

Conference Meeting – February 9, 2016

The Township Council of the Township of West Orange met in the Council Chambers, Municipal Building, and 66 Main Street, West Orange, New Jersey at 6:37 p.m. Karen J. Carnevale, Municipal Clerk, read the following statement:

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Public Law, 1975. A notice of this meeting was emailed to the Star Ledger and the West Orange Chronicle on October 14, 2015.

Roll Call:

Present: Councilwoman Casalino, Councilman Guarino, Councilman Krakoviak, Councilwoman McCartney and Council President Cirilo

Township resident and father of the Township Clerk James A. Damgen was recognized by the Council on the occasion of his 90th birthday, a commendation was presented to the members of the West Orange School Board of Education celebrating School Board Education Month January 2016 and Joseph Suriano was honored by the Council on the occasion of his retirement as a teacher with the West Orange school district. On motion made by Councilwoman McCartney and seconded by Councilman Guarino, Michelle Casalino was selected as Council Liaison for the Board of Education, all members voting “Aye.”

Public Meeting – February 9, 2016

The Township Council of the Township of West Orange met in the Council Chambers, Municipal Building, and 66 Main Street, West Orange, New Jersey at 7:19 p.m. Karen J. Carnevale, Municipal Clerk, read the following statement:

This is to inform the general public that this meeting is being held in compliance with Section 5 of the Open Public Meetings Act, Public Law, 1975. A notice of this meeting was emailed to the Star Ledger and the West Orange Chronicle on October 14, 2015.

Roll Call:

Present: Councilwoman Casalino, Councilman Guarino, Councilman Krakoviak, Councilwoman McCartney and Council President Cirilo

Public Comment

The Council President asked if there was anyone who wished to make a statement at this time.

Martin Feitlowitz-17 Bradford Avenue-Vice Chairman-WOHPC

Gerald Gurland-296 Araneo Drive-Chairman-W.O. Historic Preservation Commission

Tammy Williams-16 Hillsdale Avenue

Megan Brill-Downtown West Orange Alliance Executive Director

Susan Anderson-West Orange Public Information Officer

Gloria Washington-143 Watchung Avenue

Ken Alper-45 Collamore Terrace

Ken Alper-45 Collamore Terrace

Susan McAbee-2 Mountain Way

Rosary Morelli-Ralph Road

Mariel Clemenson-Cherrywood Circle

Windale Simpson-Hillside Avenue

Jerome Eban-26 Walker Road

Catherine O'Hara-42 Franklin Avenue

Kevin Malanga – Ridge Road

There was no one else who wished to be heard and the public hearing was closed.

Council President stated that the Ordinances would be heard prior to approval of the Consent Agenda.

Ordinance(s) on Second and Final Reading

Ordinance 2472-16

- a. On motion made by Councilman Guarino and seconded by Councilwoman Casalino, **An Ordinance Amending and Supplementing Chapter X of the Revised General Ordinances of the Township of West Orange, Entitled "Animals", Adding Section 10-15, Et Seq. to Permit the Managed Care of Feral Cats** was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this is the scheduled time for the public hearing and asked the Clerk to read the ordinance by title only.

The Council President asked if there was anyone who wished to be heard.

Judy Stier – Trap, Neuter Release Program President

There was no one else who wished to be heard and the public hearing was closed.

On motion made by Councilman Krakoviak and seconded by Councilman Guarino, the above mentioned ordinance was passed on second and final reading and ordered advertised according to law.

All members voting "Aye".

Ordinance 2473-16

- b. On motion made by Councilman Krakoviak and seconded by Councilwoman Casalino, **An Ordinances Amending Chapter 12, Sections 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.14, and 8.16 of the Revised General Ordinances of the Township of West Orange - (Tobacco Product Vending Machines)** was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this is the scheduled time for the public hearing and asked the Clerk to read the ordinance by title only.

The Council President asked if there was anyone who wished to be heard.

There was no one who wished to be heard and the public hearing was closed.

On motion made by Councilman Guarino and seconded by Councilwoman McCartney, the above mentioned ordinance failed to pass on second and final reading.

Councilman Guarino and Councilwoman McCartney voting "Aye" and Councilwoman Casalino, Councilman Krakoviak and Council President Cirilo voting "Nay."

Ordinance 2474-16

- c. On motion made by Councilwoman McCartney and seconded by Councilwoman Casalino, **Bond Ordinance Authorizing Parking Improvements at Gregory School in and for the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$375,000 Therefore and Authorizing the Issuance of \$357,140 Bonds or Notes to Finance Part of the Cost Thereof** was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this is the scheduled time for the public hearing and asked the Clerk to read the ordinance by title only.

The Council President asked if there was anyone who wished to be heard.

Dr. Akil Khalfani-38 Birch Street

Claire Silvestri-20 Grandview Avenue

Mariel Clemenson-Cherrywood Circle

Gloria Washington-143 Watchung Avenue

There was no one else who wished to be heard and the public hearing was closed.

On motion made by Councilwoman Casalino and seconded by Councilwoman McCartney, the above mentioned ordinance was passed on second and final reading and ordered advertised according to law.

Councilwoman Casalino, Councilman Guarino, Councilwoman McCartney and Council President Cirilo voting "Aye", Councilman Krakoviak voting "Nay."

Ordinance 2475-16

- d. On motion made by Councilman Guarino and seconded by Councilwoman McCartney, **Bond Ordinance Authorizing Various Capital Improvements in and for the Township of West Orange, in the County of Essex, New Jersey Appropriating \$7,378,635 Therefore and Authorizing the Issuance of \$7,027,266 Bonds or Notes to Finance Part of Cost Thereof** was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this is the scheduled time for the public hearing and asked the Clerk to read the ordinance by title only.

Dr. Akil Khalfani-38 Birch Street

There was no one else who wished to be heard and the public hearing was closed.

On motion made by Councilwoman McCartney and seconded by Councilman Guarino, the above mentioned ordinance was passed on second and final reading and ordered advertised according to law.

Councilwoman Casalino, Councilman Guarino, Councilwoman McCartney and Council President Cirilo voting "Aye", Councilman Krakoviak voting "Nay."

Ordinance(s) on First Reading

Ordinance 2476-16

- a. On motion made by Councilman Guarino and seconded by Councilwoman McCartney, **An Ordinance Amending the Revised General Ordinances of the Township of West Orange, Chapter 23, Section 1.1, Establishing Fees and Rates at Ginny Duenkel Pool for the 2016 Season** the above mentioned ordinance was approved on first reading, ordered advertised according to law, to come up for second and final reading on February 23, 2016.

All members voting "Aye".

Ordinance 2477-16

- b. On motion made by Councilwoman McCartney and seconded by Council President Cirilo, **An Ordinance Amending Chapter 25, Sections 4(b), 7.1 and 9.12 of the Revised General Ordinances of the Township of West Orange (Standby Power Generators)** the above mentioned ordinance was approved on first reading, ordered advertised according to law, to come up for second and final reading on February 23, 2016.

***Review of Consent Agenda**

***Approval of Minutes of Previous Meeting**

The Public Meeting and Executive Session minutes of the January 19, 2016 were approved as submitted.

***Resolution(s) adopted on Consent Agenda:**

- a. 23-16 Resolution Authorizing an Agreement with Fox Rothschild, LLP, 75 Eisenhower Parkway, Suite 200, Roseland, NJ to Serve as Labor Counsel for the Period of January 1, 2016 through December 31, 2016 at an Hourly Rate of \$175.00 (Legal-Moon)
This resolution would authorize execution of a contract with Fox Rothschild, LLP ("FR"), whereby FR would serve in the capacity of Labor Counsel at an hourly rate of \$175 for the calendar year 2016.

This resolution would authorize the execution of an agreement with Blau & Blau, Attorneys at Law of the State of New Jersey, to serve as special counsel to the Township in connection with commercial real estate tax appeals.

- c. 26-16 Resolution Authorizing the Appointment of Joseph M. Wenzel, Esq. to the Position of Municipal Prosecutor for a One Year Term at the rate of \$1000 per week for the period of February 1, 2016 to December 31, 2016 (Legal-Moon)

- d. 27-16 Resolution Authorizing an Agreement with H2M Associates, Inc., 119 Cherry Hill Rd., Parsippany, NJ to Provide Municipal Planning Services for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)

This resolution would authorize the execution of a contract with H2M Associates, Inc. ("H2M"), whereby H2M would provide municipal planning services for the calendar year 2016 at rates specified in the contract.

- e. 28-16 Resolution Authorizing an Agreement with Hendricks Appraisal Company, Inc., 7 Hutton Avenue, West Orange, NJ to Provide Appraisal Services to the Township for the Period of January 1, 2016 through December 31, 2016 at an Hourly Rate of \$150. (Legal-Moon)

This resolution would authorize the execution of a contract with Hendricks Appraisal Company, LLC ("Hendricks"), whereby Hendricks would provide appraisal services for the calendar year 2016 at the hourly rate of \$150.

- f. 30-16 Resolution Authorizing an Agreement with Ellen O'Connell of Inglesino, Webster, Wyciskala & Taylor, LLC, 600 Parsippany Rd., Suite 204, Parsippany, NJ to Provide Services as Hearing Officer for the Period of January 1, 2016 through December 31, 2016 at an Hourly Rate of \$175.00 (Legal-Moon)

This Resolution would authorize execution of a contract with Ellen O'Connell, Esq. of Inglesino Webster ("Ms. O'Connell"), whereby Ms. O'Connell would serve in the capacity of Hearing Officer at an hourly rate of \$175 for the calendar year 2016.

- g. 31-16 Resolution Authorizing Execution of Agreement with NW Financial Group, LLC to Provide Financial Consulting Services (Legal-Moon)

This resolution would authorize the execution of a contract with NW Financial Group, LLC ("NW"), whereby NW would provide financial consulting services for the calendar year 2016 at the rates specified in the contract.

- h. 32-16 Resolution Authorizing West Orange Township Office of Emergency Management to Accept Funds from a Sub-grant Award of the Federal Year 2015 of Emergency Management Agency Assistance Program Funding and for the CFO to Amend the Budget and Certify the Availability of Funds (Fire-Wagner)

- i. 34-16 Resolution Authorizing an Agreement with Bowman Consulting Company, 54, Horsehill Road, Cedar Knolls, NJ to Provide Municipal Planning Services to the Township for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)

This resolution would authorize the execution of a contract with Bowman Consulting Company whereby Bowman would provide municipal planning services for the calendar year 2016 at rates specified in the contract.

- j. 35-16 Resolution Authorizing an Agreement with The Shade Tree Department, LLC, P.O. Box 6089, West Orange, NJ to Provide Forestry Services for the Period of January 1, 2016 through December 31, 2016 at an Hourly Rate of \$80.(Legal-Moon)
This resolution would authorize the execution of a contract with Shade Tree Department, LLC (“Shade Tree”), whereby Shade Tree would provide forestry services for the calendar year 2016 at the hourly rate of \$80.
- k. 37-16 Resolution Authorizing an Agreement to Retain Bourne, Noll & Kenyon, 382 Springfield Ave., Summit, NJ as Special Counsel for the Provision of Non Commercial Real Estate Tax Appeal Services on a Flat Fee Basis of \$3,250. Per Month Period of January 1, 2016 through December 31, 2016 (Legal-Moon)
This resolution would authorize execution of a contract with Bourne, Noll & Kenyon, whereby (Bourne, Noll & Kenyon) would serve in the capacity of Special Counsel at the rate specified in the contract.
- l. 38-16 Resolution Authorizing the Township’s Application for the Municipal Alliance Grant for the Fiscal year 2017 (Legal-Moon)
This resolution authorizes the Township to proceed with an application for Municipal Alliance Grant for the fiscal year 2017. The Municipal Alliance Grant is provided through the Governor’s Council on Alcoholism and Drug Abuse that funds local prevention and treatment programs.
- m. 40-16 Resolution Authorizing the Execution of the Professional Services Agreement with Harvey Grossman, Esq. to Serve as Public Advocate for 2016 (Legal-Moon)
This resolution authorizes the execution of a professional services agreement with Harvey Grossman, Esq. to continue his retention as Public Advocate for 2016. As the Public Advocate, Mr. Grossman shall continue to represent the public interest before various local, state and federal bodies, including the Township’s Planning Board and Zoning Board of Adjustment. Pursuant to the terms of the professional services agreement, Mr. Grossman shall receive an annual rate of \$3,500 per year.
- n. 41-16 Resolution Authorizing an Agreement with Associated Appraisal Group, Inc., 6 Commerce Drive, Third Floor, Cranford, NJ for Residential Appraisal Services for Calendar Year 2016 Pursuant to Terms Set Forth in Contract (Legal-Moon)
- o. 42-16 Resolution Authorizing an Agreement with Scarinci Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, NJ to Serve as Labor Counsel for the Period of January 1, 2016 through December 31, 2016 at an Hourly Rate of \$150.00 (Legal-Moon)
This resolution would authorize execution of a contract with Scarinci Hollenbeck, LLC (“SL”), whereby SL would service in the capacity of Labor Counsel at an hourly rate of \$150 for the calendar year 2016.
- p. 43-16 Resolution Authorizing an Agreement with Community Action Services, P.O. Box 6025, East Brunswick, NJ to Provide Housing Rehabilitation Services to the Township for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)
This resolution would authorize the execution of a contract with Community Action Services (“CAS”), whereby CAS would provide housing rehabilitation consulting services for the calendar year 2016 at rates specified in the contract.

- q. 44-16 Resolution Authorizing an Agreement with Shirley Bishop, P.P., LLC, 100 Overlook Center, Floor 2, Princeton, NJ for Housing Consulting Services for the Period of January 1, 2016 through December 31, 2016 at an Hourly Rate of \$165.00 (Legal-Moon)
This resolution would authorize the execution of a contract with Shirley M. Bishop, P.P., LLC ("Bishop"), whereby Bishop would provide housing consulting services for the calendar year 2016 at the hourly rate of \$165.00
- r. 45-16 Resolution Authorizing an Agreement with Alice Beirne, Esq. as Zoning Board Attorney for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)
This resolution authorizes the execution of a professional services agreement with Alice Berne, Esq. retaining Ms. Beirne as the Zoning Board Attorney for 2016. Pursuant to the terms of the professional services agreement, Ms. Beirne will be paid an annual rate of \$3,500 per year.
- s. 46-16 Resolution Authorizing an Agreement with Gibbons, PC, One Gateway Center, Newark, NJ as Bond Counsel for the Period of January 1, 2016 through December 31, 2016 at an Hourly Rate of \$195.00 (Legal-Moon)
- t. 47-16 Resolution Authorizing the Submission of the Sustainable Grant Application (Legal-Moon)
This resolution authorizes the Township to apply for a grant from the Sustainable Jersey program which provides resources to municipalities to make progress on sustainability issues. Passage of an authorizing resolution is a prerequisite for the grant application.
- u. 50-16 Resolution Authorizing the Execution of the Professional Services Agreement with Comprehensive Psychological Services, P.A., 623 Raritan Road, Clark, NJ as Psychological Consultant for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)
- v. 51-16 Resolution Authorizing the Retention of Judge Gallipoli as a Confidential Personnel Investigator (Legal-Moon)
A personnel complaint was filed related to the West Orange Municipal Court. This resolution authorized the Township to retain the Honorable Maurice J. Gallipoli, A.J.S.C. (retired) as a confidential personnel investigator to investigate the personnel complaint as a neutral third party investigator. Pursuant to the terms of the Agreement with Judge Gallipoli will bill at a rate of \$350 per hour but his billing will be capped at \$5,000 for the entirety of his investigation.
- w. 52-16 Resolution to Auction Abandoned Vehicles Through Designated Towing Companies (DeSantis)
- x. 54-16 Resolution Authorizing the Execution of a Professional Services Agreement with Allied Risk Management Services as Risk Management Consultant for 2016 (Legal-Moon)
This resolution authorizes Allied Risk Management Services to continue as a Risk Management Consultant on behalf of the Township for 2016. Pursuant to the terms of the agreement, Allied Risk Management Services shall be paid an annual rate of \$24,000 to be made in quarterly payments of \$6,000.

- y. 55-16 Resolution Authorizing the execution of the Professional Services Agreement with Phillips Preiss Grygiel as to Paul Grygiel's Reappointment as the Township's Planning Director for 2016 (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Phillips Preiss Grygiel to continue the retention of Paul Grygiel as the Township's Municipal Planning Director for 2016. Pursuant to the terms of the agreement, Phillips Preiss Grygiel shall be paid a monthly rate of \$2,400. for services that are non-escrow reimbursable. For all services that are reimbursable from escrow Phillips Preiss Grygiel shall be reimbursed pursuant to the rates set forth in the professional services agreement paragraph 2.

- z. 56-16 Resolution Authorizing Reimbursement Costs for Private Garbage Collection for the Period of January 1, 2015 through December 31, 2015 to Private Home Owner Associations/Individuals (Gross)

- aa. 57-16 Duplicate

- bb. 58-16 Resolution Authorizing the execution of the Professional Services Agreement with Patrick Dwyer, Esq. as Planning Board Attorney for 2016 (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Patrick Dwyer, Esq. to continue his retention as Planning Board Attorney for 2016. Pursuant to the professional services agreement, Mr. Dwyer will be paid an annual rate of \$3,500 per year.

- cc. 60-16 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)

On motion made by Councilman Guarino and seconded by Councilwoman Casalino, the consent agenda was approved.

All members voting "Aye."

Resolution(s) Removed from Consent Agenda

- aa. 25-16 Resolution Authorizing Execution of Interlocal Agreement between the Township and Board of Education which provides for expansion of faculty and administrative parking and construction of a bus lane at the Gregory Elementary School (Legal-Bufferman)

This resolution would authorize the execution of an Interlocal Agreement between the Township and Board of Education whereby the Township would fund, through Bond Ordinance No. 2474-16, expansion of the existing faculty and administrative parking and construction of a bus lane in front of the Gregory School.

On motion made by Council President Cirilo and seconded by Councilwoman McCartney, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

- bb. 29-16 Resolution Authorizing an Agreement with McEnerney, Brady & Company, LLC, 293 Eisenhower Parkway, Livingston, NJ to Audit the Regulatory Basis Financial Statements of

the Various Funds of the Township for the Period of January 1, 2016 through December 31, 2016 at the Rate of \$52,500. Per Audit (Legal-Moon)

This resolution would authorize the execution of a contract with McEnerney, Brady & Company, LLC ("MBC"), whereby MBC would provide auditing services for the calendar year 2016 at rates specified in the contract.

On motion made by Councilwoman McCartney and seconded by Councilman Guarino, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

cc. 33-16 Resolution Authorizing an Agreement with Wayne DeFeo, 15 Washington Valley Rd., Warren Township, NJ to Serve as Environmental Compliance Officer for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)

This resolution would authorize the execution of a contract with Wayne DeFeo ("DeFeo"), whereby DeFeo would serve as environmental compliance officer during the calendar year 2016 at rates specified in the contract.

On motion made by Council President Cirilo and seconded by Councilwoman McCartney, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

dd. 36-16 Resolution Authorizing an Agreement with McManimon, Scotland & Bauman, LLC, 75 Livingston Avenue, Roseland, NJ as Redevelopment Counsel for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)

This resolution would authorize execution of a contract with McManimon, Scotland & Baumann, LLC ("MSB"), whereby MSB would serve in the capacity of Redevelopment Counsel at hourly rates specified in the contract.

On motion made by Councilwoman McCartney and seconded by Council President Cirilo, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

ee. 39-16 Resolution Authorizing the Execution of the Professional Services Agreement with Fairview Insurance as Insurance Broker for 2016 (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Fairview Insurance for service as insurance broker. Pursuant to the terms of the agreement, Fairview insurance is compensated from the Third Party Administrator and/or insurance carrier depending on the category of coverage.

On motion made by Councilman Guarino and seconded by Council President Cirilo, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

- ff. 48-16 Resolution Authorizing an Agreement with Kenneth W. Kayser, Esq., 120 Eagle Rock Avenue, East Hanover, NJ for the Period of January 1, 2016 through December 31, 2016 (Legal-Moon)

This Resolution would authorize the execution of agreements with the Assistant Township Attorney for a term of one year. The Assistant Township Attorney is paid at an annual rate of \$31,500.

On motion made by Councilman Guarino and seconded by Council President Cirilo, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

- gg. 49-16 Resolution Authorizing an Increase in the Hourly Billing Rate for Adversarial Matters Under the Attorney Billing Guidelines (Legal-Moon)

On motion made by Councilwoman McCartney and seconded by Councilwoman Casalino, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

- hh. 53-16 Resolution Authorizing the Execution of a Professional Services Agreement with Fairview Insurance as Risk Management Consultant (Legal-Moon)

This resolution authorizes the retention of Fairview Insurance as the Township's Risk Management Consultant. Pursuant to the terms of the Agreement, Fairview Insurance will be compensated by 7% of the Township's annual assessment paid to the Joint Insurance Fund

On motion made by Councilwoman McCartney and seconded by Councilman Guarino, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

- ii. 59-16 Resolution Authorizing the Appointment of Alicia Skinner t/a Skinner Consulting Services as the Township's Grant Writer (Legal-Moon)

This resolution authorizes the Township to continue retention of Alicia Skinner as the Township's Grant Writer on a month to month basis until such time as the Township can retain a new Grant Writer. Mr. Skinner shall be paid at a monthly rate of \$2,333.33 per month, consistent with her prior contract with the Township.

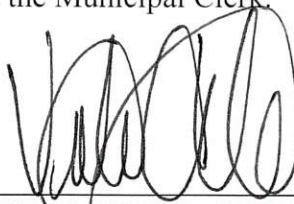
On motion made by Councilwoman McCartney and seconded by Councilman Guarino, the above mentioned resolution was adopted.

Councilwoman Casalino, Councilwoman McCartney, Councilman Guarino and Council President Cirilo voting "Aye." Councilman Krakoviak voting "Nay."

At 11:27 p.m., on motion made by Councilman Guarino and seconded by Councilman Krakoviak, the Council meeting was adjourned.

All members voting "Aye".

The Minutes of this meeting are on file in the Office of the Municipal Clerk.


KAREN J. CARNEVALE, R.M.C.
VICTOR CIRILO, COUNCIL PRESIDENT

Adopted: February 23, 2016