

Minutes of a Regular Meeting of the Verona Township Council on Monday, September 25, 2017 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 and Councilman Jack McEvoy are present. Township Attorney Brian Aloia, Township Manager Matthew Cavallo and Jennifer Kiernan, Municipal Clerk are also present. Councilman Ted Giblin is not present this evening. Councilman Roman will be late.

Mayor Ryan leads the Pledge of Allegiance.

Township Attorney Brian Aloia states that those who are present tonight in regards to Affordable Housing issues and questions should know that FAQ's are listed on the Township's website. A handout has also been made available for the public tonight. Everyone is welcome to stay for Public Participation but should be aware that all information was made available to the public at the September 11, 2017 meeting. He reminds the public that this is ongoing litigation and therefore the Township may not be able to address all questions. He assures the public that as new information becomes available it will be discussed publically at a meeting and posted on the website.

Councilman Roman enters Council Chambers at 7:06 p.m.

Mayor's Report:

Mayor Ryan invites County Liaison Jay Coltre to the lectern. Mr. Coltre reports that September 26 is Senior Wellness Day at the Turtle Back Zoo. Admission is free for seniors, who will receive health screening, enjoy music and entertainment. The County's Hazardous Waste Drop Off is Saturday, October 7 at 125 Fairview Avenue in Cedar Grove from 8:30 a.m. until 4:00 p.m. The Essex County Parks Department will host Oktoberfest at the Turtle Back Zoo on October 14th. The entry fee is \$60, but \$15 for designated drivers. October 21 is Strut Your Pup at the County Parks. Mr. Coltre states the County has a productive meeting with members of the Verona Environmental Commission regarding the renovations to the parking lot, tennis courts and playground at Verona Park.

Mayor Ryan invites members from the Junior Woman's Club to the lectern to speak about Verona Fights Hunger Week. Ellie Uberto and Shannon Curtain, this year's co-chairs speak about this year's drop off locations.

Santi Condorelli and Bruce Snogans from Unico approach the lectern. Mr. Snogans, Chairman of the Unico Labor Day 5K run thanks the Township, DPW and all the emergency responders for their support during this year's race.

Mayor Ryan reports the VHS Band Competition is October 14, 2017 at 4:30 and includes about 14 bands.

Manager's Report:

The Conference of SCAs will hold a Food Truck Festival on October 8 at the VHS parking lot. The Environmental Commission will hold a clean-up of Grove Park on October 14. The Church of the Holy Spirit will hold its 2nd annual Celebration of Pets in the Civic

Center on October 1. The last day to register to vote in the November General Election is October 17th. The center line seam of Hillside Avenue will be repaired next Wednesday. This year's Fair in the Square will be held in the Civic Center on December 2, 2017. Vendor forms are available online.

A Frequently Asked Questions section on Affordable Housing has been posted on the Township's website.

The Road Resurfacing of Durrell Street and Brentwood Drive was awarded by the Mayor and Council at the last meeting. We are waiting on a start date from Stanziale for the projects. Durrell Street is being funded by a NJDOT Grant while Brentwood Drive is funded out of the Capital Budget.

The Joint meeting with the Board of Education has been postponed until Monday, October 30 in the VHS Learning Commons (former Library). The Mayor and Council will hold two other regular meetings in Council Chambers on Tuesday, October 10th and Monday, October 23rd.

Councilmembers' Reports:

Deputy Mayor Nochimson announces that October 4 is Walk to School Day. This year's band competition on October 14 will have 8 food trucks. He states 3,000 people are expected.

Councilman Roman defers as he has no report tonight.

Councilman McEvoy thanks the County executive in accommodating the Township with a meeting to listen to the Environmental Commission's concerns. He encourages the public to keep an eye on the Township Calendar as there are lots of events in the month of October. He requests to Mr. Coltre to remind the County of the signage on Lakeside Avenue for a right turn onto Bloomfield Avenue. He suggests the right turn sign be placed further back to alert drivers sooner.

ORDINANCE #2017-25

AN ORDINANCE TO AMEND AND SUPPLEMENT THE VEHICLE TOWING ORDINANCES OF THE CODE OF THE TOWNSHIP OF VERONA

The Municipal Clerk reads Ordinance No. 2017-25 by title into record.

Motion for introduction of Ordinance No. 2017-25 is moved by Deputy Mayor Nochimson; seconded by Councilman McEvoy.

ROLL CALL:

AYES: Roman, McEvoy, Nochimson, Ryan

NAYS:

ABSENT: Giblin

Ordinance No. 2017-25 is approved 4-0 and will be published according to law and a public hearing will be held on October 10, 2017.

RESOLUTION No. 2017-137

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

**EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS
REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC
RECORDS ACT**

WHEREAS, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

WHEREAS, the Committee released the bills to the full Senate without recommendation

WHEREAS, the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

WHEREAS, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

WHEREAS, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

WHEREAS, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

WHEREAS, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

WHEREAS, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to modernize OPRA and OPMA while providing municipalities and municipal clerks with the resources to effectuate these changes for the benefit of the public.

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to forward to certified copy of this Resolution to State Senators Loretta Weinberg Joseph Pennacchio (the legislative sponsors of Senate Bill Nos. 1045 and 1046) and Assemblyman Gordon M. Johnson and Assemblywoman Annette Chaparro (the legislative sponsors of Assembly Bill Nos. 2697 and 2699), Assemblywoman Bettylou DeCroce, Assemblyman Jay Webber, Speaker of the General Assembly Vincent Prieto, President of the Senate Stephen M. Sweeney, Governor Chris Christie, and the New Jersey State League of Municipalities; and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

ROLL CALL:

AYES: Roman, McEvoy, Nochimson, Ryan

NAYS:

ABSENT: Giblin

RESOLUTION No. 2017-138

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

EXPRESSING SUPPORT TO LEGISLATIVE PROPOSALS REGARDING POST-RETIREMENT VOLUNTEERISM

WHEREAS, in 2014, the New Jersey Division of Pensions and Benefits issued a notice concerning bona fide severance of employment-post retirement employment restrictions for individuals covered by any New Jersey State administered retirement system, in order to preserve Internal Revenue Service (IRS) “qualified status” of PERS, TPAF, PFRS, SPRS and JRS plans, so as to protect retirees from a 10% excise tax penalty on their monthly retirement payments; and

WHEREAS, N.J.A.C. 17:1-17 (a) 2 defines a “bona fide severance from employment” as “The complete termination of the employee’s employment relationship with the employer for a period of at least 180 days”; and

WHEREAS, if an individual returns to public employment, even as a volunteer, with the former employer prior to satisfying the requirements of a bona fide severance from employment, the employee will be required to repay all retirement benefits received from the date of retirement and may be required to re-enroll in the same or different retirement system; and

WHEREAS, Division of Pensions and Benefits has advised employees that they must sever all relations with their employer, including volunteer positions, for 180 days or they risk losing their pensions; and

WHEREAS, public employees tend to volunteer in the communities they live and work in as volunteer firefighters, Emergency Medical responders, celebration committee members or on SCA’s, to name a few; and

WHEREAS, volunteer firefighters and Emergency Medical responders would have to reapply to the volunteer organization as new members, and, as new members, they would be required to take all necessary tests and training including physicals and agility tests; and

WHEREAS, employees affected by the Division of Pensions ruling are at least 55 years of age who in their volunteer positions, tend to be mentors to the new and younger members typically providing guidance and direction; and

WHEREAS, volunteers are the backbone of communities providing services to the residents at no cost to taxpayers while freely giving of their time and expertise; and

WHEREAS, Assemblywoman Holly Schepisi, Assemblyman Anthony Bucco and State Senators Paul Sarlo and Thomas Kean, Jr., have introduced legislation to correct the Division of Pensions directive, and to promote continued volunteerism; and

WHEREAS, A-536 and S-2107 would provide that the retirement of a member of the Public Employees’ Retirement System (PERS) or a member of the Police and Firemen’s Retirement System (PFRS) who (1) on the date of retirement has attained the service retirement age applicable to that member and is a volunteer firefighter or emergency medical responder with the same employer from whose employment the member retires; and (2) remains a volunteer firefighter after retirement, will be a bona fide severance from employment, notwithstanding that the retired employee maintains the relationship of a volunteer firefighter or emergency medical responder with the same employer from whom the member retired, provided that the qualified status of PERS and PFRS under federal law can be maintained.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey supports Assembly Bill No. 536 and Senate Bill No. 2107, to permit retirees to continue to serve their fellow citizens as volunteers, without loss of their retirement, and without being forced to accept a separation from volunteer service; and

BE IT FURTHER RESOLVED that Township Clerk is hereby directed to forward certified copies of this Resolution to Governor Chris Christie, Lieutenant Governor Kim Guadagno, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Vincent Pietro, New Jersey Assembly Republican Leader Jon Bramnick, State Senator Joseph Pennacchio, Assemblywoman Bettylou DeCroce, Assemblyman Jay Webber, and to the New Jersey League of Municipalities.

RESOLUTION No. 2017-139

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

OPPOSING NEW JERSEY ADMINISTRATIVE CODE 5:30-18: EMPLOYEE COMPENSATION DISCLOSURE FORMS

WHEREAS, The Local Finance Board is proposing new rules to *N.J.A.C. 5:30-18.1* and *18.2* as authorized by *N.J.S.A. 40A:5-19* and *50*, which would set forth public disclosure and hearing requirements for ratification of labor contracts and other compensation measures adopted by resolution; and

WHEREAS, *N.J.A.C. 5:30-18.1* and *18.2(a)3* would require a public hearing on any collective negotiation agreement prior to adoption unless the agreement has been imposed by an arbitrator; and

WHEREAS, collective negotiation is a time-consuming process requiring financial analysis and historical insight by both elected officials and bargaining unit representatives; and

WHEREAS, collective bargaining agreements may take months of thoughtful discussion and compromise in order to reach an agreement acceptable to all parties; and

WHEREAS, requiring public comment on a collective negotiation agreement prior to its adoption may:

1. Cause the otherwise completed negotiation to be continued after all parties have expressed satisfaction with the results, which erodes the confidence of all involved in the process; increases the costs to both parties for the negotiation process; extends the amount of time that the bargaining units are serving without a contract, undermining the morale and efficiency of the unit members;
2. Create frustration among the public if the comment period is treated perfunctorily for the above stated concerns;
3. Create undue political pressure on elected officials, who will be faced with public backlash for not incorporating theoretically sound ideas into an agreement that has already been satisfactorily settled;

WHEREAS, while the Mayor and Council wholly supports transparency, this new rule would interfere with the collective bargaining process that they, as elected officials representing the public interest have been charged with performing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Verona, hereby request that the Local Finance Board reconsider its

promulgation of N.J.A.C. 5:30-18.1 and 18.2(a)3 to except collective bargaining agreements.

BE IT FURTHER RESOLVED that the Municipal Clerk is here by directed to forward to certified copy of this Resolution to the Executive Secretary of the Local Finance Board, Director of the Division of Local Government Services Timothy Cunningham, Commissioner of the Department of Community Affairs Charles A. Richman and Governor Chris Christie.

ROLL CALL:

AYES: Roman, McEvoy, Nochimson, Ryan

NAYS:

ABSENT: Giblin

RESOLUTION NO. 2017-140

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

**AMENDING THE MEETING DATES FOR THE
SCHEDULED COUNCIL MEETINGS**

WHEREAS, Resolution No. 2017-128 established the schedule of Regular Meeting dates and times the meeting dates and times of the Mayor and Council through June 2018, and;

WHEREAS, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-18, notice of the scheduled meetings was transmitted on August 10, 2017 in the Verona-Cedar Grove Times and Newark Star Ledger; and

WHEREAS, the Mayor and Council of the Township of Verona have decided to amend the schedule.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Verona, County of Essex, New Jersey, that schedule meetings of the

Mayor and Council is hereby amended as follows:

<u>Original Date</u>	<u>Amended Date</u>
October 10, 2017 – <i>Joint Meeting with BOE</i>	October 10, 2017 (<i>Regular Meeting of Mayor and Council 600 Bloomfield Avenue Monday, October 30, 2017 (*Joint meeting with Verona Board of Education at Verona High School Learning Commons)</i>)

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to transmit to Township's official newspapers, the Verona-Cedar Grove Times and the Newark Star Ledger.

ROLL CALL:

AYES: Roman, McEvoy, Nochimson, Ryan

NAYS:

ABSENT: Giblin

RESOLUTION No. 2017-141

A motion was made by Councilman Roman; seconded by Mayor Ryan 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. Contract Negotiations pursuant to *N.J.S.A. 10:4-12(7)*
 - b. Pending Litigation pursuant to *N.J.S.A. 10:4-12(7)*
 - c. 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: Roman, McEvoy, Nochimson, Ryan

NAYS:

ABSENT: Giblin

New Business:

Discussion takes place among Council in regards to placing logos for the civic organizations in the Community Center. Concern as to which organizations are recognized and how to determine that is discussed along with recognizing such organizations on a digital screen or plaque.

Discussion among Council pertaining to commercial garbage pick up by the Township is discussed. Mayor Ryan requests the Township Attorney review and submit ordinances for other localities for the Council's review.

A hearing regarding the Notice of Appeal of Board of Adjustment Case #2017-08 is set to take place during the regular meeting of the governing body on October 23, 2017.

Public Participation:

Sandra Dubowski, 26 Cypress Avenue, Verona, New Jersey
Robert Tropiano, 21 Cypress Avenue, Verona, New Jersey
Dennis DeSanzo, 7 Willow Terrace, Verona, New Jersey
Larry Dubowski, 26 Cypress Avenue, Verona, New Jersey
Jesse Lilly, 52 Brookside Avenue, Verona, New Jersey
Pete Boeck, 6 Cypress Avenue, Verona, New Jersey

Howard Krieger, 22 Cypress Avenue, Verona, New Jersey
Stephanie D'Andrea, 3 Birch Lane, Verona, New Jersey
Jessica Pearson, 20 Montclair Avenue, Verona, New Jersey
Santi Condorelli, 59 Brookside Avenue, Verona, New Jersey
Richard Aloia, 37 Malvern Place, Verona, New Jersey

Adjournment:

Motion to adjourn the public meeting and go into Executive Session at 9:17 p.m. is moved by Councilman McEvoy; seconded by Councilman Roman. Vote: 4 ayes.

The next scheduled meeting is October 10, 2017 at 7:00 p.m.

Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Kevin Ryan
Kevin Ryan, Mayor