \$57,600; and

WHEREAS, the John Lauria, RMA, PSA, Engagement Principal of PKF O'Connor Davies, LLP, has extensive experience in the field of Municipal Accounting and a long standing history in Verona; and

WHEREAS, this expenditure shall be charged to Budget Account Nos. 01-20-145-217, 05- 55-502-278, 05-55-502-381, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2021 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that PKF O'Connor Davies, LLP, 293 Eisenhower Parkway, Suite 270, Livingston, New Jersey 07039 is hereby awarded Contract #18-20 to perform auditing services pursuant to statute for the fixed amount of \$57,600.

BE IT FURTHER RESOLVED that this expenditure shall be charged to Budget Account Nos.

01-20-145-217, 05-55-502-278, 05-55-502-381, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2020 Budget.

BE IT FURTHER RESOLVED that a notice of this action shall be published once in the Verona-Cedar Grove Times.

BE IT FURTHER RESOLVED that the Township Manager and the Township Clerk are hereby authorized to enter into an agreement for the aforementioned services a copy of which shall be available for public inspection in the Office of the Township Clerk.

ROLL CALL:

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

RESOLUTION No. 2021-024

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

AUTHORIZING AN AGREEMENT WITH BRIGHTVIEW ENGINEERING LLC FOR GENERAL ENGINEERING SERVICES IN 2021

WHEREAS, the Township has a need for general engineering services for the period commencing on February 1, 2021 and terminating on December 31, 2021; and

WHEREAS, the Township has received a proposal from Brightview Engineering LLC, 5 Pitcairn Drive, Roseland, New Jersey 07068 to provide general engineering services for the 2021 calendar year beginning on February 1, 2021; and

WHEREAS, the award of the contract to Brightview Engineering LLC is being made as a result of a fair and open solicitation; and

WHEREAS, this expenditure shall be charged to Account No. 01-26-290-028, 05-55-502-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2021 Budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and Township Clerk are hereby authorized to enter into an Agreement with Brightview Engineering LLC, 5 Pitcairn Drive, Roseland, New Jersey 07068 to provide general engineering services for the period commencing on February 1, 2021 and terminating on December 31, 2021 not to exceed \$100,000 without further approval of the governing body; and

BE IT FURTHER RESOLVED that this contract is awarded as a Fair and Open Contract, pursuant to *N.J.S.A. 19:44A-20.5, et seq.*; and

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 this expenditure shall be charged to Account No. 01-26-290-028, 05-55-502-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2021 Budget.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-025

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

PROPERTY MAINTENANCE LIEN

WHEREAS, the Construction Code Official determined that the owner of the Block 902, Lot 10 on the Tax Maps of the Township of Verona, commonly known as 111 Linden Avenue, to comply with the Township property maintenance code, specifically lawn maintenance of the property; and

WHEREAS, clean up was performed by Green Valley Landscape Design on behalf of the Township in the month of November totaling the amount of \$350.00; and

WHEREAS, these charges shall be imposed on the property in the form of a municipal lien for above services pursuant to *N.J.S.A. 54:5-8* and to any other applicable State or Federal regulation.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, County of Essex, New Jersey, that the Tax Collector be and is hereby authorized and directed to take all appropriate actions to impose on the property commonly known as 111 Linden Avenue, Verona, New Jersey (Block 902, Lot 10) a municipal lien in the amount of the tax lien certificate (\$350.00), where upon the Tax Collector shall, within ten (10) days of encumbering of the property, send official notice of said encumbrance via certified mail, return receipt requested and regular mail to any and all other lien holders or creditors with a secured interest in the property.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-026

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received John Gardner, for property located at 278 Claremont Avenue and the fees have been held in Trust; and

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

| ESCROW AMOUNT | EXPENSES | AMOUNT TO BE REFUNDED |
|------------------|----------|--------------------------|
| \$500.00 | \$104.00 | \$396.00 |

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$396.00 to John Gardner, 278 Claremont Avenue, Verona, NJ 07044.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-027

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received Gabriel Campos, for property located at 20 Mountainview 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 | \$0.00 | \$500.00 |

WHEREAS, the homeowner has not responded to multiple requests to issue refund and the refund amount will be applied to homeowner's water/sewer bill, account number 2034020-0 for 1st quarter 2021, and

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

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-028

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

DEMANDING THAT THE NEW JERSEY STATE LEGISLATURE ACCEPT ITS RESPONSIBILITY TO PROVIDE AFFORDABLE HOUSING

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, "must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality's fair share of the present and prospective regional need therefor" (10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp., 67 N.J. 151, 174 (1975)); and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

"Therefore, proof of a municipality's bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low and moderate income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is "realistic" will depend on whether there is in fact a likelihood-to the extent economic conditions allow-that the lower income housing will actually be constructed. Plaintiff's case will ordinarily include proof of the municipality's fair share of the regional need and defendant's proof of its satisfaction. Good or bad faith, at least on this issue, will be irrelevant." (S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp., 92 N.J. 158, 220- 22 (1983)); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders' remedies should be used to force compliance by municipalities, reasoning that:

Experience . . . has demonstrated to us that builder's remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder's remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff's proposed project is clearly contrary to sound land use planning. We emphasize that the builder's remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp., 92 N.J. 158, 279-80 (1983)); and

WHEREAS, the New Jersey Legislature responded quickly to the Court's Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing ("COAH") which as the Court noted in Mount Laurel IV " . . . was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions." (In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous., 221 N.J. 1, 4 (2015); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules which provided clear guidance to municipalities as to how they could

meet their affordable housing obligation; and

WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, the Township of Verona, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH's failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance, like the COAH rules did, the Supreme Court in Mount Laurel IV set forth the following vague standards:

"As we said in In re Adoption of N.J.A.C. 5:96 & 5:97, supra, previous methodologies employed in the First and Second Round Rules should be used to establish present and prospective State-wide and regional affordable housing need. 215 N.J. at 620. . . . The parties should demonstrate to the Court computations of housing need and municipal obligations based on those methodologies.

Second, many aspects to the two earlier versions of Third Round Rules were found valid by the appellate courts. In upholding those rules the appellate courts highlighted COAH's discretion in the rule-making process. Judges may confidently utilize similar discretion when assessing a town's plan, if persuaded that the techniques proposed by a town will promote for that municipality and region the constitutional goal of creating the realistic opportunity for producing its fair share of the present and prospective need for low- and moderate-income housing. In guiding the courts in those matters, we identify certain principles that the courts can and should follow." In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous., 221 N.J. 1, 30 (2015); and

WHEREAS, as a result of the Supreme Court's decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear and concise procedural and substantive rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center ("FSHC") and to gain court approval of settlement agreements negotiated with FSHC; and

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

"In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied" (In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous., 221 N.J. 1, 34 (2015)); and

WHEREAS, it has been five years since the Mount Laurel IV opinion was issued and neither the Legislature nor the Governor nor COAH have taken any action to remedy the situation; and

WHEREAS, if the Governor, the Legislature and COAH continue to ignore their responsibilities, municipalities will once again face a burdensome, time-consuming and expensive process to obtain

Fourth Round Mount Laurel compliance starting in 2025.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, State of New Jersey, does hereby demand that the Governor and the Legislature take appropriate steps to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-029

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

CONDEMNING THE ACTS OF SEDITION AND TREASON THAT OCCURRED IN THE WASHINGTON DC TERRORIST ATTACK ON JANUARY 6, 2021

WHEREAS, on January 6, 2021, during the Constitutionally mandated joint Congressional count and certification of the State Electors for President and Vice President of the United States, a mob of domestic terrorists violently invaded the United States Capitol causing elected officials and staff to scramble for safety and their lives and interrupting the count; and

WHEREAS, the January 6, 2021 illegal invasion of the United States Capitol resulted in the deaths of five (5) Americans, including the murder of a Capitol Hill police officer; and

WHEREAS, the secessionists who stormed the United States Capitol trampled on the very democratic principles the United States was founded on; and

WHEREAS, the secessionists also engaged in biological terrorism by not wearing masks and spreading the COVID-19 virus in the halls of Congress; and

WHEREAS, the terrorist attack did not affect the ultimate counting of the Electoral votes which confirmed Joseph Biden and Kamala Harris as the winners of the 2020 Presidential Election.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, State of New Jersey declares:

1. The invasion of the United States Capitol on January 6, 2021 was an insurrection and an act of treason and sedition against the United States of America.
2. We ask the incoming Attorney General and United States Justice Department to investigate and prosecute anyone who participated in or conspired with those committing sedition against the United States on January 6, 2021 to the fullest extent of the law.
3. We condemn the vitriol and hate speech by both elected officials and private citizens that led to this terrorist attack.
4. We encourage all Americans to condemn the attempted overthrow of the United States Government and all who took a role in doing so.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-30

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

PERMITTING ITEMS TO BE DISCUSSED IN EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exists.

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

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Personnel Matters pursuant to *N.J.S.A. 10:4-12 (8)*
 - Fire Department
 - b. Pending, Ongoing, or Anticipated Litigation pursuant to *N.J.S.A. 10:4-12 (7)*
 - Essex Fells Water
3. It is anticipated at this time that the above stated subject matter will be made public when said subject has been fully discussed by the Council, and the attorney rules this matter may be brought before the public without jeopardizing any pending litigation.
4. This resolution shall take effect immediately.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

New Business:

Council discusses a new draft of a Rent Control ordinance prepared by the Township Manager and Municipal Clerk.

Public Comment:

Jim Syros, 33 Cumberland Avenue, Verona, New Jersey
Danit Brahver, 6 Cliff Street, Verona, New Jersey
Kathleen Laterza, 810 Bloomfield Avenue, Verona, New Jersey
Jackie Quattrocchi, 44 Afterglow Way, Verona, New Jersey
Paul Sciarra, 7 Crestmont Road, Verona, New Jersey
Maria Squilanti, 6 Belleclaire Road, Verona, New Jersey
Erica DaVila, 32 Sunset Avenue, Verona, New Jersey
Christina Ford, 50 East Reid Place, Verona, New Jersey
Carrie Ford, 50 East Reid Place, Verona, New Jersey
Maryanne Maher, 38 Elmwood Road, Verona, New Jersey

Adjournment:

Council enters into Executive Session at 9:50 pm. Motion to adjourn the meeting at 10:04 pm is motioned by Deputy Mayor Roman; seconded by Mayor McEvoy.

The next regular scheduled meeting is February 8, 2021 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan

Jennifer Kiernan, Municipal Clerk

Jack McEvoy

Jack McEvoy, Mayor

APPROVED: February 8, 2021