

Conference Meeting – September 19, 2023

The Conference meeting began at 6:34 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 23, 2022 and published in the West Orange Chronicle on December 1, 2022.

Roll Call – Councilwoman Casalino, Councilwoman Ghebremicael, Councilman Rutherford, Councilwoman Scarpa, Council President Williams

- Presentation: Suicide Prevention Month- Lynette Sheard, Director, Community Education Coordinator-Mental Health Association
- Presentation: Program for Parents-Nayibe Capellan, CEO, Program for Parents, Inc.

Public Meeting – September 19, 2023

The West Orange Township Council meeting began at 7:03 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 23, 2022 and published in the West Orange Chronicle on December 1, 2022.

Roll Call – Councilwoman Casalino, Councilwoman Ghebremicael, Councilman Rutherford, Councilwoman Scarpa, Council President Williams

Public Comment

In Person:

Mayor McCartney
John Blanton – Forest Hill Road
Susan Lencyzk-Eagle Rock Avenue
Rosary Morelli-Ralph Road
Doug Adams-Westover Terrace
Ian Weiss-Tannery Lane, Roseland, NJ
Fred Calloway-Burnet Street, Livingston, NJ
Sheila Lefkowitz-Pleasant Valley Way
Amy Levin-Oak Ridge Road
Michael Giovine-Manger Road
Brian Lawrence-Cleveland Terrace
Richard Leonardis-Pleasant Valley Way
Mark Meyerowitz-Howell Drive
Gustavo Ferrara-Terrace Avenue
Christopher Bollotta-Wheatland Avenue
Carmen Daiuto-Colony Drive W.
Walt Kipp-W.O. Tree Forester
Daria Paxton-Greenwood Avenue
Vincent Militello-East McClellan Avenue, Livingston, NJ

Zoom:

Anthony Puglisi-PIO-Essex County
Lisa Steadwell-Chestnut Road
MK Adams-Park Drive S.
Claudia Sanders-Old Salem Road
Khademi Zasah-Dawes Avenue
Joyce Rudin-Woodland Avenue
Darren Nurse-Dartmouth Road
Phil Litwinoff-Linden Avenue
Sally Malanga-Ridge Road
Moshe Rudin-Woodland Avenue
Isabelle Cleveland-Market Street
Andrew & Natalie Kapferer
Josh Santato-Mt. Pleasant Avenue

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** – Work Session-August 31, 2023 and Public Meeting and Executive Session-September 5, 2023

***Report of Township Officers**

Update-W.O. Public Library-Peter F. Smeraldo, Jr.-Assistant Business Administrator

***Reading of Petitions and Communications and Bids**

***Bills** – 9.19.23

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

- a. **333-23** Resolution Establishing A Land Use Pledge Committing To Good, Planned And Thoughtful Land Use Decisions With The Intent Of Making The Township Of West Orange A Sustainable Community
- b. **334-23** Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- c. **339-23** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to an Overpayment of Taxes Due to a Duplicate Payment (Longo)
- d. **340-23** Resolution Authorizing the Purchase of a Toro Sand Pro 3040 Rahn Groomer with Springtine Scarifier Through the Educational Services Commission of NJ Cooperative for the Department of Public Works (Reynolds)
- e. **341-23** Resolution Authorizing the Purchase of a New Holland Workmaster 50 2WD ROPS Tractor Through the Educational Services Commission of NJ Cooperative for the Department of Public Works (Reynolds)

On motion made by Council President Williams and seconded by Councilwoman Ghebremicael, the consent agenda was approved.

All members present voting “Aye.”

Resolution(s) Removed from the Consent Agenda

Resolution 335-23

Resolution Authorizing the Competitive Contracting Process for a Professional and Experienced Economic Development Coordinator Firm to Function as the Township's Economic Development Coordinator (Reynolds)

On motion made by Councilman Rutherford and seconded by Councilwoman Ghebremicael, the resolution was tabled.

All members present voting "Aye."

Resolution 336-23

Resolution Authorizing the Competitive Contracting Process for a Professional and Experienced Cannabis Coordinator (Reynolds)

On motion made by Councilwoman Ghebremicael and seconded by Councilman Rutherford, the resolution was tabled.

All members present voting "Aye."

Resolution 337-23

Resolution To Rescind Resolution 260-23 For Midtown Direct Shuttle Bus Program (Reynolds)

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

All members present voting "Aye."

Resolution 338-23

Resolution Authorizing Execution of an Agreement with LensLock for Body Worn Cameras In-Car Camera Audio Video Recording Systems and Related Services (Reynolds)

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

Councilwoman Casalino, Councilman Rutherford and Council President Williams voting "Aye."
Councilwoman Ghebremicael and Councilwoman Scarpa voting "Nay."

Ordinance(s) on Second and Final Reading

Ord. 2812-23

On motion made by Councilwoman Casalino and seconded by Council President Williams, **An Ordinance Amending And Supplementing Chapter 7, Traffic, Subsection 7-46.2, Parking Prohibited During Certain Hours On Certain Days On Certain Streets Servicing Residential Land Uses, Except By Permit, And Subsection 7-46.3, Parking Time Limited During Certain Hours On Certain Days On Certain Streets Servicing Residential Land Uses, Except By Permit Of The Revised General Ordinances Of The Township Of West Orange**, 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 Council President Williams and seconded by Councilwoman Casalino, the above referenced ordinance was adopted.

All members present voting "Aye."

Ord. 2813-23

On motion made by Council President Williams and seconded by Councilwoman Casalino, **Bond Ordinance Providing For Various 2023 Capital Improvements, By And In The Township Of West Orange, In The County Of Essex, State Of New Jersey, Appropriating \$3,624,250 Therefor And Authorizing The Issuance Of \$3,616,150 Bonds Or Notes Of The Township To Finance Part Of 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 Council President Williams and seconded by Councilwoman Casalino, the above referenced ordinance was adopted.

All members present voting "Aye."

Ord. 2814-23

On motion made by Councilwoman Ghebremicael and seconded by Councilwoman Casalino, **Bond Ordinance Providing For Various 2023 Capital Acquisitions And Improvements, By And In The Township Of West Orange, In The County Of Essex, State Of New Jersey, Appropriating \$1,990,550 Therefor And Authorizing The Issuance Of \$1,895,500 Bonds Or Notes Of The Township To Finance Part Of 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.

Phil Litwinoff-Linden Avenue

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

On motion made by Council President Williams and seconded by Councilwoman Casalino, the above referenced ordinance was adopted.

All members present voting "Aye."

Ordinances on First Reading

Ord. 2815-23

On motion made by Council President Williams and seconded by Councilwoman Casalino, **An Ordinance Amending Chapter 15, Section 15-7 To Update The Township's Rent Control Ordinance**, was approved on first reading, ordered advertised according to law, to come up for second and final reading on October 10, 2023.

All members present voting "Aye."

Ord. 2816-23

On motion made by Councilwoman Ghebremicael and seconded by Council President Williams, **An Ordinance Amending Chapter 7, Section 37.1 And Chapter 7, Section 50.3(H) Of The Revised General Ordinances Of The Township Of West Orange (Regulation For The Movement And Parking Of Traffic On Municipal And Board Of Education Property) (Parking Meters In Parking Yards—Prohibited Parking)**, was introduced on first reading, ordered advertised according to law, to come up for second and final reading on October 10, 2023.

All members present voting "Aye."

On motion made by Councilwoman Casalino and seconded by Council President Williams, an amendment was made to delete a portion of 7-50.3(h) number 2—*"Parking Yard #7 on Mt. Pleasant Avenue is intended solely for the use of library patrons and employees. Parking is permitted in this parking yard only during library hours."*

All members present voting "Aye."

On motion made by Council President Williams and seconded by Councilwoman Casalino, **An Ordinance Amending Chapter 7, Section 37.1 And Chapter 7, Section 50.3(H) Of The Revised General Ordinances Of The Township Of West Orange (Regulation For The Movement And Parking Of Traffic On Municipal And Board Of Education Property) (Parking Meters In Parking Yards—Prohibited Parking)**, was approved on first reading as amended.

All members present voting "Aye."

Ord. 2817-23

On motion made by Council President Williams and seconded by Councilwoman Casalino, **An Ordinance Amending Chapter 17, Section 14 Of The Revised General Ordinances Of The Township Of West Orange – Gas Leaf Blowers**, was introduced on first reading, ordered advertised according to law, to come up for second and final reading on October 10, 2023.

A motion was made by Council President Williams and seconded by Councilwoman Casalino to table the ordinance.

Councilwoman Casalino and Council President Williams voting "Aye." Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting "Nay." The motion to table failed.

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, to amend from **"III. Chapter 17, Section 14.2 Entitled Prohibited Conduct Be and Is Hereby Amended as Follows"**, number 5, "Hours of Usage for Leaf Blowers shall be limited to" Monday through Friday 7:30 a.m. to 6:00 p.m., Saturdays 9:00 a.m. to 5:00 p.m. and Sunday 9:00 a.m. to 5:00 p.m.

Councilwoman Casalino, Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting “Aye.” Council President Williams voting “Nay.”

A motion was made by Councilwoman Casalino and seconded by Council President Williams to remove from **“III. Chapter 17, Section 14.2 Entitled Prohibited Conduct Be and Is Hereby Amended as Follows”**, number 4 “No more than one Gas Powered Leaf Blower may be used on a residential lot.”

Councilwoman Casalino, Councilman Rutherford and Councilwoman Scarpa and Council President Williams voting “Aye.” Councilwoman Ghebremicael voting “Nay.”

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, to amend from **“III. Chapter 17, Section 14.2 Entitled Prohibited Conduct Be and Is Hereby Amended as Follows”**, number 2, the effective date to January 1, 2026.

Councilwoman Casalino and Council President Williams voting “Aye.” Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting “Nay.” The motion to table failed.

A motion was made by Councilman Rutherford and seconded by Councilwoman Ghebremicael, to amend from **“III. Chapter 17, Section 14.2 Entitled Prohibited Conduct Be and Is Hereby Amended as Follows”**, number 1, gas powered leaf blowers may be permitted from March 1 through April 30, 2024; and October 1 through December 31, 2024.

Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting “Aye.” Councilwoman Casalino and Council President Williams voting “Nay.”

A motion was made by Councilman Rutherford and seconded by Councilwoman Ghebremicael, to strike from **“IV. Chapter 17, Section 14.3 Entitled Exceptions Be and Hereby Amended to Add as Follows”**, No provision herein shall apply to any governmental property of public or private golf course.”

Councilman Rutherford and Councilwoman Ghebremicael rescinded the motion.

A motion was made by Councilman Rutherford and seconded by Councilwoman Scarpa, to strike from **“IV. Chapter 17, Section 14.3 Entitled Exceptions Be and Hereby Amended to Add as Follows”**, *“any governmental property.”*

Councilwoman Rutherford and Councilman Scarpa voting “Aye.” Councilwoman Casalino and Council President voting “Nay.” Councilwoman Ghebremicael abstained.

On motion made by Councilman Rutherford and Councilwoman Ghebremicael, **An Ordinance Amending Chapter 17, Section 14 Of The Revised General Ordinances Of The Township Of West Orange – Gas Leaf Blowers**, was approved on first reading as amended.

Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting “Aye.” Councilwoman Casalino and Council President Williams voting “Nay.”

Ord. 2818-23

On motion made by Councilwoman Scarpa and seconded by Councilwoman Ghebremicael, **Ordinance Amending Chapter 2, Section 62 Of The Revised General Ordinances Of The Township Of West Orange – Older Adults Advisory Board**, was amended to add to **“II. Chapter 2, Section 62.3 Entitled Membership Be and Hereby Amended as Follows:”** Two (2) Council consensus appointments.”

Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting “Aye.” Councilwoman Casalino and Council President Williams voting “Nay.”

On motion made by Councilwoman Scarpa and seconded by Councilman Rutherford, **"II. Chapter 2, Section 62.3 Entitled Membership Be and Hereby Amended as Follows:"** letter "a" was amended to read *"Four (4) members appointed by the Mayor, one (1) of whom shall be designated Secretary of the Board."*

Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting "Aye."
Councilwoman Casalino and Council President Williams voting "Nay."

On motion made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, **"V. Effective Date"** was amended to January 1, 2024.

All members present voting "Aye."

On motion made by Councilwoman Casalino and seconded by Council President Williams, an amendment was proposed under **"II. Chapter 2, Section 62.3 Entitled Membership Be and Hereby Amended as Follows:"** to add a fifth Mayor appointment to the committee that will act as secretary, and be a voting member.

Councilwoman Casalino voting "Aye." Councilwoman Ghebremicael, Councilman Rutherford, Councilwoman Scarpa and Council President Williams voting "Nay." The motion failed.

On motion made by Councilwoman Scarpa and Councilwoman Ghebremicael, **"II. Chapter 2, Section 62.5 Entitled Organizational Structure Be and Is Hereby Amended as Follows:"** letter "b" should read *"The Board shall appoint a Chairperson and Vice Chairperson."*

Councilwoman Ghebremicael, Councilman Rutherford and Councilwoman Scarpa voting "Aye."
Councilwoman Casalino and Council President Williams voting "Nay."

On motion made by Councilwoman Scarpa and Councilman Rutherford, **"II. Chapter 2, Section 62.5 Entitled Organizational Structure Be and Is Hereby Amended as Follows:"** letter "d" should read *"The Board shall meet monthly."*

All members present voting "Aye."

On motion made by Council President Williams and seconded by Councilman Rutherford, **Ordinance Amending Chapter 2, Section 62 Of The Revised General Ordinances Of The Township Of West Orange – Older Adults Advisory Board** was approved on first reading as amended.

Councilwoman Ghebremicael, Councilman Rutherford, Councilwoman Scarpa and Council President Williams voting "Aye." Councilwoman Casalino voting "Nay."

Ord. 2819-23

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, to strike from **An Ordinance Amending Chapter 25, Section 11.14 Of The Revised General Ordinances Of The Township Of West Orange-Drive Thru Windows-II. Chapter 5, Section 11.14 Entitled Drive-Up Windows Be and Is Hereby Amended as Follows: "restaurants"**.

Councilwoman Ghebremicael and Councilwoman Scarpa voting "Aye." Councilwoman Casalino, Councilman Rutherford and Council President voting "Nay." The motion failed.

A motion was made by Councilwoman Casalino and seconded by Council President Williams, to add language to **Chapter 5, Section 11.14 Entitled Drive-Up Windows Be and Is Hereby Amended as Follows: letter "(k) No Drive-Up windows shall be permitted for any cannabis businesses."**

All members present voting "Aye."

On motion made by Council President Williams and seconded by Councilwoman Casalino, **An Ordinance Amending Chapter 15, Section 15-7 To Update The Township's Rent Control Ordinance**, was approved on first reading, ordered advertised according to law, to come up for second and final reading on October 10, 2023.

All members present voting "Aye." This ordinance will be heard on second and final reading after Planning Board review at a date to be determined.

Ord. 2820-23

On motion made by Councilwoman Scarpa and seconded by Council President Williams, **An Ordinance Amending Chapter 25, Sections 27.3, 27.4, 27.5, 27.7, 27.8, 27.9 And 27.10 Of The Revised General Ordinances Of The Township Of West Orange (Tree Protection And Removal)** was tabled.

All members present voting "Aye."

Ord. 2821-23

On motion made by Councilwoman Scarpa and seconded by Council President Williams, **An Ordinance Amending And Supplementing Chapter 7, Traffic, Subsection 7-31, No Passing Zones, Of The Revised General Ordinances Of The Township Of West Orange** was introduced on first reading, ordered advertised according to law, to come up for second and final reading on October 10, 2023.

All members present voting "Aye."

Pending Matters-New Matters-Council Discussion

- Workshop for Ordinance 2820-23 (Tree Ordinance)
- Civilian Complaint Review Board-Consensus Appointments-Recommendations due by October 4, 2023

ABC Hearing-None

At 12:55 a.m., on motion made by Council President Williams and seconded by Councilwoman Casalino, the meeting was adjourned.

All members present voting "Aye."

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


Karen J. Carneyale, R.M.C.
Municipal Clerk


Tammy Williams, Council President

Adopted: October 10, 2023