

Conference Meeting – April 5, 2022

The West Orange Township Council met virtually due to the Covid 19 pandemic beginning at 6:30 p.m., Karen 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, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 24, 2021, and published in the West Orange Chronicle on December 2, 2021.

Roll Call – Councilwoman Casalino, Councilwoman Matute-Brown, Councilman Rutherford, Councilwoman Williams, Council President McCartney

The Council gave their liaison announcements.

Public Meeting – April 5, 2022

The West Orange Township Council met virtually beginning at 7:00 p.m., Karen 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, Chapter 231, Public Law 1975. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 24, 2021, and published in the West Orange Chronicle on December 2, 2021.

Roll Call – Councilwoman Casalino, Councilwoman Matute-Brown, Councilman Rutherford, Councilwoman Williams, Council President McCartney

Public Comment

Joe Fagan – Public Information Officer – Township of West Orange

Thomas Scrivo – O'Toole Scrivo-Cedar Grove, NJ

Kevin Malanga – Ridge Road

Sally Malanga – Ridge Road

Joe Krakoviak – Grandview Avenue

Joyce Rudin – Woodland Avenue

Ketan Amin – Eagle Rock Avenue

Roz Bielski – Wedgewood Road

Jacqueline Hendy – Walker Road

Todd Dubovy – Burnet Terrace

Melgily Valdez – Elm Street

Zasah Khademi – Dawes Avenue

Richard Harrison – Bromley Drive

Anthony Puglisi – PIO Essex County

There was no one else who wished to be heard and the public comment portion of the agenda was closed.

***Review of Consent Agenda**

***Approval of Minutes of Previous Meeting-** March 15, 2022 Public Meeting Minutes

***Report of Township Officers – None**

***Reading of Petitions and Communications and Bids-None**

***Bills –** December 31, 2021 and April 5, 2022

At this time, on motion made by Council President McCartney and seconded by Councilwoman Matute-Brown, Ordinance 2680-22 on first reading was considered by the Council.

All members voting “Aye.”

Ordinance 2680-22

A motion to introduce **An Ordinance Amending the Executive Drive-Rooney Circle Redevelopment Plan of the Township of West Orange (Adding to the List of Permitted Principal Uses** on first reading was made by Councilwoman Matute-Brown. There was no second. The motion failed.

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

- a. **61-22** Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- b. **62-22** Resolution Authorizing the Execution of a Professional Services Agreement with Richard Trenk, Esq., Trenk Isabel Siddiqi & Shahdanian, PC, 290 W. Mt. Pleasant Avenue, Suite 2350, Livingston, New Jersey 07039 to Serve as Township Attorney, and other Members of Trenk Isabel Siddiqi & Shahdanian, PC, to Assist Him at his Direction and at No Additional Cost for Non-Litigated Matters and for which the Firm is not hired as Special Counsel for 2022 at the Rates specified in the Agreement (Legal-Kayser)
- c. **63-22** Resolution Authorizing the Execution of a Discharge of Mortgage for the Property at 29 Woodland Avenue to Discharge the Township’s Initial Mortgage Recorded Against the Property |following the Township’s Recording of an Amended Mortgage on the Property (Legal-Moon)
- d. **64-22** Resolution Authorizing the Execution of a Professional Services Agreement with Blau and Blau, 223 Mountain Avenue, Springfield, NJ to Serve as the Special Tax Counsel for Commercial Properties for the Township for 2022 at a Flat Fee Rate of \$6,000. Per Month (Legal-Moon)
- e. **65-22** Resolution Authorizing a Professional Services Agreement with PKF O’Connor Davies, 20 Cranford Drive, Suite 301, Cranford, NJ 07016, for appointment as the Township Auditor for the Period January 1, 2022 through December 31, 2022 at the Rate of \$56,000 per Audit. (Legal-Moon)

- f. **66-22** Resolution Authorizing Phillips, Preiss. Grygiel. Leheny. Hughes, LLC, 70 Hudson Street, Suite 5B, Hoboken, NJ to Provide Planning Director Services for Calendar Year 2022 at the Rates specified in the Agreement (Legal-Moon)
- g. **67-22** Resolution Authorizing a Professional Service 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, 2022 through December 31, 2022 at an Hourly Rate of \$150. (Legal-Moon)
- h. **68-22** Resolution Authorizing a Professional Services Agreement with Ken Kayser, Esq. to Serve as Assistant Township Attorney for the Term Beginning January 1, 2022 through December 31, 2022 at an Annual Rate of \$31,500. (Legal-Moon)
- i. **69-22** Resolution Authorizing a Professional Services contract be awarded to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852, Manal Baba, LSRP, to Provide Professional Services Associated with the Remediation of Contaminated Soil and Groundwater at the Public Works Building, 25 Lakeside Avenue from a Former Leaking Underground Storage Tank for a Fee NTE \$145,420.00. (Lepore)
- j. **70-22** Resolution Authorizing a Professional Services Contract be Awarded to CME Associates, 1460 Route 9 South, Howell, NJ 07731 to Provide Professional Engineering Services for Pickleball Courts Improvement at 10 Rooney Circle in the Amount of \$16,500.00 (Lepore)
- k. **71-22** Resolution Authorizing the Execution of a Professional Agreement with Joseph Deer, Esq., 571 Bloomfield Avenue, Verona, NJ, to serve as the Public Defender for the Municipal Court for the Township for 2022 at a Rate of \$350. Per Court Session (Legal-Moon)
- l. **72-22** Resolution Authorizing Retention of Antonelli Kantor, P.C., 354 Eisenhower Pkwy., Suite 1000, Livingston, NJ, as Special ABC Prosecutor for the Period January 1, 2022 through December 31, 2022 at an Hourly Rate of \$165.00 (Legal-Moon)
- m. **73-22** Resolution Authorizing a Professional Services Agreement with Fox Rothschild, LLP, 49 Market Street, Morristown, NJ to Serve as Labor Counsel for the Period of January 1, 2022 through December 31, 2022 at an Hourly Rate of \$200.00 (Legal-Moon)
- n. **74-22** Resolution Authorizing a Professional Services Agreement with Allied Risk Management Services as Risk Management Consultant for the West Orange Insurance Fund Commission for the Period January 1, 2022 through December 31, 2022 at a Total Cost of \$24,000. (Legal-Moon)
- o. **75-22** Resolution Authorizing the Execution of a Professional Agreement with Wilentz, Goldman, & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, NJ to serve as Bond Counsel for the Township for 2022 at the Rates Specified in the Agreement (Legal-Moon)
- p. **76-22** Resolution Authorizing the Execution of a Professional Agreement with Wilentz, Goldman, & Spitzer, P.A., 90 Woodbridge Center Drive, Woodbridge, NJ to serve as Redevelopment Counsel for the Township for 2022 at the Rates Specified in the Agreement (Legal-Moon)
- q. **77-22** Resolution Authorizing Change Order No. 1 for the Watchung Avenue Improvements Project with Reggio Construction, Inc., 416 E. Central Boulevard, Palisades Park, NJ 07650 in the Amount of \$40,000.00 or an 18.77 Percent Increase in the Original Contract Amount (Lepore)k

- r. **78-22** Resolution Authorizing a Professional Services Agreement with Diana McGovern, Esq. to serve as the Planning Board Attorney for the Township of West Orange for the Period of January 1, 2022 through December 31, 2022 at the rates specified in the agreement (Legal-Moon)
- s. **79-22** Resolution Authorizing the Execution of a Professional Services Agreement with Joseph Wenzel, Esq. to Serve as the Township's Municipal Prosecutor the for the Period January 1, 2022 through December 31, 2022 at the Rate of \$1,000. Per Week. (Legal-Moon)
- t. **80-22** Resolution Authorizing a Professional Services Contract with Farr Forestry Services, LLC ("FFS") of 6 Ricker Road, Newfoundland, NJ 07435 to provide Forestry Services to the Township for Private Property and be Designated as the Officer to Administer the Township's Tree Protection and Removal Ordinance as a Certified Forester, Licensed Tree Expert and Arboriculture Approved Arborist for the Period January 1, 2022 through December 31, 2022 for a fee rate of \$85 per hour (Legal-Moon) ***After a short discussion, the resolution was amended.**
- u. **81-22** Resolution Authorizing the Execution of a Professional Services Agreement with Matrix New World, 26 Columbia Tpk., Second Floor, Florham Park, NJ to Serve as an Environmental Consultant for the Township for 2022 at the Rates Specified in the Agreement (Legal-Moon)
- v. **82-22** Resolution Authorizing the Execution of a Professional Services Agreement with Alice Beirne, Esq., 111 Northfield Avenue, Suite 202, West Orange, NJ, to Serve as Zoning Board Attorney for the Township for 2022 at the Rates Specified in the Agreement (Legal-Moon)
- w. **83-22** Resolution Authorizing the Execution of a Professional Services Agreement with Bourne Noll & Kenyon, 382 Springfield Avenue, Summit, NJ to Serve as Special Tax Counsel (Residential Properties) for the Township for 2022 at a Flat Rate of \$3,250. Monthly (Legal-Moon)
- x. **84-22** Authorizing Execution of Professional Services Agreement with Matrix for Phase I Environmental Assessment - 32 Ashland Avenue (Legal-Trenk)
- y. **86-22** Resolution Authorizing the Execution of a Professional Services Agreement with Ellen O'Connell, Esq., Price, Meese, Shulman & D'Arminio, PC, 50 Tice Blvd., #380, Woodcliff Lake, NJ to Serve as the Hearing Officer for the Township for 2022 at an Hourly Rate of \$185. (Legal-Moon)
- z. **87-22** Resolution Authorizing the Execution of a Professional Services Agreement with Wayne DeFeo, 15 Washington Valley Rd., Warren Township, NJ to Serve as the Environmental Compliance Officer for the Township for 2022 at the Rates Specified in the Agreement (Legal-Moon)
- aa. **88-22** Resolution Authorizing the Execution of a Professional Services Agreement with CME Associates, 1460 Rte. 9 South, Howell, NJ for Engineering Services for the Township for 2022 at the Rates Specified in the Agreement (Legal-Moon)
- bb. **89-22** Resolution Authorizing the Execution of a Professional Agreement with Scarinci Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, NJ, to serve as Labor Counsel for the Township for 2022 at an Hourly Rate of \$200. (Legal-Moon)
- cc. **90-22** Resolution Authorizing Execution of Professional Services Agreement with Associated Appraisal Group, 6 Commerce Drive, 3rd Floor, Cranford, NJ for Appraisal Services – 2022 for Amount NTE \$60,000. (Legal-Moon)

- dd. **92-22** Resolution Authorizing an Increase in Billing Rates for Attorneys Providing Legal Services to the Township of West Orange (Legal-Kayser)
- ee. **93-22** Resolution Authorizing the Execution of a Revised Subordination Agreement for the Property at 12 Eagle Terrace which Revises an Error as to the Original Recording Date on the Mortgage (Legal-Moon)
- ff. **94-22** Resolution Honoring the Life and Legacy of Elnardo Julian Webster, Sr. (Legal-Trenk)
- ii. **95-22** Resolution authorizing the Execution of a Professional Services Agreement with Community Action Services, P.O. Box 6025, East Brunswick, NJ for Housing Rehabilitation Services for the Township for 2022 at the Rates Specified in the Agreement (Legal-Moon)
- jj. **96-22** Resolution Authorizing Execution of Professional Services Agreement with Essex Regional Health Commission (Legal-Trenk)
- kk. **97-22** Resolution Authorizing an Executive Session to Discuss a Matter of Litigation Specifically Covid 19 Vaccination Policy
- ll. **98-22** Resolution Authorizing a Professional Services Contract to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852, Manal Baba, LSRP, to Provide Professional Services Associated with the Remediation of Contaminated Soil and Groundwater at the old DPW Garage, Lindsley Avenue for a Fee NTE \$112,200.00. (Lepore)
- mm. **100-22** Resolution Authorizing Purchases Under the State of New Jersey Cooperative Purchasing Program (Reynolds-QPA)
- nn. **101-22** Resolution Authorizing a Professional Services Contract to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852, Manal Baba, LSRP, to Provide Professional Services Associated with the Remediation of Contaminated Soil and Groundwater at the Fire House No. 4, 280 Pleasant Valley Way from a Former Leaking Underground Storage Tank, Underground Piping and Fuel Dispenser for a fee NTE \$69,700.00. (Lepore)

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

All members voting "Aye."

***Resolution(s) Removed from the Consent Agenda**

Resolution 85-22

85-22 Authorizing Execution of Professional Services Agreement with Matrix for Phase I Environmental Assessment – 1 Lakeside Avenue (Legal-Trenk)

On motion made by Councilwoman Williams and seconded by Councilwoman Matute-Brown, the above referenced resolution was approved.

All members voting "Aye."

Resolution 91-22

91-22 Resolution Rescinding and Revoking Resolution 56-22 that Provided Local Support for Applicant Garden State Natural Green Inc. (Legal-Moon)

On motion made by Councilwoman Matute-Brown and seconded by Councilwoman Williams, the above referenced resolution was approved.

Councilwoman Casalino, Councilwoman Matute-Brown, Councilman Rutherford and Councilwoman Williams voting "Aye." Council President McCartney voting "Nay."

Resolution 99-22

99-22 Resolution Authorizing an Award of Contract, Rock Spring Golf Club Cart Improvements (Lepore)

On motion made by Councilman Rutherford and seconded by Councilwoman Casalino, the above referenced resolution was approved.

All members voting "Aye."

Ordinance(s) on Second and Final Reading

Ordinance 2679-22

On motion made by Councilwoman Casalino and seconded by Councilwoman Williams, **An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.2, Restricted Parking Zones of the Revised General Ordinances of the Township of West Orange – Handicapped Parking – 53 Rollinson and 24 Nutman** 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 that wished to be heard and the public hearing on this Ordinance was closed.

On motion made by Councilwoman Matute-Brown and seconded by Council President McCartney, the above referenced ordinance was approved.

All members voting "Aye."

Ordinances on First Reading

Ordinance 2681-22

On motion made by Councilwoman Casalino and seconded by Councilwoman Williams, **An Ordinance Amending Chapter 7-12 Concerning Street Cleaning and Maintenance** was approved as on first reading, ordered advertised according to law, to come up for second and final reading on April 26, 2022.

All members voting "Aye."

Ordinance 2682-22

On motion made by Council President McCartney and seconded by Councilwoman Williams, **An Ordinance Superseding and Amending Chapter 22, Taxation, Subsection 1, Five Year Tax Exemption for Certain Improvements to Residential and Commercial Structures of the Revised General Ordinances of the Township of West Orange** was approved as on first reading, ordered advertised according to law, to come up for second and final reading on April 26, 2022.

All members voting "Aye."

Ordinance 2683-22

On motion made by Councilwoman Williams and seconded by Council President McCartney, **An Ordinance Superseding and Amending Chapter 22, Taxation, Subsection 1, Five Year Tax Exemption for Certain Improvements to Residential and Commercial Structures of the Revised General Ordinances of the Township of West Orange** was approved as on first reading, ordered advertised according to law, to come up for second and final reading on April 26, 2022.

Councilwoman Casalino, Councilwoman Williams, Councilman Rutherford and Council President McCartney voting "Aye." Councilwoman Matute-Brown recused herself and left the meeting during the discussion of this ordinance.

Pending Matters/New Matters/Council Discussion

- Budget Hearing Dates
- In Person Council Meetings

Due to the late hour, the Council decided to postpone the Executive Session to the meeting of April 26, 2022.

At 11:48 p.m., on motion made by Council President McCartney and seconded by Councilman Rutherford, the 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.
Municipal Clerk


Susan McCartney, Council President

Adopted: April 26, 2022