

Minutes of a Regular Meeting of the Verona Township Council on Monday, June 13, 2022, beginning at 7:00 p.m. in the Municipal Building, 600 Bloomfield Avenue, Verona, New Jersey and via Zoom video conferencing platform.

Call to Order:

Municipal Clerk reads notice of Open Public Meetings law. The notice requirements of the Open Public Meetings Act have been satisfied with respect to this meeting of the Township Council which is being held via Zoom video conferencing. Specifically, the time and date were included in the public meeting notice. This information, along with the public internet link and telephone call-in information was posted in the Municipal Building, and sent the official newspapers of the Township, the Verona-Cedar Grove Times and the Star Ledger at least 48 hours preceding the start time of this meeting. The agenda and public handouts for this meeting can be viewed online at www.veronanj.org/councilmeetings. A public comment period will be held in the order it is listed on the meeting agenda and instructions on how to comment will be provided at the appropriate time.

Roll Call:

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

Mayor's Report:

Mayor Roman attended the Memorial Day Parade and thanks Mr. D'Arco, Kris Gould and all the employees who helped make the Parade great. He also reports on the passing of Lieutenant James Saxon, a member of the Verona Police Department from 1978-2003.

Mayor Roman states Essex County liaison Julius Coltre is attending the meeting via Zoom. Mr. Coltre that there will be fireworks in Branch Brook Park on June 22; Weequahic Park on June 28 and Brookdale Park on July 1. Residents may visit EssexCountyParks.org to see a list of upcoming events. He reminds the public that mosquito season is upon us. Residents can call the hotline at 973-239-3366 x2480 to report issues. Vaccinations and testing will be held at the Sears in Livingston, 112 Eisenhower Parkway on Thursdays and Fridays from 2-7pm and Saturdays from 8am - 2pm.

Manager's Report:

Township Manager Joe D'Arco reports that he is receiving final staff reviews for the Potable Water Asset Management Plan. Hoplite Communications, LLC will be making a presentation regarding the Township's draft 5-G ordinance and a resolution will be on that meeting appointing Hoplite as a consultant for the Township. The Road Opening ordinance will be discussed tonight and hopefully on the next meeting agenda for introduction. Mr. D'Arco is looking into the joint flood committee with Cedar Grove and report back to the Council.

Councilmember's Reports:

Deputy Mayor McGrath thanks Kris Gould and the rest of the staff for the fantastic Memorials Day Parade and congratulates Mr. Santoro as the Grand Marshall. She gives a shout-out to the high school band for their performance during the Parade. She attended the PRIDE flag raising and thanks Steve Neale and MIAAC for the special event. She also thanks VHS student Emma DePaul for speaking at the event and Reginald Bledsoe, Essex County Director of LGBTQ Affairs for joining them. She congratulates the Verona Chamber of Commerce for their Community Market, which is special event held throughout the summer. She attended the VMAC Mental Health First Aid seminar and encourages everyone to attend a future session being offered on the weekend. The MIAAC met and discussed a multicultural events calendar to complete soon and forward to the Council. The Shade Tree Commission met and discussed preparation for next year's budget.

Councilman McEvoy attended the Essex County Memorial Day event last Tuesday, which was a solemn ceremony. He compliments the County on the beautiful park behind the Courthouse. The Verona Community Market will be held on Sunday from 10am - 2pm at 271 Grove Avenue. The Hilltop Conservancy planted 100 6-8' trees and he thanks the volunteers who participated.

Councilman Tamburro submitted his statement for inclusion in the meeting minutes: *"I received inquiries about a public statement made during the Monday, May 23 Verona Township Council meeting.*

At controversy was the false claim made by a local blogger that I did not sign a proclamation against gun violence presented by the Council during the meeting. The second related to the concerns I shared about the division that would be created by the Township granting requests by any special interest groups, in this case a gun violence prevention organization, to light the municipal building in the colors of a specific cause.

As your councilman, I appreciate the Verona residents who reached out with concerns. This allowed me to engage in civil discourse by providing accurate information. Please allow me to provide several important clarifications and additional information.

Foremost, I signed the proclamation related to the recognition of gun violence prevention. Unfortunately, myveronanj.com incorrectly reported that I did not sign the document. I requested a retraction to address this issue of fact that was repeated by some members of the public who reached out. The editor of myveronanj.com granted the retraction, deleted text from the original article, and put a brief explanation at the top of the post. In the future, I hope that our residents will rely on reporting from a bona fide news organization that has an editorial board and requests comment from the individuals on which they are reporting.

I reviewed the proclamation several days in advance of the May 23 meeting when distributed with our Council packet on Thursday, May 19 at 5pm. I consented (by not objecting) to affixing my signature as I agreed with the majority of the sentiment expressed in the document. The proclamation bearing my signature is a matter of public record.

On another note, my concern about lighting town hall is to ensure that statements, in this case symbolic speech that the municipality makes are neutral. There are many residents who are not represented when a municipality takes a stand on a particular issue with political connotations.

The request to light the municipal building in orange was made by an interest group, as noted during the Council meeting by one of the proponents of the action. While I am a strong advocate for firearm safety, there are organizations with local ties which not only advocate for gun safety but often have stated goals of limiting the rights of other citizens, including our residents. While some may not consider an action related to gun violence to be political, others do. We must be especially careful fulfilling requests from special interest groups for which members of the council are vocal proponents.

It is not the role of a municipal governing body to engage in this type of issue nor is it to express those opinions in such a public fashion as lighting the facade of the municipal building. The duty of the Township Council is to oversee the civil government of the municipality. In Verona, our non-partisan elections demonstrate the longstanding commitment of the Township to keeping partisan politics away from our local government.

Fulfilling the requests of one interest group creates a slippery slope for other organizations whose values may be inconsistent with those of all or some residents. This leaves the option open for any group to demand that their sentiments be expressed in the same manner. Should the Township deny a request, the group may file civil court actions over first amendment claims. Each one of these requests has the potential to force the Township Council to take a stand on issues that are not in the purview of a municipal government, creating unnecessary division that dampens the ability of the governing body to do the work of the Township. This is one of many reasons that I expressed concern when lights were originally installed on the municipal building and library.

Firearm policy is a federal and state issue. The Supreme Court, in McDonald v. Chicago, established that localities have limited policy-making power in this area. Instead, we must focus our efforts to educate on security and safety measures and secure facilities and events that could be subject to violence.

I am deeply saddened by school violence each time it occurs. As a teacher, my reality is that I live lockdown and emergency drills. I have served on the district security committee and have expressed in writing observations and suggestions related to improving building and campus security.

In addition to my efforts to secure our schools and public areas, I am one of a limited number of medical providers in New Jersey trained to treat and evacuate victims of institutional and mass violence as police contain the shooter/attacker. Substantial training throughout the years has made me very familiar with the threats of violence facing our institutions and public areas. I have dedicated dozens and dozens of hours into training in order to mitigate the effects of horrible decisions of criminals.

I stand for the victims of all violence and have a record to reflect that. As an EMT for the past 20 years, I have unfortunately been in the position in which I have had to treat dozens if not hundreds of patients who

have suffered trauma at the hands of others who have violated the laws that govern our state and country.

My intention has never been to not support victims of firearm-related violence, especially that which occurred in Texas the day after my statement during the Council meeting. My comments and my sole objectives are to protect the Township of Verona by ensuring a neutral approach to divisive issues. Again, I stand for the victims of all violence.

I did not make a political statement at the May 23 meeting, but rather engaged in an appropriate and much-needed discussion of the circumstances under which we light our building and how that affects our community. I brought up the concern of members of the public, which is my duty as an elected official. There are currently no ordinances in Verona governing the lighting of the building or how proclamations are issued, which creates liabilities for the Township.

The political division in our Township that I aimed to overcome through my discussion at our Council meetings has become a reality.

In the days after the last council meeting, I received a few emails from residents expressing concern over my statement. I appreciate those residents for participating in the democratic process. I am also thankful to the residents who reached out in support of my commonsense approach to neutrality and protection of the Township from legal issues. I am saddened that some expressed concern about airing their support for neutrality in public in fear of being "cancelled."

Some of the comments that I received demonstrate the point that we should not be debating divisive issues on the municipal level. An email from a notable community member read: "Perhaps your EMT situations need to take you into a roomful of people shot up with an AR-15. Maybe then you wouldn't be so sympathetic to gun owners who want no rules." It is outrageous comments such as these based on hate and assumptions on national issues that distract us from the mission we were elected to fulfill: acting in the best interests of the Township of Verona.

The members of the Township Council were not elected to serve any special interest group or deal with national issues. Our campaigns all focused on addressing municipal-level concerns. The voters did not vet us on anything else, because the election focused on our duties.

As such, I will work in my council capacity to draft ordinances that codify the circumstances under which the Township issues proclamations, lights the building, and uses its social media platforms to focus on recognizing organizations within the Township who serve our community.

In addition, I hope my fellow council members will join me in providing support to the Verona Police Department, Verona Office of Emergency Management, and the Verona Public Schools in their efforts to keep our children and community members safe from violence. This must be our first priority. This is our duty as a governing body."

Councilman Tamburro thanks the staff for the work on the Memorial Day celebration. He congratulates the Grand Marshal, Retired Chief Warrant Officer Fred Santoro and thanks the Council for bringing back the Grand Marshal role. He thanks the employees who make the Pride flag raising a success and sends a special thank you to Emma DePaul who spoke so eloquently. He also thanks the police and fire departments and rescue squad and OEM on the annual mass casualty drill, especially Connor McCann for his work organizing the drill. He suggests the public patronize the new Columbian restaurant and bakery in the former Bella Gente building. He wishes all a Happy Father's Day, especially his own and the staff in the room.

Councilwoman Holland reports she was grateful to lay the wreath for those lost in the Vietnam War. She was joined by a veteran who had served in the same division as her father and was quite meaningful to her. She was pleased to see the many Scouts at the Parade, especially the Girl Scouts. She acknowledges PRIDE Month and attended some of the programs the library sponsored. She adds that the library is a tremendous asset to our community and encourages residents to avail themselves of the programs offered. VEC participated in National Trails Day Clean-up. She comments (and submits in writing to be included in the meeting minutes) that, "when some speak to politics and divisive speech and under the auspices of concerns about liability and constitutionality I do want to acknowledge that there is substantial jurisprudence that governs government speech and the ability to do so. I also want to recognize that slippery slope arguments are often a fallacy and fail to recognize that there is a middle ground approach and so not all speech is inherently divisive. and finally I want to acknowledge that in speaking about legal liability there are laws in the state of new jersey that require you to be a licensed professional to give legal advice. And so I think it's really important that we be careful as elected officials when we offer commentary that could be perceived as legal commentary when we are not otherwise licensed to do so or other colleagues are not licensed to do so." The

Councilwoman reminds the public that the board of public utilities is providing utility assistance to anybody who is struggling to pay their utility bills and so many individuals have struggled economically to avail themselves of resources if you are in need they are there if you need help you can call the Board of Public Utility offices or you can call the State.

Hearing Adoption or Amendment Ordinances:

ORDINANCE No. 2022-17

FIXING THE SALARIES AND COMPENSATION OF CERTAIN PART TIME PAID EMPLOYEES OF THE TOWNSHIP OF VERONA

The Municipal Clerk reads Ordinance No. 2022-17 by title into record.

Motion to move Ordinance No. 2022-17 is moved by Councilwoman Holland; seconded by Councilman Tamburro.

Public Hearing:

None.

Council discussion.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Ordinance No. 2022-17 is adopted 5-0 and will be published according to law.

Proposed Ordinances:

ORDINANCE No. 2022-18

ESTABLISHING A NEW CHAPTER 395 "PUBLIC UTILITIES CONSTRUCTION AND POLE INSTALLATION AND REPLACEMENT"

Motion to introduce Ordinance No. 2022-18 is moved by Councilman McEvoy; seconded by Councilwoman Holland.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Ordinance No. 2022-18 is introduced by a vote of 5-0. It will be published according to law and a public hearing will be held on June 27, 2022.

Minutes from the May 23, 2022 Meeting are approved unanimously.

Public Comment on Consent Agenda Items:

None.

RESOLUTION No. 2022-108

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

AUTHORIZING THE INSERTION INTO THE CY2022 MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948) OF A SPECIAL ITEM OF REVENUE IN THE FORM OF THE 2021-2022 MUNICIPAL ALLIANCE GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (the "Director") may approve the insertion of any special item of revenue in the budget of any county or municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

WHEREAS, the Township of Verona has received \$4,112.24 from the County of Essex in the form of the 2021-2022 Municipal Alliance Grant and wishes to amend its CY2022 Municipal Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, State of New Jersey hereby requests the Director to approve the insertion of an item of revenue in the CY2022 Municipal Budget in the sum of \$4,075.00 which is now available as revenue from:

Miscellaneous Revenues - Section F:
Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services -
Public and Private Revenues Offset with Appropriations:
2021-2022 Municipal Alliance Grant.

BE IT FURTHER RESOLVED that the Director to approve the insertion of an item of revenue in the CY2022 Municipal Budget in the like sum of \$4,075.00 appropriated under the caption of:

General Appropriations:
(A) Operations - Excluded from "CAPS"
Public and Private Revenues Offset with Appropriations:
2021-2022 Municipal Alliance Grant

BE IT FURTHER RESOLVED that a copy of this Resolution will be electronically filed with the Director for approval as required by law.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-109

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

AUTHORIZING A CONTRACT WITH THE LAND CONSERVANCY OF NJ

WHEREAS, there exists a need for planning, land management and conservation of open space in the Township of Verona; and

WHEREAS, the Township of Verona has a need to acquire such services pursuant to *N.J.S.A. 19-44A-20.5*; and

WHEREAS, the Qualified Purchasing Agent has determined that the value of said services will exceed \$17,500.00; and

WHEREAS, the Township Manager has recommended that the Land Conservancy of New Jersey, 19 Boonton Avenue, Boonton, New Jersey 07005 be awarded a contract to provide technical support of planning, land management and conservation within the Township of Verona.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Land Conservancy of New Jersey is hereby awarded a contract for providing services not to exceed \$30,000.00 without further authorization of the Governing Body.

BE IT FURTHER RESOLVED Determination of Value is to be placed on file with this Resolution; and

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

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

BE IT FURTHER RESOLVED that the Township Manager and the 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: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-110

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

AUTHORIZING A CONTRACT WITH MIRACLE CHEMICAL COMPANY

WHEREAS, there exists a need for the purchase of various chemicals used in the operation of Water/Sewer Utility specifically soda ash; and

WHEREAS, the Township has already purchased chemicals from Miracle Chemical Company this year as they are the sole provider of soda ash; and

WHEREAS, the Supervising Operator has recommended and the Qualified Purchasing Agent concurs that Miracle Chemical Company shall be awarded a contract to provide said goods; and

WHEREAS, Temporary Chief Financial Officer has certified the availability of funds for this contract, a copy of said Certification is annexed to this Resolution as Exhibit B; and

WHEREAS, the award of the contract to Miracle Chemical Company is being made pursuant to *N.J.S.A. 19:44A-20.5* and the Business Entity Disclosure Certification and Political Contribution Disclosure Form completed by Miracle Chemical Company have been filed with the Township and are annexed to this Resolution as Exhibit C.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that W.R. Neumann Company, Inc. d/b/a Miracle Chemical Company, 1151 B Highway #33, Farmingdale, New Jersey 07727 is hereby awarded a contract for the purchase of various chemicals used in the operation of Water/Sewer Utility not to exceed \$44,000.00.

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

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

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

BE IT FURTHER RESOLVED that the Township Manager and the 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: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-111

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

RESOLUTION AUTHORIZING THE VERONA TOWNSHIP TAX

**COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN
ACCORDANCE WITH P.L 1994, C.72**

WHEREAS, the State of New Jersey has not certified Municipal County Budgets as of this date, and

WHEREAS, as a result thereof, the Essex County Board of Taxation is unable to verify Verona's tax rate and the Verona Township Collector will be unable to mail the Township's 2022 tax bills on a timely basis;

WHEREAS, the Verona Township Tax Collector has computed an estimated tax levy in accordance with N.J.S.A 54:4-66.3, and has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies;

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Verona, in the County of Essex and State of New Jersey on this 13th day of June 2022 as follows:

1. The Verona Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2022 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by L.1994, C. 72(N.J.S.A 54:4-66.2 and 54:4-66.3).
2. The entire estimated tax levy for 2022 is hereby set at \$71,516,227.54.
3. The Estimated tax rate (based on estimated levy) is hereby set at \$2.993.
4. In accordance with law, the third installment of 2022 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-112

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

OBSERVING JUNETEENTH

WHEREAS, President Abraham Lincoln signed the Emancipation Proclamation on January 1, 1863, declaring the slaves in Confederate territory free, paving the way for the passing of the 13th Amendment which formally abolished slavery in the United States of America; and

WHEREAS, word about the signing of the Emancipation Proclamation was delayed some two and one-half years, to June 19, 1865, in reaching authorities and African-Americans in the South and Southwestern United States; and

WHEREAS, June 19th has a special meaning to African-Americans, and is called "JUNETEENTH!" combining the words June and Nineteenth, and has been celebrated by the African-American community for over 150 years; and

WHEREAS, the Juneteenth Flag commemorates the day that slavery ended in the US. The red, white and blue represents the American Flag, a reminder that slaves and their descendants were and are Americans. The star represents the freedom of African Americans in all 50 states.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, New Jersey, do hereby acknowledge Sunday, June 19, 2022, as "JUNETEENTH" and urge all Verona residents to become more aware of the significance of this celebration in our Nation.

BE IT FURTHER RESOLVED that the Township of Verona shall recognizes Juneteenth by raising the Juneteenth Flag in the Verona Civic Center on Friday, June 17, 2022 through June 30, 2022.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-113

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received from Catherine Gaynor, for property located at 12 Beechwood 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	\$215.45	\$284.55

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, \$284.55 to Catherine Gaynor, 12 Beechwood Road, Verona, NJ 07044

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-114

A motion was made by Councilman Tamburro; seconded by Councilman McEvoy 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 Council of the Township of Verona, County of Essex, State of New Jersey, as follows:

The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.

1. Pending, Ongoing, or Anticipated Litigation and Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
 - 251 ½ Grove Avenue
 - PBA Contract Negotiations Update
 - OPEIU Contract Negotiations Update
 - Verona Fire Department
 - OPRA - ESX-L-9636-21/ESX-L-8549-21

2. Purchase, lease, or acquisition of real property with public funds pursuant to *N.J.S.A. 10:4-12 (5)*
 - 25 Commerce Court
 - 111 Mount Prospect
 - 174 Sunset Avenue
 - Everett Field

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-115

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

AUTHORIZING A CONTRACT WITH CAPITOL SUPPLY CONSTRUCTION PRODUCTS, INC

WHEREAS, the Community Pool requires a water main project to extend the water line from the pool to Fairview Avenue; and

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

WHEREAS, few companies offer the sale of Mueller parts, which are fully compatible with the Township's water system; and

WHEREAS, three (3) quotes were received from Campbell Materials in Harrison, NJ in the amount of \$38,013.42; Capitol Supply Construction Products, Inc. in Wayne, NJ in the amount of \$24, 724.00 and T. Mina Supply LLC in Flushing, NY in the amount of \$27,473.38.

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

WHEREAS, the award of the contract to Capitol Supply Construction LLC is being made pursuant to *N.J.S.A. 19:44A-20.5* and the Business Entity Disclosure Certification and Political Contribution Disclosure Form completed by Capitol Supply Construction LLC have been filed with the Township and are annexed to this Resolution as Exhibit C; and

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Capitol Supply Construction LLC, 149 Old Turnpike Road, Wayne, NJ 07470 is hereby awarded a contract for repair and replacement of certain instruments within the mechanism not to exceed \$44,000; and

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

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

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

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-116

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

APPROVING CONTRACT CLOSE-OUT CONTRACT NO. 19-08 - RECONSTRUCTION OF LYNWOOD ROAD

WHEREAS, KM Construction Corp. and the Township of Verona have heretofore entered into an Agreement, more particularly known as Contract No. 19-08 - "Reconstruction of Lynwood Road" for the furnishing of labor, equipment and materials in the amount of \$654,579.67, in accordance with the requirements of the Local Public Contract Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Council has received Contract Change No. 1 and Contract Close-Out for the within contract in an amount of minus \$11,703.88, for a final contract amount of \$642,875.79; and

WHEREAS, the Contract Change No. 1 and Contract Close-Out do not expand the scope of the within contract; and

WHEREAS, the within Contract Change No. 1 and Contract Close-Out is in the best interests of the Township of Verona.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Contract Change No. 1, in the amount of (minus) \$11,703.88, for a final contract amount of \$642,875.79 be approved and Contract No. 19-08 be closed out; and

BE IT FURTHER RESOLVED that the Township Manager, the Township Engineer, the Township Clerk and any other officer as may be deemed appropriate are hereby authorized to execute Contract Close-Out for Contract No. 19-08 on behalf of the Township.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2022-117

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

AUTHORIZING A NON-FAIR AND OPEN CONTRACT WITH DMR ARCHITECTS FOR PROFESSIONAL PLANNING SERVICES

WHEREAS, the Township has a need for a professional planner to address the Township's Fair Share Housing requirements and the settlement with Fair Share Housing; and

WHEREAS, the Township Manager has determined that it would be beneficial to appoint DMR Architects to provide planning services for the Township; 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 DMR Architects is being made as a result of a non-fair and open process pursuant to *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the cost for said professional services shall be set at a fixed in accordance with the attached proposal of DMR Architects, not to exceed \$25,000 for the calendar year without further authorization by the Township Council; and

WHEREAS, this expenditure shall be charged to Budget Account No. T-96-00-000-01, or any other account that may be deemed appropriate by the Temporary Chief Financial Officer or her designee, and the availability of funds have been certified by the Temporary Chief Financial Officer of the Township.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that DMR Architects is hereby appointed to provide planning services to the Township and shall be paid in accordance with the attached proposal, not to exceed \$25,000 for the calendar year without further authorization by the Township Council; and

BE IT FURTHER RESOLVED that the Determination of Value and Certification of Funds are to be placed on file with this Resolution; and

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

BE IT FURTHER RESOLVED that this contract is being awarded as a non-fair and open contract, pursuant to *N.J.S.A. 19:44A-20.5*; 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 Budget Account No. T-96-00-000-01, or any other account that may be deemed appropriate by the Temporary Chief Financial Officer or her designee, and the availability of funds have been certified by the Temporary Chief Financial Officer of the Township; and

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: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

New Business:

Council discusses the draft Road Opening ordinance, specifically fees. Township Attorney Brian Aloia reports that the discussion on the Open Public Records Request is a lawsuit against the Township filed by Rise Against Hate and Asian Hate Crimes Task Force and is a legal matter that should be discussed in Executive Session. Motion to add the matter to the Executive Session resolution is made by Deputy Mayor McGrath; seconded by Councilman Tamburro. Vote: 5 ayes. There is continued discussion on 2021-2023 goals. Mr. Aloia reports that Ajaco Towing has indicated to waive their right to a hearing and will reapply in November for the 2023 towing contract year.

Public Comment:

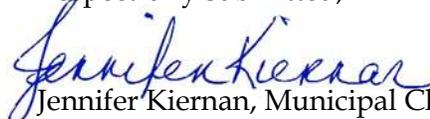
None.

Council enters into Executive Session at 8:37 p.m. and Mayor Roman states no official action will be taken when coming back to Public Session and adjourning the meeting.

Adjournment:

A motion to adjourn the meeting is made by Deputy Mayor McGrath; seconded by Mayor Roman at 10:06 p.m. The next regular scheduled meeting of the Township Council is June 27, 2022 at 7:00 p.m.

Respectfully submitted,


Jennifer Kiernan, Municipal Clerk


Alex Roman, Mayor

APPROVED: June 27, 2022