

Conference Meeting – September 10, 2024

The Conference meeting began at 6:34 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

- Oath of Office of John Ditinyak, Chief Financial Officer – Administered by Mayor Susan McCartney
- Proclamation - National Voter Registration Day
- Patrick Henze- New General Manager for Rock Spring Golf Club
- Council Liaison Announcements

Public Meeting September 10, 2024

Pledge of Allegiance

The Public meeting began at 7:00 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

Public Comment

Joe Fagan – PIO
Anthony Puglisi – PIO Essex County
Thurselle Chisolm-Williams – Ashland Avenue
Todd Dubovy – Burnet Terrace
Joe Krakoviak – Grand View Avenue
Sheila Lefkowitz – Pleasant Valley Way

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

At 8:28 p.m., Councilwoman Williams left the meeting.

Report of Township Officers-None

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

Bill List

Minutes – Executive Session June 25, 2024 and July 23, 2024, Public Meeting August 6, 2024

Resolution(s)

- a. **250-24** Resolution Authorizing a Professional Services Agreement to CME Associates, 1460 Route 9 S, Howell, NJ 07731 for Professional Engineering and Land Surveying Services for Lafayette Park Improvements in an Amount NTE \$97,500.00 (Carballo)
- b. **251-24** Resolution Authorizing a Change Order for Rohrer School & Commercial Bus Sales, 314 Dickinson Street, Ewing Township, NJ 08638 for 2 Electric Powered Transit Vans in the amount of \$6,110.00 (Carballo)
- c. **252-24** Resolution Authorizing Extension of Professional Services Contract with GPI, for Expert Engineering Consulting Regarding Colonial Woods Development (Legal-Gengaro)
- d. **253-24** Resolution Authorizing an Award of Contract to Crossroads Paving Corporation, 386 South Street #169, Newark, N.J. 07105 for Fire Station No. 4 Site Improvements in the amount NTE \$243,457.00 (Carballo)
- e. **254-24** Resolution Approving Proposal from Matrix New World for Environmental Services at the Property Located at 18 Central Avenue, 4-10 Central Avenue, and 55 Lakeside for the Remedial Action Protectiveness/Biennial Certification as Required by the NJ DEP NTE \$4,600.00 (Legal-Gengaro)
- f. **255-24** Resolution Authorizing The Collector Of Taxes To Rebate Payment To The Listed Taxpayer Pursuant To Final Judgment By The Tax Court Of New Jersey-Various Properties (K. Longo)
- g. **256-24** Resolution Authorizing a Memorandum of Understanding Between the Township of West Orange and the County of Essex with Regard to the Installation and Maintenance of Library Wayfinding Signs at Various Locations Within County Routes and Rights of Way Belonging to the County Of Essex (Carballo)
- h. **257-24** Resolution Authorizing the Rental of Specialized Equipment to be Used for the Leaf and Snow Collection Seasons 2024-2025 Through State Contract #GS-21F-0020T (P. Reynolds)
- i. **258-24** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to a Duplicate Payment of Tax and/or Sewer Charge (Longo)
- j. **259-24** Resolution Authorizing an Award of Contract to Riggi Paving, Inc., 21 Third Street, Ridgefield Park, NJ 07660 for Emergency Work for the Re-Installation of the Various Speed Tables at Colony Drive East, Glen Road and Oakridge Road in the Vicinity of Hazel Elementary School in the in the Amount of \$38,800.00 (Carballo)
- k. **260-24** Resolution Authorizing a Contract with Grabowski Construction, Inc., 770 Northfield Avenue, West Orange, NJ 07052, for the Korwel Pump Station Decommission Project in an Amount NTE without authorization of \$184,547.00 (Carballo)
- l. **262-24** Resolution Authorizing an Emergency Appropriation to Reggio Construction, Inc., 416 E. Central Blvd., Palisades Park, NJ 07650, for Emergency Work to Repair Various Inlets and Manholes, in an Amount NTE \$83,000.00 without authorization (Carballo)
- m. **264-24** Resolution Authorizing an Award of Contract to Rak Plumbing & Heating, 219 Railroad Avenue, Ridgefield Park, NJ, 07660, for the Installation of Two (2) Grinder Sewage Pumps including Tank, Stainless Steel Rails, Check Valves, Discharge Pipe, Electrical Work and Conduit, and Site Restoration, at the 9 Nelson Court Pump Station Installation in an amount NTE \$68,800.00 (Carballo)

- n. **265-24** Resolution Authorizing an Award of Contract with Reggio Construction, Inc., 416 E. Central Blvd., Palisades Park, NJ 07650, for Emergency Road Repair at the Intersection of Whittlesey Avenue and John Street, in the Amount of \$4,700.00. (Carballo)
- o. **266-24** Resolution Authorizing Execution of Agreement and Agreement Amendment Between the Township of West Orange and the Commissioner of Transportation of the State of New Jersey Regarding Route 10, Chelsea Drive to Kelly Drive, Townships of Livingston and West Orange UECA-05-Rt10CHELSEADR-154390 (Carballo)
- p. **267-24** Resolution Authorizing an Amendment to the Professional Services Contract with Mott MacDonald, 111 Wood Avenue South, Iselin, NJ 08830-4112, for NJ DEP Permit Compliance with Municipal Separate Storm Sewer System in an Amount NTE \$107,247.00 (MSS) (Carballo)
- q. **268-24** Resolution Authorizing an Award of Contract with Grabowski Construction, Inc., 770 Northfield Ave., West Orange, NJ 07052 for Emergency Cleaning Services of the Existing Pipe with Trash Rack that Collects Runoff and is a Tributary to Wigwam Brook in the Amount of \$2,500.00 (L. Reynolds)
- r. **269-24** Resolution Authorizing the Service of Document Management for Records Retention and Disposal through the Educational Services Commission of NJ Cooperative to Foveonics Imaging Technologies d/b/a Foveonics Document Solutions NTE \$56,894.32 (P. Reynolds)
- s. **272-24** Resolution Approving a License Agreement between the Township of West Orange and 20th Century, LLC, 78 John Miller Way, Kearney, NJ 07032, for the Lease of the Parking Lot Located at 55 Lakeview Avenue (Legal-Gengaro)

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

All members present voting "Aye."

Resolution(s) Removed from the Consent Agenda

Resolution 261-24

Resolution Authorizing an Award of Contract to Reggio Construction, Inc., 416 E. Central Blvd., Palisades Park, NJ 07650, in an Amount NTE \$580,870.00 for the NJ DOT Municipal Aid Carlson Road, Cullen Drive and Colonial Woods Drive Improvement Project (Carballo)

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

All members present voting "Aye."

Resolution 263-24

Resolution Authorizing an Award of Contract to D.L.S Contracting, Inc., 3 Montesano Road, Fairfield, NJ 07004, for the 2023 CDBG Road Rehabilitation of Valley Road from Kingsley Street to Northfield Avenue in the Base Bid in an Amount NTE without authorization, \$810,446.90 (Carballo)

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

All members present voting "Aye."

Resolution 270-24

Resolution Authorizing the Qualified Purchasing Agent to Issue RFQ Regarding a Forensic Audit (Legal-Gengaro)

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the exhibit to the above referenced resolution was amended as follows:

Page 3-add "or" (and/or)

Page 6-Section 2-2.2-**Introduction and Purpose**-Councilwoman Ghebremicael's name was added.

Page 6-Section 2-2.3-**Conditions Applicable to RFQ**-add language, "to any specific respondent"

Page 11-Section 5-5.1-**Evaluations**-in the 3rd sentence of the paragraph, added the words "from" and "which".

Also, on page 11, "**Ranking Percentage and Criteria for Evaluations**" the following changes were made: Experience and Reputation in the field, from 3% to 36%. Knowledge of the Township and subject matter of the Forensic Audit from 2% to 21%. Availability and timeframe to complete the scope of this contract from 1% to 11%. Cost details, including the fixed, and flat rate from 2% to 26%. The next item was deleted-5%-the Utilization of Local Contractors and Business whenever possible. Finally, Other factors demonstrated to be in the best interest of the Township, 6%.

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

All members present voting "Aye."

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

All members present voting "Aye."

Resolution 271-24

Resolution Authorizing a Professional Services Agreement with VB Logic, LLC, Fort Lee, NJ to Provide Financial Consulting Services from September 10, 2024 through December 31, 2024 at a Rate of \$200. Per Hour with a Maximum Cap of \$10,000. (Legal-Gengaro)

On motion made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, the above referenced resolution was amended, reducing the maximum cap to \$10,000. from the original amount of \$50,000.

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

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

All members present voting "Aye."

Resolution 273-24

Resolution of the Township of West Orange Authorizing the Execution of a Purchase Agreement and Amendment to Redevelopment Agreement With MDGA- West Orange Downtown Redevelopment, LLC (Legal-Beckelman)

A motion to table the above referenced resolution was made by Council President Rutherford and seconded by Councilwoman Casalino.

Councilwoman Casalino and Council President Rutherford voting “Aye.” Councilwoman Ghebremicael and Councilwoman Scarpa voting “Nay.” The motion FAILED.

On motion made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, the motion to approved the above referenced resolution FAILED.

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

Public Hearing on the 2024 Municipal Budget

At 9:50 p.m., on motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the hearing on the 2024 Municipal Budget hearing was opened.

All members present voting “Aye.”

The Council President asked if there was anyone who wished to be heard.

There was no one that wished to be heard.

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the hearing on the 2024 Municipal Budget was closed.

All members present voting “Aye.”

ABC Hearing

At 10:15 p.m., on motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the Council recessed the public meeting and entered into an ABC Hearing.

All members present voting “Aye.”

Res. 751-24

Place to Place Transfer (Expansion of Premises), License No. 0722-33-013, Castle Rock Bar & Grill, 440 Main Street, West Orange, NJ 07052 (Outdoor Seating)

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

All members present voting “Aye.”

Res. 752-24

Resolution Rescinding Resolution No. 744-24 License No. 0722-33-031-007-2001 Proof, LLC, Approved for Renewal for the 2023-2024 License Term and Rescinding In Part ABC Resolution No. 746-24 Removing License No. 0722-33-031-007-2001 Proof, LLC, as a Licensee Approved for Renewal for the 2024-2025 License Term for Failure to Submit a Request for Special Ruling from the Director of the State Of NJ ABC (Clerk)

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

All members present voting “Aye.”

On motion made by Council President Rutherford and seconded by Councilwoman Casalino, the ABC Hearing was adjourned, and the Public meeting continued.

All members present voting "Aye."

Ordinance(s) on Second and Final Reading

Ord. 2865-24

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-Handicapped Spaces – 5 Cross Street and 54 Llewellyn Avenue** 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 Ghebremicael and seconded by Councilwoman Casalino, the above referenced ordinance was adopted.

All members present voting "Aye."

Ord. 2866-24

On motion made by Councilwoman Ghebremicael and Seconded by Councilwoman Casalino, **An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-11 Parking Time Limited on Certain Streets During Certain Hours, and 7-14.3 Parking Time Limited on Certain Streets During Certain Hours of Certain Days 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 Rutherford and seconded by Councilwoman Ghebremicael, the above referenced ordinance was adopted.

All members present voting "Aye."

Ord. 2867-24

On motion made by Councilwoman Ghebremicael and Seconded by Councilwoman Casalino, **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 – Position of Chief Financial Officer** 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 Rutherford and seconded by Councilwoman Ghebremicael, the above referenced ordinance was adopted.

All members present voting "Aye."

Ord. 2868-24

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, **Bond Ordinance Providing For Road, Sidewalk And Sewer Improvements, 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 \$1,904,000 Bonds Or Notes Of The Township To Finance Part Of The Costs Thereof** was taken up on second and final reading.

Councilwoman Casalino, Councilwoman Ghebremicael and Council President Rutherford voting "Aye." Councilwoman Scarpa 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 Rutherford and seconded by Councilwoman Casalino, the motion on the above referenced ordinance FAILED.

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

Ord. 2869-24

On motion made by Councilwoman Ghebremicael and Seconded by Councilwoman Casalino, **An Ordinance Amending Chapter 18 Of The Revised General Ordinances Of The Township Of West Orange And Establishing A Section Governing The Rates For Extra Duty Assignments For Firefighters In The Township Of West Orange (Fees For Services)** 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 Rutherford and seconded by Councilwoman Casalino, the above referenced ordinance was adopted.

All members present voting “Aye.”

Ordinance(s) on First Reading

Ord. 2870-24

On motion made by Council President Rutherford and seconded by Councilwoman Casalino, **Ordinance Amending Chapter 25, Section 29 of the Township Code Related to Stormwater Management** was approved on first reading. The above referenced Ordinance will be listed for approval after Planning Board review.

All members present voting “Aye.”

Ord. 2871-24

On motion made by Councilwoman Ghebremicael and seconded by Council President Rutherford, **An Ordinance Amending Chapter 4 Sections 33.1 and 33.2 of the Revised General Ordinances of the Township of West Orange and Establishing a Section Governing the Consumption of Cannabis in Public and Supplementing Chapter 4 to Add a New Section 41 Prohibiting Alcohol Consumption in Public** was approved on first reading, ordered advertised according to law, to come up for second and final reading on **September 24, 2024**.

All members present voting “Aye.”

Pending Matters/New Matters/Council Discussion-None

At 10:51 p.m., on motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the Public 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: September 24, 2024