

Minutes of a Regular Meeting of the Verona Township Council on Monday, June 8, 2020, beginning at 7:00 p.m. via Zoom video conferencing platform.

Call to Order:

Municipal Clerk reads notice of Open Public Meetings law. The notice requirements of the Open Public Meetings Act have been satisfied with respect to this meeting which is being held via Zoom video conferencing; specifically, the time, date and public internet link and telephone call-in information, was posted in the Municipal Building, on the Township's website, and sent to the official newspapers of the Township, the Verona-Cedar Grove Times and the Star Ledger and MyVeronaNJ.com and TAPinto, the official online news source(s), at least 48 hours preceding the start time of this meeting. The agenda and public handouts for this meeting can be viewed online at www.veronanj.org/councilmeetings. A public comment period will be held in the order it is listed on the meeting agenda and instructions on how to comment will be provided at the appropriate time. This meeting is being recorded, both audibly and visually for retention purposes and for rebroadcast on the Township's YouTube channel and VTV.

Roll Call:

Mayor Jack McEvoy, Deputy Mayor Alex Roman, Councilman Kevin Ryan, Councilman Ted Giblin and Councilwoman Christine McGrath. Township Manager Matthew Cavallo, Brian Aloia, Township Attorney and Municipal Clerk Jennifer Kiernan are also present. Also present are Redevelopment Counsel Joseph Baumann, Esq., and Bob Benecke of Benecke Economics.

Mayor's Report:

Mayor McEvoy announces that our Essex County liaison, Julius Coltre is present this evening. Mr. Coltre reports that the County will hold a food bank this Thursday in East Orange at St. Matthew's Church and the County will also deliver food to homebound individuals, by contacting the County. COVID testing continues throughout the county. On June 18th a testing site will be held in Nutley. As of today, the County Registrar's Office is open and the Surrogate's Office will be opening in the near future. All County employees are to return back to work on June 29, on a staggered schedule.

Mr. McEvoy reads a proclamation for Pride Month and National Gun Violence Awareness Day. He thanks DPW for the electronics recycling pick up throughout town. He states that although COVID are going down a lot, he is urging people to continue to practice wearing masks and maintaining social distancing.

Mayor McEvoy calls on all residents to tell their friends and neighbors to respond to the Census.

Manager's Report:

Mr. Cavallo reports that the two (2) weeks of electronic recycling went well. He is pleased to report that he received a call from the County Executive's office earlier today notifying him that a check would be hand delivered shortly, which it was. He states the check was for fund from the CARES Act in the amount of \$320,000 to help the Township in revenue loses. He extends thanks to Essex County Executive Joseph DiVincenzo and his staff.

Municipal offices are now staffed Monday through Friday, 8:30 am - 4:30 pm. Although the buildings are still closed to the public, tables and tent are outside each building in order for staff to meet with residents if needed. Fields will be reopening on June 22 for sports practice and fitness with social distancing guidelines in place. More information will come next week. Linn Drive was paved and striped last week. The Township has decided to shift parking to the west side of the street, gaining ten (10) parking spots.

A Black Lives Matter rally will be held this Saturday by two (2) Verona residents. It will begin in Verona Park and include a walk to the Civic Center for speeches.

The Township Manager states the Children's Fund ordinance on tonight's agenda for introduction has been pulled until further notice.

Councilmember's Reports:

Deputy Mayor Roman has no report this evening and will reserve his comments for agenda items.

Councilman Ryan commends the Police Chief and the PBA for their Facebook posts regarding the values of the Verona Police Department. The Environmental Commission distributed saplings to residents. He thanks Jessica Pearson and Sarah O'Farrell for coordinating.

Councilman Giblin states he is happy to hear that the Governor's office is allowing public pools to open, although there is no guidance yet. He urges the administration to be mindful that it is important to get the pool opened. He comments that the two (2) proclamations read by the Mayor were very well put, but, in the future, he hopes the Mayor will consider the Council passing a resolution and adds that the including the entire Council may give more weight to the cause. Councilman Giblin spoke to County Clerk Chris Durkin earlier who stated vote by mail ballots would be mailed out this week for the July 7 Primary Election.

Councilwoman McGrath thanks the public for their feedback in regards to allowing a medicinal cannabis dispensary in Verona. She continues to research both sides independently before making a final decision. She acknowledges the death of George Floyd and the subsequent protests around the world.

The Councilwoman thanks and echoes the sentiment of the other councilmembers in regards to Chief Kiernan's statement online about the best practices of the police department and looks forward to future community conversations to advance the equity of our community. She acknowledges LGBTQ Pride Month and thanks the mayor for his proclamation. She want to ensure all individuals in our community know that this governing body is unified as allies to the LGBTQ community and she welcomes feedback from the community on how Verona can do better. Finally, she thanks the mayor for recognizing Gun Violence Prevention as states no community is untouched.

ORDINANCE No. 2020-11

CAPITAL ORDINANCE APPROPRIATING \$30,000 FROM THE CAPITAL IMPORVEMENT FUND FOR SIDEWALK REPLACEMENT AND REPAIR IN ACCORDANCE WITH A LIST ON FILE IN THE TOWNSHIP ENGINEER'S OFFICE IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY

The Municipal Clerk reads Ordinance No. 2020-11 by title into record.

Public Hearing: None

Motion to adopt Ordinance No. 2020-11 is moved by Councilwoman McGrath; seconded by Councilman Ryan.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2020-11 is adopted 5-0 and will be published according to law.

ORDINANCE No. 2020-12

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND OTHER COSTS TO PROVIDE FOR AN AFFORDABLE HOUSING REDEVELOPMENT PROJECT IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$6,750,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$6,750,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF AND AMENDING IN ITS ENTIRETY AND RESTATING BOND ORDINANCE No. 2018-34 OF THE TOWNSHIP FINALLY ADOPTED DECEMBER 3, 2018

The Municipal Clerk reads Ordinance No. 2020-12 by title into record.

Public Hearing: None

Council Discussion.

Motion to adopt Ordinance No. 2020-12 is moved by Mayor McEvoy; seconded by Deputy Mayor Roman.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2020-12 is adopted 5-0 and will be published according to law.

ORDINANCE NO. 2020-13

**AMENDING CHAPTER A175-7 (VERONA COMMUNITY POOL;
MEMBERSHIP AND OTHER FEES) OF THE CODE OF THE TOWNSHIP OF
VERONA BY AMENDING CERTAIN SECTIONS**

The Municipal Clerk reads Ordinance No. 2020-13 by title into record.

Motion to introduce Ordinance No. 2020-13 is moved by Councilman Ryan; seconded by Councilman Giblin.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2020-13 is introduced 5-0 and will be published according to law and a public hearing will be held on June 22, 2020.

ORDINANCE NO. 2020-14

**ADOPTING THE SECOND AMENDMENT TO THE DEPOT AND PINE
REDEVELOPMENT AREA REDEVELOPMENT PLAN**

The Municipal Clerk reads Ordinance No. 2020-14 by title into record.

Motion to introduce Ordinance No. 2020-14 is moved by Mayor McEvoy; seconded by Councilwoman McGrath.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2020-14 is adopted 5-0 and will be referred to the Planning Board for review and recommendation, pursuant to N.J.S.A. 40A:12A-7(e).

ORDINANCE NO. 2020-15

**AMENDING CHAPTER 100 (PARK RULES & REGULATIONS) OF THE
CODE OF THE TOWNSHIP OF VERONA TO ADD ARTICLE II
RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES**

The Municipal Clerk reads Ordinance No. 2020-15 by title into record.

Motion to introduce Ordinance No. 2020-15 is moved by Councilman Giblin; seconded by Councilman Ryan.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

Ordinance No. 2020-15 is introduced 5-0 and will be published according to law and a public hearing will be held on June 22, 2020.

Public Comment on Consent Agenda Items:

John Quattrocchi, 44 Afterglow Way, Verona, New Jersey
Kathleen Laterza, 800 Bloomfield Avenue, Verona, New Jersey
Jesse Lilly, 52 Brookside Terrace, Verona, New Jersey

Minutes of the May 4, 2020 regular meeting, May 21, special meeting and May 28, special meeting are approved unanimously.

RESOLUTION No. 2020-103

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

**RESOLUTION OF NEED FOR THE APARTMENTS AT TOWNSHIP OF
VERONA AFFORDABLE HOUSING PROJECT
BLOCK 2301, LOTS 11, 12, 14, 15, 16, 17, 18 AND 19**

WHEREAS, on February 10, 2020 the Township of Verona (the "Township") adopted Resolution No. 2020-053 demonstrating a need for the affordable housing project to be constructed by PIRHL Development, LLC (the "Sponsor") to include no less than eighty-five (85) residential rental very low, low or moderate income restricted units on Block 2301, Lots 11, 12, 14, 15 and 16 (the "Original Project"); and

WHEREAS, the Sponsor now proposes to expand the Original Project to include construction of not less than ninety-five (95) residential rental very low, low or moderate income restricted units (the "Project"), to be developed and managed pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (*N.J.S.A. 55:14K-1 et seq.*), the rules promulgated thereunder at *N.J.A.C. 5:80-1.1 et seq.*, and all applicable guidelines promulgated thereunder (collectively, the "HMFA Requirements") within the Township on a site described as Block 2301, Lots 11, 12, 14, 15, 16, 17, 18 and 19 as shown on the Official Assessment Map of the Township of Verona, County of Essex (the "Site"); and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (the "Agency"); and

WHEREAS, the Project may be subject to the requirements of the New Jersey Department of Community Affairs (the "DCA"), Neighborhood Preservation Balanced Housing Program in accordance with *N.J.S.A. 52:27D-320* and applicable rules promulgated thereunder at *N.J.A.C. 5:43-1.1 et seq.*, and the mortgage and other loan documents executed between the Sponsor and the Commission of the DCA, or any other DCA programs applicable; and

WHEREAS, pursuant to the HMFA Requirements, the Township Council of the Township of Verona hereby determines that there is a need for this Project in the Township.

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

- 1) The preamble to this resolution is hereby incorporated as if more fully set forth herein.
- 2) The Township Council find and determine that the proposed Project will meet or meets an existing affordable housing need.
- 3) The Township Council hereby adopts this Resolution and make the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.
- 4) This resolution shall take effect immediately.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy
NAYS:

RESOLUTION No. 2020-104

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

**AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE
AGREEMENT WITH PIRHL DEVELOPERS, LLC**

WHEREAS, the Township is the owner of the property identified on the Township's tax map as Block 2301, Lots 11, 12, 14, 15, 16 and 19, (collectively, the "Township Parcels"); and

WHEREAS, the Township is the contract purchaser of property identified on the Township's tax map as Block 2301, Lots 17 and 18, (collectively, the "Acquisition Parcels"); and

WHEREAS, PIRHL Developers, LLC ("PIRHL") desires to acquire the Property, so as to redevelop the Property in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and

WHEREAS, on February 11, 2019, the Township Council adopted Resolution No. 2019-55 designating the Property as a non-condemnation redevelopment area, as defined in the New Jersey Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"); and

WHEREAS, by Ordinance No. 2019-16 the Township Council adopted a redevelopment plan for the Property entitled "Depot and Pine Redevelopment Area, Redevelopment Plan, Block 2301, Lots 1-12, 14-19, Township of Verona, New Jersey", dated April 22, 2019, which was amended by the Township Council on February 24, 2020 by the adoption of Ordinance No. 2020-04 authorizing a first amendment dated January 21, 2020 (as may be further amended and supplemented from time to time, the "Redevelopment Plan"); and

WHEREAS, the Township and the Redeveloper have entered into that certain Redevelopment Agreement dated January 9, 2020, which designates Redeveloper as redeveloper of Block 2301, Lots 11, 12, 14, 15 and 16 and contemplates the donation of the Township Parcels, along with Block 2301, Lot 17 and a portion of Block 2301, Lot 18 (collectively, the "Property") to the Redeveloper for the construction of an affordable housing project thereon (as may be supplemented and amended, the "Redevelopment Agreement"); and

WHEREAS, the Township desires to designate Redeveloper as redeveloper of Block 2301, Lots 17, 18 and 19 in accordance with the Redevelopment Law; and

WHEREAS, in accordance with *N.J.S.A. 40A:12A-8(g)*, the Township may sell, transfer and dispose of any property or interest therein at any time acquired by it upon such terms and conditions as it deems reasonable, with or without public bidding, provide that the conveyance is made in conjunction with a redevelopment plan; and

WHEREAS, Redeveloper now desires to construct an expanded affordable housing project consisting of ninety-five (95) residential rental very low, low and/or moderate income restricted units to be developed and managed pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (*N.J.S.A. 55:14K-1 et seq.*), the rules promulgated thereunder at *N.J.A.C. 5:80-1.1 et seq.*, and all applicable guidelines promulgated thereunder (collectively, the "HMFA Requirements") on the Property subject to the Redevelopment Plan and Redevelopment Agreement (the "Project"); and

WHEREAS, upon closing on the Acquisition Parcels, the Township desires to donate the Property to Buyer for the construction of an affordable housing project thereon, and Buyer desires to accept the Property, upon the terms and conditions set forth in a purchase and sale agreement substantially in the form as on file with the Township Manager (the "PSA").

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

SECTION 1. The foregoing recitals are hereby incorporated by reference as if fully set

forth herein.

SECTION 2. Redeveloper is hereby designated as redeveloper of Block 2301, Lots 17, 18 and 19 in accordance with the Redevelopment Law. Such designation is in addition to Redeveloper's previous designation as redeveloper of Block 2301, Lots 11, 12, 14, 15 and 16.

SECTION 3. The Township Manager of the Township is hereby authorized and directed to execute the PSA, in the form on file with the Township Manager, 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, and the Township Clerk is hereby authorized and directed to attest to the signature of the Township Manager and to affix the seal of the Township to the PSA, if applicable.

SECTION 4. This resolution shall take effect immediately.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-105

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

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

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

WHEREAS, as a result thereof, the Essex County Board of Taxation is unable to verify Verona's tax rate and the Verona Township Collector will be unable to mail the Township's 2020 tax bills on a timely basis;

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Township Council request the Director of the Division of Local Government Services to approve the estimated tax levy exceeding 105% listed below. Approval will enable the Township to meet its financial obligations, maintain the tax collection rate, providing uniformity for tax payments and save the unnecessary cost of interest expense on borrowing.

NOW THEREFORE BE IT RESOLVED, that the Township Council of the Township of Verona, in the County of Essex and State of New Jersey as follows:

1. The Verona Township Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Township for the third installment of 2020 taxes. The Tax Collector shall proceed and take such actions as are permitted and required by L.1994, C. 72 (*N.J.S.A 54:4-66.2 and 54:4-66.3*).
2. The entire estimated tax levy for 2020 is hereby set at \$68,583,768.65.
3. The Estimated tax rate (based on estimated levy) is hereby set at \$2.864.
4. In accordance with law, the third installment of 2020 taxes shall not be subject to interest until the later of August 10 or the twenty-fifth calendar day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-106

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

AUTHORIZING AN INCREASE IN THE BID THRESHOLD

WHEREAS, *N.J.S.A. 40A:11-3* permits the Governor of the State of New Jersey, in consultation with the Department of Treasury to adjust the bid threshold every five years in direct proportion to the rise and fall of the index; and

WHEREAS, the Governor has increased the minimum bid threshold from \$40,000 to \$44,000 for entities subject to the Local Public Contracts Law whose purchasing agents possess a Qualified Purchasing Agent certificate awarded by the Division of Local Government Services effective July 1, 2020; and

WHEREAS, Township Manager Matthew Cavallo possesses the designation of Qualified Purchasing Agent as issued by the State of New Jersey Director of the Division of Local Government Services in accordance with *N.J.A.C. 5:34-5.1*; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County Essex, State of New Jersey hereby increases its bid threshold to \$44,000 in pursuant with *N.J.S.A. 40A:11-3(a)*.

BE IT FURTHER RESOLVED pursuant to *N.J.A.C. 5:34-5.2*, the Township Clerk is hereby directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-107

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

**REJECTING BIDS RECEIVED FOR CONTRACT 20-03A -
RESIDENTIAL DEMOLITIONS**

WHEREAS, on Tuesday, June 2, 2020, the Township of Verona received bids for Contract 20-03A - Residential Demolitions; and

WHEREAS, the base bid substantially exceeds the project estimate for this project; and

WHEREAS, it is the recommendation of the Township Manager who is a Qualified Purchasing Agent certified by the State of New Jersey Division of Local Government Services that the bids received for Contract 20-03A be rejected and the contract be re-bid.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the bids received for Contract 20-03A are hereby rejected, in accordance with the provisions of *N.J.S.A. 40A:11-13.2(a)*.

BE IT FURTHER RESOLVED that the Township Manager is hereby authorized to re-bid Contract 20-03A.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-108

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

**AUTHORIZING THE ADOPTION OF THE
2020 ESSEX COUNTY, NEW JERSEY HAZARD MITIGATION PLAN**

UPDATE

WHEREAS, all jurisdictions within Essex County have exposure to hazards that increase the risk to life, property, environment, and the County and local economy; and

WHEREAS; pro-active mitigation of known hazards before a disaster event can reduce or eliminate long-term risk to life and property; and

WHEREAS, the Disaster Mitigation Act of 2000 (Public Law 106-390) established new requirements for pre and post disaster hazard mitigation programs; and

WHEREAS; a coalition of Essex County municipalities with like planning objectives has been formed to pool resources and create consistent mitigation strategies within Essex County; and

WHEREAS, the coalition has completed a planning process that engages the public, assesses the risk and vulnerability to the impacts of natural hazards, develops a mitigation strategy consistent with a set of uniform goals and objectives, and creates a plan for implementing, evaluating and revising this strategy;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Verona, in the County of Essex, New Jersey hereby adopts in its entirety, the 2020 Essex County Hazard Mitigation Plan Update (the "Plan") as the Township's Hazard Mitigation Plan and resolves to execute the actions identified in the Plan that pertain to this jurisdiction.

BE IT FURTHER RESOLVED that the Township will use the adopted and approved portions of the Plan to guide pre- and post-disaster mitigation of the hazards identified.

BE IT FURTHER RESOLVED that the Township will coordinate the strategies identified in the Plan with other planning programs and mechanisms under its jurisdictional authority.

BE IT FURTHER RESOLVED that the Township will continue its support of the Mitigation Planning Committee as described within the Plan.

BE IT FURTHER RESOLVED that the Township will help to promote and support the mitigation successes of all participants in this Plan.

BE IT FURTHER RESOLVED that the Township will incorporate mitigation planning as an integral component of government and partner operations.

BE IT FURTHER RESOLVED that the Township will provide an update of the Plan in conjunction with the County of Essex no less than every five years.

BE IT FURTHER RESOLVED that a copy of this resolution shall be transmitted to the Essex County Office of Emergency Management and Tetra Tech.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-109

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

AUTHORIZING A CONTRACT WITH THE LAND CONSERVANCY OF NJ

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

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

WHEREAS, the Township Manager has determined that the value of said services will

exceed \$17,500.00; and

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

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

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

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

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

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

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-110

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

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE VERONA RESCUE SQUAD

WHEREAS, COVID-19 has caused economic damage and hardships to states, counties and municipalities, including the Township of Verona, throughout the United States of America; and

WHEREAS, the United States Congress has enacted the Coronavirus Aid Relief and Economic Security Act (the "CARES Act")for, among other purposes, providing relief for economic damage caused to states, counties and municipalities by the COVID-19 health crisis; and

WHEREAS, pursuant to Resolution No. 2020-097, the Township entered into agreement with the County of Essex to receive reimbursement from the stimulus funds of COVID-19 related costs and expenses; and

WHEREAS, the Verona Rescue Squad located at 12 Church Street, Verona, New Jersey 07044 has incurred COVID-19 related costs and expenses that meet the criteria for reimbursement under the CARES Act; and

WHEREAS, the Township desires to enter into Memorandum of Understanding Agreement with the Verona Rescue Squad for the purpose of reimbursing the Verona Rescue Squad from the stimulus funds of COVID-19 related costs and expenses.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that Township Manager is hereby authorized to execute a Memorandum of Understanding Agreement with the Verona Rescue Squad according to the terms and conditions and in substantially the form attached hereto.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-111

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received Charles Poekel, for property located at 763 Bloomfield Avenue 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
\$2,625.00	\$0.00	\$2,625.00

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, \$2,625.00 to Charles Poekel, 45 Sutton Place South, Apt. 2-A, New York, NY 10022.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-112

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received John Bianco, for property located at 26 Depot Street 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
\$1,000.00	\$0.00	\$1,000.00

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, \$1,000.00 to JAB Builders, 36 Depot Street, Verona, NJ 07044.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-113

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Planning Board, were received JAB Builders, for property located at 9 Newman Avenue 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
\$1,550.00	\$0.00	\$1,550.00

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, \$1,550.00 to JAB Builders, 36 Depot Street, Verona, NJ 07044.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-114

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Board of Adjustment, were received John Bianco, for property located at 82 Pine Street 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
\$1,000.00	\$0.00	\$1,000.00

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, \$1,000.00 to JAB Builders, 36 Depot Street, Verona, NJ 07044

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-115

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

REFUNDING ESCROW PAYMENT

WHEREAS, Escrow fees, for the Planning Board, were received John A. Associates, Inc., dba JAB Builders, for property located at 29 Malvern Place 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
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\$500.00

\$0.00

\$500.00

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, \$500.00 to JAB Builders, 36 Depot Street, Verona, NJ 07044.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION NO. 2020-116

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

PROPERTY MAINTENANCE LIEN

WHEREAS, the Construction Code Official determined that the owner of the Block 902, Lot 10 on the Tax Maps of the Township of Verona, commonly known as 111 Linden Avenue, to comply with the Township property maintenance code, specifically lawn maintenance of the property; and

WHEREAS, clean up was performed by Green Valley Landscape Design on behalf of the Township in the month of April totaling the amount of \$150.00; and

WHEREAS, these charges shall be imposed on the property in the form of a municipal lien for above services pursuant to *N.J.S.A. 54:5-8* and to any other applicable State of Federal regulation.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, County of Essex, New Jersey, that the Tax Collector be and is hereby authorized and directed to take all appropriate actions to impose on the property commonly known as 111 Linden Avenue, Verona, New Jersey (Block 902, Lot 10) a municipal lien in the amount of the tax lien certificate (\$150.00), where upon the Tax Collector shall, within ten (10) days of encumbering of the property, send official notice of said encumbrance via certified mail, return receipt requested and regular mail to any and all other lien holders or creditors with a secured interest in the property.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-117

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

AUTHORIZING THE REFUND OF TAX PAYMENTS DUE TO DUPLICATE PAYMENT - BLOCK 1305/LOT 5

WHEREAS, the Township of Verona has received payment on April 30, 2020 in the amount of \$3,973.00 for 2nd quarter taxes by Greenbrook Title Agency for Block 1305 Lot 5, property known as 11 Laurel Court, and

WHEREAS, the Township of Verona received a duplicate payment from Corelogic on the same account, and

WHEREAS, this payment has resulted in an overpayment on the account, and

WHEREAS, Greenbrook Title Agency has requested the refund.

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 are hereby authorized to issue a refund to Greenbrook Title Agency in the amount of \$3,973.00.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-118

A motion was made by Mayor McEvoy; seconded by Councilman Ryan 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:

1. The public shall be excluded from discussion of an action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Pending, Ongoing, or Anticipated Litigation pursuant to *N.J.S.A. 10:4-12 (7)*
 - Docket No. ESX-L-4773-15
(In All Declaratory Judgement Actions Filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court's Decision in In re Adoption of *N.J.A.C. 5:96, 221 N.J. 1 (2015)*)
 - b. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
 - GTI New Jersey
 - Depot & Pine Redevelopment (Block 2301, Lots 11, 12, 14, 15 & 16)
 - Poekel Property (Block 2301, Lots 17 & 18)
 - Forsons Partners Properties (Block 501, Lot 83 & Block 1201, Lot 3.01)
3. It is anticipated at this time that the above stated subject matter will be made public when said subject has been fully discussed by the Council, and the attorney rules this matter may be brought before the public without jeopardizing any pending litigation.
4. This resolution shall take effect immediately.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

RESOLUTION No. 2020-119

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

**PERMITTING TEMPORARY ZONING PERMITS FOR SIDEWALK CAFES
AND OUTDOOR RESTAURANT SEATING DURING THE COVID-19
PANDEMIC SHUTDOWN RECOVERY**

WHEREAS, restaurants are an integral part of the local economies and social fabrics of municipalities; and

WHEREAS, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

WHEREAS, the proper adherence of measures to mitigate the spread of the Covid-19

virus has greatly affected the business model of restaurants; and

WHEREAS, the Township wishes to help its local businesses through this difficult time;

WHEREAS, many restaurants are owned and operated by local families that depend upon continued economic activity; and

WHEREAS, the Township has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

WHEREAS, restaurant owners are seeking guidance as to how they may safely resume dine-in service upon an eventual broadening of business activity allowable under state authority; and

WHEREAS, the Township supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the Covid-19 virus; and

WHEREAS, the Township supports temporary, practical measures that enable restaurants to augment their dine-in capabilities as a means to boost customer activity.

NOW THEREFORE BE IT RESOLVED, the Mayor and Township Council of the Township of Verona in the County of Essex in the State of New Jersey hereby agree as follows:

1. Temporary Zoning Permits for Sidewalk Cafes and Outdoor Restaurant Seating as defined in § 150-7.22 and 150-7.23 in the Township Zoning Ordinance shall be permitted. Temporary Zoning Permits shall be issued by the Zoning Officer. All Temporary Zoning Permits issued pursuant to this Resolution shall expire on October 31, 2020.
2. Temporary Zoning Permits issued pursuant to this Resolution shall not require the filing of a Site Plan Application or require Site Plan Approval from the Planning Board.
3. A Temporary Zoning Permit issued pursuant to this Resolution must be obtained prior to the creation of any outdoor seating not already permitted by the regular Site Plan Approval process.
4. A drawing of the proposed Sidewalk Café or Outdoor Restaurant Seating area must accompany the Temporary Zoning Permit Application. This drawing shall show the location and size of all proposed tables and chairs and distances to other tables and chairs. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable Executive Orders. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey. The drawing need not be drawn to scale.
5. There shall be no fees for filing for this Temporary Zoning Permit.
6. The Township shall expedite the review of all Applications seeking to obtain a Temporary Zoning Permit for a Sidewalk Café or Outdoor Restaurant Seating pursuant to this Resolution.
7. The regulations for Sidewalk Cafes set forth in § 150-7.22(B) in the Township Zoning Ordinance shall remain in full force and effect unless waived or modified by the Zoning Officer if he deems appropriate for the fulfilment of this Temporary Zoning Permit except that § 150-7.22(B)17 and § 150-7.22(B)18 shall be non-waivable requirements.
8. The regulations for Outdoor Restaurant Seating set forth in § 150-7.23 in the Township Zoning Ordinance shall remain in full force but may be waived by the Zoning Officer if he deems appropriate for the fulfilment of this Temporary Permit except that site plan approval shall not be required.

9. The following standards are hereby created in connection with outdoor restaurant seating:
- a. The outdoor restaurant seating area may not exceed 1,000 square feet;
 - b. Outdoor restaurant seating areas can be located upon public sidewalks where adequate provision is made for the pedestrian public, on relatively level grass areas, and in parking lots where an adequate number of parking stalls remain in the opinion of the Township Zoning Officer. Preference should be given to creating outdoor restaurant seating on sidewalks and upon grass areas.
 - c. Partitions, planters, tables, chairs and related sidewalk café equipment shall be removed during nonbusiness hours.
 - d. Where a sidewalk café is located next to another commercial establishment that is not open during hours that the café is in operation, the sidewalk café may extend laterally into the adjacent sidewalk area provided:
 - i. The operator of the sidewalk café has written consent from the adjacent business owner and the property owner to utilize said area; a copy of the written consent shall be provided to the Township;
 - ii. Liability insurance is provided by the sidewalk café operator indemnifying the property owner and the Township; and
 - iii. All entrances and exits of the buildings remain clear of sidewalk café equipment.
 - e. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area in order to enhance public safety;
 - f. Temporary lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk. Temporary lighting cannot produce glare onto the existing roadway which could impair driver's vision. The use of LED style lights is prohibited;
 - g. Landscaping of the perimeter of or within the outdoor restaurant seating area will not be required but may be proposed by the applicant;
 - h. An awning or umbrellas may be utilized within an outdoor restaurant area. Umbrellas, if used, must be securely anchored with a concrete or sand filled base;
 - i. Serving stations and a host podium shall not be located within an outdoor restaurant seating area;
 - j. No change in grading will be permitted in order to create an outdoor restaurant seating area, and no temporary flooring or mats may be utilized;
 - k. The proposed hours of operation of the outdoor restaurant seating area will be included in the Temporary Outdoor Restaurant Seating Application;
 - l. No outdoor restaurant seating area may be located within an approved delivery area/loading zone;
 - m. Restaurants with existing outdoor seating areas may seek to expand the existing area;
 - n. The proposed outdoor restaurant seating area may not affect the effective functioning of a prior approved site plan;

- o. Any Sidewalk Café or Outdoor Restaurant Seating with a previously secured site plan approval from the Township Zoning Board of Adjustment or Planning Board must remain in compliance with its existing site plan approval;
 - p. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission therefore all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors;
 - q. In multi-tenanted properties, an approved outdoor restaurant seating area must be discontinued or reduced in size if other retail, personal service and/or commercial establishments are permitted to reopen and there is not then an adequate number of parking stalls available in the discretion of the Township Zoning Officer;
 - r. An approved outdoor restaurant seating area must be discontinued or reduced in size if proper social distancing is not maintained or the restaurant establishment does not comply with applicable sanitary and cleaning standards, use of masks and partitions or other Executive Order requirements issued by the Governor;
 - s. All outdoor seating areas must be closed by 10:00 pm;
 - t. The use of propane style patio heaters on the sidewalks is prohibited.
 - u. Restaurants shall provide access to premises for use of restrooms. No portable toilets shall be permitted.
 - v. No portable generators shall be permitted
 - w. No tents, canopies or extensions to the existing awnings are permitted for Sidewalk Cafes.
 - x. The Township Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Township Zoning Ordinance;
 - y. All Covid-19 protocols for food or beverage establishments offering service in outdoor areas pursuant to Executive Order No. 150 and listed in the New Jersey Department of Health Executive Directive No. 20-014 shall be followed
10. The Township of Verona reserves all rights, privileges and immunities concerning its inalienable ownership over all sidewalks, streets, public lanes, alleys or other public grounds within the Township, whether or not any projection or encumbrance has been permitted to be erected on the same, without any waiver of such rights, privileges or immunities, whether expressed or implied.
 11. The Township of Verona expressly reserves the right to require the removal of any or all encroachments of the public right-of-way, and other such encumbrances upon any sidewalk, street, public lane, alley or other public ground that present a danger to the health, safety and welfare of the public.
 12. As part of the petition process, the grantee of any revocable consent must agree to defend, protect, indemnify and hold harmless the Township of Verona, its' officers, agents and employees from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the grantee's use of the public right-of-way.
 13. The Township of Verona shall establish an outdoor public eating area on the Township Green located in the Township Municipal Plaza that restaurant patrons are encouraged to utilize for the consumption of take-out food from Verona's restaurants.
 14. This Resolution shall take effect on June 15, 2020 pursuant to Executive Order No.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy

NAYS:

New Business:

The Township Manager requests the vote for GTI be postponed until the June 22, 2020 regular meeting as the Township is still working out the points of the agreement between the two (2) parties regarding the letter of support.

There is council discussion about the Children's Fund ordinance. The Township Manager will schedule a discussion on the June 22nd agenda with a different version.

There is council discussion on the issuance of temporary zoning permits for sidewalk cafes. In order to provide restaurants with additional space, the Township is considering placing seating in the Civic Center for those who get take-out for nearby restaurants.

Public Comment:

Kathleen Laterza, 800 Bloomfield Avenue, Verona, New Jersey
Albert Rawding, 155 Forest Avenue, Verona, New Jersey
George Manousos, 37 Forest Avenue, Verona, New Jersey
Maria Squilanti, 6 Belleclair Place, Verona, New Jersey
Mary Anne Maher, 38 Elmwood Road, Verona, New Jersey
Jesse Lilly, 52 Brookside Terrace, Verona, New Jersey
John Quatrocci, 44 Afterglow Way, Verona, New Jersey
Paul Sciarra, 7 Crestmont Road, Verona, New Jersey
Jason Hyndman, 34 Cambridge Road, Verona, New Jersey
Mary Ann Maher, 38 Elmwood Road, Verona, New Jersey
Tammi Rawding, 155 Forest Avenue, Verona, New Jersey

Adjournment:

Council goes into Executive Session at 9:40 p.m. Motion to adjourn the meeting at 10:47 pm is motioned by Mayor McEvoy; seconded by Councilman Giblin.

The next regular scheduled meeting is June 22, 2020 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Jack McEvoy
Jack McEvoy, Mayor

APPROVED: June 22, 2020