

Conference Meeting – December 10, 2024

The Conference meeting began at 6:43 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

Councilwoman Scarpa attended the meeting via Zoom due to illness.

Swearing In and Promotional Ceremony

Pledge of Allegiance

West Orange Fire Department

- Recruit Firefighter Vincent DeSantis sworn-in to the rank of Probationary Firefighter
- Recruit Firefighter Francisco Gonzalez sworn-in to the rank of Probationary Firefighter
- Firefighter Glen Coppola promoted to the rank of Fire Captain

West Orange Police Department

- Police Lieutenant Patrick Matullo promoted to the rank of Police Captain
- Police Sergeant Brad Squires promoted to the rank of Police Lieutenant
- Police Sergeant Jeffrey Krimmel promoted to the rank of Police Lieutenant
- Police Officer Anthony Piserchio promoted to the rank of Police Sergeant
- Police Officer Matthew Reiss promoted to the rank of Police Sergeant

Swearing In

- Recruit William Eugene Evans, Jr. to rank of Police Officer
- **Proclamation** Honoring Sheriff Armando Fontoura on the Occasion of his Retirement
- **Proclamation - World Pancreatic Cancer Day**-Todd Cohen
- **Mayfair Farms Property** – Proposed Museum (Possible Rezoning Issues) - Marty Horn, James Howard and Rafi Mitnick

Public Meeting December 10, 2024

The Public meeting began at 7:41 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
Nicole Bell-Old Indian Road
Dr. Akil Khalfani-Glennon Road
Doug Adams-Westover Terrace
William Winokur-Sweetes Sweets, LLC
Steven Johnston – W.O. Resident
Eric Camins – Carter Road
Karla Schultz- Dockery Drive
Brett Carroll – Clonover Rd.-Kemistry, LLC
Harmon Osborne – Colonial Woods Drive
Althia Tweiten-Edgar Road
Matilda Baye – Colonial Woods Drive
Robert James Skivedi – Kemistry, LLC
Lawrence Cohen-Lincoln Avenue
Taneja Reena – Colonial Woods Drive
Lisa Adams-Westover Terrace

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

Approval of Minutes of Previous Meeting – Public Meeting and Executive Session (as amended) – November 25, 2024

Report of Township Officers-None

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

Bill List

Resolution(s) Approved on Consent Agenda

- a. **337-24** Resolution Authorizing the Purchase of L5R Plate Readers through the New Jersey State Contract 17-FLEET-00716 (P. Reynolds)
- b. **338-24** Resolution to Authorize the Purchase of IT Equipment, as Part of the Continued Upgrades to the Communications Center Through NJ State Contract 24-TELE-71883 (P. Reynolds)
- c. **340-24** Resolution Essex County Community Development Block Grant (CDBG) Program Year 2025 (Carballo)
- d. **341-24** Resolution Authorizing a Professional Services Contract for Professional Architectural Services for Miscellaneous Improvements for Fire Station(s) 3, 4 and 5 (Carballo)
- e. **342-24** A Resolution Approving Proposal From Matrix New World For Environmental Services At The Brownfield Development Area On Central Valley, Lakeside Avenue, And For Licensed Sight Remediation Professional Services NTE \$78,800.00 (Legal-Gengaro)

- f. **344-24** Resolution Authorizing an Award of Contract for the Performance of Preliminary Engineering (PE) Services to Greenman – Pedersen, Inc for 2022 NJDOT Safe Routes to School (SRTS) Improvement Project (Carballo)
- g. **347-24** Resolution Authorizing a Professional Services Contract to Greenman-Pedersen, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ 07950, for Professional Engineering Services associated with the 2024 Community Development Block Grants Road Rehabilitation of Franklin Avenue (from Main Street to Chestnut Street) and Oxford Place (from Cherry Street to Chestnut Street) in an Amount NTE \$26,608.00 (Carballo)
- h. **348-24** Resolution Authorizing a Professional Services Contract to Greenman-Pedersen, Inc., 301 Gibraltar Drive, Suite 2A, Morris Plains, NJ 07950, for Professional Land Surveying and Engineering Services associated with the MA 2025 NJDOT Municipal Aid Program, Helen Avenue, Lawrence Avenue, Florence Place and Lowell Avenue Improvement Project in an Amount NTE \$26,615.00 (Carballo)
- i. **349-24** Resolution Authorizing a Professional Services Contract to CME Associates, 3759 Highway 1 South, Suite 100, Monmouth Junction, New Jersey 08852, Manal Baba, LSRP, to Provide Professional Services Associated with the Groundwater Monitoring and LSRP Services at the former DPW garage at 6 Lindsley Avenue for Compliance with NJDEP for a Fee not to exceed \$112,700.00. (Carballo)
- j. **350-24** Resolution Authorizing a Professional Services Contract awarded to Bright View Engineering, 70 South Orange Avenue Suite 109, Livingston, NJ 07039, for Traffic Engineering Services along South Valley Road for an Amount NTE \$11,450.00 (Carballo)
- k. **351-24** Resolution Authorizing a Professional Services Contract awarded to Bright View Engineering, 70 South Orange Avenue Suite 109, Livingston, NJ 07039, for Traffic Engineering Services along Gregory Avenue for an Amount NTE \$11,875.00 (Carballo)
- l. **352-24** Resolution Authorizing Agreement-Eagle Rock Senior Citizens Housing Association Tenant Services for Educational and Social Services in the Amount of \$250.00 – 2024 (Legal-Moon)
- m. **353-24** Resolution Authorizing Agreement with JCC Council of Senior Services for Educational and Social Services in the Amount of \$250.00 – 2024 (Legal-Moon)
- n. **354-24** Resolution Authorizing Agreement with Pleasantdale Senior Citizens for Educational and Social Services in the Amount of \$250.00 – 2024 (Legal-Moon)
- o. **355-24** Resolution Authorizing Agreement with Prime Timers for Educational and Social Services in the Amount of 2024 in the Amount of \$250.00 (Legal-Moon)
- p. **356-24** Yerrr Canna LLC - Resolution of Local Support of Proposed Cannabis Manufacturing Business (Legal-Moon)
- q. **357-24** Blue Violet Grow LLC - Resolution of Local Support of Proposed Cannabis Cultivation or Manufacturing Business (Legal-Moon)
- r. **359-24** Resolution Authorizing a Budget Appropriation Transfer (Ditinyak)

- s. **362-24** Resolution Adopting Memorandum of Agreement Between the Township of West Orange and AFSCME New Jersey Council 63, Local 3476 (Abbott)
- t. **363-24** Resolution Approving Memorandum of Agreement Between West Orange PBA Local 25 and the Township Of West Orange (Abbott)
- u. **364-24** Resolution Approving Memorandum of Agreement Between West Orange PBA Local 25 Superior Officers Association and the Township Of West Orange (Abbott)
- v. **365-24** Resolution Approving Memorandum of Agreement Between West Orange Fire Superior Association and the Township Of West Orange (Abbott)
- w. **366-24** Resolution Approving Memorandum of Agreement Between West Orange Firefighters' Mutual Benevolent Association Local 28 (FMBA) and the Township Of West Orange (Abbott)
- x. **367-24** Resolution Approving Memorandum of Agreement Between Teamsters Local 560, Public Safety Telecommunication Operators and the Township of West Orange (Abbott)
- y. **368-24** Resolution Approving Memorandum of Agreement Between the International Brotherhood Teamsters Local 560, Public Works Supervisors ("IBT") and the Township Of West Orange (Abbott)

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

All members present voting "Aye."

Resolution(s) Removed from the Consent Agenda

Resolution 327-24

Resolution Authorizing an Award of Contract for 2024 Tree Planting at Various Locations to Frank Galbraith & Son Excavation and Demolition, LLC, 831 Raritan Road, Scotch Plains, NJ in the Amount of \$142,130.00 (P. Reynolds)

A motion was made by Council President Rutherford and seconded by Councilwoman Ghebremicael to approve the above referenced resolution. The motion FAILED.

All members present voting "Nay."

Resolution 339-24

Resolution of the Township of West Orange, in the County of Essex, State of New Jersey Providing for the Issuance of Special Emergency Notes in an Amount Not To Exceed \$1,800,000 to Fund Contractually Required Severance Liabilities Resulting from the Retirement of Employees in the Township (Ditinyak)

A motion was made by Councilwoman Casalino and seconded by Councilwoman Williams, to approve the above referenced resolution. The motion FAILED.

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

Resolution 343-24

State of New Jersey Department of Environmental Protection Green Acres Program Enabling Resolution for Supplemental Funding Request (Carballo)

A motion was made by Councilwoman Ghebremicael and seconded by Council President Rutherford, to TABLE the above referenced resolution. The motion passed.

All members present voting "Aye."

Resolution 345-24

State of New Jersey Department of Environmental Protection Green Acres Program (Vincent's Pond Walkway & Dredging Improvements) (Carballo)

At this time, Public Comment was held in compliance with the State of NJ DEP rules.

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

Lawrence Cohen-Lincoln Avenue
Doug Adams-Westover Terrace

There was no one else that wished to be heard and public comment on this resolution was closed.

A motion was made by Councilwoman Ghebremicael and seconded by Councilwoman Scarpa, to table the above referenced resolution. The motion FAILED.

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

A motion was made by Council President Rutherford and seconded by Councilwoman Williams to amend the language to read "which shall not come from the Township of West Orange's Open Space Funds".

All members present voting "Aye."

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

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

Resolution 346-24

State of New Jersey Department of Environmental Protection Green Acres Program (Colgate Park Playground Improvements Project) (Carballo)

At this time, Public Comment was held in compliance with the State of NJ DEP rules.

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

Lawrence Cohen-Lincoln Avenue

There was no one else that wished to be heard and public comment on this resolution was closed.

A motion was made by Council President Rutherford and seconded by Councilwoman Williams to amend the language to read “which shall not come from the Township of West Orange’s Open Space Funds”.

All members present voting “Aye.”

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

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

Resolution 358-24

Sweetes Sweets LLC - Resolution of Local Support of Proposed Cannabis Cultivation or Manufacturing Business (Legal-Moon)

There was no motion given on the above referenced resolution, therefore it FAILED.

Resolution 360-24

Resolution Appointing Zayibeth Carballo as the Township Engineer for a Term Beginning January 1, 2025 through December 31, 2027 in Accordance with N.J.S.A. 40A:9-140 (Legal)

At approximately 12:01 a.m., on motion made by Councilwoman Casalino and seconded by Councilwoman Williams, the Council recessed the public meeting and entered into Executive Session.

All members present voting “Aye.”

A motion was made by Council President Rutherford and seconded by Councilwoman Williams to approve the above referenced resolution as amended.

All members present voting “Aye.”

Resolution 361-24

361-24 Resolution Establishing Filming Permit Fees - 2024 (Legal-Moon)

A motion was made by Councilwoman Williams and seconded by Councilwoman Scarpa to TABLE the above referenced resolution. The motion passed.

All members present voting “Aye.”

Ordinance(s) on Second and Final Reading

Ord. 2881-24

On motion made by Councilwoman Williams and seconded by Councilwoman Casalino, **An Ordinance of the Township of West Orange, in the County of Essex, State of New Jersey Providing for the Issuance of Special Emergency Notes in an Amount NTE \$1,800,000 to Fund Contractually Required Severance Liabilities Resulting from the Retirement of Employees in the Township** 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 Casalino, the above referenced ordinance was adopted.

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

At 12:41 p.m., Councilwoman Ghebremicael stated that she wanted to change her vote, as did Councilwoman Scarpa to reflect a NO vote. Mr. Moon asked Councilwoman Ghebremicael if the basis of her vote was that she didn't understand what she was voting on and she said "yes". Mr. Moon said that was not a legitimate basis to invalidate a concluded vote by the Council. At this point Councilwoman Williams stated that the maker of the motion has to be the person that rescinds the motion, and she said she was not going to do that. Councilwoman Ghebremicael then made a motion to rescind the vote, and Councilwoman Scarpa seconded the motion to rescind. On further discussion, Councilwoman Casalino stated, based on her experience in the last 20 years on the Council and the Board of Education, that the person that makes the motion is the person that must rescind the motion. The Clerk stated that in order to rescind the vote, the maker of the motion(s) must rescind their motion(s) and that neither Councilwoman Casalino, nor Councilwoman Ghebremicael were going to do that. The Clerk said "it already passed, but my point is that you do this new motion, where does it stand the vote was already taken and passed, so if a second vote were to be taken, where does it stand, because if it's not legal, then it still passed". Based on all of the discussion and the opinion of the legal department, the original vote stands.

At this time, Councilwoman Ghebremicael stated that she wanted to vote NO on the above referenced Ordinance. Councilwoman Scarpa then stated the same. Councilwoman Ghebremicael stated that "if the Comptroller comes to us, and audits or investigates us, that I will not be at fault for this. That's what I'm claiming, putting out there." Councilwoman Scarpa then said, "me too, I want to be on the record as a NO." Councilwoman Ghebremicael further stated that she will send them the minutes and will be reaching out to them tomorrow to let them know what happened".

Ord. 2882-24

On motion made by Councilwoman Casalino and seconded by Councilwoman Williams, **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 (Amendment to AFSCME Tier)** 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 Casalino, the above referenced ordinance was adopted.

All members present voting "Aye."

Ord. 2883-24

On motion made by Councilwoman Williams and seconded by Council President Rutherford, **An Ordinance Amending Chapter 25, Section 24.7 General Ordinances Of The Township Of West Orange (Filming)** was taken up on second and final reading.

Councilwoman Casalino, Councilwoman Williams and Council President Rutherford voting "Aye."
Councilwoman Ghebremicael and 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 Councilwoman Williams and seconded by Council President Rutherford, the above referenced ordinance was adopted.

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

Ord. 2885-24

On motion made by Councilwoman Williams and seconded by Councilwoman Casalino, **An Ordinance Granting Renewal of Municipal Consent to Comcast of New Jersey, LLC to Construct, Connect, Operate and Maintain a Cable Television and Communications System in the Municipality of West Orange Essex County, New Jersey** 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. 2887-24

On motion made by Councilwoman Williams 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** was approved on first reading, ordered advertised according to law, to come up for second and final reading on **December 20, 2024**.

All members present voting "Aye."

Pending Matters/New Matters/Council Discussion

Discussion with regard to December 20, 2024 meeting date to consider Ord. 2887-24.

ABC Hearing-None

At 1:06 a.m., on motion made by Councilwoman Williams and seconded by Councilwoman Ghebremicael, 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: December 20, 2024