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Reply to Livingston office

July 29, 2025

**VIA E-MAIL**

Council President Joe Krakoviak  
All Township Council Members  
c/o Karen Carnevale, Municipal Clerk  
Township of West Orange  
66 Main Street  
West Orange, NJ 07052

**Re: Resolutions Approving Zoning Board  
Of Adjustment and Planning Board Attorney  
Professional Services Contracts**

Dear Council President Krakoviak and All Council Members:

As you are aware, the Administration has now presented to the Council for its approval on at least three (3) different occasions resolutions and contracts ratifying and approving the determination by the autonomous land use bodies concerning Planning Board Attorney Powell-McGovern and Zoning Board Attorney Steve Warner. Both of these professionals have continued to work with diligence and integrity consistent with the Rules of Professional Conduct.

Despite the Administration's efforts to present these professional service contracts in a timely manner and despite the fact that no member of the Township Council has ever provided a substantive reason to disapprove or delay the approval, these contracts remain extant. As you are aware, these professionals are statutorily required by the MLUL. Both of these professionals continue to provide essential services to the autonomous land use boards.

The only feedback I got after the July 21, 2025 Council meeting was that there was a discrepancy in the Resolution as to the hourly rate. As you are aware, that discrepancy could have been easily remedied by adopting the Resolutions and directing that the revision be made. Instead, in a further delaying effort, the Council tabled both Resolutions.

This Resolution will be placed on the August 12, 2025 Agenda. If you have any questions or further concerns, you are requested to provide that information in **writing no later than August 4, 2025**. Otherwise, the Resolutions awarding the Land Use Professional Service

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Contracts with the identical same contracts will be placed on the Agenda for the August 12, 2025 meeting. If they are not approved, the Mayor reserves the right to commence an appropriate litigation to resolve these matters once and for all. The failure to allow the autonomous land use boards to do their statutory responsibilities is solely being stymied by the Council's machinations.

If you have any questions whatsoever, or need any further guidance, please feel free to contact the undersigned. Obviously, if anyone raises a substantive basis to refuse to approve these Resolutions, we will listen to such objection and attempt to work collaboratively to resolve same in a professional and timely manner.

Thank you for your consideration.

Respectfully yours,

Richard D. Trenk

RDT:jms

Enclosures

cc: Mayor Susan McCartney (via e-mail)  
Peter Smeraldo, Business Administrator (via e-mail)  
Chief James P. Abbott, Senior Policy Advisor (via e-mail)  
John C. Ditinyak, CFO (via e-mail)  
Dr. Robert Bagoff (via e-mail)  
Diana Powell-McGovern, Esq. (via e-mail)  
Phillip Neuer, Esq. (via e-mail)  
Steven Warner, Esq. (via e-mail)  
Stephen Gengaro, Esq. (via e-mail)  
Scott Salmon, Esq. (via e-mail)  
Ramon Rivera, Esq. (via e-mail)  
John J.D. Burke, Esq. (via e-mail)

**RESOLUTION**

**WHEREAS**, the Township Council adopted Ordinance No. 2721-23 (the “Ordinance”) which revised Chapter 25, Section 55.1 of the Township of West Orange (the “Township”) Municipal Code (the “Township Code”) and established the amount of escrow fees payable by applicants for land use applications to be determined by Resolution; and

**WHEREAS**, Resolution 298-23 sets forth the fee schedule in the Ordinance and provides that attendance of the Board Attorney for any special meeting shall be \$750 per meeting and any other professionals to be paid at \$150 per hour; and

**WHEREAS**, the Township, to pursuant to N.J.S.A. 40A:11-5(1)(a)(i), sent a request for qualifications for professional services contracts for the land use boards which is permitted under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

**WHEREAS**, the responsive attorneys submitted a rate of \$195 per hour for legal work for applications to be paid by escrow payments from the applicants which proposals were approved by the autonomous land use boards; and

**WHEREAS**, the Township seeks to raise the hourly rate of land use board attorneys set forth by Resolution 298-23 fix the hourly rate for the land use board attorneys for escrow matters in an amount of \$195/hour. Nothing contained herein shall change the special meeting escrow rate of \$750 per meeting. This hourly rate applies to pre and post meeting work concerning the escrow payments for land use applications.

**NOW, THEREFORE, BE IT, AND HEREBY IT IS, RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE**, that the rate for land use applicants for escrow matters to be paid to land use board attorneys shall be \$195 per hour, with all other portions of Resolution 298-23 to remain in effect unless otherwise superseded by

Resolution, and the Municipal Clerk shall cause notice of these actions to be advertised in accordance with applicable law; and it is further

**RESOLVED** that this Resolution shall be available in the Clerk's Office in accordance with applicable law.

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

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**Joe Krakoviak,**  
**Council President**

**Adopted:** August 12, 2025