

Minutes of a Regular Meeting of the Verona Township Council on Monday, March 8, 2021, beginning at 7:02 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 a virtual job fair will be held at Turtle Back Zoo this week. The Cherry Blossom Festival will be held in April. This week, the food distribution will be held in West Orange on March 11 at 747 Northfield Avenue. The County has given over 100,000 vaccination shots and have a small amount of Johnson & Johnson shots available for senior citizens in high density areas.

Mayor McEvoy makes a statement on International Women's Day. He reminds the public that the Township's partnership in the SEA will not continue until March.

Manager's Report:

Mr. Cavallo reports that there are three (3) bid openings this week for ADA Improvements at the Community Center and Town Hall and the reconstruction of Lynwood Drive. The budget workshop will be held this Wednesday at 6:30 with discussions regarding the Library, Building Department, and Police Department then finally, Administration. He reminds the public that on March 15, the Health Department will hold late night animal licensing at the Community Center from 5-7pm.

The community garden platforms were purchased this week and soil delivery is expected in the next few weeks.

Councilmember's Reports:

Deputy Mayor Roman waives his report in light of the extensive agenda.

Councilman Ryan defers his report in light of the extensive agenda.

Councilman Giblin reports that he will attend the Neighborhood Traffic Safety Advisory Committee meeting tomorrow. He states that he predicts many residents will speak to address the Council this evening and does not anticipate allowing residents a second turn to speak and he hopes the Council is in agreement on this.

Councilwoman McGrath reports that the Parks and Recreation Advisory Committee met and discussed the Community Pool and Spring/Summer programs. The Summer Playgrounds will be impacted due to school construction. She attended the NJLM Cannabis Webinar and states

that the Council will have some important decisions to make. VMAC is holding Verona Family Week and more information can be found at www.vmacnj.org.

ORDINANCE No. 2021-04

BOND ORDINANCE PROVIDING FOR ADA IMPROVEMENTS TO THE VERONA COMMUNITY CENTER, INCLUDING INSTALLATION OF VARIOUS CURB RAMPS, IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$200,000 THEREFOR, INCLUDING \$99,840 EXPECTED TO BE RECEIVED AS A COMMUNITY DEVELOPMENT BLOCK GRANT, AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

The Municipal Clerk reads Ordinance No. 2021-04 by title into record.

Motion to adopt Ordinance No. 2021-04 is moved by Councilwoman McGrath; seconded by Deputy Mayor Roman.

Public Hearing:

None.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2021-04 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2021-05

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND REHABILITATION OF LYNWOOD ROAD IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$975,000 THEREFOR, INCLUDING \$525,000 EXPECTED TO BE RECEIVED AS A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT, AND AUTHORIZING THE ISSUANCE OF \$975,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

The Municipal Clerk reads Ordinance No. 2021-05 by title into record.

Motion to adopt Ordinance No. 2021-05 is moved by Mayor McEvoy; seconded by Councilman Ryan.

Public Hearing:

None.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2021-05 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2021-06

CAPITAL ORDINANCE APPROPRIATING \$60,000 FROM CAPITAL FUND BALANCE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY

The Municipal Clerk reads Ordinance No. 2021-06 by title into record.

Motion to adopt Ordinance No. 2021-06 is moved by Councilman Ryan; seconded by Mayor McEvoy.

Public Hearing:
None.

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

Ordinance No. 2021-06 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2021-10

AN ORDINANCE TO AMEND CHAPTER A565-7 OF THE CODE OF THE TOWNSHIP OF VERONA

The Municipal Clerk reads Ordinance No. 2021-10 by title into record.

Motion to adopt Ordinance No. 2021-10 is moved by Councilman Giblin; seconded by Councilwoman McGrath.

Public Hearing:
Tim Camuti, 42 Cumberland Avenue, Verona, New Jersey

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

Ordinance No. 2021-10 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2021-08

REPEALING CHAPTER 402 "RENT CONTROL" IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 402 "RENTAL REGULATIONS"

The Municipal Clerk reads Ordinance No. 2021-08 by title into record.

Motion to adopt Ordinance No. 2021-08 is moved by Mayor McEvoy; seconded by Deputy Mayor Roman.

Public Hearing:
Kathleen Laterza, 810 Bloomfield Avenue, Verona, New Jersey

Council discussion ensues with Councilman Ryan suggesting the Township Manager send notification to people in rental units of the change of the ordinance.

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

Ordinance No. 2021-10 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2021-09

REPEALING CHAPTER 455 "STORMWATER MANAGEMENT" IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 455 "STORMWATER MANAGEMENT"

The Municipal Clerk reads Ordinance No. 2021-09 by title into record.

Motion to adopt Ordinance No. 2021-09 is moved by Councilman Ryan; seconded by Mayor McEvoy.

Public Hearing:
Cynthia Holland, 109 South Prospect Avenue, Verona, New Jersey

Sean DiBartolo, 34 Oakridge Road, Verona, New Jersey

Council discussion ensues.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2021-09 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2021-01-AMENDED

ADOPTING THE REDEVELOPMENT PLAN ENTITLED "THE SUNSET AVENUE REDEVELOPMENT AREA REDEVELOPMENT PLAN" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW N.J.S.A. 40A:12A-1 et seq.

The Municipal Clerk reads Ordinance No. 2021-01AMENDED by title into record.

Motion to adopt Ordinance No. 2021-01AMENDED is moved by Councilman Ryan; seconded by Councilwoman McGrath.

Public Hearing:

Suzanne Aptman, 120 Westview Road, Montclair, New Jersey
William Hatfield, 14 Afterglow Avenue, Verona, New Jersey
Robert Blitz, 12 Stonewood Parkway, Verona, New Jersey
Erica Davila, 32 Sunset Avenue, Verona, New Jersey
Anne Studholme, representing First Ridge Alliance
Peter Steck, 80 Maplewood Ave., Maplewood, NJ
Kate Barchie, 65 Sunset Avenue, Verona, New Jersey
Tim Camuti, 42 Cumberland Avenue, Verona, New Jersey
Daniel Callahan, 15 Afterglow Avenue, Verona, New Jersey
Jackie Quattrocchi, 44 Afterglow Way, Verona, New Jersey
Maria Squilanti, 6 Belleclaire Place, Verona, New Jersey
John Quattrocchi, 44 Afterglow Way, Verona, New Jersey
Allan Haynes, 15 Rockledge Road, Montclair, New Jersey
Kevin Smith, 9 Gordon Place, Verona, New Jersey
Jeremy Katzeff, 81 Forest Avenue, Verona, New Jersey
John Ghingo, 11 Robert Court, Verona, New Jersey
Jack Easley, 18 Sunset Avenue, Verona, New Jersey
Kris Bromley, 25 Belleclaire Place, Verona, New Jersey
MaryAnn Maher, 38 Elmwood Avenue, Verona, New Jersey
Lara Ramakrishnan, 11 Rockledge Road, Montclair, New Jersey
Jim Ameen, 11 Cole Road, Verona, New Jersey
Anne Studholme, representing First Ridge Alliance

Council discussion ensues.

Motion to enter into Executive Session at 10:20 p.m. is made by Deputy Mayor Roman; seconded by Councilman Ryan. The purpose of entering into Executive Session is for Special Counsel to take time to speak with the governing body regarding the legal implications to the Township on a number of levels pertaining to the settlement agreement with Fair Share Housing (FSH) and the Sunset Avenue Redevelopment Plan. The public meeting will continue upon the governing body's return.

RESOLUTION No. 2021-038

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

PERMITTING ITEMS TO BE DISCUSSED IN EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits

the exclusion of the Public from a meeting in certain circumstances; and

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

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

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Pending, Ongoing, or Anticipated Litigation and Contract Negotiations pursuant to N.J.S.A. 10:4-12 (7)
 - Docket No. ESX-L-4773-15
(In All Declaratory Judgement Actions Filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court’s Decision in In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015))
 - Proposed Shared Service with Somerville
 - Sunset Avenue Redevelopment Plan

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Council returns to the public meeting at 11:03 p.m. where Special Counsel Joseph Baumann, of McManimon, Scotland & Baumann states that this project includes the effort of satisfying the Township’s Affordable Housing obligation. Approval of the upcoming Settlement Agreement with FSH includes the adoption of the Sunset Avenue Redevelopment Plan in order to acquire the 200 units on the site. The settlement agreement provides that, if that should not happen, the 300 unit plan would go forward on the site of 1 Sunset Avenue.

Council discussion ensues.

The Municipal Clerk reads ordinance 2021-01AMENDED by title and publically states the three (3) de minimis changes within the ordinance.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman

NAYS: McEvoy

Ordinance No. 2021-01AMENDED is adopted 4-1 and will be published according to law.

ORDINANCE No. 2021-11

**AMENDING CHAPTER 140-7 “NIGHT PARKING” OF THE CODE
OF THE TOWNSHIP OF VERONA**

The Municipal Clerk reads Ordinance No. 2021-11 by title into record.

Motion to introduce Ordinance No. 2021-11 is moved by Deputy Mayor Roman; seconded by Councilman Giblin.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2021-11 is introduced 5-0 and will be published according to law and a public hearing will be held on March 22, 2021.

Public Participation on Consent Agenda:

Chris Budesza, 28 Sylvan Road, Verona, New Jersey

Approval of Meeting Minutes:

The meeting minutes from the February 22, 2021 Regular meeting and February 24, 2021 Special meeting are unanimously approved. Meeting Minutes from the March 3, 2021 Special meeting are approved 4-1 with Councilman Giblin abstaining.

RESOLUTION No. 2021-039

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

URGING THE LEGISLATURE TO OPPOSE ASSEMBLY BILL S3095

WHEREAS, the New Jersey State Senate introduced Bill No. 3095 on November 5, 2020; and

WHEREAS, Senate Bill No. 3095 establishes an alternate inspection process, under the State Uniform Construction Code Act, for property owners willing to pay a premium fee to expedite inspections; and

WHEREAS, under Senate Bill No. 3095 an applicant for a construction permit may opt to pay a premium fee to have inspections done under the permit performed on an expedited basis, i.e. within two calendar days of the time requested for an inspection. An applicant would also exercise this option at the time of submitting an application for a construction permit; and

WHEREAS, the proposed legislation seeks to subvert established current legal precedent by which the proposed legislation permits applicants to self-elect an expedited inspection process; and

WHEREAS, the proposed legislation will place a significant financial burden on municipalities and taxpayers alike as it cuts off the most significant stream of municipal revenue and diverts those funds entirely to the State of New Jersey and private interests; and

WHEREAS, the proposed legislation appears to be influenced and backed by special lobby groups including those associated with the Construction industry; and

WHEREAS, the proposed legislation is opposed by the New Jersey Municipal Management Association, Governmental Finance Officers Association of New Jersey and the League of Municipalities;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, State of New Jersey hereby opposes Senate Bill No. 3095 as it would create undue barriers of inequity, place further financial burden on municipalities and increase the tax burden for the residents of the Township and residents of the State of New Jersey.

BE IT FURTHER RESOLVED that the Township Clerk shall forward certified copies of this Resolution to the Governor and Lieutenant Governor of New Jersey and the members of the New Jersey State Legislature.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-040

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

**AUTHORIZING THE CANCELLATION OF OLD OUTSTANDING CHECKS
AND RECONCILING ITEMS**

WHEREAS, certain checks have been identified in the Current Fund, Water/Sewer Utility, and Trust fund bank accounts by the Chief Financial Officer as outstanding; and

WHEREAS, it is a normal financial practice to review the bank accounts for old outstanding items for cancellation with the balances to be returned to the Fund Balance; and

WHEREAS, it is necessary to formally cancel said checks so that the unnecessary balances may be returned to the fund balance of the respective funds.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona, County of Essex, State of New Jersey that the following old outstanding checks, be cancelled:

<u>Date of Check Issue</u>	<u>Check Number</u>	<u>Amount</u>
March 2016	11406	\$95.00
April 2016	11599	\$15.42
November 2016	171	\$50.00
November 2016	300	\$375.00
November 2016	716	\$1,645.00
April 2017	1134	\$100.00
June 2017	1480	\$17.49
June 2017	1486	\$200.00
July 2017	1913	\$20.00
October 2017	2254	\$22.35
November 2017	2471	\$4.95
January 2018	3231	\$143.75
July 2018	3818	\$27.00
August 2018	4119	\$9.90
October 2018	4506	\$715.00
January 2019	4957	\$143.75
February 2019	5158	\$95.00
June 2019	5889	\$150.00
August 2019	6332	\$191.95
September 2019	6390	\$35,000.00
December 2019	7083	\$92.61
	Total Current Fund	\$39,114.17
March 2016	3106	\$250.00
November 2017	423	\$134.96
	Total Water Utility Fund	\$384.96
January 2015	3059	\$20.00
June 2016	3217	\$675.00
October 2018	249	\$18.02
	Total Pool Utility Fund	\$713.02

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-041

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

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 \$376,934.87

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

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

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

ORDINANCE	AMOUNT TO BE CANCELLED
Swimming Pool Capital	
2-2013	\$ 51,430.86
13-2015	<u>24,066.96</u>
	\$ 75,497.82
Water and Sewer Utility Capital	
8-2010	\$ 48,003.72
7-2009	21,144.34
9-2011	<u>223,368.11</u>
	\$ 292,516.17
General Capital	
3-2012	\$ 7,520.00
7-2016	<u>1,400.88</u>
	\$ 8,920.88

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

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

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

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-042

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received from Timothy Derrick, for property located at 9 Hathaway Lane 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:

<u>ESCROW</u> <u>AMOUNT</u>	<u>EXPENSES</u>	<u>AMOUNT TO</u> <u>BE REFUNDED</u>
\$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, State of New Jersey that the Chief Financial Officer and Tax Collector be authorized to refund, from the Trust Account, \$396.00 to Timothy Derrick, 9 Hathaway Lane, Verona, New Jersey 07044.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-043

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received from John Ghingo, for property located at 11 Robert Court 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:

<u>ESCROW</u> <u>AMOUNT</u>	<u>EXPENSES</u>	<u>AMOUNT TO</u> <u>BE REFUNDED</u>
\$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 Ghingo, 11 Robert Court, Verona, New Jersey 07044.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-044

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received from Kevin Hipp, for property located at 50 Sunset 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:

<u>ESCROW</u> <u>AMOUNT</u>	<u>EXPENSES</u>	<u>AMOUNT TO</u> <u>BE REFUNDED</u>
\$500.00	\$0.00	\$500.00

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, \$500.00 to Kevin Hipp, 50 Sunset Avenue, Verona, New Jersey 07044.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2021-045

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

PROPERTY MAINTENANCE LIEN

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

WHEREAS, clean up was performed by Green Valley Landscape Design on behalf of the Township in the month of February totaling the amount of \$800.00; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, County of Essex, New Jersey, that the Tax Collector be and is hereby authorized and directed to take all appropriate actions to impose on the property commonly known as 111 Linden Avenue, Verona, New Jersey (Block 902, Lot 10) a municipal lien in the amount of the tax lien certificate (\$800.00), 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:

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

RESOLUTION No. 2021-046

**AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT
WITH FAIR SHARE HOUSING CENTER WITH REGARD
TO DOCKET NO. ESX-L-4773-15**

WHEREAS, the Township filed a Complaint for Declaratory Judgment on July 2, 2015, in the Superior Court of New Jersey in a Mount Laurel litigation that was consolidated into the matter which became known as “In All Declaratory Judgment Actions Filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court’s Decision in In Re Adoption of *N.J.A.C. 5:96*, 221 N.J. 1 (2015),” Docket No. ESX-L-4773-15 (the “DJ Action”); and

WHEREAS, in the DJ Action, the Township sought a declaration from the Court that its Zoning Code and Housing Element are constitutionally compliant with the Court’s Mount Laurel Doctrine and a judgment of compliance and a judgment of repose that would protect the Township from Builders’ Remedy lawsuits; and

WHEREAS, Fair Share Housing Center (FSHC) is a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV);

WHEREAS, through the declaratory judgment process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

WHEREAS, the Township and FSHC desire to memorialize the terms and conditions of the settlement in the form of an agreement (the “Settlement Agreement”).

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. The Township Manager and the Township Clerk are hereby authorized to execute the Settlement Agreement, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township Attorney, the Township's affordable housing counsel, bond counsel, financial consultant and other professionals.
3. This resolution shall take effect immediately.

ROLL CALL:

AYES: McGrath, Roman, Ryan, Roman

NAYS:

ABSTAIN: McEvoy

RESOLUTION No. 2021-047

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

URGING THE LEGISLATURE TO OPPOSE ASSEMBLY BILL A1571

WHEREAS, Payments in Lieu of Taxes are the single most effective tool that municipalities have at their disposal to spur revitalization and economic growth in our communities, thereby creating jobs, new housing and providing new services and facilities to our residents; and

WHEREAS, Assembly Bill No. 1571 seeks to impose prevailing wage for public work on properties receiving tax abatements or exemptions; and

WHEREAS, while well-intentioned, proposals to add additional costs to the construction of projects receiving a Payments in Lieu of Taxes have the very real possibility of closing the door on urban redevelopment in the communities that need it the most; and

WHEREAS, municipalities often have higher costs of construction due to tighter site footprints and the need for structured parking; and

WHEREAS, like many other municipalities in Essex County, the Township of Verona must also contend with the increasingly stringent flood plain regulations which further restrict redevelopment; and

WHEREAS, these added costs are the very factors that makes Payments in Lieu of Taxes necessary and essential to so many municipalities and the passage of Assembly Bill No. 1571 will have a chilling effect on these struggling municipalities to foster economic growth; and

WHEREAS, the State Legislature appears to have concluded that redevelopment will continue without impact from the additional costs being proposed by the prevailing wage for public work on properties receiving tax abatement or exemption; and

WHEREAS, the increased burden caused by Assembly Bill No. 1571 on proposed projects can only lead to three possible outcomes, 1) projects not moving forward at all, 2) municipalities having to decrease the amount they can expect from Payments in Lieu of Taxes revenue or 3) the municipalities must offer more density, which in turn will increase the demand on municipal services.

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

1. We ask our State Legislators to recognize and protect the stark realities currently faced by our State's municipalities especially in this time of COVID and oppose this bill as being financially overly burdensome on local municipalities seeking to revitalize their communities.

2. The Township Clerk shall forward certified copies of this Resolution to the Governor and Lieutenant Governor of New Jersey and the members of the New Jersey State Legislature.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

New/Unfinished Business:

Council tables the discussion on the rent moratorium until the March 22, 2021 meeting.

Public Comment:

MaryAnn Maher, 38 Elmwood Avenue, Verona, New Jersey
Kathleen Laterza, 810 Bloomfield Avenue, Verona, New Jersey

Adjournment:

Motion to adjourn the meeting at 11:57 pm is motioned by Mayor McEvoy; seconded by Councilwoman McGrath.

The next regular scheduled meeting is March 22, 2021 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Jack McEvoy
Jack McEvoy, Mayor

APPROVED: March 22, 2021