

Conference Meeting – July 19, 2022

The Conference meeting began at 6:35 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 Oath of Office for the new Tax Collector Kathy Longo was administered by Municipal Clerk Karen Carnevale. A Mayor's Proclamation was presented to Pastor Doug Adams on behalf of Disability Pride Awareness Month 2022.

The Council gave their liaison announcements.

Public Meeting – July 19, 2022

The West Orange Township Council meeting began at 7:07 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

Michael Fonzino, Director of Health Services updated the Council on the rising numbers of Covid cases and reminded the public of the precautions to take.

Public Comment

Joe Fagan – Public Information Officer – West Orange

Mark Chase – Eagle Ridge Way

Vincent Random – Watson Avenue

James Jackson – Ashley Road

Todd Dubovy – Burnet Terrace

Charles Penn

Kai Dawes – Carter Road

Corey Dischman – Llewellyn Avenue

Joe Krakoviak – Grandview Avenue

Ken Javerbaum – Frederick Street

Claire Silvestri – Grandview Avenue

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-** June 28, 2022 Public Meeting Minutes

***Report of Township Officers – None**

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

***Bills**

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

- a. **171-22** Resolution Authorizing the Municipal Budget to be Read by Title Only (Clerk)
- b. **175-22** Resolution for the New Jersey Department of Community Affairs American Rescue Plan Firefighter Grant (Gross)
- c. **176-22** Resolution Authorizing the Appointment of Tax Collector – Kathy Longo (Gross)
- d. **177-22** Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- e. **178-22** Resolution Authorizing the Tax Collector to Participate in the Electronic Tax Sale (K. Longo)
- f. **179-22** Resolution Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to N.J.S.A. 54:6-52.1(K. Longo)
- g. **182-22** Resolution Regarding Addendum to License Agreement With Regard to Parking at 10 Rooney Circle (Legal-Trenk)
- h. **183-22** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to a Duplicate Payment of 2022 Annual Sewer Charge (K. Longo)
- i. **185-22** Resolution Authorizing an Executive Session to Discuss a Matter of Litigation Specifically Kevin Malanga v. Township of West Orange, et al. (Legal-Trenk)
- j. **189-22** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Tax Payer due to Veteran Exemption (K. Longo)
- k. **190-22** Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey (K. Longo)
- l. **191-22** Resolution Authorizing Change Order No. 1, for the Project MA-2020 Arverne Road, Crestmont Road (portion) and Westover Terrace (portion) Improvement Project with Cifelli & Son General Contracting, 81 Franklin Avenue, Nutley, NJ 07110 in the Amount of \$44,515.18 (Lepore)

- m. **WITHDRAWN FROM AGENDA BY ADMINISTRATION - 192-22** Resolution Authorizing an Emergency Appropriation in the Amount of \$46,989.86 to Pay Shauger Property Services for Emergency Sewer Construction to the Township's Old Short Hills Road Pump Station (Lepore)
- n. **193-22** Resolution Authorizing Execution of Assumption Agreement with KemperSports (Legal-Trenk)
- o. **195-22** Resolution for the Township of West Orange to Authorize a Three-Year Average in the 2022 Municipal Clerk (Prochilo)
- p. **197-22** Resolution Amending the Open Space Fund Assessment for 2022 (Gross)

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

All members present voting "Aye."

Resolution(s) Removed from the Consent Agenda

Resolution 173-22

Resolution Temporarily Suspending the Acceptance of Applications for Local Support of Proposed Cannabis Businesses (Legal-Moon)

A motion was made by Councilwoman Matute-Brown and seconded by Councilwoman Williams to deny the above referenced resolution.

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

Resolution 174-22

Resolution Rejecting/Denying the Application Submitted by Feels of Green LLC Seeking a Resolution of Local Support to Operate a Proposed Cannabis Business within the Township of West Orange (Legal-Moon)

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

All members present voting "Aye."

Resolution 180-22

Resolution Authorizing Execution of Professional Services Agreement to Retain Mark Hendricks as Appraiser for West Orange Office Executive Park (Legal-Trenk)

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

All members present voting "Aye."

Resolution 181-22

Resolution Authorizing Execution of Professional Services Agreement with Renaud DeAppolonio, LLC (Legal-Trenk)

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

All members present voting "Aye."

Resolution 184-22

Resolution Approving Settlement of Litigation between Kevin Malanga v. Township of West Orange, et al. (Legal-Trenk)

On motion made by Council President McCartney and seconded by Councilwoman Williams, the above referenced resolution was approved.

All members present voting "Aye."

Resolution 186-22

Resolution Authorizing Execution of the Addendum to the Agreement of Sale - Malanga (Legal-Trenk)

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

All members present voting "Aye."

Resolution 187-22

Resolution Authorizing Budget Amendment No. 1 (Gross)

On motion made by Council President McCartney and seconded by Councilwoman Casalino, the above referenced resolution was approved.

All members present voting "Aye."

Resolution 188-22

Resolution Authorizing a Professional Services Contract to PS&S to Provide Professional Land Surveying Services for Ginny Duenkel Pool Improvements in the Amount of \$10,300.00. (Lepore)

On motion made by Council President McCartney and seconded by Councilwoman Casalino, the above referenced resolution was approved.

Councilwoman Williams recused herself from the vote and left Council Chambers.

All remaining Council members present voted "Aye."

Resolution 194-22

Resolution Authorizing an Award of Contract to Mobility Coach, 198 Renshaw Avenue, East Orange, NJ 07107, with a Base Bid in the amount of \$399,516.00 for a 12-month period Beginning August 1, 2022 and Ending July 31, 2023, at a Monthly rate of \$25,013.00 and a Bid of \$42,336.00 for Alternate No. 3 for a Total Amount of \$441,852.00. (Lepore)

On motion made by Councilwoman Casalino and seconded by Council President McCartney, the above referenced resolution was approved.

All members present voting "Aye."

Resolution 196-22

Resolution Authorizing the Execution of a Purchase and Sale Agreement With Estate of Donald J. Carroll For Property Designated as Block 64, Lots 3, 25 and 27 (Legal-Trenk)

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

All members present voting "Aye."

PUBLIC HEARING and Adoption of the 2022 Municipal Budget

At 10:53 p.m., on motion made by Council President McCartney and seconded by Councilwoman Casalino, the Public Hearing and Adoption of the Municipal Budget was opened.

All members present voting "Aye."

Nick Prochilo, Deputy CFO read the Budget Hearing Amendment No. 1 into the record.

A power point presentation of the 2022 Municipal Budget was shown.

The Council President stated that this is the scheduled time for the public hearing and asked if there was anyone who wished to be heard.

Joe Krakoviak – Grandview Avenue

Claire Silvestri – Grandview Avenue

Ron Charles – Colonial Woods Drive

There was no one else that wished to be heard.

At 11:48 p.m., on motion made by Councilwoman Williams and seconded by Councilwoman Matute-Brown, the public hearing on the 2022 Municipal Budget was closed.

All members present voting "Aye."

Resolution 172-22

Resolution to Adopt the 2022 Municipal Budget (Gross)

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

All members present voting "Aye."

Ordinance(s) on Second and Final Reading

Ordinance 2687-22

On motion made by Councilwoman Casalino and seconded by Councilwoman Matute-Brown, **Calendar Year 2022 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A: 4-45.14)** was taken up on second and final reading.

All members present 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 Casalino and seconded by Councilwoman Matute-Brown, the above referenced ordinance was adopted.

All members present voting "Aye."

Ordinance 2688-22

On motion made by Councilwoman Casalino and seconded by Council President McCartney, **An Ordinance Creating a Reclassification and Salary Schedule of Certain Township of West Orange Employees Setting Forth Their Titles, Classification and Salary Ranges and Adopting a Salary Guide and Establishing the Employee's Status as a Township Employee and Under the Guidelines of the New Jersey Department of Personnel** was taken up on second and final reading.

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

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 Council President McCartney and seconded by Councilwoman Casalino, the above referenced ordinance was adopted.

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

Ordinance 2689-22

On motion made by Councilwoman Casalino and seconded by Council President McCartney, **Bond Ordinance Providing for Various 2022 Capital Improvements, by and in the Township of West Orange, in the County of Essex, State of New Jersey, Appropriating \$10,448,104 Therefor and Authorizing the Issuance of \$9,950,572 in Bonds or Notes of the Township to Finance Part of the Cost Thereof** was taken up on second and final reading.

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

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.

Joe Krakoviak – Grandview Avenue

Ron Charles – Colonial Woods Drive

Claire Silvestri – Grandview Avenue

There was no one else that wished to be heard and the public hearing on this Ordinance was closed.

On motion made by Councilwoman Casalino and seconded by Council President McCartney, the above referenced ordinance failed to pass.

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

Ordinance 2690-22

On motion made by Councilwoman Casalino and seconded by Council President McCartney, **Bond Ordinance Providing for Capital Improvements and Equipment Acquisitions for Various Parks, by and in the Township of West Orange, in the County of Essex, State of New Jersey (the "township"); Appropriating \$4,500,000 Therefor and Authorizing the Issuance of \$4,285,714 Bonds or Notes of the Township to Finance Part of the Cost Thereof** was taken up on second and final reading.

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

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.

Joe Krakoviak – Grandview Avenue

Ron Charles – Colonial Woods Drive

Claire Silvestri – Grandview Avenue

There was no one else that wished to be heard and the public hearing on this Ordinance was closed.

A motion was made by Council President McCartney, there was no second therefore, the above referenced ordinance failed to pass.

Ordinance 2691-22

On motion made by Councilman Rutherford and seconded by Councilwoman Williams, **Bond Ordinance Providing for Phase III of the Local Unit's Allocable Share of the Flood Mitigation Facilities Project of the Joint Meeting of Essex and Union Counties, by and in the Township of West Orange, in the County of Essex, State of New Jersey (the "local unit"); Appropriating \$4,865,000 Therefor and Authorizing the Issuance of \$4,865,000 Bonds or Notes to Finance the Cost Thereof** was taken up on second and final reading.

All members present 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 Casalino and seconded by Councilman Rutherford, the above referenced ordinance was adopted.

All members present voting "Aye."

Ordinance(s) on First Reading

Ordinance 2692-22

On motion made by Councilwoman Casalino and seconded by Councilman Rutherford, **An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-29.1, Speed Limits, General of the Revised General Ordinances of the Township of West Orange to Establish a Speed Limit of 25 miles Per Hour on Mt. Pleasant Avenue, from Prospect Avenue to Jones Place, a County Road, Subject to the Consent of the Essex County Commissioners** was approved on first reading, ordered advertised according to law, to come up for second and final reading on August 9, 2022.

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

Pending Matters-New Matters-Council Discussion-None

At 1:15 a.m., on motion made by Councilman Rutherford and seconded by Councilwoman Casalino, the Council adjourned their public meeting and entered into an ABC Hearing.

All members present voting "Aye."

ABC Hearing

694-22 Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the 2022-2023 License Term (Clerk)

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

All members present voting "Aye."

At 1:16 a.m., on motion made by Councilwoman Williams and seconded by Councilwoman Matute-Brown, the ABC Hearing was adjourned.

All members present 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: August 9, 2022