

Minutes of a Regular Meeting of the Verona Township Council on Monday, November 19, 2018 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. The notice requirements of the Open Public Meetings Act have been satisfied with respect to this meeting; specifically, the time, date and location were included in the annual notice of meetings adopted by the governing body, posted in the Municipal Building, and sent to the official newspapers of the Township, the Verona Cedar Grove Times and the Star Ledger. Additionally, the agenda for this meeting was posted in the Municipal Building and sent to the two newspapers before 4:30 p.m. on the Friday preceding this meeting.

Roll Call:

Mayor Kevin Ryan, Deputy Mayor Nochimson, Councilman Alex Roman, Councilman Ted Giblin and Councilman Jack McEvoy are present. Township Attorney Brian Aloia, Township Manager Matthew Cavallo and Municipal Clerk Jennifer Kiernan are also present.

Mayor Ryan leads the Pledge of Allegiance.

Mayor's Report:

Mayor Ryan calls Essex County Liaison Jay Coltre to the lectern. Mr. Coltre thanks the Township on behalf of the County Executive for their assistance with the storm. Mr. Coltre announces the 2018 Essex County Holiday Lights Spectacular at the Turtle Back Zoo beginning November 16 and running through the end of the year. Mr. Coltre wishes everyone a Happy Thanksgiving.

Mayor Ryan attended the 4th annual Interfaith Thanksgiving Service at OLL. He states the Islamic Center was well represented by many of their congregants. He also attended a retirement dinner for Dr. Richard Cirello on November 7 and presented him with a Certificate of Appreciation.

Mayor Ryan reads a proclamation for Small Business Saturday. Finally, Mayor Ryan congratulates Township Manager Matthew Cavallo for being sworn in to the Executive Board for the NJ Municipal Managers Association.

Manager's Report:

Matthew Cavallo states that Assistant Township Engineer Michael DeCarlo is present this evening to discuss this year's application by the Township to the Essex County Community Development Block Grant. Mr. DeCarlo explains that communities which make an application and receive grant monies are free to develop programs or funding priorities based on local community needs in certain areas which will benefit low income households. The 2010 Census Block Grant Mapping which is provided by the County, defines the qualified areas within the Township where we can undertake a majority of the projects. Projects which pertain to ADA access or public safety can be developed anywhere within the entire Township. Recently, a portion of the ADA/Elevator improvements at the public library was funded through the CDBG, and in 2017 the Township applied for section 1 of Linn Drive which included milling, repaving and ADA improvements. In 2018 we then applied for section 2 of Linn Drive. We had expected to hear about an award this past March but due to budget constraints with Congress, the Township was not awarded the 2018 monies until this past October, totaling \$106,000.00. This year the Township has chosen as Priority One - ADA and Pavement Improvements located at the Community Center; and Priority Two - ADA Curb Ramp Rehabilitations at various locations throughout the Township. The 2019 Block Grant Application process will include two (2) public hearings; one tonight and one at the December 3 meeting of the governing body.

PUBLIC HEARING FOR CDBG: None.

Bids will be received for the Fairway Avenue Water Tank Rehabilitation project on Tuesday, November 27. A clarification was issued for the Solid Waste Collection Services Bid. The rescheduled Bid Opening Date is now Wednesday, November 28. Bids will be received on November 8 for Microscreens, which is on the agenda to award tonight. Municipal Building Roof Replacement, DPW Garage Fire Sprinkler System, Loading, Transportation and Delivery of Liquid Sludge and the 2019 Municipal Auditor will be awarded at a future meeting.

Parking meters throughout the Township will be bagged for the holiday season beginning today through Sunday, January 3, 2019. The design of the new stickers for the parking meters has been approved, we are waiting on delivery. When the parking meters are un-bagged on January 4 2019, ParkMobile should be active.

Durrell Street was paved last week. Brentwood Road repaving will need to wait until next spring due to the weather conditions.

John Gasiewski has resigned from the Neighborhood Traffic and Safety Committee due to work commitments. The Township thanks him for his time. There is now one (1) vacancy that can be filled immediately by the Council. The vacancy is for a regular member (term expiring 6/30/2019). Anyone interested in filling these positions are requested to inquire with the Township Clerk's office.

The Leaf Dump opened on Saturday, September 29 from 8:30 a.m. to 3:30 p.m. It will be open on Saturdays at the same time, Sundays from 12 noon to 3 p.m. and Wednesdays from 8 a.m. to 3 p.m. through Sunday, December 16.

The Team Zoey Turkey Trot is Saturday, November 24 at 9:30 a.m. in Verona Park. The Library Grand Opening/Ribbon Cutting is Saturday, December 1 at 12 p.m. The Fair in the Square is Saturday, December 1 beginning at 12 p.m. The Hanukkah Menorah Lighting is Sunday, December 2 at 6 p.m. Rabbi Robert L. Tobin from Congregation B'nai Shalom will be participating. The Online Tax Sale is Thursday, December 6 and Shine Your Light Night will be held Saturday, December 8.

Municipal Offices will be closed on Thursday, November 22 and Friday, November 23 for Thanksgiving Recess.

Mayor Ryan has co-sponsored a resolution drafted by the NJ League of Municipalities urging the Legislature to draft legislation allowing municipalities to withdraw from the Civil Service System.

The Township Manager has reappointed Tax Collector Jennifer Muscara for a second term beginning January 1, 2019.

Councilmember's Reports:

Deputy Mayor Nochimson states his neighbor and Essex Fells resident has complained about the noise at the Community Center and has asked for a solution. He recommends the recreation department adjust the speakers through a process using a sound control component to reduce sound leakage into the street and extend the life of the sound system.

Councilman Roman reports that he attended the League of Municipalities Conference in Atlantic City last week. He attended seminars on common topics such as pension/health benefit reform, marijuana legalization and affordable housing. He also was able to tour the new Annin Loft buildings in Verona and was quite impressed. He congratulates the new members of the Board of Education, Pam Priscoe and Timothy Alworth.

Councilman McEvoy congratulates Matt Cavallo on his appointment to the MMA Executive Board, which he expects will be very helpful to the Township. Councilman McEvoy states he attended the Veteran's Day Ceremony in the Civic Center, which was well attended. The Councilman also attended the Interfaith Service. He reminds the public to change the batteries in their carbon monoxide and smoke detectors. He wishes everyone a Happy Thanksgiving.

Councilman Giblin thanks the DPW crew for their work during last week's storm. He reports he attended the NJ League of Municipalities Conference, that allows an opportunity to network with

others facing similar challenges. He attended the Interfaith Service that had participation from every congregation, especially the Islamic Center. The Councilman also states there was a good turnout for the General Election.

ORDINANCE NO. 2018-30

WATER AND SEWER UTILITY CAPITAL BOND ORDINANCE PROVIDING FOR IMPROVEMENTS AND REHABILITATION TO THE FAIRWAY AVENUE TANK IN AND BY THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$1,325,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,325,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

The Municipal Clerk reads Ordinance No. 2018-30 by title into record.

Public Hearing: None

Motion to adopt Ordinance No. 2018-30 is moved by Mayor Ryan; seconded by Councilman Roman.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

Ordinance No. 2018-30 is adopted 5-0 and will be published according to law.

ORDINANCE # 2018-31

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF VERONA, CHAPTER A175 THEREOF ENTITLED "FEES" BY AMENDING CERTAIN SECTIONS THEREOF

The Municipal Clerk reads Ordinance No. 2018-31 by title into record.

Public Hearing: None

Motion to adopt Ordinance No. 2018-31 is moved by Councilman McEvoy; seconded by Councilman Roman.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

Ordinance No. 2018-310 is adopted 5-0 and will be published according to law.

ORDINANCE # 2018-32

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF VERONA, CHAPTER A175 THEREOF ENTITLED "FEES" BY AMENDING CERTAIN SECTIONS THEREOF

The Municipal Clerk reads Ordinance No. 2018-32 by title into record.

Public Hearing: None

Motion to adopt Ordinance No. 2018-32 is moved by Mayor Ryan; seconded by Councilman Giblin.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

Ordinance No. 2018-32 is adopted 5-0 and will be published according to law.

ORDINANCE NO. 2018-33

**AN ORDINANCE AMENDING ORDINANCE 10-99 OF THE TOWNSHIP OF
VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, ADOPTED ON
AUGUST 30, 1999**

The Municipal Clerk reads Ordinance No. 2018-33 by title into record.

Public Hearing: None

Motion to adopt Ordinance No. 2018-33 is moved by Councilman Roman; seconded by Mayor Ryan.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

Ordinance No. 2018-33 is adopted 5-0 and will be published according to law.

RESOLUTION No. 2018-146

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

**AUTHORIZE BUDGET TRANSFERS BETWEEN APPROPRIATION
ACCOUNTS PURSUANT TO N.J.S.A. 40a:40-1**

WHEREAS, certain transfers of funds for various 2018 budget appropriations are necessary to cover anticipated expenditures; and

WHEREAS, *N.J.S.A. 40a:4-58* provides for transfer of appropriations with an excess over and above the amount deemed necessary to fulfil their purposes to those appropriations deemed to be insufficient;

WHEREAS, the appropriations subject to fund transfers hereby are not within those restricted by *N.J.S.A. 40a:4-58* for transfer purposes;

NOW, BE IT RESOLVED, by the Township Council of the Township of Verona that the Chief Financial Officer shall and is hereby authorized to make transfers between appropriation accounts of the 2018 Municipal Budget as follows:

<u>Title</u>	<u>From</u>	<u>To</u>
Finance Office – Other Expenses	\$5,000	
Tax Assessor – Other Expenses	\$5,000	
General Insurance	\$10,000	
Street Roads and Maintenance – Salary and Wages	\$10,000	
Street Roads and Maintenance – Other Expenses		\$30,000

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2018-147

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

**ACCEPTING THE BID AND AWARDING THE CONTRACT FOR
ENVIREX: MICROSCREENS – CONTACT NO. 18-18**

WHEREAS, on November 8, 2018, the Township of Verona received bids for the purchase of Envirex: Microscreens – Contract No. 18-18; and

WHEREAS, Evoqua Water Technologies, LLC, N19W23993 Ridgeview Parkway, Suite 200, Waukesha, Wisconsin 53188 was the lowest responsive and responsible bidder in the required amount of \$98,688.00; and

WHEREAS, the Supervising Sewer Plant Operator has reviewed the bid submitted by Evoqua Water Technologies, LLC and has recommended the award of the contract.

WHEREAS, funds are available in Utility Account No. 8-05-55-502-351 and have been certified by the Chief Financial Officer. This expenditure may also be charged to any other account which may be deemed appropriate by the Chief Financial Officer or his designee.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the bid of Evoqua Water Technologies, LLC, N19W23993 Ridgeview Parkway, Suite 200, Waukesha, Wisconsin 53188 be accepted and it be awarded Contract No. 18-18 in the required contract amount of \$98,688.00; and

BE IT FURTHER RESOLVED that this expenditure shall be charged against Utility Account No. 8-05-55-502-351 or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and the availability of funds has been certified by the Chief Financial Officer.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2018-148

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

**AUTHORIZING RENEWAL OF MEMBERSHIP IN THE
BERGEN MUNICIPAL EMPLOYEE BENEFITS FUND**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the Bergen Municipal Employee Benefits Fund, hereafter referred to as "FUND", as permitted by *N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.*, and;

WHEREAS, the FUND was approved to become operational by the Department of Banking and Insurance and the Department of Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the Township of Verona has determined that membership in the FUND is in the best interest of the Township.

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

1. Renews membership in the FUND for the period commencing on January 1, 2019 and ending on December 31, 2021;
2. Will participate in the following type (s) of coverage (s):

- a. Health Insurance and/or Dental and/or Prescription as defined pursuant to *N.J.S.A. 17B:17-4*, the FUND's Bylaws, and Plan of Risk Management.
3. Adopts and approves the FUND's Bylaws.
4. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the Township Manager and the Township Clerk are authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

5. Approval of the Township of Verona's membership by the FUND.
6. Receipt from the Township of Verona of a Resolution accepting assessment.
7. Approval by the New Jersey Department of Banking and Insurance and the Department of Community Affairs.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2018-149

A motion was made by Councilman McEvoy; seconded by Mayor 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 Litigation pursuant to *N.J.S.A. 10:4-12 (7)*
 - i. Tax Court Appeal – J. Webster Realty
 - ii. Docket No. ESX-L-4773-15
 - iii. Correspondence from Becker & Poliakoff dated October 15, 2018
 - iv. Employee 1387702 v. Township of Verona
 - b. Contract Negotiations pursuant to *N.J.S.A. 10:4-12 (7)*
 - i. Collective Bargaining Agreement with PBA Local 72
 - c. Purchase, Lease or Acquisition of Real Property pursuant to *N.J.S.A. 10:4-12 (5)*
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: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

RESOLUTION No. 2018-150

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

**AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE
AGREEMENT AND TO PROCEED WITH DUE DILIGENCE
RELATED TO THE ACQUISITION OF
86-110 PINE STREET (BLOCK 2301, LOTS 11, 12, 14 & 15)**

WHEREAS, the Township of Verona is desirous of purchasing the real property located at 86-110 Pine Street, in the Township of Verona, New Jersey, Block 2301, Lots 11, 12, 14 & 15, for a purchase price of \$2,850,000.00 to use for municipal purposes including but not limited to the fulfilment of the Township's constitutional obligations under the Fair Share Housing Act; and

WHEREAS, subject to a bond ordinance being approved by the Council funds will be available to make said purchase; and

WHEREAS, assuming the Council affirmatively votes to approve the ordinance to purchase the property, and bond ordinance to fund the purchase, the closing is scheduled to take place on or about February 1, 2019; and

WHEREAS, in order to close on or about February 1, 2019, the Township must proceed with its due diligence pending the consideration and passage of the ordinance to authorize the purchase and the bond ordinance to fund the purchase.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that the Township Manager and any other Township Officials as may be appropriate and necessary are hereby authorized to execute the attached Purchase and Sale Agreement, or an Agreement of similar language, subject to any reasonable amendments made by the Township Attorney to protect the Township's interest and which is agreed upon by the Sellers.

BE IT FURTHER RESOLVED that the Township Manager is hereby authorized to proceed with due diligence and order an appraisal, title search, inspection of the properties, and take any other steps to complete this purchase pending the passage of the appropriate ordinances.

ROLL CALL:

AYES: Giblin, McEvoy, Roman, Nochimson, Ryan

NAYS:

Public Participation:

Vinny Marino, 36 Mount Prospect Avenue, Verona, NJ
Jerry Shimonaski, 33 Kenwood Avenue, Verona, NJ
Rachel Moehl, 35 Grove Avenue, Verona, NJ
Al DeOld, 15 Howard Street, Verona, NJ

Adjournment:

Council goes into Executive Session at 8:38 p.m. Motion to adjourn the public meeting at 9:59 p.m. is moved by Councilman Roman; seconded by Councilman McEvoy. Vote: 5 ayes.
The next regular scheduled meeting is December 3, 2018 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Kevin Ryan
Kevin Ryan, Mayor

APPROVED: DECEMBER 3, 2018