

Minutes of a Regular Meeting of the Verona Township Council on Monday, November 13, 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; Councilman Alex Roman; Councilman Ted Giblin and Councilman Jack McEvoy are present. Township Manager Matthew Cavallo, Township Attorney Brian Aloia, and Municipal Clerk Jennifer Kiernan are also present.

Mayor Ryan leads the Pledge of Allegiance.

Mayor's Report:

Mayor Ryan invites Essex County liaison Jay Coltre to the lectern. Mr. Coltre reports the dates for this year's Essex County Holiday Lights Celebration at the Turtle Back Zoo. The Zoo will be closed for the Christmas Holiday on December 24th and 25th.

Mayor Ryan commends anyone who turned out for the Township's Veteran's Day Ceremony on November 11th as well as those who participated and braved the cold weather. Verona High School students Emma Kubacki and David Karpinski sang the National Anthem and God Bless America and Lucas Konrad-Parisi played Taps on the trumpet. The Mayor comments that he watched a special on PBS about the human costs of war and the experiences the veteran's encounter upon their return home after serving. He encourages everyone to watch it.

The Fair in the Square is Saturday, December 2, 2017. An interfaith ceremony will be held at the Presbyterian Church on November 19th at 3:00 p.m.

Township Attorney Brian Aloia states that salary ordinance no. 2017-26, scheduled to be considered by the Council has been pulled at the suggesting of the Municipal Clerk's representative. Going forward, if it is scheduled it will require a first introduction again. Mr. Aloia also states that the Board of Adjustment case #2107-08 regarding an application by Verizon Wireless has been appealed and upon an agreement between both parties tonight's hearing will be adjourned until the next regular scheduled meeting of the Council which will be held on December 4, 2017 at 7:00 p.m.

Mayor Ryan announces that Liz Cundari has submitted a donation to the Verona Rescue Squad in the amount of \$6,250.00. Squad member Sandy Bowman is present to accept the check on behalf of the Squad.

Manager's Report:

Matthew Cavallo reports that this year's tax sale will be held online for the first time. The sale will be held on December 7, 2017.

RFP's for the Township Attorney, Bond Counsel, Tax Counsel and Township Engineer were accepted on November 3, 2017. They are currently being reviewed. The Bid for the Street Sweeper was also opened on November 3, 2017. The award is on tonight's agenda. Delivery is expected within weeks.

Councilmembers' Reports:

Deputy Mayor Nochimson follows up on the jitney service in town. He states that according to the surveys taken last year there seems to be interest. He is aware that Caldwell is arranging for a jitney service to Bay Street in Montclair and requests the option of a jitney service be revisited. The Township Manager states that the jitney service in Caldwell is being operated by a private company but has been suspended because there has not been enough interest to justify ridership. West Caldwell Mayor Joseph Tempesta, Mr. Cavallo and Mayor Ryan will meet closer towards the end of the month.

The Deputy Mayor had requested the Township Manager look into the Township recycling Styrofoam. Mr. Cavallo reports that recycling Styrofoam is not cost effective as there are many types of Styrofoam that are not recyclable and therefore it is not cost effective to do.

There is a long discussion about commercial garbage pickup within the Township as the Deputy Mayor has suggested ending commercial garbage pickup for restaurants. The Township Manager reports that the State DEP classes users of garbage pickup into three categories: residential, commercial and institutional. Restaurants fall into the commercial classification and cannot be separate. The Township Manager had sent an email earlier to the Council stating what each surrounding municipality does in terms of collecting commercial garbage. In the Borough of Caldwell, commercial and institutional sources are allowed to place solid waste at the curb for collection provided that all garbage and refuse is contained in no more than five suitable receptacles. Cedar Grove's solid waste hauler is not contracted for commercial garbage collection, but will pick up from "mom and pop" business in town if receptacles are placed at the curb. North Caldwell, Roseland and West Caldwell only collect solid waste from residential sources. West Orange is similar to Caldwell and requires any business who exceeds an average of three garbage receptacles per collection is required to contract for their own private garbage collection, although it is not currently in their code.

Township Attorney Brian Aloia comments that an ordinance can be drafted whereby the governing body can determine what times commercial garbage can be collected. However, the current contract with the garbage hauler does not expire until 2018 and any changes can be implemented with a new contract at that time.

It is unanimously agreed upon among the Council that the Township Manager will contact commercial establishments to get input before a draft ordinance is created.

In response to the Deputy Mayor's request for an update on field use, the Township Manager states that the Township has begun to draft an ordinance implementing an athletic facility use policy that will ultimately need to be approved by the Board of Education with the input of the stakeholders, i.e. township sports organizations, the recreation department and board of education. The creation of a Recreation Committee will also be included in the ordinance, whose responsibility it will be to ensure equal scheduling of fields.

Deputy Mayor Nochimson comments that the annual League of Municipalities Conference and those attending costs the Township money. He believes that the Mayor or a designee should be allowed to attend, but everyone else attending for classes should pay for themselves.

Councilman Roman reports that according to an NJ.Com article, NJ owes \$273 in retirement payouts. He comments that he has a problem with accumulated and unused sick days being paid out in retirement as the Township is continually trying to control costs. The Township Manager states that State law covers all employees hired after 2010 to be capped at \$15,000 at retirement. He states that any employees hired after his appointment in December 2015 are not privy to the accumulated sick time benefit.

Township Attorney Brian Aloia suggests that a personnel policy can be created within an ordinance that allows for those employees entitled to accumulated terminal leave to retain the cash value equal to the salary at the time of accrual and not the time of retirement.

Councilman Giblin states that he hopes the Township will be mindful of existing employees who have earned benefits but he has no problem drawing a line in the sand. Councilman Roman agrees that if a benefit has already been obtained by an employee, they should keep it.

Councilman McEvoy states that the Halloween Trick or Treat for Verona's businesses had a great turnout. The clean-up organized for the West Essex Trail railroad tracks also had a great turnout. He congratulates the Varsity Girls Soccer team, ranked 11th in the State on a great season and also congratulates the Varsity Girls Volleyball team as State Champs. Next Saturday they will participate in the Tournament of Champions.

Councilman Giblin echoes the Mayor's comments on the Township's Veteran's Day Ceremony. He congratulate OLL School for receiving the National Blue Ribbon award for the second time in six years. He extends his congratulations to OLL Principal Ben Ronquillo.

RESOLUTION NO. 2017-166

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

RESOLUTION OF THE TOWNSHIP OF VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY, AMENDING RESOLUTION NO. 2017-99 ADOPTED JUNE 19, 2017 TO AUTHORIZE \$400,000 SPECIAL EMERGENCY NOTES

**BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
VERONA, IN THE COUNTY OF ESSEX, NEW JERSEY** (not less than two-thirds of all
members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. Section 3 of Resolution No. 2017-99 adopted June 19, 2017 is amended to authorize special emergency notes in an amount not in excess of \$400,000, the amount appropriated by the special emergency ordinance finally adopted June 19, 2017 to fund a complete program of revaluation of all real property within the Township for use of the Township Tax Assessor for the tax year 2019 in accordance with the Order of the Essex County Board of Taxation dated March 2, 2017.

SECTION 2. Section 7 of Resolution No. 2017-99 is amended to read as follow: The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the notes, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the notes. The Chief Financial Officer is hereby authorized to act on behalf of the

Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue notes in the amount authorized in Section 1 of this resolution and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 1 of this resolution. This Section 2 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 3. Two certified copies of this amending resolution shall be filed with the Director of the Division of Local Government Services as required by law.

SECTION 4. This resolution shall take effect immediately.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2017-167

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

**AUTHORIZE BUDGET TRANSFERS BETWEEN APPROPRIATION
ACCOUNTS PURSUANT TO NJSA 40a:40-1**

WHEREAS, certain transfers of funds for various 2017 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, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Verona that the Chief Financial Officer shall and is hereby authorized to make transfers between appropriation accounts of the 2017 Municipal Budget as follows:

<u>TITLE</u>	<u>FROM</u>	<u>TO</u>
Current Fund – Legal Services Other Expenses	\$3,000	
Current Fund – Legal Services Salary and Wage		\$3,000
Current Fund – Street and Road Salary and Wage	\$10,000	
Current Fund – Street and Road Other Expenses		\$10,000
Water/Sewer Utility – Bond Anticipation Note Interest	\$4,341.35	
Water/Sewer Utility – Bond Interest		\$4,341.35
Swimming Pool Utility – Bond Anticipation Note Interest	\$1,376.00	

Swimming Pool Utility – Bond Interest		\$1,376.00
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ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2017-168

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

**APPROVING CONTRACT CHANGE NO. 1 AND CONTRACT
CLOSE-OUT – CONTRACT NO. 16-01**

WHEREAS, Stanziale Construction LLC and the Township of Verona have heretofore entered into an Agreement, more particularly known as Contract No. 16-01 “Reconstruction of Claremont Avenue, Section II” for the furnishing of labor, equipment and materials in the amount of \$ 375,625.82, in accordance with the requirements of the Local Public Contract Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Council has received Contract Change No. 1 and Contract Close-Out for the within contract, dated October 18, 2017, from the Township Engineer, in an amount of plus \$46,050.86, for a final contract amount of \$421,676.68; and

WHEREAS, the Contract Change No. 1 and Contract Close-Out do not expand the scope of the within contract; and

WHWEREAS, the within Contract Change No. 1 and Contract Close-Out is in the best interests of the Township of Verona.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey that Contract Change No. 1, in the amount of (plus) \$46,050.86, for a final contract amount of \$421,676.68 be approved and Contract 16-01 is closed out; and

BE IT FURTHER RESOLVED that the Mayor, Township Manager, the Township Engineer and the Township Clerk are hereby authorized to execute the within Contract Change No. 1 and Contract Close-Out on behalf of the Township.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2017-169

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

**RESOLUTION AWARDDING CONTRACT No. 17-12
ONE (1) 2017 MODEL STREET SWEEPER**

WHEREAS, on November 3, 2017 the Township of Verona received bids for Contract No. 17-12 – One (1) 2017 Model Street Sweeper; and

WHEREAS, one (1) responsive and responsible bid was received for Contract No. 17-12; and

WHEREAS, Northeast Sweepers & Rentals, Inc., 16 Passaic Avenue, Unit #9, Fairfield, New Jersey 07004 was the lowest responsive and responsible bidder, in a required contact amount of \$237,510; and

WHEREAS, the Township Manager, concurring with the Superintendent of Public Works, has reviewed the proposal and recommends that the Contract award be made to Northeast Sweepers & Rentals, Inc. as the lowest responsive and responsible bidder; and

WHEREAS, this contract shall be charged to Account No. C-53-46-017-024 or any other account that may be deemed appropriate by the Chief Financial Officer or his designee, and these funds have been certified by the Chief Financial Officer.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey, that the contract for Contract No. 17-12 be awarded to the lowest responsive and responsible bidder, Northeast Sweepers & Rentals, Inc., 16 Passaic Avenue, Unit #9, Fairfield, New Jersey 07004 for the purchase of one (1) 2017 Model Street Sweeper for the required contract amount of \$237,510.

BE IT FURTHER RESOLVED, this contract shall be charged to Account No. C-53-46-017-024, or any other account 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: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2017-170

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

**APPROVAL AND ACCEPTANCE OF THE FFY 2017 U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BLOCK GRANT AWARD IN THE
AMOUNT OF \$106,563 AND AUTHORIZING THE EXECUTION OF A
SUBRECIPIENT AGREEMENT WITH THE COUNTY OF ESSEX**

WHEREAS, the County of Essex has received an FFY 2017 Community Development Block Grant from the United States Department of Housing and Urban Development; and

WHEREAS, the Township of Verona previously authorized Essex County to apply for said funds on behalf of the Township through a consortium of municipalities by Resolution 2016-157; and

WHEREAS, the County of Essex is providing the Township \$106,563 for Reconstruction of Linn Drive Section I; and

WHEREAS, no matching funds are required of the Township related to this grant.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Verona, in the County of Essex, New Jersey that the Township hereby accepts the CDBG grant monies in the amount of \$106,563 and does hereby authorize the Mayor and the Township Clerk to execute any and all documents related to this grant including but not limited to the sub-recipient agreement being required by Essex County.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION No. 2017-171

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

**ACCEPTING FEDERAL FUNDING FROM THE EDWARD BYRNE
MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE SOLE
PURPOSE OF PURCHASING BODY WORN CAMERAS**

WHEREAS, body worn cameras have been identified as a promising tool to help law enforcement perform their duties in the community; and

WHEREAS, it is the policy of the Township of Verona that local law enforcement officers shall deploy body worn cameras in a manner consistent with the provisions outlined in Attorney General Directive 2015-1; and

WHEREAS, in order to aid police departments and municipalities to purchase body-worn cameras, the Office of the Attorney General is launching the Body Worn Camera Assistance Program to offset some of the costs associated with the purchase of Body Worn Cameras and related equipment; and

WHEREAS, the Township of Verona Police Department submitted an application to the State of New Jersey, Department of Law and Public Safety for the 2016 Body Worn Camera packages through the Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, on January 9, 2017 the Township of Verona Police Department received written notification from the State of New Jersey, Department of Law and Public Safety of an award of \$15,000 (not to exceed \$500 per camera) for the Township Police Department to use towards the purchase, not to exceed the approved \$15,000 funding under subaward number JAG BWC13-16 ; and

WHEREAS, the Township of Verona Police Department has a period of performance from January 9, 2017 through January 9, 2018 to purchase said Body Worn Camera Packages and provide for full payment of any balance for the purchase; and

WHEREAS, the Township of Verona Police Department currently has drafted and is pending approval of a Body Worn Camera policy that was submitted to the State of New Jersey, Department of Law and Public Safety; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Verona, in the County of Essex, State of New Jersey authorizes and accepts this subaward of \$15,000 (not to exceed \$500 per camera) from the State of New Jersey, Department of Law and Public Safety.

BE IT FURTHER RESOLVED that the Township of Verona will fulfill the financial obligation of paying for any and all outstanding costs from this purchase above and beyond that the approved grant amount is.

BE IT FURTHER RESOLVED that the Township of Verona will comply with all rules, regulations and requests associated with the execution of this grant award within the period of performance prescribed by the State of New Jersey, Department of Law and Public Safety.

BE IT FURTHER RESOLVED that the Department of Law and Public Safety will fund this obligation through its Capital Ordinance.

ROLL CALL:

AYES: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2017-172

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

PROPERTY MAINTENANCE LIEN

WHEREAS, the Construction Code Official determined that the owner of the Block 1006, Lot 6, commonly known as 100 Cumberland Avenue, Verona, New Jersey failed to comply with the Township property maintenance code, specifically lawn maintenance; and

WHEREAS, clean up was performed by Green Valley Landscape Design & Maintenance on behalf of the Township on June 3rd and 23rd totaling the amount of \$175.00; 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 or Federal regulation.

NOW, THEREFORE BE IT RESOLVED by the Mayor and 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 100 Cumberland Avenue, Verona, New Jersey (Block 1006, Lot 6) a municipal lien in the amount of the tax lien certificate (\$175.00), 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: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2017-173

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

PROPERTY MAINTENANCE LIEN

WHEREAS, the Construction Code Official determined that the owner of the Block 1301, Lot 10, commonly known as 84 Durrell Street, Verona, New Jersey failed to comply with the Township property maintenance code, specifically lawn maintenance; and

WHEREAS, clean up was performed by Green Valley Landscape Design & Maintenance on behalf of the Township on June 9th, 10th and 12th totaling the amount of \$350.00; 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 Mayor and 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 84 Durrell Street, Verona, New Jersey (Block 1301, Lot 10) a municipal lien in the amount of the tax lien certificate (\$350.00), 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: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION NO. 2017-174

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

PROPERTY MAINTENANCE LIEN

WHEREAS, the Construction Code Official determined that the owner of the Block 1801, Lot 1, commonly known as 6 Morningside Road, Verona, New Jersey failed to comply with the Township property maintenance code, specifically lawn maintenance; and

WHEREAS, clean up was performed by Green Valley Landscape Design & Maintenance on behalf of the Township on May 3rd, 19th, 26th, June 3rd, and 15th totaling the amount of \$400.00; 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 Mayor and 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 6 Morningside Road, Verona, New Jersey (Block 1801, Lot 1) a municipal lien in the amount of the tax lien certificate (\$400.00), 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: Roman, Giblin, McEvoy, Nochimson, Ryan

NAYS:

RESOLUTION No. 2017-175

A motion was made by Councilman Giblin; seconded by Councilman Roman 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, Giblin, McEvoy, Nochimson, Ryan

NAYS:

Public Participation:

Deb Lawrence, 157 Morningside Road, Verona, New Jersey
Marty Manning, 1 Cliff Street, Verona, New Jersey
Andrew O'Toole, 300 Claremont Avenue, C-7, Verona, New Jersey
Kim Cheung, 640, 544-546 Bloomfield Avenue, Verona, New Jersey
Al DeOld, 15 Howard Street, Verona, New Jersey

Adjournment:

Motion to adjourn the public meeting at 9:55 is moved by Deputy Mayor Nochimson; seconded by Mayor Ryan. Vote: 5 ayes.

The next regular scheduled meeting is December 4, 2017 at 7:00 p.m.
Respectfully submitted,

Jennifer Kiernan
Jennifer Kiernan, Municipal Clerk

Kevin Ryan
Kevin Ryan, Mayor