

Minutes of a Regular Meeting of the Verona Township Council on Monday, April 17, 2023, 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 Act.

Roll Call:

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

Mayor's Report:

Mayor Roman reports that the Our Lady of the Lake school's student entrepreneur showcase is May 12th. He reminds the public that the Municipal Election is May 9th and there are two seats up for reelection.

Mayor invites Essex County Liaison Julius Coltre to the lectern. Mr. Coltre reports that the Cherry Blossom Festival was a success. Hazardous Waste drop off will be May 6 from 8:30am - 4:00pm at the 99 Bradford Avenue. Electronics drop off will be held on May 20 from 9am - 3pm. The Fishing Derby will be held in Verona Park on May 24.

Mayor Roman reports that the Environmental Commission is present tonight and invites Jessica Pearson, Chairperson to the lectern. Ms. Pearson shows a presentation of the year's submissions for the 2023 poster contest open to fourth graders in Verona's schools. Winners and runners up are present and receive a gift certificate from the Commission and certificate of recognition signed by the Mayor and Chairperson.

Mayor Roman reads an Arbor Day proclamation and a proclamation honoring the Minette Grosso McKenna Angel Foundation's 20 Years of Acts of Kindness celebration.

Manager's Report:

Township Manager Joe D'Arco presents the 2023 Municipal Budget for adoption.

RESOLUTION No. 2023-077

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

PERMITTING 2023 MUNICIPAL BUDGET TO BE READ BY TITLE

WHEREAS, the Township Council of the Township of Verona in the County of Essex did in accordance with the provisions of *N.J.S.A. 40A:4-5* introduced and approved the annual budget for the Township at a Regular Meeting of the Township Council on March 13, 2023; and

WHEREAS, in accordance with the provisions of *N.J.S.A. 40A: 4-6*, the annual budget as introduced and approved was published by summary in the Star Ledger, a newspaper circulated within the Township of Verona at least 10 days prior to April 17, 2023, the date set forth in the advertisement for public hearing to be held at the Regular Meeting of the Township Council at 7:00 p.m. in the Municipal Building located at 600 Bloomfield Avenue, Verona, New Jersey; and

WHEREAS, the provisions of Sections 1(a) and 1(b) of *N.J.S.A.40A:4-8* have been met by making for available for public inspection a complete copy of the approved budget at least one week prior to the date of the hearing and by making copies of said approved budget available to each person requesting the same during the said week and during the public hearing.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of

Verona, in the County of Essex, New Jersey that pursuant with the provisions of *N.J.S.A. 40A:4-8*, the Township Council hereby determines that the Municipal Budget for the year 2021 shall be read by its title and it is further declared that the conditions as set forth in Sections 1(a) and 1(b) of *N.J.S.A. 40A:4-8* have been met.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Public Hearing on the 2023 Municipal Budget: None.

Jennifer Muscara, CFO explains the resolution amending the approved (introduced) 2023 Budget.

RESOLUTION No. 2023-078

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

RESOLUTION TO AMEND INTRODUCED BUDGET

WHEREAS, the local municipal budget for the year 2023 was approved on the 13th day of March 2023; and

WHEREAS, the public hearing on said budget has been held as advertised, and,

WHEREAS, it is desired to amend said approved budget,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Verona, in the County of Essex, that the following amendments to the approved budget of 2023 be made noting that the total general appropriations budget remains the same:

	FROM	TO
3b. State Aid without Offsetting Appropriations		
Consolidated Municipal Property Tax Relief Aid	60,490.40	
Municipal Relief Fund		60,490.40
Total Operations Including Contingent Within "CAPS"	17,424,756.00	17,424,756.00
8e. GENERAL APPROPRIATIONS		
Public Employees Retirement System	477,624.00	488,732.00
Police & Firemen's Retirement System	1,255,641.00	1,274,015.00
Total Deferred Charges and Statutory Expenditures - Within "CAPS"	2,188,265.00	2,217,747.00
H-1 Total General Appropriations for Municipal Purposes within "CAPS"	19,613,021.00	19,642,503.00
8a. GENERAL APPROPRIATIONS - Operations Excluded from "CAPS"		
PERS over 3.5%	34,298.00	23,190.00
PFRS over 3.5%	159,899.00	141,525.00
Total Other Operations Excluded from "CAPS"	1,280,465.00	1,250,983.00
Total Operations - Excluded from "CAPS"	1,463,450.95	1,433,968.95
Total General Appropriations	27,138,251.95	27,138,251.95

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal budget so amended.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2023-079

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

ADOPTION OF THE MUNICIPAL BUDGET

BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the following statements of revenues and appropriations shall constitute the Municipal Budget of the Township of Verona for the 2023 calendar year.

General Appropriations:	<u>Year 2023</u>
1. Appropriations within "CAPS" (H-1 Sheet 19)	\$ 19,642,503.00
2. Appropriations excluded from "CAPS" (H-2 Sheet 28)	\$ 5,695,748.95
3. Reserve for Uncollected Taxes (M-Sheet 29)	<u>\$ 1,800,000.00</u>
4. Total General Appropriations (Item 9, Sheet 29)	\$ 27,138,251.95
5. Less: Anticipated Revenues Other than Current Property Tax (Item 5, Sheet 11)	\$ (8,640,101.35)
6. Less: Minimum Library Tax (Item 6(c), Sheet 11)	<u>\$ (998,504.29)</u>
7. Difference: Amount to be raised by Taxes for support of the Municipal Budget (as follows) (a) Local Tax for Municipal Purposes including Reserve for Uncollected Taxes (Item 6(a), Sheet 11)	\$ 17,499,646.31

BE IT FURTHER RESOLVED that said Budget was published in the March 18, 2023 edition of the Star Ledger, an official newspaper of the Township of Verona.

BE IT FURTHER RESOLVED a hearing on the Budget and Tax Resolution was held at a regular meeting of the governing body held on April 17, 2023 at 7 o'clock p.m. at which time and place discussions to said Budget and Tax Resolution for 2023 was presented by taxpayers or other interested persons.

BE IT FUTHER RESOLVED that copies of the budget were available in the office of the Municipal Clerk, Township of Verona, at the Municipal Building, 600 Bloomfield Avenue, Verona, New Jersey 07044 during the hours of 8:30 a.m. to 4:30 p.m. The budget was also posted on the Township's webpage at www.veronanj.org. All persons interested in the proposed budget had an opportunity to address the Township Council during the aforementioned public hearing.

BE IT FUTHER RESOLVED that the Township Council of the Township of Verona does hereby adopt the preceding as the Budget for the 2023 year.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

The 2023 Municipal Budget is adopted by the Township Council by a unanimous vote.

Mr. D'Arco continues his report stating that the Township's Affordable Housing team will be at the next meeting. He updates the Council on the Claridge Pump schedule and Everett Field.

Steve Neale states he would like to update the Council on the ADA improvements at Town Hall

in a Closed Session discussion. Township Attorney Brian Aloia recommends the Council go into Executive Session now, then return to hold the scheduled public hearing on ordinance 2023-14 bonding \$320,000 for the ADA ramp at Town Hall. He suggests the Council go into the Conference Room for the Executive Session discussion. Council decides to finish the A&E and Council Member reports before going into Executive Session.

Mr. Neale continues with his reports noting PIRHL development and explaining the resolutions on the addendum and requests to pull M-3 until a later date. He reports on the road reconstruction projects and has created a webpage (veronanj.org/constructionprojects) to keep the public informed.

Councilmember's Reports:

Deputy Mayor McGrath reports Sustainable Verona's Green Team met and discussed plans for applying for the Silver Designation. VMAC is meeting Wednesday, April 19. The MIAAC will meet Thursday at 7pm.

Councilman McEvoy thank the Verona Park Conservancy for their work. He mentions the lights on the fields are on when not in use and should be turned off when not in use. He expresses his condolences for the Gmitro family and the passing of Andrew Gmitro.

Councilman Tamburro reminds the public that in line with the filing deadline for income taxes, he everyone should be actively advocating to increase the SALT deduction. He requests a resolution for the next meeting.

Councilwoman Holland reports that April is Volunteer Appreciation Month and thanks all of Verona's volunteers. She congratulates the VEC poster contest winners. There will be a celebration for Earth Day held by the VEC. The Parks & Recreation Advisory Committee meets tomorrow night and will discuss Capital improvement plans.

The Municipal Clerk updates the public on the status of Council documents to be reposted on the Township's website in regards to Daniel's Law. She also reports that Town Hall will be open until 9pm tomorrow for late night voter registration as it is the last day to register to vote in the upcoming Municipal Election.

At 8:31pm, a motion to go into Executive Session is moved by Deputy Mayor McGrath; seconded by Councilwoman Holland. Vote: 5 ayes.

Council returns to Council Chambers and continues the Public Meeting at 9:01pm.

ORDINANCE No. 2023-14

**BOND ORDINANCE AMENDING IN THEIR ENTIRETY AND
SUPERSEDING BOND ORDINANCE #2021-13 FINALLY ADOPTED
MAY 3, 2021, AND SUPPLEMENTAL ORDINANCE #2022-30 FINALLY
ADOPTED SEPTEMBER 19, 2022, OF THE TOWNSHIP OF VERONA, IN
THE COUNTY OF ESSEX, NEW JERSEY**

The Municipal Clerk reads Ordinance No. 2023-14 by title into record.

Motion to move Ordinance No. 2023-14 is made by Deputy Mayor McGrath; seconded by Councilwoman Holland.

The public hearing for Ordinance No. 2023-14 is held:

No members from the public wish to speak.

Mayor Roman states the public hearing will continue to the following meeting scheduled for May 1, 2023 at 7pm both on Zoom and in Council Chambers.

Public Comment on Consent Agenda Items:

None.

RESOLUTION No. 2023-080

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

AUTHORIZING THE EXECUTION OF A MUNICIPAL SHARED SERVICE AGREEMENT WITH NORTH CALDWELL AND ESSEX FELLS FOR MUNICIPAL COURT SERVICES

WHEREAS, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*, permits contracts by local and county units for shared service projects; and

WHEREAS, pursuant to *N.J.S.A. 2B:12-1, et seq.*, a municipality must establish a municipal court and provide for its administration; and

WHEREAS, pursuant to *N.J.S.A. 2B:12-1(c)*, two or more municipalities, by ordinance, may enter into an agreement establishing a single shared municipal court and provide for its administration; and

WHEREAS, the governing bodies of Essex Fells and North Caldwell have determined that certain economies would be derived from such a partnership; and

WHEREAS, at a regular meeting of the Borough Council of Essex Fells held on the 18th day of December 1990, an ordinance was duly adopted authorizing the making of the original Shared Municipal Court Services Agreement by Essex Fells for a term on one (1) year; and

WHEREAS, at a regular meeting of the Borough Council of North Caldwell held on the 11th day of December 1990, an ordinance was duly adopted authorizing the making of the original Shared Municipal Court Services Agreement by North Caldwell for a term of one (1) year; and

WHEREAS, the original Shared Municipal Court Services Agreement expired on December 31, 1991, the governing bodies of Essex Fells and North Caldwell consented to operate the shared municipal court on the same terms to the present date; and

WHEREAS, the Borough of North Caldwell and the Borough of Essex Fells executed an agreement on August 16, 2022, pursuant to the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.* (the "prior Agreement") that the shared proceedings of Essex Fells and North Caldwell Municipal Courts shall be held in the facility of the North Caldwell Municipal Court; and

WHEREAS, pursuant to Section 18 of the prior Agreement, no additional municipality shall be added to the shared court without unanimous consent of all participating municipalities; and

WHEREAS, Essex Fells and North Caldwell consented to add Verona to the shared court; and

WHEREAS, the governing bodies of Essex Fells, Verona and North Caldwell have now determined that certain economies would be derived from the expansion of the existing agreement between Essex Fells and North Caldwell to now include Essex Fells, Verona and North Caldwell; and

WHEREAS, the three municipalities desire to set forth the administrative and financial responsibilities of each member for the shared court services; and

WHEREAS, the shared court is subject to approval by the Administrative Office of the Courts and the Vicinage Assignment Judge; and

WHEREAS, the governing bodies of Essex Fells, Verona and North Caldwell have determined that it would serve the efficient administration of justice to enter into a new Shared Municipal Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona, that the Township approves entering into a Shared Municipal Services Agreement with

North Caldwell and Essex Fells for Municipal Court services and the Council hereby authorizes the Township Manager, or his designee, to execute an agreement substantially conforming to the attached agreement, after review and approval by the Township Attorney, and take any and all actions necessary to complete and realize the intent and purpose of this resolution.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2023-081

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

**AUTHORIZING AN AGREEMENT WITH MILLENNIUM STRATEGIES
FOR GRANT CONSULTANT SERVICES**

WHEREAS, it is deemed necessary for the Township of Verona to engage the professional services of a Grants Consultant for the year 2023, to provide services for the proper operation of 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, funds to pay said professional persons are available by way of budget to compensate said Grants Consultant; and

WHEREAS, the compensation for said professional services shall be \$130/hour for grant writing services and a \$650 monthly retainer fee/portal access and this expenditure shall be charged to Budget Account No. 3-01-20-100-126, or any other account that may be deemed appropriate by the Chief Financial Officer or her designee, and the availability of funds have been contingently certified by the Chief Financial Officer of the Township pending approval of the 2023 Budget.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Verona that the Grants Consultant for the year 2023 is hereby designated as Millennium Strategies, 60 Columbia Road, Building B, Suite 230, Morristown, New Jersey 07960.

BE IT FURTHER RESOLVED, that the award of the contract to Millennium Strategies 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 Millennium Strategies are annexed to this Resolution as Exhibit B; and

BE IT FURTHER RESOLVED, that that Township Manager and Township Clerk are authorized to enter into a professional services contract for this appointment; and

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2023-082

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

**ADOPTING STATE COMPTROLLER REQUESTED
CORRECTIVE ACTION PLAN**

WHEREAS, in January of 2021 the Office of the State Comptroller performed a study and later issued a report regarding sick leave payments and accrual of vacation leave (hereinafter "Report"); and

WHEREAS, based upon some language contained in one of the Township's collective bargaining agreements the State Comptroller requested the Township respond to the findings and concerns contained in the Report: and

WHEREAS, the Report found the following potential violation on the part of the Township of Verona:

Based on Verona's response to OSC's survey, the text of its ordinances, and union contracts, OSC finds that: 1. The terms of one of Verona's union contracts do not comply with the 2010 law (*N.J.S.A. 11A:6-19.2*) with regard to payment for accrued sick leave. The contract allows employees hired after May 21, 2010 terminal leave of up to 100 days which may be in excess of the \$15,000 cap

WHEREAS, the Township understands that the provision in question that raised concern is contained the Agreement between the Township and Verona PBA Local #72, particularly Article XXI, paragraph 1 ("Terminal Leave") which states as follows:

An Officer having completed the required number of years of continuous (including military leave) service as provided by N.J. Statutes for Retirement, shall be entitled to terminal leave based upon his accumulated unused sick leave due not to exceed one hundred (100) days which days are vested.

WHEREAS, upon information and belief, the Township never intended or applied the above referenced language in a manner that is violative of *N.J.S.A. 11A:6-19.2*; and

WHEREAS, the parties understood that law in that regard and provision was never intended to apply, nor has it ever been applied to an employees hired after May 21, 2010; and

WHEREAS, the Township has requested that the Union amend the provision to ensure that in the future there is no confusion on its applicability and has requested the contractual language be amended to state:

This section shall not apply to any officer hired after May 21, 2010. Furthermore, the provisions of *N.J.S.A. 11A:6-19.2* and all other applicable laws shall be followed when calculating the payment of benefits for employees hired after May 21, 2010.

WHEREAS, the Council understands and hereby adopts and acknowledges that the Township's Corrective Action Plan is as follows:

1. The Township has not and will not making any payments under Article XX1 which are not consistent with the law.
2. The Township will not knowingly make any payments which are inconsistent with the law, including but not limited to the accumulated time compensation regulations identified in the State Comptroller's report.
3. The Township has requested that the language to the agreement be amended in the contract to clarify the provision identified in the Comptroller's Report to ensure that all readers of the contract recognize and abide by the provisions of *N.J.S.A. 11A:6-19.2* and the Township will not execute an agreement without the required language.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona that the above referenced corrective action plan is hereby adopted.

BE IT FURTHER RESOLVED that the Council directs the Township Manager, all Township professionals, and Township employees to become familiar with the above referenced corrective action plan and abide by the same.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

RESOLUTION No. 2023-083

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)*
2. Personnel Matters pursuant to *N.J.S.A. 10:4-12 (8)*

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Addendum:

ORDINANCE # 2023-16

**FIXING THE SALARIES AND COMPENSATION OF THE CHIEF
FINANCIAL OFFICER/TAX COLLECTOR**

2023 CALENDAR YEAR

The Municipal Clerk reads Ordinance No. 2023-16 by title into record.

Motion to introduce Ordinance No. 2023-16 is made by Councilman Tamburro; seconded by Deputy Mayor McGrath.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Ordinance No. 2023-16 is introduced 5-0, will be published according to law and a public hearing will be held on May 1, 2023.

RESOLUTION No. 2023-084

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

**AUTHORIZING THE EXECUTION OF A THIRD AMENDMENT TO
CONTRACT FOR SALE OF REAL ESTATE AND FOURTH AMENDMENT TO
REDEVELOPER AGREEMENT BY AND BETWEEN THE TOWNSHIP OF
VERONA AND VERONA LIHTC URBAN RENEWAL LLC CONCERNING
PROPERTY IDENTIFIED AS BLOCK 2301, LOTS 11, 12, 14-17, A PORTION OF
18, AND 19 ON THE TOWNSHIP TAX MAPS, TO BE CONSOLIDATED AND
DESIGNATED AS NEW BLOCK 2301, LOT 14.01**

WHEREAS, Verona LIHTC Urban Renewal LLC (the "**Redeveloper**") and the Township of Verona (the "**Township**") are parties to that certain First Amendment to and Assignment of Contract for Sale of Real Estate, as well as the Second Amendment, dated August 26, 2022, which amended that certain Contract for Sale of Real Estate dated June 9, 2020 (collectively the "**PSA**"), pursuant to which the Township agreed to convey to Redeveloper that property designated as Block 2301, Lots 11, 12, 14-17, 19, and a portion of Lot 18, to be consolidated and designated as new Block 2301, Lot 14.01 on the official tax map of the Township of Verona (collectively, the "**Property**"), as more particularly described in the PSA; and

WHEREAS, the Redeveloper and the Township are parties to that certain Third

Amendment to Redeveloper Agreement dated August 26, 2022, which amended that certain Redeveloper Agreement dated January 9, 2020 and First Amendment to Redeveloper Agreement dated September 3, 2020 and the Second Amendment to and Assignment of Redeveloper Agreement dated February 7, 2022 (collectively the “**Redeveloper Agreement**”), pursuant to which Redeveloper agreed to redevelop the Property, as more particularly described in the Redeveloper Agreement; and

WHEREAS, the Redeveloper and the Township desire to amend the PSA and the Redeveloper Agreement to extend the date for conveyance of the Property to Redeveloper to December 31, 2023 to permit Redeveloper to secure certain financing.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona as follows:

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.

2. The Township Manager and Township Clerk are hereby authorized to execute the Third Amendment to Contract for Sale of Real Estate, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township’s redevelopment counsel, planning consultant and other professionals.

3. The Township Manager and Township Clerk are hereby authorized to execute the Fourth Amendment to Redeveloper Agreement, in the form attached hereto as Exhibit B, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township’s redevelopment counsel, planning consultant and other professionals.

4. This resolution shall take effect immediately.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

Mayor Roman calls for a public comment for this resolution.

Mike Duda, Verona, New Jersey

New Business:

Council discusses a jitney services, an invasive species ordinance and codification of the Multicultural Inclusion Accessibility & Advisory Committee.

Public Comment:

Howard Conklin, Verona, New Jersey

Jessica Pearson, Verona, New Jersey

Council enters into Executive Session at 10:41 p.m. and returns into Public Session at 12:09am.

Adjournment:

A motion to adjourn the meeting at 12:10am is made by Councilman Tamburro; seconded by Councilman McEvoy. The next regular scheduled meeting of the Township Council is May 1, 2023 at 7:00 p.m.

Respectfully submitted,


Jennifer Kiernan, Municipal Clerk


Alex Roman, Mayor

APPROVED: May 1, 2023