

Public Meeting – Recessed meeting of January 9, 2024 (January 17, 2024)

The West Orange Township Council meeting began at 6:08 p.m., the 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 21, 2023, and published in the West Orange Chronicle on November 30, 2023. The meeting notice for the continuation of this meeting was published on January 10, 2024.

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

Pledge of Allegiance

***Review of Consent Agenda**

***Approval of Minutes of Previous Meeting – December 5, 2023**

***Report of Township Officers-None**

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

***Bills – None**

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

- a. **1-24** Resolution Designating the Official Newspapers for the Township of West Orange (Clerk)
- b. **2-24** Resolution Authorizing the Temporary Budget – 2024 (Gross) – **Approved on 1.9.24**
- c. **3-24** Resolution Authorizing a Cash Management Plan for 2024 (Gross) – **Approved on 1.9.24**
- c. **4-24** Resolution Authorizing the Township to Increase the Annual Rate in the Township's Professional Services Agreement for a Public Health Nurse Utilizing Additional Grant Funds Awarded to the Township by the New Jersey Association of County and City Health Officials (Legal-Moon)
- d. **5-24** Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- e. **6-24** Resolution Approving Governor's Council On Alcoholism And Drug Abuse Fiscal Grant Cycle October 2020-June 2025 (VanDyke)
- i. **7-24** Resolution Authorizing the Governing Body of the Township of West Orange to Apply for a Grant from the State of New Jersey in the amount of approximately \$15,000 to fund the following project: Update of Cultural Resource Survey for Township of West Orange, New Jersey (Brian Feeney, HRC Chair)
- j. **8-24** 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 2024 at a Flat Fee Rate of \$6,000. Per Month (Legal-Trenk)
- k. **10-24** 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, 2024 through December 31, 2024 at an Hourly Rate of \$150. (Legal-Trenk)

- l. 15-24** Resolution Authorizing Execution of Professional Services Agreement with Associated Appraisal Group, 6 Commerce Drive, 3rd Floor, Cranford, NJ for Appraisal Services – 2024 for an Amount NTE \$60,000. (Legal-Trenk)
- m. 18-24** 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 2024 at the Rates Specified in the Agreement (Legal-Trenk)
- n. 19-24** 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 2024 at the Rates Specified in the Agreement (Legal-Trenk)
- o. 20-24** Resolution Authorizing Retention of Antonelli Kantor, P.C., 354 Eisenhower Pkwy., Suite 1000, Livingston, NJ, as Labor Counsel for the Period January 1, 2024 through December 31, 2024 at an Hourly Rate of \$200. for Attorneys and \$85. for Paralegals (Legal-Trenk)
- p. 21-24** Resolution Authorizing Retention of Antonelli Kantor, P.C., 354 Eisenhower Pkwy., Suite 1000, Livingston, NJ, as Special ABC Prosecutor for the Period January 1, 2024 through December 31, 2024 at an Hourly Rate of \$165.00 (Legal-Trenk)
- q. 22-24** 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, 2024 through December 31, 2024 at a Total Cost of \$24,000. (Legal-Trenk)
- r. 23-24** 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 2024 at the Rates Specified in the Agreement (Legal-Trenk)
- s. 24-24** Resolution Authorizing the Execution of a Professional Services Agreement with Matrix New World, 26 Columbia Turnpike, Florham Park, NJ, to Serve as Environmental Consultant for the Township for 2024 at the Rates Specified in the Agreement (Legal-Trenk)
- t. 26-24** 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 2024 at an Hourly Rate of \$185. (Legal-Trenk)
- u. 27-24** Resolution Authorizing Professional Services Agreement with Institute for Forensic Psychology Consultant Service (Legal-Trenk)
- v. 28-24** Resolution Authorizing Execution of Professional Services Agreement to Retain BBG as Redevelopment Appraiser - 2024 (Legal-Trenk)
- w. 29-24** Resolution Authorizing an Emergency Appropriation in the Amount up to \$2,500.000 to Grabowski Construction 770 Northfield Avenue, West Orange, NJ 07052 for Emergency Cleaning Services at the Inlet Pipe with Trash Rack that Collects Runoff and is a Tributary to Wigwam Brook (Carballo)
- x. 30-24** Resolution Authorizing an Emergency Appropriation in an Amount not to exceed \$13,979.97 to Shauger Property Services, Inc., 429 Dodd Street, East Orange, NJ 07017, for Emergency Sanitary Sewer Construction to the Township’s Sanitary Sewer Main Located Behind No. 10 Burnett Terrace within the Township’s 5-foot Right-of-Way (Carballo)

- y. **31-24** Resolution To Set The Interest Rate And Penalties To Be Charged For Delinquent Tax Payments (Longo)
- z. **32-24** Resolution Authorizing The Collector Of Taxes To Rebate Payment To The Listed Taxpayer Pursuant To Final Judgment By The Tax Court Of New Jersey (Longo)
- aa. **33-24** Resolution Authorizing The Issuance Of A Duplicate Tax Sale Certificate Pursuant To N.J.S.A. 54:6-52.1 (Longo)
- bb. **36-24** Resolution Authorizing an Emergency Appropriation in the Amount of \$56,282.92, to Essex & Morris Contracting Co., 12 Candice Way, East Hanover, NJ 07936, for Emergency Repair of the Crosswalks at the Intersection of Franklin Avenue and Main Street, Charles Street and Main Street and the Damaged Brick Paver Walkway in Front of 429 Main Street (Carballo)
- cc. **PULLED FROM AGENDA 37-24** Resolution Accepting the Public Improvements, Including the Rights of Way at Colonial Woods North and Extension of Nance Road and Public Easements Shown on the Filed Map Entitled "Final Plat-Block 173, Lot 2 and Block 172.29, Lot 40.02, Colonial Woods North, Township Of West Orange, Essex County, New Jersey" (Carballo)
- dd. **38-23** 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 2024 at a Flat Rate of \$3,250. Monthly (Legal-Trenk)

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

All members present voting "Aye."

Resolution(s) Removed from the Consent Agenda

Resolution 9-24

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 2024 at the Rates specified in the Agreement (Legal)

On motion made by Councilwoman Casalino and seconded by Councilwoman Ghebremicael, the resolution failed to pass.

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

11-24

Resolution Authorizing the Execution of a Professional Services Agreement with Fox Rothschild, LLP, 49 Market Street, Morristown, NJ to Serve as Labor Counsel for the Township for 2024 at the Rates Specified in the Agreement (Legal-Trenk)

A motion was made by Council President Rutherford and seconded by Councilwoman Ghebremicael, to amend the agreement to reflect a termination date of April 10, 2024.

All members present voting "Aye."

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

All members present voting "Aye."

12-24

Resolution Authorizing Phillips, Preiss. Grygiel. Leheny. Hughes, LLC, 70 Hudson Street, Suite 5B, Hoboken, NJ to Provide Planning Director Services for Calendar Year 2024 at the Rates specified in the Agreement (Legal-Trenk)

A motion was made by Council President Rutherford and seconded by Councilwoman Ghebremicael, to amend the agreement to reflect an expiration date of April 10, 2024.

All members present voting "Aye."

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

All members present voting "Aye."

13-24

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 2024 at the Rates Specified in the Agreement (Legal-Trenk)

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

All members present voting "Aye."

14-24

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, 2024 through December 31, 2024 at the Rate of \$57,000 per Audit. (Legal-Trenk)

There was no motion to approve the above-referenced contract.

16-24

Resolution Authorizing a Professional Services Agreement with NW Financial Group, LLC to Provide Financial Consulting Services for the Calendar Year 2024 at the Rates specified in the Agreement (Legal-Trenk)

A motion was made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the above referenced resolution was approved as amended to reflect a termination date of April 10, 2024.

All members present voting "Aye."

17-24

Resolution Authorizing a Contract Between The Township Of West Orange And CGP&H, LLC for Administrative Agent Services for Affordable Housing at the Rates Specified in the Agreement (Legal-Trenk)

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Casalino to revise the contract to reflect a NTE sum of \$15,000.00.

All members present voting "Aye."

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Casalino, the above referenced resolution was approved as amended.

All members present voting "Aye."

25-24

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 2024 at the Rates Specified in the Agreement (Legal-Trenk)

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

All members present voting "Aye."

34-24

Resolution Authorizing a Professional Services Contract to CME Associates, 1460, Route 9 South, Howell, NJ 07731 to Provide Professional Engineering and Land Surveying Services for the Main Street Corridor Crosswalks and Sidewalk Improvements Project for an Amount not to exceed \$75,000.00 (Carballo)

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Casalino, the above referenced resolution was approved.

Councilwoman Williams left the dais temporarily prior to the vote. All members present voting "Aye."

35-24

Resolution Authorizing an Additional Expenditure in the Amount of \$24,994.50, to Genova Burns, LLC, 494 Broad Street, Newark, NJ 07102, Subject to Confirmation of Available Funds by the Township's Chief Financial Officer for Legal Services Provided to the Township Council in re: Township of West Orange ESX-L-004687-23 (Gross)

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

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

39-24

Resolution To Confront, Condemn And Combat Anti Semitism (Legal-Trenk)

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

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

Ordinance(s) on Second and Final Reading

Ordinance 2833-24

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, **An Ordinance Amending Chapter 5, Section 34.2, Section 34.3, Section 34.4, Section 34.5, Section 34.6, Section 34.8 And Chapter 25, Section 24.2 Of The Revised General Ordinances Of The Township Of West Orange (Licensed Cannabis Entities)** was taken up on second and final reading.

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

Vincent Militello – Livingston, NJ
Luigi Stancato-Little Falls, NJ
Richard Leonardis – pleasant valley way
Owner-Top Notch Lawn
Pastor Doug Adams – Westover Terrace
Carmen Dauito-Pleasant Valley Way
Mr. Pereira – 100 Terrace Avenue
Pietro Quaglietta-Q&S Contracting
Sally Malanga-Ridge Road
Joyce Rudin-Woodland 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 Ghebremicael and seconded by Councilwoman Scarpa, the Council revised the date of March 15 to March 1 in Section III "Chapter 21, Section ____ Entitled Prohibited Conduct Be and Is Hereby Amended as Follows", number 1 and 2.

All members voting "Aye."

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

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

Ordinances on First Reading

Ord. 2834-24

On motion made by Councilwoman Casalino and seconded by Councilwoman Ghebremicael, **An Ordinance Amending And Supplementing Chapter 7, Traffic, Subsection 7-19, Through Streets And 7-21 Multiway Stop Intersections Of The Revised General Ordinances Of The Township Of**

West Orange – Valley Road and Mitchell Street(s), was approved on first reading, ordered advertised according to law, to come up for second and final reading on January 23, 2024.

All members present voting “Aye.”

Pending Matters/New Matters/Council Discussion

Economic Development Commission

On motion made by Councilwoman Casalino and seconded by Councilwoman Ghebremicael, Ros Moskowitz Bielski was nominated and approved to serve on the Economic Development Commission as the Township Council’s consensus appointment for 2024.

All members present voting “Aye.”

Older Adults Advisory Committee

On motion made by Councilwoman Casalino and seconded by Councilwoman Ghebremicael, Frank Barszcz and Rachel Hersey were nominated and approved to serve on the Older Adults Advisory Committee as the Township Council’s consensus appointments for 2024.

All members present voting “Aye.”

ABC Hearing

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

All members present voting “Aye.”

730-24

Resolution Rescinding In Part ABC Resolution No. 724-23 Removing License No. 0722-33-006-009 Misty’s Restaurant and Bar, Inc as a Licensee Approved for Renewal for the 2023-2024 License Terms for Failure to Renew 2022-2023 License (Clerk)

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

All members present voting “Aye.”

731-24

Annual Renewal for Plenary Retail Consumption License 0722-33-006-009 Misty’s Restaurant and Bar, Inc. for the License Term of **2022-2023** (Clerk)

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

All members present voting “Aye.”

732-24

Annual Renewal for Plenary Retail Consumption License 0722-33-006-009 Misty's Restaurant and Bar, Inc.
for the License Term of **2023-2024** (Clerk)

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

All members present voting "Aye."

On motion made by Councilwoman Williams and seconded by Councilwoman Ghebremicael, the ABC hearing was adjourned and the Township Council meeting resumed.

All members present voting "Aye."

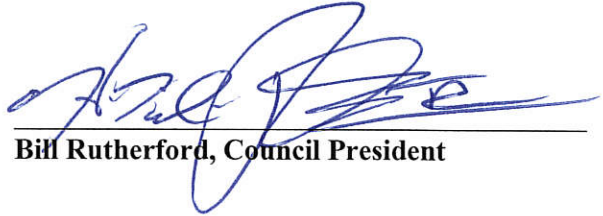
At 11:42 p.m., on motion made by Council President Rutherford and seconded by Councilwoman Casalino, the meeting was adjourned.

All members present voting "Aye."

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



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



Bill Rutherford, Council President

Adopted: February 13, 2024