

Minutes of a Regular Meeting of the Verona Township Council on Monday, February 1, 2016 beginning at 7:00 P.M. in the Municipal Building, 600 Bloomfield Avenue, Verona, New Jersey.

Call to Order:

Municipal Clerk reads notice of Open Public Meetings law.

Roll Call:

Mayor Kevin Ryan, Deputy Mayor Michael Nochimson; Councilman Jay Sniatkowski; Councilman Bob Manley and Councilman Alex Roman. Township Manager Matthew Cavallo, Township Attorney Brian Aloia and Jennifer Kiernan, Municipal Clerk.

Mayor Ryan leads the Pledge of Allegiance.

Mayor's Report: Mayor Ryan invites Essex County Liaison Julius Coltre to the lectern. Mr. Coltre informs that the Essex County Parks Department has included Verona Park as a venue for one of the concerts featured in the County's Summer Concert Series. The date is to be announced. He reports that Essex County Executive Joseph DiVincenzo invites the Mayor and Council to his State of the County address on Monday, February 22, 2016 at 7:00 p.m. at the Essex County Hospital Center.

Mayor Ryan reports that following a recent Planning Board meeting to hear the Board of Education's application for the athletic fields, he has heard many misconceptions of the role of the Township Council and Planning Board. He explains to the public that the Planning Board, along with the Board of Adjustment are independent entities from the Township Council and the Board of Education. The fact that the Mayor and Councilman Roman sit on the Planning Board, as required by statute, but do not have the authority to speed up the application process. He states that the application was not filed by the BOE until December 3, 2015. No action had been taken before that time, in fact, the Planning Board scheduled a special meeting where testimony lasted for 4 ½ hours. The second meeting to hear the application took place last week, where the remaining witnesses testified. That meeting lasted over 4 hours, with the Planning Board approving the application. He explains there were 11 variances and the opponents of the application were looking to put conditions on the applicant's use of the fields. The Planning Board (rightly) felt that that is not part of the Board's role, as they strictly adhere solely to Municipal Land Use Law. He commends the Planning Board for their diligence and attention to this application.

Manager's Report: Matthew Cavallo thanks the Verona Department of Public Works, Rescue Squad and Police and Fire Departments for their hard work during last week's blizzard.

He announces that the Township went live last week with the tax, utility and accounts receivable payment module. He asks Matthew Laracy, CFO to approach the lectern and speak about the fees associated with the new system. Mr. Laracy reports that transaction fees are charged and collected by the banks and credit card merchants associated with the transaction type. The Township of Verona does not collect any transaction fee. Fees associated with online payments are \$1.05 for E-Check, \$3.95 for Visa Debit Card and 2.95% of the payment for Credit Card.

He reports that the library has accepted bids for Phase 1. The lowest responsible bidder came in under budget. The resolution awarding the bid to that lowest bidder is on tonight's agenda.

Councilmembers' Reports:

Deputy Mayor Nochimson states he spoke with the County, who stated no other township in the county has a snow removal program like Verona and thanks the Department of Public Works and everyone else involved. He states as people dig out their hydrants, he notices many of them need to be repainted. He asks if it is possible to get reflectors to mark the location of hydrants in snow.

Councilman Sniatkowski thanks everyone who worked during the storm to ensure Verona's streets were passable. He reminds all residents to clear the snow away from hydrants.

Council Manley reported he rode along with Public Works during the storm. He commends the DPW for their quick response when an emergency call came in for a child in distress. DPW made sure the street and immediate access to the house was possible for emergency responders.

Councilman Roman reports he drove through the Township following the storm and was able to navigate through the streets without issue. He commends the Township on the top notch service provided to the residents in regards to clean street following the storm.

He states the Township's telephone system is outdated and very costly. He requests the Township Manager look into a new business telephone system with updated features. He encourages the Township Manager to find funds in the Capital Budget to finance the system.

Councilman Roman states he wants Department Heads to look at expenses in both large and small quantities. He asks the Township Manager if it is possible to make the sewage fee based on usage. Mr. Cavallo comments that he will have a discussion with the Township Engineer and Superintendent of the Treatment Plant and report back to Council.

#### **ORDINANCE NO.1-16**

##### **AN ORDINANCE TO AMEND CHAPTER A175-7 OF THE CODE OF THE TOWNSHIP OF VERONA**

The Municipal Clerk reads Ordinance #1-16 by title into record.

Township Manager Matthew Cavallo explains this ordinance updates the pool fees which are increased about 5% this year. Pool fees are increased every few years and last year's pool revenue was down. The pool is a utility and funded by membership fees.

Motion for introduction of Ordinance #1-16 is moved by Councilman Manley; seconded by Councilman Roman.

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#### **ROLL CALL:**

**AYES: Manley, Roman, Sniatkowski, Nochimson, Ryan**

**NAYS:**

Ordinance #1-16 is approved on introduction. It will be duly published according to law and a public hearing will be held on February 16, 2016.

#### **ORDINANCE NO.2-16**

##### **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER A175-5 ENTITLED "RECREATION DEPARTMENT AND COMMUNITY CENTER FEES" OF THE CODE OF THE TOWNSHIP OF VERONA**

The Municipal Clerk reads Ordinance #2-16 by title into record.

Township Manager Matthew Cavallo states this ordinance is basic housekeeping, amending the current fee schedule by codifying fees that have been in effect by resolution since 2010.

Motion for introduction of Ordinance #2-16 is moved by Councilman Manley; seconded by Councilman Roman.

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#### **ROLL CALL:**

**AYES: Manley, Roman, Sniatkowski, Nochimson, Ryan**

**NAYS:**

Ordinance #2-16 is approved on introduction. It will be duly published according to law and a public hearing will be held on February 16, 2016.

**ORDINANCE NO.3-16**

**AN ORDINANCE TO REGULATE STEEP SLOPES IN THE TOWNSHIP OF VERONA**

The Municipal Clerk reads Ordinance #3-16 by title into record.

Mayor Ryan explains that the absence of a steep slope ordinance in the Township makes some applications difficult for the Planning Board to adjudicate. Upon approval on introduction of this ordinance, it will then be referred to the Planning Board to determine if it is consistent with the Township's Master Plan. It will then be put on the Council meeting agenda for second reading.

Motion for approval of ordinance #3-16 on introduction moved by Deputy Mayor Nochimson; seconded by Councilman Sniatkowski.

**ROLL CALL:**

**AYES: Manley, Roman, Sniatkowski, Nochimson, Ryan**

**NAYS:**

Ordinance #3-16 is approved on introduction and will be referred to the Planning Board for determination of consistency with the Township's Master Plan.

Consent Agenda:

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY  
RESOLUTION NO. 2016-37**

**A motion was made by Councilman Sniatkowski; seconded by Councilman Manley that the following resolution be adopted:**

**ACCEPTING THE BID AND AWARDING THE CONTRACT FOR INTERIOR ALTERATIONS  
AND RENOVATIONS FOR THE VERONA PUBLIC LIBRARY**

**WHEREAS**, on January 12, 2016, the Township of Verona received bids for the Interior Alterations and Renovations for the Verona Public Library Contract #15-13; and

**WHEREAS**, Billy Contracting and Restoration, 12 Maple Avenue, Building F, Pine Brook, New Jersey 07058 was the lowest responsive and responsible bidder in the required contract amount of \$218,000.00; and

**WHEREAS**, funds are available in Account No. 53-994-961 General Capital Account funded by Ordinance #15-15, or any other account that may be deemed appropriate by the Chief Financial Officer, and these funds have been certified by the Chief Financial Officer; and

**WHEREAS**, award of this contract is pending approval from the Essex County Division of Development; and

**WHEREAS**, the bid submitted by Billy Contracting and Restoration has been reviewed by the Township Attorney and this award meets with his approval.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey that the bid of Billy Contracting & Renovation, 12 Maple Avenue, Building F, Pine Brook, New Jersey 07058, be accepted and it be awarded Contract #15-13, in the contract amount of \$218,000.00; and

**BE IT FURTHER RESOLVED** that the award of this contract is pending approval of the Essex County Division of Community Development.

**BE IT FURTHER RESOLVED** that this expenditure shall be charged to Account No. 53-994-961 or any other account that may be deemed appropriate by the Chief Financial Officer and the availability of funds has been certified by the Chief Financial Officer.

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY  
RESOLUTION No. 2016-38**

**A motion was made by Councilman Sniatkowski; seconded by Councilman Manley that the following resolution be adopted:**

**AUTHORIZING A NON-FAIR AND OPEN CONTRACT WITH THE LAW OFFICES OF MICHAEL A. DeMIRO, JR. FOR SERVICES AS SPECIAL LEGAL COUNSEL FOR TAX APPEALS**

**WHEREAS**, the Township has a need for representation in pending tax appeals; and

**WHEREAS**, the Township Attorney has determined that it would be beneficial to appoint The Law Offices of Michael A. DeMiro, Jr. as Special Legal Counsel to represent the Township on tax appeals; 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 The Law Offices of Michael A. DeMiro, Jr. is being made as a result of a non-fair and open process pursuant to N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the cost for said professional services shall be set at a fixed hourly rate of \$125.00 per hour for attorney services, not to exceed \$25,000 for the calendar year without further authorization by the Mayor and Council; and

**WHEREAS**, this expenditure shall be charged to Budget Account No. 6-01-20-155-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been certified by the Chief Financial Officer of the Township.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey that The Law Offices of Michael A. DeMiro, Jr. is hereby appointed as Special Legal Counsel for tax appeals and shall be paid at the fixed hourly rate of \$125.00 an hour, not to exceed \$25,000 for the calendar year without further authorization by the Mayor and Council; and

**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 the Township reserves the right to cancel this contract upon thirty (30) days' notice and The Law Offices of Michael A. DeMiro, Jr. shall only be paid for the work completed; furthermore no minimum amount of work or payment is implied or guaranteed; and

**BE IT FURTHER RESOLVED** that this contract is being awarded as a non-fair and open contract, pursuant to N.J.S.A. 19:44A-20.5; and

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

**BE IT FURTHER RESOLVED** that this expenditure shall be charged to Budget Account No. 6-01-20-155-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been certified by the Chief Financial Officer of the Township; and

**BE IT FUTHER 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.

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY  
RESOLUTION No. 2016-39**

**A motion was made by Councilman Sniatkowski; seconded by Councilman Manley that the following resolution be adopted:**

**AUTHORIZING A NON-FAIR AND OPEN CONTRACT GIBLIN & GANNAIO, LLC  
FOR SERVICES AS SPECIAL LEGAL COUNSEL**

**WHEREAS**, the Township Attorney has conducted a review of the outstanding legal needs of the municipality that require Giblin & Gannaio, LLC, the firm of the former Township Attorney to finalize; and

**WHEREAS**, the Township Attorney has determined that it would be beneficial in the transition period to appoint Giblin & Gannaio, LLC as Special Legal Counsel to represent the Township in the outstanding 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 Giblin & Gannaio, LLC is being made as a result of a non-fair and open process pursuant to *N.J.S.A. 19:44A-20.5*; and

**WHEREAS**, the cost for said professional services shall be set at a fixed hourly rate of \$125.00 per hour for attorney services, not to exceed \$25,000 for the calendar year without further authorization by the Mayor and Council; and

**WHEREAS**, this expenditure shall be charged to Budget Account No. 6-01-20-155-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been certified by the Chief Financial Officer of the Township.

**THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey that Giblin & Gannaio, LLC is hereby appointed as Special Legal Counsel and shall be paid at the fixed hourly rate of \$125.00 an hour, not to exceed \$25,000 for the calendar year without further authorization by the Mayor and Council; and

**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 the Township reserves the right to cancel this contract upon thirty (30) days' notice and Giblin & Gannaio shall only be paid for the work completed; furthermore no minimum amount of work or payment is implied or guaranteed; and

**BE IT FURTHER RESOLVED** that this contract is being awarded as a non-fair and open contract, pursuant to N.J.S.A. 19:44A-20.5; and

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

**BE IT FURTHER RESOLVED** that this expenditure shall be charged to Budget Account No. 6-01-20-155-028, or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds have been certified by the Chief Financial Officer of the Township; and

**BE IT FUTHER 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.

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY  
RESOLUTION No. 2016-40**

**A motion was made by Councilman Sniatkowski; seconded by Councilman Manley that the following resolution be adopted:**

**REFUNDING INCORRECT TAX PAYMENT**

**WHEREAS**, the Township of Verona received payment from Core Logic on behalf of PennyMac on October 26, 2015 in the amount of \$4,149.99 to be credited towards the 2015 4<sup>th</sup> Quarter Added Assessment for Block 72, Lot 1, Qualifier C0027, commonly known as 3 Burdett Court; and

**WHEREAS**, PennyMac supplied an incorrect block and lot; and

**WHEREAS**, the payment should have been applied to Block 72, Lot 1, Qualifier C0029, commonly known as 5 Burdett Court; and

**WHEREAS**, PennyMac has requested a refund of this incorrect payment.

**NOW THEREFORE BE IT RESOLVED** that the Treasurer and Tax Collector be authorized to issue a refund to PennyMac c/o Core Logic Refund Department, PO Box 961250, Fort Worth, TX 76161-9887 in the amount of \$4,149.99.

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY  
RESOLUTION No. 2016-41**

**A motion was made by Councilman Sniatkowski; seconded by Councilman Manley that the following resolution be adopted:**

**REFUNDING WATER UTILITY OVERPAYMENT**

**WHEREAS**, there appears on the books of the Water/Sewer Utility a refunds due resulting from an overpayment of Water/Sewer fees; and

**WHEREAS**, the refund is to be made to the person who has made this overpayment;

**NOW, THEREFORE, BE IT RESOLVED** that the Chief Financial Officer of the Township of Verona, in the County of Essex, New Jersey be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

<u>ACCOUNT #</u>	<u>NAME/ADDRESS</u>	<u>AMOUNT</u>
3-40-65	Michael & Lynn Tucci c/o La Torraca & Christian 295 Montgomery Street Bloomfield, New Jersey 07003	\$475.00

Motion to adopt the Consent Agenda, January 19, 2016 Meeting Minutes, Resolution and Licenses is moved by Councilman Sniatkowski; seconded by Councilman Manley.

**ROLL CALL:**

**AYES:** Manley, Roman, Sniatkowski, Nochimson, Ryan

**NAYS:**

Public Participation: Motion to open public participation is moved by Councilman Sniatkowski; seconded by Councilman Roman. Vote: 5 ayes

Jeff Barrow, 83 Sunset Avenue, Verona, New Jersey

Motion to close public participation is moved by Councilman Manley; seconded by Councilman Roman. Vote: 5 ayes.

**TOWNSHIP OF VERONA  
COUNTY OF ESSEX, STATE OF NEW JERSEY  
RESOLUTION No. 2016-42**

**A motion was made by Councilman Sniatkowski; seconded by Councilman Manley that the following resolution be adopted:**

**PERMITTING ITEMS TO BE DISCUSSED IN CLOSED 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 Mayor and 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. Personnel Matters pursuant to N.J.S.A. 10:4-12(8)
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:** Manley, Roman, Sniatkowski, Nochimson, Ryan

**NAYS:**

Council goes into Closed Session at 8:02 p.m.

Motion to adjourn Closed Session and go into Public Session at 8:22 p.m. is moved by Councilman Sniatkowski; seconded by Councilman Manley. Vote: 5 ayes.

The public meeting is adjourned at 8:23 p.m. The next regular scheduled meeting is Tuesday, February 16, 2016 at 7:00 p.m.

Respectfully submitted,

*Jennifer Kiernan*

Jennifer Kiernan, Municipal Clerk

*Kevin Ryan*

Kevin Ryan, Mayor