

Minutes of a Regular Meeting of the Verona Township Council on Monday, April 5, 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](http://www.veronanj.org/councilmeetings). A public comment period will be held in the order it is listed on the meeting agenda and instructions on how to comment will be provided at the appropriate time. This meeting is being recorded, both audibly and visually for retention purposes and for rebroadcast on the Township's YouTube.

Roll Call:

Mayor 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 the County still has the 5 vaccination sites in Essex County: Essex County College, The Donald Payne School, West Caldwell Vo-Tech, the old Sears at Livingston Mall and the old Kmart location in West Orange. Vaccines are now being administered to school staff and County government employees. Codey Arena is holding a "learn to skate" class. Those interested should visit the Essex County Parks Department website. Mr. Coltre states the public can call 973-239-3366 x2220 to reports pot holes. The bathrooms in Verona Park are now open. At this time it is unknown if the County will hold their Summer Concert Series, but will keep Verona posted. Electronics Recycling and Hazardous Waste Recycling days will be held in May - more information to come.

Mayor McEvoy reads a proclamation declaring Child Abuse Prevention Month. He also reads a proclamation for Autism Awareness Month.

Mr. McEvoy urges senior citizens to get the COVID vaccine. He congratulates the Lions Club of Verona in celebrating their 70<sup>th</sup> anniversary. The Lions Club has distributed money to those in need, organized a hospital loan closet where wheelchairs, beds, etc. are delivered to those in need for temporary use. They also collect eyeglasses and repair them for those who are in dire need and provides medical transport for Verona's citizens.

Manager's Report:

Mr. Cavallo reports that April 8-10 is National Library Week. He thanks the Library staff for their efforts. The Rent Control Board is operating under a new ordinance. Notice should go out to all tenants this week. The Fairness Hearing will be Friday, April 30 at 1:30 p.m. There is no link now, but Mr. Cavallo hopes to post it online 48 hours before the meeting, as the hearing will take place via Zoom.

Political signs and construction signs are not allowed in the public right of way, which is between the curb and sidewalk, or about 3 feet from the curb if there is no sidewalk. Signs in violation, and placed in the right of way will be removed by DPW or Code Enforcement and placed on the inside perimeter of the property.

Mr. Cavallo thanks all who tuned in to the Community Health Town Hall a couple weeks ago. He also thanks the professionals who served on the dais. He looks forward to doing more in the future.

Registration is open for the Community Pool season. Residents can benefit from the early discount until May 15. The Township plans to open the pool on Memorial Day Weekend. The Community Garden lottery is April 15. He reminds the public about the AlertVerona system and urges all to register their cell phones and emails in the system.

The Candidate's Forum will take place on Monday, April 26 on Zoom at 7:00 p.m. Mr. Cavallo thanks the Junior Woman's Club for sponsoring the event and the League of Women Voters, who will moderate the evening.

Mr. Cavallo turns to Municipal Clerk Jennifer Kiernan who presents an election update to the public.

Councilmember's Reports:

Deputy Mayor Roman will reserve comments for New Business.

Councilman Ryan states the Environmental Commission tree giveaway is April 24. Four hundred seedlings will be given out at Grove Park from 9-11:30 a.m. and will coincide with a clean-up of the park. The Verona Park Conservatory will sponsor their annual clean-up on April 17. He also states the ribbon cutting ceremony for the Community Garden will be April 9<sup>th</sup> by invitation only.

Councilman Giblin has not report this evening.

Councilwoman McGrath thanks the Township Manager for the Community forum and bringing expertise to the public in this format, which received fantastic reviews. She looks forward to more forums like this in the future. She reports she attended a substantial Parks and Recreations Advisory Committee meeting where there was discussion of the upcoming pool season, swim team and end of the year pool parties, which are all happening this season. She also reports that the Recreation Department's spring programs are sold out. She asks the Township Manager at what point can the Township open the Community Center? Mr. Cavallo will provide an update at the next meeting.

Mr. Cavallo states ordinance H-1 is on hold and may be voted on after Executive Session. He also states the same for resolution K-4.

The meeting minutes from March 22, 2021 are unanimously approved.

Public Comment on Consent Agenda:

None.

**RESOLUTION No. 2021-052**

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

**CERTIFYING THE TOWNSHIP OF VERONA'S  
COMPLIANCE WITH N.J.S.A. 40A:4-5**

**WHEREAS**, *N.J.S.A. 40A:4-5* as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000 *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

**WHEREAS**, the members of the Township Council have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

**NOW, THEREFORE BE IT RESOLVED** that the Township Council of the Township of Verona, in the County of Essex, New Jersey, hereby states that it has complied with *N.J.S.A. 40A:4-5*, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance;

**BE IT FURTHER RESOLVED** that a certified copy of this resolution and group affidavit form of the Township Council evidencing said compliance shall be on file in the Office of the Municipal Clerk and available for inspection; and

**BE IT FURTHER RESOLVED** that the Township Council's certification shall be transmitted to the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs within three days after approval, together with the approved budget.

**ROLL CALL:**

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

**NAYS:**

### **RESOLUTION No. 2021-053**

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

#### **SUPPORTING S-3522 CREATING LOCAL PART OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)**

**WHEREAS**, county, municipal, and other local governments have met their pension obligations as employers for more than a decade while the State of New Jersey has continued to underfund the pension systems in varying degrees since 1996 and thus created one of the worst publicly funded retirement systems in the entire nation; and,

**WHEREAS**, despite fulfilling their fiduciary duties in meeting their pension obligations, local governments across the State will experience double digit percentage increases in total employer pension contributions in 2021 as determined in figures recently published by the Division of Pension and Benefits in the State Department of Treasury; and,

**WHEREAS**, even more alarming for local government employers is the fact that the unfunded accrued liability once again increased in 2021 to a staggering \$26.6 billion for the Public Employee's Retirement System ("PERS") alone, causing in part, a decrease in the funded ratio for the Local Part of PERS to 65.4%, the State Part to 31.2%, and the combined rate to a disconcerting 52.2% far below the target funded ratio of 75.0%; and,

**WHEREAS**, S-3522 would divide PERS into two parts; A State Part for state employees, and a Local Part for all other employees; and

**WHEREAS**, the legislation creates a seven member board consisting of; three labor employee representatives, three management representatives, and one determined by the Board, tasked with operating the retirement system and directing policies and investments to achieve and maintain full funding; and

**WHEREAS**, S-3522 would protect local governing bodies from the State of New Jersey further directing property taxpayer dollars to subsidize its long mismanagement and underfunding of the pension systems as it would provide the new balanced board of trustees of PERS with the ability to determine or modify member benefits, direct policies and investments to achieve full funding, and serve as fiduciary of the system.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Verona does in fact hereby support S-3522, which would establish a new board of trustees for the Local Part of PERS to preserve the structure and integrity of the more solvent Local Part.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forwarded to Governor Phil Murphy, Senate President Stephen M. Sweeney, Speaker of the General Assembly Craig Coughlin, Senator Joseph Pennacchio, Assemblyman Jay Webber,

Assemblywoman Betty Lou DeCroce and the New Jersey League of Municipalities.

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION No. 2021-054**

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

**RESOLUTION TO ANTICIPATE MISCELLANEOUS REVENUES IN THE 2021 BUDGET USING THE THREE-YEAR AVERAGE OF REALIZED REVENUES FROM THE PRIOR THREE YEARS**

**WHEREAS**, the COVID 19 pandemic had an adverse effect on the anticipated municipal revenues in the 2020 municipal current and utility fund budgets; and

**WHEREAS**, Section 1 of P.L. 2020, c.74 amended *N.J.S.A 40A:4-26* authorized the Director of the Division of Local Government Services (“Division”) to promulgate new standards for the anticipation of COVID-19 affected revenues in the FY2021 budget, and, if necessary, in future years and

**WHEREAS**, for FY 2021, the Director authorizes the use of a three-year average for the calculation of affected revenues; and

**WHEREAS**, the Chief Financial Officer of the Township of Verona, certifies that the following revenues were affected in 2020 by the COVID 19 pandemic and that the 3-year average of the amounts realized in 2018-2020 be anticipated in the introduced budget for 2021.

<b>Revenue Category</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>3 Year Average</b>
Swimming Pool Membership Fees	\$455,136.00	\$480,385.59	\$208,610.00	\$381,377.20
Swimming Pool Miscellaneous	\$ 88,494.05	\$103,290.39	\$ 34,496.86	\$ 75,427.10
Parking Meters	\$ 37,128.70	\$ 46,706.45	\$ 11,311.69	\$ 31,715.61
Recreation Fees	\$279,128.34	\$306,643.00	\$ 35,463.47	\$207,078.30
Municipal Court	\$148,823.68	\$126,641.00	\$ 28,456.61	\$101,307.10

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Verona the County of Essex, New Jersey that the above referenced revenues be anticipated using the 3 year average as permitted by the amendments to *N.J.S.A 40A:4-26*, adopted by the P.L. 2020, c. 74.

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION No. 2021-055**

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

**REFUND TAX COURT JUDGMENT**

**WHEREAS**, notification has been received from the Tax Court reducing the assessment on property located at 640 Bloomfield Avenue owned by 640 Bloomfield Avenue LLC Block 1702 lot 18 as follows:

Year	Assessment Reduced	Tax Rate	Refund
2019	88,700.00	2.770	\$2,456.99
2020	88,700.00	2.864	\$2,540.36
<b>Total Refund</b>		<b>\$4,997.35</b>	

**NOW, THEREFORE, BE IT RESOLVED**, that the Chief Financial Officer and Tax Collector be authorized to refund \$4,997.35 to:

Jennifer Jacobus Trustee for  
Natalie Rispoli  
201 Littleton Road, Suite 100  
Morris Plains, NJ 07950

**ROLL CALL:**

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

**NAYS:**

**RESOLUTION No. 2021-056**

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))
    - Essex Fells Water
    - Water Utility
    - Municipal Condominium Reimbursements
    - 5G Consultant  
Somerville Agreement
  - b. Personnel Matters pursuant to N.J.S.A. 10:4-12 (8)

**ROLL CALL:**

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

**NAYS:**

New/Unfinished Business:

**RESOLUTION No. 2021-057**

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

**INTRODUCTION OF THE MUNICIPAL BUDGET**

**BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the following statements of revenues and appropriations shall constitute the Municipal Budget of the Township of Verona for the 2021 calendar year.

<b>General Appropriations:</b>	<u><b>Year 2021</b></u>
1. Appropriations within "CAPS" (H-1 Sheet 19)	<b>\$ 18,901,574.00</b>
2. Appropriations excluded from "CAPS" (H-2 Sheet 28)	<b>\$ 5,153,938.89</b>
3. Reserve for Uncollected Taxes (M-Sheet 29)	<b><u>\$ 1,775,000.00</u></b>
4. Total General Appropriations (Item 9, Sheet 29)	<b>\$ 25,830,512.89</b>
5. Less: Anticipated Revenues Other than Current Property Tax (Item 5, Sheet 11)	<b>\$ (8,152,614.41)</b>
6. Less: Minimum Library Tax (Item 6(c), Sheet 11)	<b><u>\$ (864,735.42)</u></b>
7. Difference: Amount to be raised by Taxes for support of the Municipal Budget (as follows) (a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	<b>\$ 16,813,163.06</b>

**BE IT FURTHER RESOLVED**, that said Budget will be published in the April 16, 2021 edition of the Star Ledger.

**BE IT FURTHER RESOLVED** that the Township Council of the Township of Verona does hereby approve the preceding as the Budget for the 2021 year:

A Hearing on the Budget and Tax Resolution will be held via a Zoom video conference on May 17, 2021 at 7 o'clock p.m. at which time and place discussions to said Budget and Tax Resolution for 2021 may be presented by taxpayers or other interested persons.

**BE IT FURTHER RESOLVED** that A copy of the 2021 Municipal Budget and tax resolution will be available at no cost during regular business hours by contacting the Municipal Clerk's Office at 973-857-4770 or visiting the Township's website at [www.veronanj.org/budgetinfo](http://www.veronanj.org/budgetinfo) for the members of the general public who shall request the same up to and including the time when the Township Council shall further consider this for final passage. All persons interested in the proposed budget will have an opportunity to address the Township Council during the aforementioned public hearing.

**ROLL CALL:**

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

**NAYS:**

The Township Manager leads a robust discussion on cannabis legislation and local regulations. He also engages the Council in discussions for proposed ordinances on the creation of a blasting ordinance, in-building radio communications and repeal and replacing the property maintenance ordinance in its entirety.

Public Comment:

- Jason Hyndman, 34 Cambridge Road, Verona, New Jersey
- Jessica Pearson, 20 Montclair Avenue, Verona, New Jersey
- Chris Reilly, 60 Sunset Avenue, Verona, New Jersey
- Cynthia Holland, 109 So. Prospect Avenue, Verona, New Jersey
- Kathleen Laterza, 810 Bloomfield Avenue, Verona, New Jersey

Council enters into Executive Session at 9:03 p.m. and returns into the public meeting at 10:40 p.m.

**ORDINANCE NO. 2021-12**

**AN ORDINANCE FIXING THE SALARIES, COMPENSATION OF CERTAIN  
PAID EMPLOYEES OF THE TOWNSHIP**

The Municipal Clerk reads Ordinance No. 2021-12 by title into record.

Motion to introduce Ordinance No. 2021-12 is moved by Councilwoman McGrath; seconded by Deputy Mayor Roman.

**ROLL CALL:**

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

**NAYS: Giblin**

Ordinance No. 2021-12 is introduced 4-1 and will be published according to law and a public hearing will be held on April 19, 2021.

Adjournment:

Motion adjourn at 10:45 pm is motioned by Councilwoman McGrath; seconded by Councilman Ryan. Vote: 5-0.

The next regular scheduled meeting is April 19, 2021 at 7:00 p.m.

Respectfully submitted,

*Jennifer Kiernan*  
Jennifer Kiernan, Municipal Clerk

*Jack McEvoy*  
Jack McEvoy, Mayor

APPROVED: April 19, 2021