

Conference Meeting – December 5, 2023

The Conference meeting began at 6:34 p.m., Council President Williams 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

Councilwoman Ghebremicael appeared via Zoom due to Covid.

- Swearing In of New Police Officers by Mayor Susan McCartney

Graduated on November 30, 2023

- Thomas D'Ambola
- Alexis Banta
- Joseph Valentin

Graduated in September

- Emmanuel Adames
- Joseph Boettinger
- James Cham
- Antonio Chambers
- Christian Pozzoli
- Luygui Ramirez

Graduated in June

- Anthony Guevara

Unable to Attend Tonight's Promotional Ceremony

- Rosalia Longobardo
- Aleksander Puchacz
- Xavier Rivera
- Presentation: W.O. Planning & Development – Geniece Gary Adams, Director Planning & Development/Zoning Official
- Presentation: Demographic Study-W.O. Schools – Richard Grip

Public Meeting – December 5, 2023

The West Orange Township Council meeting began at 7:15 p.m., Council President Williams 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

Pledge of Allegiance

Invocation

Public Comment

In Person:

Joe Fagan – Public Information Officer
Dave Cubie – Director, W.O. Public Library
Todd Dubovy-Burnet Terrace
Brent Scott-Nestro Road
Sheila Lefkowitz – Pleasant Valley Way
Doug Adams-Westover Terrace

Zoom:

Sally Malanga-Ridge Road
Joyce Rudin-Woodland Avenue
Statement from Claire Silvestri-read by Joyce Rudin
L'Mani Viney-Forest Hill Road
Kevin Malanga-Ridge Road
Sam Goffinet-Lawrence Avenue
John Blanton-Forest Hill Road
Mel Valdez-Elm Street
Allegra Starobin-Maple Street
Phil Litwinoff-Linden 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** – Special Meeting 11.8.23 and Public Meeting 11.20.23

***Report of Township Officers-None**

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

***Bills – 12.5.23**

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

- a. **399-23** Resolution Authorizing a Memorandum of Understanding Between the Township Of West Orange and the County of Essex with Regards to the Installation and Maintenance of Rectangular Rapid Flashing Beacons (RRFB) at Various Crosswalks and Rights Of Way Belonging to the County Of Essex (Carballo)
- b. **400-23** Resolution Requesting Approval of Items of Revenue and Appropriation NJSA 40A:4-87 (Gross)
- c. **401-23** Resolution Authorizing an Agreement between the Township of West Orange and Delta Dental, Inc. from January 1, 2024 through December 31, 2024 to Provide Insurance to Eligible Employees and Retirees as an Extraordinary Unspecifiable Service (EUS) (Gross)
- d. **402-23** Resolution Authorizing an Agreement between the Township of West Orange and Liberty Mutual, Inc. from January 1, 2024 through December 31, 2024 To Provide Insurance To Eligible Employees and Retirees as an Extraordinary Unspecifiable Service (EUS) (Gross)

- e. **403-23** Resolution Authorizing an Agreement between the Township of West Orange and Benecard, Inc. from January 1, 2024 through December 31, 2024 to Provide Insurance to Eligible Employees and Retirees as an Extraordinary Unspecifiable Service (EUS) (Gross)
- f. **404-23** Resolution Authorizing An Agreement Between The Township Of West Orange And B-Med, Inc. From January 1, 2024 Through December 31, 2024 To Provide Insurance To Eligible Employees And Retirees As An Extraordinary Unspecifiable Service (EUS) (Gross)
- g. **406-23** Resolution Authorizing a Discharge of Mortgage – 4 Lawrence Avenue (Legal-Moon)

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

All members present voting “Aye.”

Resolution(s) Removed from the Consent Agenda

Resolution 389-23

Resolution Authorizing the Competitive Contracting Process for a Vendor to Design and Build of Various Solar Facilities on Township Property (Reynolds)

On motion made by Councilman Rutherford and seconded by Councilwoman Scarpa, an amendment was made to add another WHEREAS clause to the resolution allowing for two Council members to participate in the process.

All members present voting “Aye.”

On motion made by Council President Williams and seconded by Councilman Rutherford, the above referenced resolution was approved as amended.

All members present voting “Aye.”

Resolution 396-23

Resolution Authorizing the Agreement, annexed with Downtown West Orange Alliance (DWOA) for the Contribution of Funds in the Amount of Twenty Thousand Dollars (\$20,000.00) to use Towards the Furtherance of its Goals in Management of the SID and the Promotion of the Economic Revitalization of the Enumerated Neighborhoods within the Township (Gross)

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

All members present voting “Aye.”

Resolution 397-23

Resolution Authorizing the Township to Submit Applications for the 2024 Community Development Block Grant Program with a Priority List (Carballo)

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

All members present voting "Aye."

Resolution 398-23

Resolution Authorizing Execution of a Professional Services Agreement with Fairview Insurance Associates, Inc., 25 Fairview Avenue, Verona, NJ 07044, for Insurance Broker Services – (P. Reynolds)

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

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

At this time, Everett Johnson, Wilentz Goldman & Spitzer responded to public comment. Bill Taylor, Matrix Development Group-West Orange Redevelopment, LLC.

Resolution 405-23

Resolution Of The Township Of West Orange Designating MDGA– West Orange Downtown Redevelopment, LLC, As Redeveloper For The Downtown Redevelopment Area And Authorizing The Execution Of A Redevelopment Agreement (Legal-Trenk)

On motion made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, the "Terms of Agreement" was amended removing paragraph 2.6 "Right of Way Vacations" from the terms.

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

On motion made by Council President Williams and seconded by Councilwoman Casalino, paragraph(s) 3.2 and 3.2(b) "Exclusive Due Diligence Period" was changed from 240 days to 210 days.

All members present voting "Aye."

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, with regard to paragraph(s) 3.2(b) Second Due Diligence Period, to modify the automatic extension period.

All members present voting "Nay."

A motion was made by Councilwoman Ghebremicael with regard to the Second Due Diligence Period stating that after the second due diligence period, if a studio partner has not been named, this contract will become void, the Township gets to keep the money that's been deposited, and that the Township will commit to putting out an RFQ, a fair and open process, with a film studio overlay.

Councilman Rutherford explained that everything, with the exception of the RFQ was already in the agreement and that at the end of the second due diligence period, this contract would be null and void, and would require a majority vote of the Council to do it again and whatever the thought is of an RFQ would have to be separate, because it does not directly affect Matrix and it can't be put in the agreement with Matrix as they are not a party to it.

There was no second. The motion failed.

In section 3.6 Environment Remediation, Councilman Rutherford asked that the line read, "Redeveloper shall be solely responsible to undertake and finance any and all required Environmental Remediation of the Township Properties.

In section 4.2 Project Schedule, on motion made by Councilman Rutherford and seconded by Council President Williams, the language was amended to strike "Township" and add "the Mayor and Township Council"

All members agreed to this change.

In section 4.9(a), Payment of Township Costs, Councilman Rutherford asked that the language be changed from Redeveloper represents that it will make timely payment or reimbursement to the Township to, Redeveloper shall make timely payment or reimbursement to the Township of the Township Costs.

All members agreed to this change.

In Section 5.1, a motion was made by Councilwoman Ghebremicael to add the language that the Township not use eminent domain to acquire any properties desired by this redeveloper for this project.

There was no second. The motion failed.

In paragraph 8.6 Information as to Ownership of Redeveloper, Councilman Rutherford made a motion, which was seconded by Councilwoman Ghebremicael, to remove the language "at least a 10% interest therein" and change it to "all entities or persons owning an interest in Redeveloper, and, as to each such entity, all entities owning an interest therein"

There were no objections to this change.

On motion made by Councilman Rutherford and seconded by Councilwoman Ghebremicael, resolution 405-23 was approved as amended.

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

Ordinance(s) on Second and Final Reading

Ord. 2826-23

On motion made by Council President Williams and seconded by Councilwoman Casalino, **An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.2 Restricted Parking Zones and 7-32.3 Handicapped Parking In Municipal Parking Lots and Board Of Education Property Of The Revised General Ordinances of the Township Of West Orange – 77 Mitchell Street and 21 Lafayette Street**, 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. 2828-23

On motion made by Councilwoman Casalino and seconded by Councilwoman Ghebremicael, **An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-25, Loading Zones, Subsection 7-14.7, Alternate Side Parking, and 7-14.1, Night Parking Restricted of the Revised General Ordinances of the Township Of West Orange – Chestnut Street**, 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. 2829-23

On motion made by Council President Williams 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 \$6,300,000 Therefor And Authorizing The Issuance Of \$6,000,000 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. 2830-23

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 \$6,104,494 Therefor And Authorizing The Issuance Of \$5,813,800 Bonds Or Notes Of The Township To Finance Part Of The Cost Thereof And Cancelling Amounts From Various Ordinances Not Being Used For Their Original Purpose**, 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. 2831-23

On motion made by Council President Williams and seconded by Councilwoman Casalino, **Bond Ordinance Providing For Various Street Improvements, By And In The Township Of West Orange, In The County Of Essex, State Of New Jersey; Reappropriating \$638,005.28 In Excess Bond And Note Proceeds From Various Bond Ordinances, Not Needed For Their Original Purpose, To Finance The Costs 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."

Ordinances on First Reading-None

At 11:29 p.m., Councilwoman Ghebremicael left the meeting.

ABC Hearing

On motion made by Council President Williams and seconded by Councilwoman Casalino, the Council recessed their meeting and entered into an ABC Hearing.

All members present voting "Aye."

726-23 Person to Person Transfer of License 0722-33-043-008 Los Tapatios, 8 Main Street, West Orange, NJ 07052 to Catrina Lounge, LLC, 8 Main St., West Orange, NJ 07052
Mr. Edgardo Leiva-owner of Catrina Lounge appeared to answer questions of the ABC Board.

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

All members present voting "Aye."

On motion made by Council President Williams and seconded by Councilwoman Casalino, the Council adjourned the ABC Hearing and reentered the Council meeting.

All members present voting "Aye."

Public Comment: (non-agenda items)

Mosha-W.O. Resident

Rachel Klein – Howell Drive

Sheila Lefkowitz – Pleasant Valley Way

Deputy Mayor Larry Reine-W.O.

Zoom:

Amy Gallatin – Smith Manor Blvd.

John Blanton – Forest Hill Rd.

Ro Ibrahim – W.O. Resident

Paul Greenhouse – Walker Road

David Gleaner-Gerdes Ave.

Arthur Dubroff – Devore Dr.

Eric-W.O. Resident

Justin Goldsman-Moran Rd.

Nora-Cullen Drive

Renee Glick-W.O. Resident

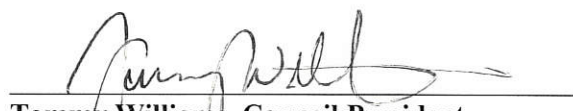
Pending Matters – None

At 1:06 a.m., on motion made by Councilman Rutherford and seconded by Council President Williams, 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. Carnevale, R.M.C.
Municipal Clerk

Tammy Williams, Council President

Adopted: December 19, 2023