

Conference Meeting – May 21, 2024

The Conference meeting began at 6:32 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.

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

All members present voting “Aye.”

- National Gun Violence Awareness Day-Moms Demand Action for Gun Sense in America
- West Orange African Heritage Organization's Tutoring Program
- Presentation: Mayor's Wellness Campaign, Dr. Steven Shapiro, Medical Stroke Director at Cooperman Barnabas Medical Center
- Presentation: Stanlee Stahl, Executive Director-Jewish Foundation for the Righteous

Public Meeting – May 21, 2024

The Public meeting began at 7:32 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.

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

Pledge of Allegiance

Public Comment

Joe Fagan – PIO
Barbara Monk – Gaston Street
Sheila Lefkowitz-Pleasant Valley Way
Sally Malanga-Ridge Road
Dawn Adams-Mt. Pleasant Avenue
Doug Adams – Westover Terrace
Todd Dubovy-Burnet Terrace
Rachel Klein – Howell Drive
Alwin Eversley – Gilbert Place
Will Ardone – Watchung Avenue

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

Report of Township Officers-None

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

Minutes - Public Meeting 5.7.24

Resolution(s)

- a. **158-24** Resolution Authorizing a Discharge of Mortgage for the Property at 11 Cleveland Terrace (Legal-Moon)
- b. **159-24** Resolution to Award a Contract to Clear Span Through Use of the Sourcewell (Formerly NJPA) National Cooperative Pursuant to N.J.S.A. 52:34-6 to Purchase a Coverall Salt Shed Cover 590 Mt. Pleasant Avenue (P. Reynolds)
- c. **161-24** Resolution Authorizing an Emergency Appropriation to Grabowski Construction, Inc., Northfield Avenue, West Orange, NJ, for Emergency Work to Repair the Wheatland Avenue Permit Parking Lot No. 17, in an amount NTE \$122,300.00 (Carballo)
- d. **162-24** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to a Veteran Exemption (K. Longo)
- e. **163-24** Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey (K. Longo)
- f. **164-24** Resolution Authorizing the Purchase of Police Equipment, Specifically Portable Radios and Accessories for the West Orange Police Department (P. Reynolds)
- g. **165-24** Resolution Approving Proposal from Matrix New World Engineering, Land Surveying, and Landscape Architecture, P.C., 26 Columbia Tpk., Florham Park, NJ, for Environmental Services for the Former Barton Press Property Located at 55 Lakeside Avenue, Block 115, Lots 15 and 17, West Orange, New Jersey 07052 in an Amount NTE \$9,150.00 (Legal-Gengaro)
- h. **168-24** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to a Duplicate Payment of Tax and/or Sewer Charge (K. Longo)
- i. **169-24** Resolution Authorizing the Purchase of Firefighter FRX Turnout Gear Under NJ State Contract #T0790 Blanket # 17-Fleet-00811 (P. Reynolds)
- j. **170-24** Resolution Rescinding Resolution 150-24 and Authorizing a 90-day Extension to Kemistry, LLC, to Cure its Application for a Resolution of Local Support with a New Proposed Location for its Proposed Cannabis Retail Business (Legal-Gengaro)

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

All members present voting "Aye."

Resolution(s) Removed from the Consent Agenda

Resolution 160-24

Resolution Authorizing a Professional Services Contract to Bright View Engineering, LLC, 70 South Orange Avenue, Suite 109 Livingston, NJ 07039, for Professional Engineering Services Associated with an All-way Stop Analysis of Kelly Drive and Haggerty Drive and Haggerty Drive and Vizcaya Boulevard in an Amount NTE \$6,600.00. (Carballo)

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

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

Resolution 166-24

Resolution Partially Lifting Moratorium on Applications for Resolutions of Local Support (Legal-Gengaro)

On motion 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.”

Resolution 167-24

Resolution Authorizing the Township Council to Retain Genova Burns to Continue Litigation, Docket No. ESX-L-4687-23 at the Hourly Rate of \$150 Per Attorney NTE \$25,000. (Legal-Gengaro)

On motion 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.”

Ordinance(s) on Second and Final Reading

Ord. 2846-24

On motion made by Councilwoman Ghebremicael and Seconded by Council President Rutherford, **An Ordinance Repealing And Replacing Chapter 25, Sections 27 of the Revised General Ordinances of the Township of West Orange and Establishing Chapter ____ for Environmental Protection (Tree Protection, Removal And Replacement)** was taken up on second and final reading. The Township Council amended Ordinance No. 2846-24 (the “Ordinance”) at the meeting held on May 7, 2024. The Township Council voted 5-0 to pass the Ordinance as amended. Thus, the Ordinance was re-publicized as amended and is being considered for second and final reading pursuant to N.J.S.A. 40:49-2 *et seq.* on May 21, 2024.

All members present voting “Aye.”

On motion made by Councilwoman Ghebremicael and Seconded by Council President Rutherford, an amendment was offered in **Section 8 (Tree Replacement)**, first paragraph, line 7, add the words “is removed” .

All members present voting “Aye.”

On motion made by Council President Rutherford and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 4 a (Tree Removal and Replacement Permits)**, to add the following: “No person shall be granted permission to remove more than two (2) trees within a twenty-four (24) month period, however, if a person desires to improve their property by removing more than two (2) trees within twenty-four (24) months, the applicant shall provide an application to the appropriate department along with a tree removal and replacement application.”

All members present voting “Aye.”

A motion was made by Councilwoman Scarpa to revise a portion of **Section 4 a-2 (Tree Removal and Replacement Permits)**. There was no second. The motion failed.

A motion was made by Councilwoman Scarpa to revise a portion of **Section 4 b-7 (Tree Removal and Replacement Permits) Prohibitions**. There was no second. The motion failed.

A motion was made by Councilwoman Scarpa to revise a portion of **Section 4 e-1 (Tree Removal and Replacement Permits) Development Applications**. There was no second. The motion failed.

On motion made by Council President Rutherford and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 7 (Appeal of Denial of Tree Removal and Replacement)** line 2 and 3, to add the word “appropriate” in front of the word board.

All members present voting “Aye.”

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

All members present voting “Aye.”

Ord. 2851-24

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

All members present voting “Aye.”

Ordinance(s) on First Reading

Ord. 2852-24

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, **An Ordinance Amending Chapter 5, Section 34.2, Section 34.4, Section 34.5, and Chapter 25, Section 24.2 of the Revised General Ordinances of the Township of West Orange (Licensed Cannabis Entities)** was approved on first reading. Before the ordinance can be heard on second and final reading, it must first be heard by the Planning Board. Date to be determined.

On motion made by Council President Rutherford and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 5 34.4b (Local License Standards and Limitations)** line 3 to change the word “or” to “and”.

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

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the above referenced ordinance was approved as amended on first reading.

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

Ord. 2853-24

On motion made by Councilwoman Ghebremicael and seconded by Councilwoman Williams, **An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-20, Stop Intersections of the Revised General Ordinances of the Township of West Orange-Variou Streets** was approved on first reading, ordered advertised according to law, to come up for second and final reading on June 10, 2024.

All members present voting “Aye.”

Ord. 2854-24

On motion made by Councilwoman Ghebremicael and seconded by Council President Rutherford, **An Ordinance Amending Chapter 18, Section 1.9 of the Revised General Ordinances of the Township of West Orange (Local Enforcement of the Uniform Fire Code--Permit Fees)** was approved on first reading, ordered advertised according to law, to come up for second and final reading on June 10, 2024.

All members present voting “Aye.”

Ord. 2855-24

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, **An Ordinance Amending Chapter 18, Section 2.1 Of The Revised General Ordinances Of The Township Of West Orange (Establishing A Fire Lane At Bernard M. Degnan Park--Penalty)** was approved on first reading, ordered advertised according to law, to come up for second and final reading on June 10, 2024.

All members present voting “Aye.”

Ord. 2856-24

On motion made by Councilwoman Williams and seconded by Councilwoman Ghebremicael, **Bond Ordinance Providing for the Capital Acquisition of Refuse Carts By and In The Township of West Orange, in the County Of Essex, State of New Jersey; Appropriating \$2,000,000 Therefor and Authorizing the Issuance of \$1,900,000 Bonds or Notes of the Township to Finance Part of the Cost Thereof** was **TABLED** on first reading

All members present voting “Aye.”

Pending Matters/New Matters/Council Discussion

- Municipal Code Book – Agenda
- Tree Removal at local Golf courses
- A request for the organizational chart for the upcoming Budget workshop

ABC Hearing-None

At 12:09 a.m., on motion made by Council President Rutherford and seconded by Councilwoman 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
Bill Rutherford
Council President

Adopted: June 10, 2024