

TOWNSHIP OF VERONA
COUNTY OF ESSEX, NEW JERSEY



TOWNSHIP COUNCIL AGENDA - REVISED

REGULAR MEETING

7:00 P.M.

December 18, 2023

MUNICIPAL BUILDING, 600 BLOOMFIELD AVENUE

Via the internet, please click the link below to join the meeting:

<https://zoom.us/j/95262662770>

Via telephone, please dial 1(312)626-6799 or 1(646)558-8656

Use Zoom Meeting ID: 952-6266-2770, when prompted for a Participant ID, press #

A. CALL TO ORDER

The notice requirements of the Open Public Meetings Act have been satisfied with respect to this meeting of the Township Council. The meeting time and date were included in the public meeting notice along with the public internet link and telephone call-in information. Said notice and the meeting agenda 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 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.

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. REPORT OF THE MAYOR

1. Julius N. Coltre, Essex County Liaison

E. REPORT OF THE TOWNSHIP MANAGER

1. Deputy Manager Update
2. Public Hearing – 2024 Community Development Block Grant Application
3. Public Safety Building Presentation – Frank Messineo, Solutions Architecture

F. COUNCILMEMBERS' REPORTS

G. HEARING ADOPTION OR AMENDMENT OF ORDINANCES

1. Ordinance No. 2023-47 Creating Chapter 386 of the Township Code Entitled, "Privately Owned Salt Storage"
2. Ordinance No. 2023-48 Implementing Voter-Approved Increase to the Verona Open Space, Recreation, Farmland and Historic Preservation Trust Fund by Amending Chapter 62-2 of the Township Code

H. PROPOSED ORDINANCES

I. PUBLIC COMMENT ON CONSENT AGENDA ITEMS

CONSENT AGENDA

J. MINUTES

1. November 13, 2023

TOWNSHIP COUNCIL AGENDA

December 18, 2023

K. PROPOSED RESOLUTIONS

1. Resolution No. 2023-___ Authorize Submission of a 2024 CDBG Grant Application
2. Resolution No. 2023-___ Authorizing Execution of a Settlement Agreement of a Consent Order Regarding Cook Lane
3. Resolution No. 2023-___ Authorize Contract with DNS Media
4. Resolution No. 2023-___ Refund Escrow - Board of Adjustment - John Masters
5. Resolution No. 2023-___ Tax Lien Redemption - Wai Yee Lam
6. Resolution No. 2023-___ Executive Session

L. LICENSES AND PERMITS

M. ADDENDUM

N. NEW/UNFINISHED BUSINESS

1. Appointments
 - a. Rent Control Board **Term Expiring**
 - i. Maria Barone Member 12/31/2028
2. Discussion - An Ordinance on Lead Paint Fees

O. PUBLIC COMMENT

P. EXECUTIVE SESSION

1. Purchase, Lease or Acquisition of Real Property pursuant to *N.J.S.A. 10:4-12 (5)*
2. Pending, Ongoing, or Anticipated Litigation and Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*

Q. ADJOURNMENT

**DUE TO THE ENACTMENT OF DANIEL'S LAW, PLEASE PROVIDE
ONLY YOUR NAME & TOWNSHIP
DURING PUBLIC COMMENT & PUBLIC HEARINGS**

The Public Comment on Proposed Resolutions period for public comment for resolutions, item "E" on the agenda and is limited to just those specific items. However, the public may speak on any matter during Public Comment, listed on the agenda as item "H" on this agenda. At that time, anyone from the public wishing to speak will be recognized. Your comments shall be limited to four (4) minutes.

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE No. 2023-47

**CREATING CHAPTER 386 OF THE CODE OF THE TOWNSHIP ENTITLED
PRIVATELY OWNED SALT STORAGE**

SECTION 1. Purpose

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Township of Verona to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION 2. Definitions

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "De-icing materials" means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. "Impervious surface" means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 - 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 - 3. The structure shall be erected on an impermeable slab;
 - 4. The structure cannot be open sided; and
 - 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
 - F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION 3. Deicing Material Storage Requirements

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION 4. Exemptions

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION 5. Enforcement

This ordinance shall be enforced by the Township Manager or his/her designee during the course of ordinary enforcement duties.

SECTION 6. Violations and Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines as follows:

- A. First violation: \$500;
- B. Second violation: \$1,500;
- C. Third violation: \$2,000.

SECTION 7. Severability

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION 8. Effective Date

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

SECTION 9.

This ordinance shall take effect 20 days after final passage and publication as prescribed by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

NOTICE

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF DECEMBER 8, 2023 AND XXX.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: December 4, 2023
PUBLIC HEARING: December 18, 2023
EFFECTIVE DATE:

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE NO. 2023-48

ORDINANCE IMPLEMENTING VOTER-APPROVED INCREASE TO THE
VERONA OPEN SPACE, RECREATION, FARMLAND AND HISTORIC
PRESERVATION TRUST FUND BY AMENDING CHAPTER 62-2 OF THE
TOWNSHIP CODE

WHEREAS, in 2019, the voters of the Township of Verona approved the creation and funding of the Verona Open Space Trust Fund, pursuant to *N.J.S.A. 40:12-15.7 et seq.*, with a collection rate of \$0.02 per \$100 of the assessed valuation of all real property within the Township; and

WHEREAS, in the November 2023 General Election, the voters of the Township of Verona supported an increase in the collection rate from \$0.02 to \$0.03 per \$100 of the assessed valuation of all real property within the Township.

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

SECTION 1: Chapter 62-2 of the Township Code shall amended and supplemented to read as follows [deletions in bold type with strikethrough]:

§62-2 Funding the Trust Fund

Beginning in 2024, a special tax rate shall be added to the total Township tax rate in the amount of ~~\$0.02~~ \$0.03 per \$100.00 of the assessed valuation of all real property within the Township. The Fund shall also be permitted to accept donations and testamentary bequests. The Open Space, Recreation and Farmland and Historic Preservation Trust Fund created by this Article shall be administered in accordance with applicable statutory provisions, including, without limitation, *N.J.S.A. 40:12-15.1, et seq.*

SECTION 2. In case any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

SECTION 3. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 4. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect 20 days after final passage and publication as prescribed by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

NOTICE

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF DECEMBER 8, 2023 AND XXX.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION: December 4, 2023
PUBLIC HEARING: December 18, 2023
EFFECTIVE DATE:

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION No. 2023-___

A motion was made by _____ ; seconded by _____ that the following resolution be adopted:

AUTHORIZING THE TOWNSHIP OF VERONA TO SUBMIT CERTAIN PROJECT APPLICATIONS FOR INCLUSIVE IMPROVEMENTS WITHIN THE COUNTY OF ESSEX COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR THE YEAR 2024

WHEREAS, the Township of Verona is a participating municipality in the Essex County Community Development Block Grant (CDBG) grant application; and

WHEREAS, the Township of Verona desires to request funding under the CDBG grant application year 2024 for the following projects:

<u>PROJECTS</u>	<u>PRIORITY</u>	<u>COSTS</u>
<ul style="list-style-type: none"> • Construction of ADA Accessible Door Entrances <i>Entrances at Community Center Town Hall and public walkways at the Community Pool</i> 	1	\$ 100,000
<ul style="list-style-type: none"> • Improvements to Everett Field 	2	\$2,407,128

NOW, THEREFORE BE IT RESOLVED that the Township Council does hereby authorize the Township Manager to submit applications for funding under the Essex County Community Block Grant Program for these projects by priority number.

ROLL CALL:

AYES

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON DECEMBER 18, 2023.

JENNIFER KIERNAN
MUNICIPAL CLERK

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION No. 2023-___

A motion was made by _____ ; seconded by _____ that the following resolution be adopted:

**AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT OF A
CONSENT ORDER REGARDING COOK LANE**

WHEREAS, litigation entitled LARRY SCHWARTZ AND TEENA SCHWARTZ Plaintiff, v. TOWNSHIP OF VERONA; THOMAS MONOGHAN AND ANNE DJORDJEVLIC; WENDY L. PETERSON; GABAOR HAUER AND PAUL HAUER; JAMIE MORENG AND ERIN MORENG; DAVID SHAW AND STACEY SHAW; DANIEL B. YING AND TINA YING; DEBORARH HIRSCH AND PETER HIRSCH; THOMAS FRANCUCCO AND NORMA FRANCUCCO, was filed in the SUPERIOR COURT OF NEW JERSEY ESSEX COUNTY, CHANCERY DIVISION, DOCKET NO. ESX-C-94-23, to quiet title to the property commonly referred to as "Cook Lane" in the Township of Verona; and

WHEREAS, the Township of Verona has no interest in the property and does not believe the property was ever transferred to the Township; and

WHEREAS, the Township has reviewed the attached Consent Order quieting title to the Property and agrees with the terms and conditions contained therein.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and the Township Clerk are hereby authorized to execute the attached Consent Order, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township Attorney terminating and settling the litigation and quieting title to the property as outlined therein.

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON DECEMBER 18, 2023.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

O'TOOLE SCRIVO, LLC

Joshua A. Zielinski, Esq. (020471999)

Brian R. Griffin, Esq. (304992019)

14 Village Park Road

Cedar Grove, New Jersey 07009

Telephone: (973) 239-5700

Facsimile: (973) 239-3400

Attorneys for Plaintiff,

Larry Schwartz and Teena Schwartz

LARRY SCHWARTZ AND TEENA
SCHWARTZ

Plaintiff,

v.

TOWNSHIP OF VERONA; THOMAS
MONOGHAN AND ANNE DJORDJEVLIC;
WENDY L. PETERSON; GABAOR HAUER
AND PAUL HAUER; JAMIE MORENG
AND ERIN MORENG; DAVID SHAW AND
STACEY SHAW; DANIEL B. YING AND
TINA YING; DEBORARH HIRSCH AND
PETER HIRSCH; THOMAS FRANCU
LLO AND NORMA FRANCU
LLO

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
CHANCERY DIVISION

DOCKET NO. ESX-C-94-23

Civil Action

CONSENT ORDER

THIS MATTER being brought before the court by the law firm of Plaintiffs, O'Toole Scrivo, LLC, appearing on behalf of Plaintiffs, Larry Schwartz and Teena Schwartz ("Plaintiffs") through their undersigned counsel, O'Toole Scrivo, LLC, with the consent of counsel for Defendants, Township of Verona ("Township"), and Thomas Monaghan and Anne Djordjevic, all parties having consented to the relief set forth below; and the Court having considered the papers before it; and it appearing to the Court that good cause has been shown:

IT IS on this _____ day of _____, 2023, **ORDERED**
as follows:

- 1) Title is quieted in favor of Plaintiffs owning all title, rights and interest to the property referred to as the "private road," "Cook Lane," "Cook Road," or "Private Road of Hiram Cook," as demarcated on the survey attached hereto as Exhibit A ("Plaintiffs' Property"), with the exception of the parcel described in Paragraph 2 below. Plaintiff's Property shall remain designated as a private road, referred to as "Cook Lane" on the Township of Verona tax maps, in the same manner as other private roads in the Township. The Township has confirmed that the Plaintiffs' Property will be taxed as surplus land.
- 2) Title is quieted in favor of Defendants, Thomas Monaghan and Anne Djordjevic (collectively, the "Monaghans"), to the 1,105 sq. ft. parcel in front of the Monaghans' house demarcated on the survey in Exhibit A ("Monaghans' Parcel"). In consideration for this parcel, the Monaghans shall pay for any and all deeds, deed corrections, surveys, land use applications (including subdivisions or otherwise), or other necessary work under this Agreement in full, with no cost to Plaintiffs.

- 3) Other than the above, the Defendants shall have no ownership rights in the Plaintiffs' Property or the Monaghans' Parcel, except for the easement rights granted to the Monaghans as set forth herein.
- 4) The Monaghans shall have an easement for right-of-way over the Plaintiffs' Property for access to the Monaghans' Parcel or the rest of the Monaghans' property with an address of 10 Cook Lane, and for parking, as more particularly described on **Exhibit B** (the "Easement"). The easement rights granted to the Monaghans are limited to those contained within Exhibit B. No other Defendant shall have easement rights.
- 5) Plaintiffs shall record this Consent Order and the Easement with Essex County within thirty (30) days of the entry of this Consent Order.
- 6) The Township of Verona hereby agrees to perform trash removal, recycling and bulk pickup from the Plaintiffs and the Monaghans in the normal course and operation. The Township of Verona shall take no affirmative action to change the manner in which the current contractor completes the service with respect to the houses on 12 Cook Lane and 10 Cook Lane, which collection is currently completed immediately in front of the respective houses. However, the Plaintiffs and the

Monaghans hereby recognize that the Township does not traverse private property to collect garbage, recyclables and bulk pickup. Therefore, Plaintiffs and the Monaghans recognize that in the future the parties may be required to bring their trash, recycling and bulk pickup materials to the public roadway for pickup.

- 7) The Parties consent that the mailing addresses of the properties on Cook Lane, including 12 Cook Lane, 10 Cook Lane and 6 Cook Lane are to remain the same unless changed by a greater authority than the Township (i.e. the United States Postal Service, etc.).

IT IS FURTHER ORDERED that a copy of the Order shall be deemed served upon all counsel of record on the date it is uploaded to eCourts.

Hon. Jodi Lee Alper P.J. Ch.

We hereby consent to the form of this Order.

[Signatures on Following Pages]

O'TOOLE SCRIVO, LLC
Attorneys for Plaintiffs,
*Larry Schwartz and Teena
Schwartz*

By: _____
JOSHUA A. ZIELISNKI, ESQ.

Dated:

ALOIA LAW FIRM LLC
Attorneys for Defendants,
Township of Verona

By: _____
BRIAN J. ALOIA, ESQ.

Dated:

BASHWINER AND DEER, LLC
Attorneys for Defendants,
*Thomas Monaghan and Anne
Djordjevic*

By: _____
JACK BASHWINER, ESQ.

Dated:

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION No. 2023-___

A motion was made by _____ ; seconded by _____ that the following resolution be adopted:

**AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT OF A
CONSENT ORDER REGARDING COOK LANE**

WHEREAS, litigation entitled LARRY SCHWARTZ AND TEENA SCHWARTZ Plaintiff, v. TOWNSHIP OF VERONA; THOMAS MONOGHAN AND ANNE DJORDJEVLIC; WENDY L. PETERSON; GABAOR HAUER AND PAUL HAUER; JAMIE MORENG AND ERIN MORENG; DAVID SHAW AND STACEY SHAW; DANIEL B. YING AND TINA YING; DEBORARH HIRSCH AND PETER HIRSCH; THOMAS FRANCUCCO AND NORMA FRANCUCCO, was filed in the SUPERIOR COURT OF NEW JERSEY ESSEX COUNTY, CHANCERY DIVISION, DOCKET NO. ESX-C-94-23, to quiet title to the property commonly referred to as "Cook Lane" in the Township of Verona; and

WHEREAS, the Township of Verona has no interest in the property and does not believe the property was ever transferred to the Township; and

WHEREAS, the Township has reviewed the attached Consent Order quieting title to the Property and agrees with the terms and conditions contained therein.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and the Township Clerk are hereby authorized to execute the attached Consent Order, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township Attorney terminating and settling the litigation and quieting title to the property as outlined therein.

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON DECEMBER 18, 2023.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

O'TOOLE SCRIVO, LLC

Joshua A. Zielinski, Esq. (020471999)

Brian R. Griffin, Esq. (304992019)

14 Village Park Road

Cedar Grove, New Jersey 07009

Telephone: (973) 239-5700

Facsimile: (973) 239-3400

Attorneys for Plaintiff,

Larry Schwartz and Teena Schwartz

LARRY SCHWARTZ AND TEENA
SCHWARTZ

Plaintiff,

v.

TOWNSHIP OF VERONA; THOMAS
MONOGHAN AND ANNE DJORDJEVLIC;
WENDY L. PETERSON; GABAOR HAUER
AND PAUL HAUER; JAMIE MORENG
AND ERIN MORENG; DAVID SHAW AND
STACEY SHAW; DANIEL B. YING AND
TINA YING; DEBORARH HIRSCH AND
PETER HIRSCH; THOMAS FRANCUCCO
AND NORMA FRANCUCCO

Defendants.

SUPERIOR COURT OF NEW JERSEY
ESSEX COUNTY
CHANCERY DIVISION

DOCKET NO. ESX-C-94-23

Civil Action

CONSENT ORDER

THIS MATTER being brought before the court by the law firm of Plaintiffs, O'Toole Scrivo, LLC, appearing on behalf of Plaintiffs, Larry Schwartz and Teena Schwartz ("Plaintiffs") through their undersigned counsel, O'Toole Scrivo, LLC, with the consent of counsel for Defendants, Township of Verona ("Township"), and Thomas Monaghan and Anne Djordjevic, all parties having consented to the relief set forth below; and the Court having considered the papers before it; and it appearing to the Court that good cause has been shown:

IT IS on this _____ day of _____, 2023, **ORDERED**
as follows:

- 1) Title is quieted in favor of Plaintiffs owning all title, rights and interest to the property referred to as the "private road," "Cook Lane," "Cook Road," or "Private Road of Hiram Cook," as demarcated on the survey attached hereto as Exhibit A ("Plaintiffs' Property"), with the exception of the parcel described in Paragraph 2 below. Plaintiff's Property shall remain designated as a private road, referred to as "Cook Lane" on the Township of Verona tax maps, in the same manner as other private roads in the Township. The Township has confirmed that the Plaintiffs' Property will be taxed as surplus land.
- 2) Title is quieted in favor of Defendants, Thomas Monaghan and Anne Djordjevic (collectively, the "Monaghans"), to the 1,105 sq. ft. parcel in front of the Monaghans' house demarcated on the survey in Exhibit A ("Monaghans' Parcel"). In consideration for this parcel, the Monaghans shall pay for any and all deeds, deed corrections, surveys, land use applications (including subdivisions or otherwise), or other necessary work under this Agreement in full, with no cost to Plaintiffs.

- 3) Other than the above, the Defendants shall have no ownership rights in the Plaintiffs' Property or the Monaghans' Parcel, except for the easement rights granted to the Monaghans as set forth herein.
- 4) The Monaghans shall have an easement for right-of-way over the Plaintiffs' Property for access to the Monaghans' Parcel or the rest of the Monaghans' property with an address of 10 Cook Lane, and for parking, as more particularly described on **Exhibit B** (the "Easement"). The easement rights granted to the Monaghans are limited to those contained within Exhibit B. No other Defendant shall have easement rights.
- 5) Plaintiffs shall record this Consent Order and the Easement with Essex County within thirty (30) days of the entry of this Consent Order.
- 6) The Township of Verona hereby agrees to perform trash removal, recycling and bulk pickup from the Plaintiffs and the Monaghans in the normal course and operation. The Township of Verona shall take no affirmative action to change the manner in which the current contractor completes the service with respect to the houses on 12 Cook Lane and 10 Cook Lane, which collection is currently completed immediately in front of the respective houses. However, the Plaintiffs and the

Monaghans hereby recognize that the Township does not traverse private property to collect garbage, recyclables and bulk pickup. Therefore, Plaintiffs and the Monaghans recognize that in the future the parties may be required to bring their trash, recycling and bulk pickup materials to the public roadway for pickup.

- 7) The Parties consent that the mailing addresses of the properties on Cook Lane, including 12 Cook Lane, 10 Cook Lane and 6 Cook Lane are to remain the same unless changed by a greater authority than the Township (i.e. the United States Postal Service, etc.).

IT IS FURTHER ORDERED that a copy of the Order shall be deemed served upon all counsel of record on the date it is uploaded to eCourts.

Hon. Jodi Lee Alper P.J. Ch.

We hereby consent to the form of this Order.

[Signatures on Following Pages]

O'TOOLE SCRIVO, LLC
Attorneys for Plaintiffs,
*Larry Schwartz and Teena
Schwartz*

By: _____
JOSHUA A. ZIELISNKI, ESQ.

Dated:

ALOIA LAW FIRM LLC
Attorneys for Defendants,
Township of Verona

By: _____
BRIAN J. ALOIA, ESQ.

Dated:

BASHWINER AND DEER, LLC
Attorneys for Defendants,
*Thomas Monaghan and Anne
Djordjevic*

By: _____
JACK BASHWINER, ESQ.

Dated:

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION No. 2023-__

A motion was made by _____ ; seconded by _____ that the following resolution be adopted:

AUTHORIZING A CONTRACT WITH DNS MEDIA GROUP, LLC.

WHEREAS, the Township of Verona broadcasts it’s VTV public access on Comcast channel 35 and Verizon FIOS channel 24; and

WHEREAS, VTV requires station management, consultation and support to run effectively and efficiently including station programming, maintain content for the station bulletin board system and maintain the station’s equipment, update all servers and bulletin board systems as needed; and

WHEREAS, such services are provided by DNS Media Group, LLC. and therefore requires as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and,

WHEREAS, the Township Manager has determined that the value of the service will exceed \$17,500; and,

WHEREAS, DNS Media Group, LLC, 186 Springbrook Trail, Sparta, New Jersey 07871 will continue to provide services at a cost not-to-exceed \$21,000.00; and,

WHEREAS, services provided by DNS Media Group, LLC shall be charged to budget account 3-01-24-264-030 – Communications – Maintenance Agreement/Contracts/Supplies; and

WHEREAS, DNS Media Group, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that DNS Media Group, LLC has not made any reportable contributions to a political or candidate committee in the Township of Verona in the previous one year, and that the contract will prohibit DNS Media Group, LLC from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona, that a contract be awarded to DNS Media Group, LLC, pending certification of available funds by the CFO subject to the following:

1. The award of this contract is subject to finalization of the contract terms to be drafted and approved by the Township Attorney.
2. The contract and any contract amendments which may become necessary shall be subject to the Township’s ability to appropriate sufficient funds, which appropriation shall be at the sole discretion of the Township Council.
3. The Council hereby authorizes the Township Manager, or his designee, to execute any and all documents and take any and all actions necessary to complete and realize the intent and purpose of this resolution.
4. The Township is in receipt of the Stockholder Disclosure form, Contribution Disclosure form, Certificate of Employee Information Report, Business Registration Certificate, and Certificate of Insurance.
5. The Township Manager, or his designee, is hereby authorized to execute an agreement as outlined herein with:

DNS Media Group, LLC
186 Springbrook Trail
Sparta, New Jersey 07871

ROLL CALL:

- AYES:**
- NAYS:**
- ABSENT:**
- ABSTAIN:**

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT A REGULAR MEETING HELD ON DECEMBER 18, 2023.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

**PAY TO PLAY
POLITICAL CONTRIBUTION DISCLOSURE**

Company Name: DNS Media Group

<i>Required by Township of Verona</i>	<i>Item</i>	<i>Page</i>	<i>Initial each entry, and submit the required form if the box contains an <input checked="" type="checkbox"/></i>
<input checked="" type="checkbox"/>	Document Checklist - COMPLETE	1	RWD
<input checked="" type="checkbox"/>	Vendor Information Sheet - COMPLETE	2	RWD
<input checked="" type="checkbox"/>	Business Registration Certificate - READ AND SUBMIT	3	RWD
<input checked="" type="checkbox"/>	Business Entity Disclosure Certification - SIGN AND NOTARIZE	4-5	RWD
<input checked="" type="checkbox"/>	Political Contribution Disclosure Certification Form - SIGN	6-7	RWD
<input checked="" type="checkbox"/>	Ownership Disclosure Certification Form - SIGN AND NOTARIZE	8-11	RWD
<input checked="" type="checkbox"/>	Prohibited Activities in Russia-Belarus & Investment Activities in Iran - COMPLETE	12-14	RWD

Corporate Name: DNS Media Group, LLC
 Signature: Robert Duthaler Date: 11-27-23
 Print Name: Robert Duthaler Title: Managing Partner

RETURN COMPLETED FORMS TO:
 Township Manager's Office
 Township of Verona
 600 Bloomfield Avenue
 Verona, New Jersey 07044
 (973) 239-4921

TOWNSHIP OF VERONA, NEW JERSEY
VENDOR INFORMATION SHEET

COMPANY NAME: DNS Media Group, LLC

ADDRESS: 186 Springbrook Trail
Sparta, NJ 07871

PHONE NUMBER: 973-743-0244

FAX NUMBER: _____

FEDERAL I.D. NUMBER: 47-4773388

NAME OF PERSON PREPARING BID: Robert Duthaler

PHONE NUMBER: 973-476-5746 EXT. _____

CONTACT PERSON FOR CORRESPONDENCE REGARDING THE PROPOSAL

NAME: Robert Duthaler, Managing Partner, DNS Media Group

ADDRESS: 186 Springbrook Trail
Sparta, NJ 07871

PHONE: 973-476-5747 FAX NUMBER: _____

E-MAIL ADDRESS: bduthaler@dnsmediagroupllc.com

PROJECT COORDINATOR

COMPANY NAME: DNS Media Group, LLC

ADDRESS: 186 Springbrook Trail, Sparta, NJ 07871

PHONE NUMBER: 973-743-0244

CELL PHONE NUMBER: 973-476-5747

FAX NUMBER: _____

PERSON TO CONTACT: Bob Duthaler

EMAIL ADDRESS: bduthaler@dnsmediagroupllc.com

**TOWNSHIP OF VERONA, NEW JERSEY
 BUSINESS ENTITY DISCLOSURE CERTIFICATION
 FOR NON-FAIR AND OPEN CONTRACTS
 N.J.S.A. 19:44A-20.8**

Part I - Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that DNS Media Group, LLC (company name) has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c. 19 would bar the award of this contract in the one year period preceding Jan 1, 2023 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the Township of Verona or the respective Essex County political parties listed below pursuant to N.J.S.A. 19:44A-3(p), (q) and (r).

<i>Mayor Alex Roman</i>	<i>Councilman Jack McEvoy</i>
<i>Deputy Mayor Christine McGrath</i>	<i>Councilwoman Cynthia Holland</i>
	<i>Councilman Dr. Christopher Tamburro</i>

Part 3 - Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: DNS Media Group, LLC
 Signature of Affiant: Robert Duttaler Title: Managing Partner
 Printed Name of Affiant: Robert Duttaler Date: 11-27-23

(Notary Stamp/Seal)

Subscribed and sworn before me this
27 day of November, 2023.

Maureen V. Conrad

Notary Public

MAUREEN V CONRAD
 Notary Public of New Jersey
 Commission ID# 2421253
 Commission Expires 8/24/2027

Commission Expires: _____

**STATEMENT OF OWNERSHIP
OWNERSHIP DISCLOSURE CERTIFICATION FORM (CONTINUED)**

Required pursuant to N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

Sign and notarize the form below, and, if necessary, complete the list below. (Please attach additional sheets if more space is needed):

Name: Robert Duthaler
Address: 186 Springbrook Trail
Sparta, NJ 07871

Name: Darryl Love
Address: 167 N. 17th Street
Bloomfield, NJ 07003

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

Name: _____
Address: _____

CONTINUED ON NEXT PAGE

**STATEMENT OF OWNERSHIP
OWNERSHIP DISCLOSURE CERTIFICATION FORM (CONTINUED)**

Required pursuant to N.J.S.A. 52:25-24.2 (P.L. 1977, c.33, as amended by P.L. 2016, c.43)

PART III

Any Direct or Indirect Parent Entity Which is Publicly Traded:

"To comply with this section, a bidder with any direct or indirect parent entity which is publicly traded may submit the name and address of each publicly traded entity and the name and address of each person that holds a 10 percent or greater beneficial interest in the publicly traded entity as of the last annual filing with the federal Securities and Exchange Commission or the foreign equivalent, and, if there is any person that holds a 10 percent or greater beneficial interest, also shall submit links to the websites containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent and the relevant page numbers of the filings that contain the information on each person that holds a 10 percent or greater beneficial interest."

Pages attached with name and address of each publicly traded entity as well as the name and address of each person that holds a 10 percent or greater beneficial interest.

OR

Submit here the links to the Websites (URLs) containing the last annual filings with the federal Securities and Exchange Commission or the foreign equivalent.

AND

Submit here the relevant page numbers of the filings containing the information on each person holding a 10 percent or greater beneficial interest.

Subscribed and sworn before me this
27 day of November, 2023.

Maureen V. Conrad
Notary Public

Robert Duthaler
Affiant Signature

Robert Duthaler, Managing Partner
Affiant Name and Title

Commission Expires: _____
(Notary Stamp/Seal)

(Corporate Seal, if appropriate)

MAUREEN V CONRAD
Notary Public of New Jersey
Commission ID# 2421253
Commission Expires 8/24/2027

END OF STATEMENT OF OWNERSHIP

12/20

DNS MEDIA GROUP, LLC



DNS
media group

2024

Sparta, NJ
Bloomfield, NJ
www.DNSMediaGroupLLC.com
Office Phone: 973-743-0244
Bob Duthaler: 973-476-5747
Darryl Love: 973-819-6505

DNS Media Group, LLC

TELEVISION PRODUCTION / MEDIA MANAGEMENT

OUR COMPANY

We specialize in TV station management & consulting services, as well as video production & streaming media support for broadcast television, local governments, businesses, and academic institutions.

Officially formed in 2015, DNS Media Group is a joint venture of Bob Duthaler and Darryl Love, two long time television veterans who bring decades of broadcast experience to businesses, schools, and to Public, Educational, and Government TV in New Jersey. Our current municipal clients include Bloomfield, Scotch Plains, Roselle, and Summit's HomeTowne TV. Annually, we produce over 100 municipal council, board of education, and zoning board meetings, and more than 50 special events, including concerts, local sports, parades, local talk shows and holiday ceremonies.

Additionally, we oversee projects that include station build outs, council chamber video installations, municipal cable franchise negotiations, and website development.

OUR SERVICES

- High-definition camera crews
- Post-production editing and graphics
- Website and social media integration
- Web streaming and archiving
- Creative and logistical support

EMMY AWARD WINNING STAFF





Bob Duthaler

Managing Partner

Producer/Director

bduthaler@dnsmediagroupllc.com

973-476-5747

Industry veteran **Bob Duthaler's** experience includes work for MTV Networks, Fox, NBC, and Comedy Channel. He has developed over a dozen TV game shows, worked on Comedy specials for HBO, Showtime and Lifetime Network, and developed the talk show "Never Too Late", hosted by Dr. Ruth Westheimer. He earned the "Game Show of the Year" ACE Award for "Turn It Up", a musical trivia game show for MTV.

In 2002, Duthaler founded his production company, Duke Multimedia. Past and present municipal clients include Bloomfield, Metuchen, Sparta, Saddle Brook, Montclair, City of Summit and Summit HomeTowne TV. Productions overseen by Duke have earned 8 Telly Awards, and PEG Stations under Duthaler's guidance have won five JAM Video Awards, which recognize excellence and outstanding video for local access television.

Duthaler is again the Chairmen of the Board of Trustees and President for Jersey Access Group, a statewide organization representing New Jersey's local channels, after serving as the organization's president from 2003-2013. He is also the Chairperson of the New Jersey Chapter of NATOA (National Association of Telecommunications Officers and Advisors), and a member of the National Academy of Television Arts and Sciences (The Emmys). He is a graduate of Bloomsburg University.



Darryl Love

Partner

Producer/Director

dlove@dnsmediagroupllc.com

973-819-6505

Darryl Love has worked in broadcast television production and audio-visual services for more than three decades and is a 5-time Emmy Award winner. For 15 years (1993-2008) he was a staffer for NBC Sports, where his projects included work on 5 Olympic Games, the NFL, NBA, NHL, Notre Dame Football, and the Dew Tour. He continues to freelance for major networks, including MLB Network, NFL Network, Red Bull Media House, The Big Ten Network and ESPN.

From 2009-2012, Love ran Nightshift Multimedia Studios, a video production company that serviced clients including St. Peter's Prep of Jersey City (Athletic Department), AOL StudioNow, Feinstein's at the Regency (NY) and NJ municipal clients, East Orange and Belleville.

Love entered government TV in 2003 as a member of the cable advisory committee in Bloomfield, NJ. Over the next few years, he was instrumental in re-launching the township's WBMA-TV station and helping put in place a management and operating structure that has become a model for NJ municipalities. He served as the committee chairman from 2011-2015. Darryl also served as a Trustee on the board of the Jersey Access Group, a statewide organization representing New Jersey's local channels.

Love gained corporate production and management experience early in his career, working for consumer products companies Procter & Gamble and Colgate-Palmolive. He launched his career in media as a mobile & radio disc jockey in the early 1980's.

Raised in Newark, NJ, Love is a graduate of Seton Hall Prep. He earned a B.A. in Economics from the University of Pennsylvania and pursued graduate television coursework at New York University. He is a 2009 graduate of The Rising Tide Capital Community Business Academy, a nationally recognized entrepreneurial training program.

Station Management For Verona, NJ

By DNS Media Group, LLC.

Fee for Station Management: \$1650/month

DNS Media Group, LLC shall provide the following for Station Management of Verona TV:

- 1) **Station Programming.** Includes creating a regular programming schedule, filling in shows in those time slots and securing other programs of interest for Verona via the JAG Shared Server. Working with township on getting programming guide on township website.
- 2) **Create content, accept content and schedule content for station bulletin board system.** Keeping track of bulletin board information, making sure it is up to date and create a professional look and feel.
- 3) **Keep track of all the station's equipment, see to regular updates of servers and bulletin board systems as needed/covered under service agreements, troubleshoot equipment and work with vendors to see any issues are resolved and oversee all Master Control functions including working with both Comcast and Verizon for Broadcast needs/issues.**
- 4) **Work with Verona's content provider by giving them a location to upload video recorded and produced by them and to make available for airing on Verona TV.**

GOVERNMENT CURRENT AND PAST BUSINESS CLIENTS:

Meeting and Event Coverage

- Bloomfield, NJ
- Borough of Roselle Park, NJ
- Long Hill Township
- City of Summit, NJ
- East Orange, NJ
- Metuchen, NJ
- Millburn Township
- Montclair, NJ
- Saddle Brook, NJ
- Scotch Plains, NJ

Station Management

- Bloomfield, NJ
- Borough of Roselle Park, NJ
- Kenilworth
- Long Hill Township
- City of Summit, NJ
- Millburn Township
- Saddle Brook, NJ
- Scotch Plains, NJ

Equipment Consulting/Franchise Negotiations

- Bloomfield, NJ
- Borough of Roselle, NJ
- City of Summit, NJ
- Hopewell Township, NJ
- Metuchen, NJ
- Millburn Township
- Montclair, NJ
- Saddle Brook, NJ
- Scotch Plains, NJ

REFERENCES:

Bloomfield, NJ: (reference Bob Duthaler or Darryl Love)
Louise Palagano, Township Clerk 973-680-4015
Jean-Guy Lauture, Director Info Systems - 973-680-4670
Township of Bloomfield
1 Municipal Plaza, Bloomfield, NJ

Scotch Plains, NJ: (reference Bob Duthaler/Darryl Love - DNS Media Group)
Alexander Mirabella, Township Manager 908-322-6700
430 Park Ave, Scotch Plains, NJ

HomeTowne Television: (reference Bob Duthaler)
John Serruto, President 908-277-3610
Summit, NJ

Additional references available upon request

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION No. 2023-___

A motion was made by _____ ; seconded by _____ that the following resolution be adopted:

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received from Jonathan Masters, for property located at _____ 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	\$189.45	\$310.55

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, \$310.55 to Jonathan Masters, _____.

ROLL
CALL:

- AYES
- NAYS:
- ABSENT:
- ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON DECEMBER 18, 2023.

JENNIFER KIERNAN
MUNICIPAL CLERK

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION No. 2023-___

A motion was made by _____ ; seconded by _____ that the following resolution be adopted:

REFUNDING TAX LIEN REDEMPTION

WHEREAS, property located at _____, owned by Wai Yee Lam, has been held in tax lien since December 7, 2023; and

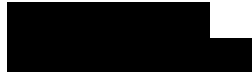
WHEREAS, payment was received within 10 days and certificate had not been issued yet, in the amount of \$1,486.74 from Wai Yee Lam, clearing the lien as follows:

<u>Certificate #23-00003</u>	
Certificate	\$ 1,486.74
Premium	\$10,000.00
Total	\$11,486.74

WHEREAS, this certificate has been held by the Township of Verona and the certificate has been received and properly signed for cancellation.

NOW, THEREFORE, BE IT RESOLVED, that the Chief Financial Officer and Tax Collector be authorized to refund, from Trust, \$11,486.74 to:

Lawrence Gonnello



- ROLL CALL:
- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON DECEMBER 18, 2023.

JENNIFER KIERNAN
MUNICIPAL CLERK

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION No. 2023-___

A motion was made by _____ ; seconded by _____ 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. Purchase, Lease or Acquisition of Real Property pursuant to *N.J.S.A. 10:4-12 (5)*
2. Pending, Ongoing, or Anticipated Litigation and Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*

ROLL CALL:

AYES:

NAYS:

ABSENT:

ABSTAIN:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY TOWNSHIP COUNCIL FOR THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON DECEMBER 18, 2023.

JENNIFER KIERNAN
MUNICIPAL CLERK

TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY

ORDINANCE No. 2023-__

AMENDING THE CODE OF THE TOWNSHIP OF VERONA, CHAPTER 390,
PROPERTY MAINTENANCE, BY THE CREATION OF ARTICLE II,
ENTITLED LEAD-BASED PAINT HAZARD INSPECTION REQUIREMENTS
FOR RENTAL DWELLINGS

WHEREAS, the Township Verona is required to maintain a lead-based paint hazard inspection program under N.J.S.A. 52:27D-437.16.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Verona, County of Essex, New Jersey that Chapter 390, Property Maintenance, Article II, Lead-Based Paint Hazard Inspection Requirements for Rental Dwellings is created to read as follows:

ARTICLE II

Lead-Based Paint Hazard Inspection Requirements for Rental Dwellings

§ 390-4 Definitions.

The following definitions shall apply to this article:

COMMON INTEREST COMMUNITY: A real estate development or neighborhood in which the property is burdened by servitudes requiring property owners to contribute to maintenance of commonly held property or to pay dues or assessments to an owners' association that provides services or facilities to the community.

DUST WIPE SAMPLING: A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

LEAD INSPECTOR: A person certified by the Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:17-1.1 et seq. This includes the ability to perform dust wipe sampling.

LEAD-BASED PAINT HAZARD: Any condition that causes exposure to lead from lead-contaminated dust or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

LEAD-FREE CERTIFICATION: A certification which confirms that a lead-based paint inspection was performed and that no lead-based paint exists in the dwelling unit or that all lead-based paint hazards have been fully abated.

LEAD-SAFE CERTIFICATION: A certification which confirms that a lead-based paint inspection was performed and no lead-based paint hazards were found. This certification is valid for two years from the date of issuance.

TENANT TURNOVER: The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT: A visual examination for deteriorated paint or visible surface dust, debris, or residue.

VISUAL ASSESSOR: A person that is certified to perform a visual assessment.

§ 390-5 Lead-based paint inspection.

A. A lead inspector for the Township of Verona shall inspect every single-family, two-family, and multiple rental dwelling located within the Township of Verona for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

B. The property owner or landlord may, in lieu of having the dwelling inspected by the Township's lead inspector, directly hire a private lead inspector who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- (1) Has been certified to be free of lead-based paint;

- (2) Was constructed during or after 1978;
- (3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law; See N.J.S.A. 55:13A-1 et seq.
- (4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- (5) Has a valid lead-safe certification.

D. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township's lead inspector or visual assessor, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

E. If no lead-based paint hazards are identified, then the Township's lead inspector or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two years.

F. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

- (1) Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Township of Verona at the time of the cyclical inspection.
- (2) Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease.
- (3) Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants if the inspection was conducted during a period of tenancy.

G. The fees for a lead-based paint inspection shall be as follows:

- (1) The fee for a visual assessment ~~and dust wipe sampling inspection~~ performed by the ~~Township's lead inspector~~ shall be ~~\$300 for a dwelling unit that has one bedroom. There shall be an additional fee of \$30 for each additional bedroom in the dwelling unit.~~ *\$250.00 per unit.*
- (2) ~~The fee for a visual assessment inspection performed by the Township's lead inspector or visual assessor shall be \$125 per dwelling unit.~~
- (3) The fee for the filing of a lead-safe certification or lead-free certification shall be \$25. *- municipal fee ?*
- (4) In a common interest community, any inspection fee charged shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.
- (5) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Township's lead inspector or the owner's private lead inspector shall be assessed for the purposes of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1 et seq.) unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund. *- state fee per unit*

UEW Environmental Services

Reinspection / clearance - \$295.00 per unit

XRF Lead Inspection: \$150/unit for Lead Free.

§ 390-6 Violations and penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of § 390-5 D and F shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days to cure the violation.
- B. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 1. If any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

SECTION 2. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall take effect 20 days after final passage and publication as prescribed by law.

ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

NOTICE I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED
IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND
CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF XXX AND XXX.

JENNIFER KIERNAN
MUNICIPAL CLERK

INTRODUCTION:
PUBLIC HEARING:
EFFECTIVE DATE: