

Conference Meeting – May 7, 2024

The Conference meeting began at 6:39 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.”

- Swearing In: Zayibeth Carballo – Director of Engineering-Municipal Engineer
- West Orange PAL Mustangs Competition Cheer Team
- Proclamation: Love and Unity Day West Orange-Carl Brister
- Proclamation – Lupus Awareness Month (7:30 p.m.)
- Presentation: Piazza Associates – Low/Moderate Income Housing Lottery
- Wayne DeFeo – Environmental Consultant – Solid Waste Contract

Public Meeting – May 7, 2024

The Public meeting began at 8:10 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
Joy Burnet-Pillot Place
Kemistry, LLC – Talia Young
Nicol Bell-Older Adults Advisory Board
Doug Adams – Westover Terrace
Lawrence Cohen – Lincoln Avenue
Joyce Rudin – Woodland Avenue
Susan Lenczyk – Mt. Pleasant Avenue
Phaedra Singelis – Essex Terrace

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

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

Minutes - Public Meeting 4.24.24 and Executive Session 4.4.24

Councilwoman Ghebremicael abstained from approving the 4.4.24 Executive Session minutes as she was absent from the meeting, and Council President Rutherford abstained from approving the 4.24.24 Public Meeting meetings as he was absent from the meeting.

Resolution(s)

- a. **148-24** Resolution Authorizing an Agreement with Joe Fagan for the Services of Communications Director/Public Information Officer for the Period of May 1, 2024 through April 30, 2025 in the Amount of \$34,800. (Legal-Gengaro)
- b. **149-24** Resolution Revoking Resolution of Local Support for Peace of Mind Construction Group LLC (Legal-Moon)
- c. **152-24** Resolution Prescribing Fees As Set Forth In Chapter 16, Section 3 Of The Revised General Ordinances And In Ordinance 2849-24 – Plan Review Fees (Legal-Gengaro)
- d. **153-24** Resolution Prescribing Fees As Set Forth In Chapter 16, Section 4 Of The Revised General Ordinances And In Ordinance 2850-24 (Legal-Gengaro)
- e. **154-24** Resolution Authorizing Execution of Temporary Easement Agreement over Portions of 71 Seaman Road (Legal-Gengaro)
- f. **155-24** Resolution Authorizing Township of West Orange to Seek Reimbursement for Training and Educational Expenses for Officer of WOPD from the New Jersey Institute of Technology Pursuant to NJSA 40A:14-178 (Legal-Gengaro)
- g. **156-24** A Resolution Requesting a Cost Share Agreement Between the New Jersey Department Of Transportation (NJDOT) and the Township of West Orange for NJDOT to Take All Necessary Actions to Implement the Applicable Safety Countermeasures Listed in the Township's Vision Zero Action Plan (2023-2030) for the Signalized Intersection of the I-280 Eastbound Ramp and Pleasant Valley Way (CR636) (Carballo)
- h. **157-24** Resolution Authorizing the Township to Execute the Proposed Non-Residential Development Fee (NRDF) Agreement By and Between Zufall Health Center, Inc. and the Township of West Orange Whereby Zufall will Pay the Amount of \$34,061.13 in Full Satisfaction of the Claim (Legal-Trenk)

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

All members present voting "Aye."

Resolution(s) Removed from the Consent Agenda

Resolution 150-24

Resolution Closing the Timeframe for Kemistry LLC to Cure its Application for a Resolution of Local Support (Legal-Moon)

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

All members present voting "Aye."

Resolution 151-24

Resolution Authorizing an Executive Session for the Purpose of Discussing Contract Negotiations Specifically Downtown Redevelopment Project (Smeraldo)

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

All members present voting "Aye."

Ordinance(s) on Second and Final Reading

Ord. 2846-24

On motion made by Councilwoman Ghebremicael and Seconded by Councilwoman Casalino, **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.

All members present voting "Aye."

On motion made by Councilwoman Ghebremicael and Seconded by Council President Rutherford, an amendment was offered in **Section 8 a-3 and a-4 (Tree Replacement)**, to replace .75 with $\frac{3}{4}$ acres of land spelled out.

All members present voting "Aye."

On motion made by Councilwoman Casalino and Seconded by Councilwoman Scarpa, an amendment was offered in **Section 3 (Definitions)** and throughout the ordinance, to replace 2.5 with 4 inches.

All members present voting "Aye."

On motion made by Councilwoman Ghebremicael and Seconded by Councilwoman Williams, an amendment was offered in **Section 4 b-5 (Tree Removal and Replacement Permits)**, to remove the word Prune.

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

On motion made by Councilwoman Williams and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 4 b-7 (Tree Removal and Replacement Permits)**, to remove "cut or remove any tree older than 25 years with a DBH of 10" or more and add "Remove trees within one hundred (100) feet of a ridgeline.

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

On motion made by Councilwoman Williams and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 4 b-11 (Tree Removal and Replacement Permits)**, to remove "or would increase dust."

All members present voting "Aye."

On motion made by Councilwoman Williams and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 4 a (Tree Removal and Replacement Permits)**, to remove "No person shall be granted permission to remove more than two (2) trees within a twenty-four (24) month period. No person shall cut remove, or."

All members present voting "Aye."

On motion made by Councilwoman Williams and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 4 a (Tree Removal and Replacement Permits)**, to remove the word "non-viable."

All members present voting “Aye.”

On motion made by Councilwoman Williams and Seconded by Councilwoman Casalino, an amendment was offered in **Section 4 d (Tree Removal and Replacement Permits)**, to remove the word “hazardous.”

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

On motion made by Councilwoman Casalino and Seconded by Councilwoman Williams, an amendment was offered in **Section 4 a-2 (Tree Removal and Replacement Permits)**, to remove the following paragraph in its entirety “All tree removal and replacement permits including emergency tree removal permits shall be accessible to the public subject to the confidentiality provisions of Daniel’s Law or any other similar law. All permits issued pursuant to this Chapter shall be posted to the Township’s website by the Township Forester.”

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

A motion was made by Councilwoman Williams with no second to remove the word “Migratory” from **Section 4 b 14 (Tree Removal and Replacement Permits)**.” The motion failed.

On motion made by Councilwoman Ghebremicael and Seconded by Councilwoman Williams, an amendment was offered in **Section 4 b-17 (Tree Removal and Replacement Permits)**, to remove the following sentence, “cut down or remove trees in a landscaped buffered area.”

All members present voting “Aye.”

On motion made by Councilwoman Williams and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 4 e-1 (Tree Removal and Replacement Permits)**, to replace “trees” with “tree canopy.”

All members present voting “Aye.”

On motion made by Councilwoman Ghebremicael and Seconded by Councilwoman Williams, an amendment was offered in **Section 4 e-8 (Tree Removal and Replacement Permits)**, to change 7 to “8” and change five years to “twenty-five (25)” years.

All members present voting “Aye.”

On motion made by Councilwoman Williams and Seconded by Councilwoman Ghebremicael, an amendment was offered in **Section 5 a-1 (Application for Tree Removal and Replacement Permits)**, to remove “not more than one (1) year old” from this section.

All members present voting “Aye.”

On motion made by Council President Rutherford and Seconded by Councilwoman Williams, an amendment was offered in **Section 8 a-2 (Tree Replacement)**, to replace the word “shall” with “may” and add “or at another location as determined by the Township Forester”.

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 Williams, the above referenced ordinance was adopted as amended.

All members present voting “Aye.”

Ord. 2848-24-PULLED FROM AGENDA

Ordinance(s) on First Reading

Ord. 2851-24

On motion made by Council President Rutherford and seconded by Councilwoman Williams, **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 approved on first reading, ordered advertised according to law, to come up for second and final reading on April 24, 2024.

All members present voting “Aye.”

Public Comment – Non Agenda Items

Jen Hardell – 76 Ashland Avenue

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the Council voted to have a resolution placed on the May 21, 2024 Public Meeting agenda to lift the moratorium on cultivation/manufacturing.

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

Pending Matters/New Matters/Council Discussion

- CCRB Representative-moved to 5.21.24
- Approval of the Older Adults Advisory Board By-Laws

The Municipal Clerk asked that under Article VIII – Meetings, Section V, the following paragraph be removed from the by-laws:

“The Town Clerk shall notify the public of special meetings in accordance to standard practice. “

On motion made by Councilwoman Williams and seconded by Councilwoman Ghebremicael, the By Laws of the Older Adults Advisory Committee were approved as amended.

All members present voting “Aye.”

- Resolution to Move Forward with Litigation – Docket No. ESX-L-4867-23

On motion made by Council President Rutherford and seconded by Councilwoman Ghebremicael, the Council voted to have the above referenced resolution listed on the May 21, 2024 Public meeting agenda.

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

- Town Hall meetings

ABC Hearing-None

At 1:56 a.m., on motion made by Council President Rutherford 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: May 21, 2024