

Minutes of a Regular Meeting of the Verona Township Council on Tuesday, September 26, 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:

The Municipal Clerk reads the notice of Open Public Meetings Act.

Roll Call:

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

Mayor's Report:

Mayor Tamburro presents a Proclamation recognizing and celebrating the 100<sup>th</sup> anniversary of the Verona Public Library's building. The Mayor was thrilled to attend the Grand opening of The Collective Bookstore and encourages everyone to stop in and support them. The Verona Environmental Commission met last week and had a robust discussion on several items including junior commissioners, school programming, service projects and a conversation about the budget. The VEC will be hosting its fall cleanup on October 21<sup>st</sup>, and the Planning Board will be meeting this Thursday to discuss the resolution to approve the 1 Sunset Avenue development. Mayor Tamburro then addresses the concern of many residents about the incident that happened on Floyd Road. He appreciates the immediate updates from the police department and their investigation in this matter. He concludes expressing his beliefs that Senator Bob Menendez step down after his indictment for the good of New Jersey.

Manager's Report:

Mr. D'Arco discusses various the traffic light at Pompton Avenue and Claremont Avenue and lead based paint hazard inspection. The Council still needs to address the special meeting on planners, and Mr. D'Arco announces the introduction of Kevin O'Sullivan to the Council and to the public as the new Deputy Manager who will begin on October 2<sup>nd</sup>. Kevin then approaches the lectern to formally introduce himself.

Councilmember's Reports:

Deputy Mayor McEvoy attended the Collective Bookstore ribbon cutting, the Tesla Presentation last Saturday at the Community Center and appreciated the education that it provided and thanks the Prout family for initiating the presentation and for making the Verona residents that much safer.

Councilman Roman echoes the Mayor's remarks in regards to Senator Menendez. With disappointment, Councilman Roman also believes it is in the best interest of the state of New Jersey that he steps down from his position.

Councilwoman McGrath also attended the Collective Bookstore ribbon cutting and the unveiling of a new exhibit in the Turtleback Zoo honoring Pat Sebold. She also attended the Traffic and Safety Advisory Committee meeting and reports that there will be a Multicultural Inclusion and Accessibility Advisory Committee on Zoom at 7:00pm.

Councilwoman Holland also recognizes the Collective Bookstore as being a wonderful addition to the town and compliments the Verona Library as a tremendous benefit to have such an actively engaged library in town. The Rec Committee held a meeting on September 19<sup>th</sup> and many town topics were discussed. She encourages residents and pool members to respond to any of the surveys that are provided.

Public Comment:

Josh Axelrod, Verona, New Jersey  
Jean Stoloff, Verona, New Jersey  
Patrick Laterza, Verona, New Jersey

**ORDINANCE No. 2023-39**

**CAPITAL ORDINANCE BY APPROPRIATING \$50,000 FROM THE WATER/ SEWER CAPITAL IMPROVEMENT FUND FOR THE ASSESSMENT OF THE WATER AND SEWER RATE STUDY IN THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY**

The Municipal Clerk reads Ordinance No. 2023-39 by title into record.

Motion to move Ordinance No. 2023-39 is moved by Councilwoman Holland; seconded by Councilman Roman.

Public Hearing:

None.

Council Discussion.

**ROLL CALL:**

**AYES: Holland, McGrath, Roman, McEvoy, Tamburro**

**NAYS:**

Ordinance No. 2023-39 passes 5-0 and it will be published according to law.

**ORDINANCE # 2023-40**

**FIXING THE SALARY AND COMPENSATION OF THE DEPUTY MANAGER FOR THE 2023 CALENDAR YEAR**

The Municipal Clerk reads Ordinance No. 2023-40 by title into record.

Motion to move Ordinance No. 2023-40 is moved by Mayor Tamburro; seconded by Councilwoman McGrath.

Public Hearing:

None.

Council Discussion.

**ROLL CALL:**

**AYES: Holland, McGrath, Roman, McEvoy, Tamburro**

**NAYS:**

Ordinance No. 2023-40 passes 5-0 and it will be published according to law.

**ORDINANCE No. 2023-41**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS AT THE LINN DRIVE WELL IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$4,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF**

The Municipal Clerk reads Ordinance No. 2023-41 by title into record.

Motion to move Ordinance 2023-41 is moved by Councilwoman McGrath; seconded by Councilwoman Holland.

**ROLL CALL:**

**AYES: Holland, McGrath, Roman, McEvoy, Tamburro**

**NAYS:**

Ordinance 2023-41 will be numbered 2023-41, will be published according to law and a public hearing will be held on October 16, 2023.

**ORDINANCE No. 2023-42**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS AT THE  
FAIRVIEW AVENUE WELL IN AND BY THE TOWNSHIP OF VERONA, IN  
THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$5,000,000  
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,000,000 BONDS  
OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.**

The Municipal Clerk reads Ordinance No. 2023-42 by title into record.

Motion to move Ordinance 2023-42 is moved by Councilman Roman; seconded by Deputy Mayor McEvoy.

Council Discussion.

**ROLL CALL:**

**AYES: Holland, McGrath, Roman, McEvoy, Tamburro**

**NAYS:**

Ordinance 2023-42 will be published according to law and a public hearing will be held on October 16, 2023.

Consent Agenda

Councilwoman McGrath requests to pull resolution K-1 from the consent agenda.

Public Comment on Consent Agenda:

None.

Minutes from the August 25, 2023 and August 29, 2023 Special Meetings are approved unanimously.

**RESOLUTION No. 2023-162**

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

**AUTHORIZING A CONTRACT WITH  
NEWGEN STRATEGIES & SOLUTIONS, LLC**

**WHEREAS**, the Township of Verona operates a Water Utility that is part of the general government structure and accounts for water service as a dedicated utility within its budget; and

**WHEREAS**, the water utility fund is mandated to be a self-liquidating account where fees cover all operational and debt service costs and must be financially self-supporting where the cost of operating and maintaining the water system will be supported by the water fees and charges collected from customers with no support or subsidy from other Township revenues; and

**WHEREAS**, the water utility is required by law to be supported by the rates and fees charged for the use of water service; and

**WHEREAS**, the Township endeavors to implement equitable (i.e., fair and balanced) water rates to ensure sufficient revenues are being generated; and

**WHEREAS**, performing a water-rate study will ensure the water utility has the financial resources needed to meet budget items, maintain the infrastructure, allow for anticipated growth of the water distribution system and implement a capital improvement plan; and

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

**WHEREAS**, the Township seeks to make the award as non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5* to NewGen Strategies & Solutions, LLC, located at, 900 Bestgate Road, Suite 402, Annapolis, MD 21401 has submitted a

proposal indicating the ability to perform said services at a cost not-to-exceed \$50,000.00, charged to Ordinance No. 2023-29; and

**WHEREAS**, NewGen Strategies & Solutions, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that NewGen Strategies & Solutions, LLC has not made any reportable contributions to a political or candidate committee in the Township of Verona in the previous one year, and the contract will prohibit NewGen Strategies & Solutions, 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 is awarded to NewGen Strategies & Solutions, LLC for a Water Utility Rate Study

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 Clerk is in receipt of the Stockholder Disclosure form, Contribution Disclosure form, Certificate of Employee Information Report, Business Registration Certificate, and Certificate of Insurance.

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

**ROLL CALL:**

**AYES:** Holland, McGrath, Roman, McEvoy, Tamburro

**NAYS:**

**RESOLUTION No. 2023-163**

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

**REFUNDING ESCROW PAYMENT**

**WHEREAS**, Escrow fees, for the Board of Adjustment, were received from Noel Sedransk, for property located at [REDACTED] 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	\$209.78	\$290.22

**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, \$290.22 to Noel Sedransk, [REDACTED], Verona, NJ 07044.

**ROLL CALL:**

**AYES:** Holland, McGrath, Roman, McEvoy, Tamburro

**NAYS:**

**\*\*redactions made pursuant to Daniel's Law\*\*  
RESOLUTION No. 2023-164**

A motion was made by Councilman Roman; seconded by Deputy Mayor 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. 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)*
3. Personnel Matters pursuant to *N.J.S.A. 10:4-12 (8)*

**ROLL CALL:**

**AYES:** Holland, McGrath, Roman, McEvoy, Tamburro

**NAYS:**

Township Attorney states that the Councilwoman McGrath’s request to pull resolution K-1 from the Consent Agenda was discussed prior to tonight’s meeting and concerns the status of litigation therefore the discussion will take place in Execution Session and the Council can decide to take official action afterwards if they choose to do so.

Motion to table resolution K-1 until after Executive Session is made by Councilman Roman; seconded by Deputy Mayor McEvoy. Vote: 5 ayes.

ADDENDUM:

**RESOLUTION No. 2023-165**

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

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$12,190,000 GENERAL IMPROVEMENT BONDS OF THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY AND PROVIDING FOR THEIR SALE**

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY** (with not less than a majority of the full membership thereof affirmatively concurring) **AS FOLLOWS:**

**SECTION 1.** The \$12,190,000 General Improvement Bonds of the Township of Verona, in the County of Essex, New Jersey (the "Township"), referred to and described in bond ordinance #2020-17 finally adopted by the Township Council pursuant to the Local Bond Law of the State of New Jersey on September 21, 2020 and entitled, "Bond Ordinance Providing for the Purchase of Property in and by the Township of Verona, in the County of Essex, New Jersey, Appropriating \$12,800,000 Therefor and Authorizing the Issuance of \$12,800,000 Bonds or Notes of the Township to Finance the Cost Thereof," shall be issued as "General Improvement Bonds" (the "Bonds"). The Bonds shall mature in the principal amounts on March 1 in each of the years follows:

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2024	\$300,000	2039	\$380,000
2025	\$300,000	2040	\$395,000
2026	\$300,000	2041	\$410,000
2027	\$300,000	2042	\$425,000

<u>Year</u>	<u>Principal Amount*</u>	<u>Year</u>	<u>Principal Amount*</u>
2028	\$300,000	2043	\$445,000
2029	\$300,000	2044	\$465,000
2030	\$300,000	2045	\$485,000
2031	\$300,000	2046	\$505,000
2032	\$300,000	2047	\$530,000
2033	\$300,000	2048	\$555,000
2034	\$300,000	2049	\$580,000
2035	\$300,000	2050	\$600,000
2036	\$300,000	2051	\$600,000
2037	\$350,000	2052	\$600,000
2038	\$365,000	2053	\$600,000

\*Subject to change as set forth in the Full Notice of Sale attached hereto

The Bonds are subject to redemption prior to their stated maturities in accordance with the Notice of Sale authorized herein. The Bonds shall be thirty in number, with one certificate being issued for each year of maturity and shall be numbered GI-1 to GI-30, inclusive.

**SECTION 2.** The Bonds will be issued in fully registered form. One certificate shall be issued for the aggregate principal amount of Bonds maturing in each year. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America. Each certificate will be registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York, which will act as securities depository (the "Securities Depository"). The certificates will be on deposit with The Depository Trust Company. The Depository Trust Company will be responsible for maintaining a book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants will be responsible for maintaining records regarding the beneficial ownership interests in the Bonds on behalf of individual purchasers. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any integral multiple thereof (except that Bonds maturing in any year in an amount that is not a multiple of \$5,000 may be made in a principal amount that is a multiple of \$1,000), through book-entries made on the books and records of The Depository Trust Company and its participants.

The Bonds will bear interest payable semiannually on the first day of March and September in each year until maturity or earlier redemption, commencing on March 1, 2024, at a rate or rates per annum, expressed in a multiple of 1/8 or 1/20 of 1% and proposed by the successful bidder in accordance with the Notice of Sale authorized herein.

The principal of and the interest on the Bonds will be paid to the securities depository by the Township or a duly authorized paying agent on the respective maturity dates and due dates and will be credited on the respective maturity dates and due dates to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of each next preceding February 15 and August 15 (the "Record Dates" for the Bonds). The Bonds shall be executed by the manual or facsimile signature of the Mayor of the Township under the official seal or facsimile thereof affixed, printed, engraved or reproduced thereon and attested by the manual signature of the Clerk of the Township. The following matters are hereby determined with respect to the Bonds:

Date of Bonds:	Date of Delivery
Interest Payment Dates:	Each March 1 and September 1 until maturity or earlier redemption, commencing on March 1, 2024

**SECTION 3.** The Bonds shall be substantially in the following form with such additions, deletions and omissions as may be necessary for the Township to deliver and to market the Bonds in accordance with the requirements of The Depository Trust Company and the final terms of sale:

**\*SAMPLE BOND FORM FOR INFORMATION\***  
**ONLY - DO NOT COMPLETE OR SIGN**

REGISTERED NUMBER R-\_\_\_\_\_

REGISTERED \$\_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
TOWNSHIP OF VERONA,

IN THE COUNTY OF ESSEX

GENERAL IMPROVEMENT BOND

DATED DATE:	MATURITY	RATE OF INTEREST	CUSIP:
___/___/2023	DATE:	PER ANNUM:	___
	03/01/20__	_____ %	___

The TOWNSHIP OF VERONA, in the County of Essex, New Jersey (the "Township"), hereby acknowledges itself indebted and for value received promises to pay to CEDE & CO., as nominee of The Depository Trust Company, which will act as Securities Depository, on the Maturity Date specified above, the principal sum of \_\_\_\_\_ DOLLARS (\$\_\_\_\_\_), and to pay interest on such sum from the Dated Date of this bond at the Rate of Interest Per Annum specified above semiannually on the first day of March and September in each year until maturity or earlier redemption, commencing on March 1, 2024. Interest on this bond will be paid to the Securities Depository by the Township or a duly appointed paying agent and will be credited to the participants of The Depository Trust Company as listed on the records of The Depository Trust Company as of the February 15 and August 15 next preceding the date of such payments (the "Record Dates" for such payments). Principal of this bond, upon presentation and surrender to the Township, will be paid to the Securities Depository by the Township and will be credited to the participants of The Depository Trust Company.

This bond is not transferable as to principal or interest except to an authorized nominee of The Depository Trust Company. The Depository Trust Company shall be responsible for maintaining the book-entry system for recording the interests of its participants or the transfers of the interests among its participants. The participants are responsible for maintaining records regarding the beneficial ownership interests in the bonds on behalf of individual purchasers.

The bonds of this issue maturing prior to March 1, 2032 are not subject to redemption prior to their stated maturities. The bonds of this issue maturing on or after March 1, 2032 are redeemable at the option of the Township in whole or in part on any date on or after March 1, 2031 upon notice as required herein at par, plus in each case unpaid accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township or a duly appointed bond registrar. However, as long as DTC (or any successor thereto) acts as Securities Depository for the bonds, notice of redemption may be sent to such Securities Depository by email or as otherwise permitted by the Securities Depository regulations. Any failure of the Securities Depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings. If the Township determines to redeem a portion of the bonds prior to maturity, the bonds to be redeemed shall be selected by the Township. The bonds to be redeemed having the same maturity shall be selected by the Securities Depository in accordance with its regulations.

If notice of redemption has been given as provided herein, the bonds or the portion thereof called for redemption shall be due and payable on the date fixed for redemption at the redemption price, together with unpaid accrued interest to the date fixed for redemption. Interest shall cease to accrue on the bonds after the date fixed for redemption. Payment shall be made upon surrender of the bonds redeemed.

This bond is one of an authorized issue of bonds issued pursuant to the Local Bond Law of the State of New Jersey and bond ordinance #2020-17 of the Township finally adopted September 21, 2020 and entitled, "Bond Ordinance Providing for the Purchase of Property in and by the Township of Verona, in the County of Essex, New Jersey, Appropriating \$12,800,000 Therefor and Authorizing the Issuance of \$12,800,000 Bonds or Notes of the Township to Finance the Cost Thereof," in all respects duly approved and published as required by law.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual

payment of the principal of and the interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township, is within every debt and other limit prescribed by such constitution or statutes.

IN WITNESS WHEREOF, the TOWNSHIP OF VERONA, in the County of Essex, New Jersey has caused this bond to be executed in its name by the manual or facsimile signature of its Mayor and Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Clerk, and this bond to be dated the Dated Date as specified above.

TOWNSHIP OF VERONA

[TOWNSHIP SEAL]

ATTEST:

By: [to be executed upon issuance of bonds]  
Mayor

By: [to be executed upon issuance of bonds]  
Municipal Clerk

By: [to be executed upon issuance of bonds]  
Chief Financial Officer

**\*[END OF SAMPLE BOND FORM]\***

**SECTION 4.** The Bonds shall be sold on October 12, 2023 via the "PARITY Electronic Bid System" (PARITY) upon the terms and the conditions set forth in and described in the Full Notice of Sale authorized below and set forth in Exhibit A attached hereto (the "Full Notice of Sale"). The Full Notice of Sale shall be posted in full at The Bond Buyer Online. The Township Clerk is hereby directed to arrange for the publication of the Short Notice of Sale authorized below and set forth in Exhibit B attached hereto (the "Short Notice of Sale") and the Summary Notice of Sale authorized below and set forth in Exhibit C (the "Summary Notice of Sale"). The Notices of Sale shall be posted and published as required by law not less than seven days prior to the date of sale. The full Notice of Sale shall be substantially in the form attached hereto as Exhibit A, the Short Notice of Sale shall be substantially in the form attached hereto as Exhibit B and the Summary Notice of Sale shall be substantially in the form attached hereto as Exhibit C, each with such additions, deletions and omissions as may be necessary for the Township to market the Bonds in accordance with the requirements of The Depository Trust Company and PARITY and as may be suggested by Bond Counsel. The Short Notice of Sale shall be published in the Township's local newspaper, and the Summary Notice of Sale shall be published in the Bond Buyer, a financial newspaper published and circulating in the City of New York, New York, and in The Bond Buyer Online.

**SECTION 5.** The Township hereby designates the Chief Financial Officer as the officer to sell and to award the Bonds and to act on behalf of the Township in accordance with the Notices of Sale authorized herein, and the Chief Financial Officer shall report in writing the results of the sale to this Township Council as required by law.

**SECTION 6.** The Bonds shall have printed thereon, or be accompanied with, a copy of the written opinion with respect to the Bonds that is to be rendered by the law firm of McManimon, Scotland & Baumann, LLC ("Bond Counsel") complete except for omission of its date.

**SECTION 7.** Bond Counsel is authorized to arrange for the printing of the Bonds, and Acacia Financial Group, Inc. (the "Municipal Advisor") or Bond Counsel are authorized to arrange for the printing of the Official Statement to be prepared in connection with the sale of the Bonds and to arrange for the distribution of the preliminary Official Statements on behalf of the Township to those financial institutions that customarily submit bids for such Bonds. The Municipal Advisor, PKF O'Connor Davies LLP, the Township's auditor, and Bond Counsel are authorized to prepare the Official Statement necessary in connection with the issuance of the Bonds, and the Mayor and/or the Chief Financial Officer of the Township is authorized to execute



any certificates necessary in connection with the distribution of the Official Statement. Such Official Statement may be distributed in preliminary form and deemed final for purposes of Rule 15c2-12 of the Securities and Exchange Commission on behalf of the Township by the Chief Financial Officer or by the Mayor of the Township. Final Official Statements shall be delivered to the purchaser of the Bonds within the earlier of seven business days following the sale of the Bonds or to accompany the purchaser's confirmations that request payment for the Bonds. The Municipal Advisor is further authorized to arrange on behalf of the Township for a rating on the Bonds from S&P Global Ratings, acting through Standard & Poor's Financial Services LLC, and/or Moody's Investors Service.

**SECTION 8.** The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, New York, New York, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection therewith.

**SECTION 9.** In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds that were previously issued in book-entry form shall be converted to registered bonds (the "Registered Bonds") in denominations of \$5,000 or any integral multiple thereof (except that Bonds maturing in any year in an amount that is not a multiple of \$5,000 shall be issued in denominations of an integral multiple of \$1,000). The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the Registered Bonds. The Township shall be obligated to provide for the execution and delivery of the Registered Bonds in certificate form.

**SECTION 10.** Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(a) On or prior to September 30 of each fiscal year, beginning September 30, 2024 for the fiscal year ending December 31, 2023, electronically to the Municipal Securities Rulemaking Board's Electronic Municipal Market Access ("EMMA") system or such other repository designated by the Securities and Exchange Commission to be an authorized repository for filing secondary market disclosure information, if any, annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) Township indebtedness and overlapping indebtedness including a schedule of outstanding debt issued by the Township; (2) property valuation information; and (3) tax rate, levy and collection data. The audited financial statements will be prepared in accordance with modified cash accounting as mandated by the State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law.

(b) If any of the following events occur regarding the Bonds, a timely notice not in excess of ten business days after the occurrence of the event sent to EMMA:

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults, if material;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the Bonds;
- (7) Modifications to rights of holders of the Bonds, if material;
- (8) Bond calls, if material, and tender offers;

- (9) Defeasances;
- (10) Release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) Rating changes;
- (12) Bankruptcy, insolvency, receivership or similar event of the Township;
- (13) The consummation of a merger, consolidation or acquisition involving the Township or the sale of all or substantially all of the assets of the Township, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a Financial Obligation of the Township, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a Financial Obligation, any of which affect holders of the Bonds, if material;
- (16) Default, event of acceleration, termination event, modification of terms or other similar events under a Financial Obligation of the Township, if any such event reflects financial difficulties.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Township in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Township, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Township.

The term "Financial Obligation" as used in subparagraphs (b)(15) and (b)(16) above means a (i) debt obligation, (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation or (iii) guarantee of (i) or (ii); provided, however, that the term "Financial Obligation" shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with the Rule.

Notice of failure of the Township to provide required annual financial information on or before the date specified in this resolution shall be sent in a timely manner to EMMA.

If all or any part of the Rule ceases to be in effect or is not in effect for any reason, then the information required to be provided under this resolution, insofar as the provisions of the Rule not or no longer in effect required the provision of such information, shall not or no longer be required to be provided.

The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

In the event that the Township fails to comply with the Rule requirements or the written contracts or undertakings specified in this resolution, the Township shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

**SECTION 11.** The Chief Financial Officer is authorized to invest the proceeds of the Bonds in investment obligations or deposits as permitted in accordance with New Jersey law.

**SECTION 12.** The Chief Financial Officer is authorized to pay the costs of issuance at or after the time of closing to the various participants regarding the sale and issuance of the Bonds, including costs for the publications, preparation and printing of the Official Statement, credit rating, municipal advisory services, legal services and other miscellaneous costs of issuing the Bonds.

**SECTION 13.** The Chief Financial Officer and other appropriate representatives of the

Township are authorized to take all other actions on behalf of the Township necessary for the sale and the delivery of the Bonds in accordance with this resolution.

**SECTION 14.** This resolution shall take effect immediately.

**ROLL CALL:**

**AYES:** Holland, McGrath, Roman, McEvoy, Tamburro

**NAYS:**

New / Unfinished Business:

Public Comment on resolution N-1:

Chief Tedesco, Chief, Verona Volunteer Fire Department

**RESOLUTION No. 2023-166**

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

**ACCEPTING THE AWARD OF A 2022 FEDERAL EMERGENCY  
MANAGEMENT AGENCY ASSISTANCE TO FIRERIGHTERS GRANT IN  
THE AMOUNT OF \$67,514.66**

**WHEREAS**, the Township of Verona has been awarded a Assistance to Firefighters grant in the sum of \$67,514.66 from the Federal Emergency Management Agency (FEMA) for the purpose of protecting the health and safety of the public and first responder personnel against fire and fire-related hazards.; and

**WHEREAS**, this grant will help fund the purchase of turn-out gear and other necessary equipment; and

**WHEREAS**, the Township is required to provide a 5% match of \$ 3,375.74.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township of Verona is hereby authorized to accept for this grant in the amount of \$67,514.66 with the Township providing additional funds in the amount of \$ 3,375.74.

**BE IT FURTHER RESOLVED** that the Township Manager, Municipal Clerk and any other officer deemed appropriate are hereby authorized to execute any and all documents necessary to accept this grant.

**ROLL CALL:**

**AYES:** Holland, McGrath, Roman, McEvoy, Tamburro

**NAYS:**

Council discusses the appointment of a Township Planner to assist with the re-codification of the Zoning Ordinance to comply with the Master Plan and various projects for the Downtown Business District and Pompton Avenue. Mayor Tamburro states there was a straw vote from the Council of the appointment of the Township Planner to inform the Township Manager to move forward in the process and retain the firm. Councilwoman McGrath and Councilwoman Holland each individually express their preference to move forward with DMR Architects in lieu of the majority of the governing body to select H2M. A majority of the Council request the Township Manager draft an agreement of the scope of service and a resolution to appoint H2M at the October 16, 2023 Council Meeting and request H2M present to the Council a detailed presentation in regards to their memo submission to explain their intended process with the Zoning Ordinance and various suggestions for the Downtown Business District and Pompton Avenue projects.

Council discusses coverage in the Zoning Office and the concerns about escrow fees they have received from residents

Public Comment:

Kevin Ryan, Verona, New Jersey

Council enters into Executive Session at 8:55 pm and returns back to Public session at 10:21 pm.

**RESOLUTION No. 2023-167**

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

**AUTHORIZING A CONTRACT WITH MARAZITI FALCON, LLP FOR SERVICES AS SPECIAL LEGAL COUNSEL**

**WHEREAS**, the Township Attorney has determined a need for outside Special Counsel to represent the Township with regards the New Jersey Department of Environmental Protection's (NJDEP) imposition of nitrate effluent limitations in the New Jersey Pollutant Discharge Elimination System's (NJPDES) permit; and

**WHEREAS**, the Township Manager, concurring with the Township Attorney, has determined that it would be beneficial in to appoint Maraziti Falcon, LLP, 240 Cedar Knolls Road, Suite 301, Cedar Knolls, New Jersey 07920 as Special Legal Counsel to represent the Township in these matters; 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 Maraziti Falcon, LLP 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 Maraziti Falcon, LLP are annexed to this Resolution ; and

**WHEREAS**, the cost for said professional services shall be set at a fixed hourly rates of ranging from \$100.00 to \$ 210 per hour for services plus the cost of reimbursable expenses, not to exceed \$30,000 for the calendar year without further authorization by the Township Council; and

**WHEREAS**, this expenditure shall be charged to two (2) Budget Account Numbers: No more than \$20,000 to 3-01-20-155-028 and the remaining \$10,000 to 3-05-55-502-028 or any other account that may be deemed appropriate by the Chief Financial Officer or her designee, and the availability of funds which shall be certified by the Chief Financial Officer upon presentation of a property executed Purchase Order.

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

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. An agreement with the Maraziti Falcon, LLP, 240 Cedar Knolls Road, Suite 301, Cedar Knolls, New Jersey 07920 is hereby authorized to provide to provide special legal services for the period commencing on January 1, 2023 and terminating on December 31, 2023 not to exceed \$30,000 without further authorization of the Township Council.
3. That the Township reserves the right to cancel this contract upon thirty (30) days' notice and Maraziti Falcon, LLP shall only be paid for the work completed; furthermore, no minimum amount of work or payment is implied or guaranteed.
4. That this contract is being awarded pursuant to *N.J.S.A. 19:44A-20.5*.
5. That the Township Manager and the Township 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 Township Clerk.

**ROLL CALL:**

**AYES: Holland, McGrath, Roman, McEvoy, Tamburro**


**NAYS:**

Mayor Tamburro makes a motion to approve the release of a settlement agreement with an employee whose employee identification number will be disclosed later; seconded by Councilwoman McGrath. Vote: 5 ayes.

Motion to adjourn is made by Councilwoman McGrath; seconded by Councilman Roman at 10:25 pm. The next regularly scheduled meeting of the Township Council is October 16, 2023 at 7:00 pm.

Respectfully submitted,

  
Jennifer Kiernan, Municipal Clerk

  
Christopher Tamburro, Mayor

APPROVED: October 30, 2023