

Minutes of a Special Meeting of the Verona Township Council on Thursday, September 9, 2021, beginning at 4:30 p.m. via Zoom video conferencing platform (Meeting ID: 952 6266 2770).

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

Township Manager Matthew Cavallo reports that the Township experienced the remnants of Tropical Storm Ida last Wednesday into Thursday causing damage to Township property, including Claremont Avenue between Cumberland Avenue and Park Avenue as well as Afterglow Avenue in the area of Cole Road as a result of water runoff. The storm also caused significant flooding of the Peckman River. Eleven trees fell in the area of Ferrante Press, 1 large tree fell in the area of Franklin Street and another behind F.N. Brown Elementary School that required using large machinery in the Peckman River to remove sediment, large rocks and tree limbs. There are significant costs incurred by the Township from this storm. Flood damage causing debris removal costs \$4,000 per truckload: \$1,500 for the cost of tonnage plus \$2,500 for the truck itself and labor. So far, the 14 truckloads of debris have already been removed resulting in a \$56,000 expense so far. Mr. Cavallo provides a breakdown of the projected expenses for the resolution for emergency appropriations for Storm Response and Recovery: \$175,000 for road repairs; \$15,000 for inspection of the roads upon completion; at least \$75,000 for debris removal associated with damage from flooding; \$30,000 for tree removal; \$20,000 for labor and debris removal from multiple storm water culverts covered with rock and debris requiring the use of large loaders and a 10% contingency.

Public Comment on Proposed Resolutions:

Kevin Ryan, 92 Elmwood Road, Verona, New Jersey

Council Discussion:

Councilwoman Holland asks the Township Manager to confirm that he has conferred with the Municipal Auditor, CFO and DCA to ensure that resolution G-1 is applicable with state and federal regulations. The Township Manager replies in the affirmative and adds that the Township has the cash flow readily available and therefore the issuance of emergency notes is not needed.

Mayor Roman asks the Township Manager to give more information on the \$15,000 expense for inspection of the road upon completion. Mr. Cavallo states is it a high number but the Township typically budgets about 10% for road repairs.

Councilman Tamburro asks if these expenses are reimbursable from FEMA. Mr. Cavallo states he expects a Federal Disaster declaration soon and the Township is ready to submit that application for funds, which, when received, would be anticipated in the 2022 budget. If not, the funding will go on the books as a revenue line to make up in taxes. He hopes to receive something in writing from FEMA.

RESOLUTION No. 2021-117

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

EMERGENCY APPROPRIATIONS FOR

**TROPICAL STORM IDA RESPONSE AND RECOVERY
(LESS THAN 3 PERCENT TOTAL OPERATING APPROPRIATIONS)**

WHEREAS, an emergency has arisen with respect to severe weather conditions and flooding that occurred from September 1-2, 2021 from Tropical Storm Ida, and no adequate provision was made in the Township of Verona Municipal 2021 Budget for the aforesaid purpose, and *N.J.S.A. 40A:4-46* provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$350,000.00 and three percent of the total operating appropriations in the Township of Verona's 2021 Municipal Budget is \$774,915.38 and

WHEREAS, the foregoing appropriation, together with prior appropriations, does not exceed three percent of the total current operating appropriations (including utility operating appropriations) in the Township of Verona's 2021 Municipal Budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona (*not less than two-thirds of all the members thereof affirmatively concurring*) that in accordance with *N.J.S.A. 40A:4-48*:

1. An emergency appropriation be and the same is hereby made for Declared State of Emergency Costs for Tropical Storm Ida (September 2021) Response & Recovery in the amount of \$350,000.00.
2. That said emergency appropriation shall be provided for in full in the 2022 budget, and is requested to be excluded from CAPS, pursuant to *N.J.S.A. 40A:4-53.3c(1)*.
3. The Municipal Clerk shall forward two (2) certified copies of this resolution to be filed with the Director of Local Government Services.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Council Discussion:

Councilman Tamburro asks the Township Manager what the timeline is on the project for repairs to Claremont and Afterglow Avenues. The Township Manager states that weather permitting, hopefully Monday or Tuesday of next week. Claremont Avenue will be first to be repaired.

Councilwoman Holland wants to confirm that as this emergency contract cites numerous citations of New Jersey's Local Public Contracts Law, that we have received assurance that this emergency contract is proper and being done pursuant to State statutes and DCA regulations. Mr. Cavallo responds that as the Township's Qualified Purchasing Agent, he does agree. Township Attorney Brian Aloia also responds that he too agrees as he drafted the resolution.

RESOLUTION No. 2021-118

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

**AUTHORIZING AWARD OF EMERGENCY CONTRACT UNDER NEW JERSEY
LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-6
RESULTING FROM THE EFFECTS OF TROPICAL STORM IDA**

WHEREAS, an emergency has arisen with respect to severe weather conditions and flooding resulting from Tropical Storm Ida on September 1, 2021; and

WHEREAS, Governor Murphy declared a state of emergency pursuant to Executive Order No. 259 on September 1, 2021; and

WHEREAS, the Emergency Management Coordinator of the Township of Verona declared a state of emergency in the Township of Verona effective September 1, 2021; and

WHEREAS, the Engineering Manager has identified significant road damage caused by Tropical Storm Ida that needs immediate repair based upon the dangerous condition of the roads, specifically

Claremont Avenue between Park Avenue and Cumberland Avenue, Afterglow Avenue in the area of Cole Road and Cole Road off Afterglow Avenue; and

WHEREAS, the need for the road repair could not have been reasonably foreseen notwithstanding a good faith effort on the part of the Township to plan for the purchase of any goods or services required; and

WHEREAS, *N.J.S.A. 40A:11-6* permits a contract to be negotiated or awarded without public advertisement for bids and bidding therefor, notwithstanding the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, pursuant to *N.J.S.A. 19:44A-20.12*, contracts awarded under such circumstances are excepted from Pay-to-Play due to public exigency; and

WHEREAS, the Township contacted the authorized vendor for road repaving under the Morris County Cooperative Pricing Council who is not able to mobilize to remediate the damage to the roadways for several weeks; and

WHEREAS, the Township contacted John Creo Contracting Corp who has previously completed similar work for the Township after the August 2018 rain storm who is also not available to remediate the damage for the Township at this time; and

WHEREAS, Stanziale Construction, 2 Springdale Avenue, East Orange, New Jersey 07017 has confirmed that they have the ability to commence the emergency work required as soon as a contract is executed with the Township in an amount not to exceed \$172,865.00; and

WHEREAS, funds are available to award contracts for the services listed shall be charged to the emergency appropriation listed on the availability of funds, a copy of said Certification is annexed to this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona in the County of Essex, State of New Jersey hereby authorizes award of an emergency contract pursuant to *N.J.S.A. 40A-11-6* to Stanziale Construction for emergency repairs to roadways for an amount not to exceed \$172,865.00. Said contract shall be limited to duration as to meet only the immediate needs of this emergency.

BE IT FURTHER RESOLVED that this emergency contract shall be charged to the emergency appropriation listed on the availability of funds.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Public Comment:

Kevin Ryan, 92 Elmwood Road, Verona, New Jersey
Ann Stires, 1 Ann Street, Verona, New Jersey

Adjournment:

Motion to adjourn the meeting at 5:01 p.m. is motioned by Deputy Mayor McGrath; seconded by Mayor Roman. Vote: 5-0

The next regular scheduled meeting is September 20, 2021 at 7:00 p.m.

Respectfully submitted,


Jennifer Kiernan, Municipal Clerk


Alex Roman, Mayor

APPROVED: September 20, 2021