

1. Conference Meeting Agenda

Documents:

[CA 8.1.23.PDF](#)

2. Public Meeting Agenda

Documents:

[PM 8.1.23.PDF](#)

3. Resolution(S)

3.I. 265-23

Documents:

[265-23 BUDGET AMENDMENT NO. 1 - 8.1.23.PDF](#)

3.II. 266-23

Documents:

[266-23 RESOLUTION_AUTHORIZING HIRING OF GENOVA FIRM TO REPRESENT COUNCIL IN CERTAIN LITIGATION_07302023.PDF](#)

4. ABC Hearing

4.I. 723-23

Documents:

[723-23 THE HAT.PDF](#)

4.II. 724-23

Documents:

[724-23 RENEWAL RESOLUTION \(4\) 8.1.23.PDF](#)

Township of West Orange
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Tuesday, August 1, 2023
Meeting No. 18

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 23, 2022 and published in the West Orange Chronicle on December 1, 2022.

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

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6:30 P.M.

- **Administration of the Oaths of Office to Probationary Firefighters by Mayor McCartney**
 - o **PFF Jagger Garguilo**
 - o **PFF Jonathan Delgado-Escobar**
 - o **PFF Matthew Daly**
 - o **PFF Zachary Coppola**
 - o **PFF Alexandre Romero**
- **Presentation: Board Commissioners**
- **Council Liaison Announcements**
- **Public Meeting – 7:00 p.m.**

PUBLIC MEETING AGENDA
Township of West Orange
66 Main Street – 7:00 p.m.
August 1, 2023
Meeting No. 18

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 the West Orange Chronicle on July 28, 2023.

Statement of Decorum

In all matters not provided for in subsection 3-15.1 and except upon consent of the Council President, each person addressing the Council pursuant to this subsection shall be required to limit his or her remarks to five (5) minutes and shall at no time engage in any personally offensive or abusive remarks. The chair shall call any speaker to order who violates any provision of this rule.
(1972 Code § 3-15.2)

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

- **Pledge of Allegiance**

- **Invocation**

1. **Public Comment**

- a. **PUBLIC HEARING - 2023 Municipal Budget (Gross)**

- b. **265-23 - Budget Amendment No. 1**
The hearing on the amendment will be held at a date to be determined.

- c. **266-23 Resolution Authorizing the Retention of Angelo Genova, Genova Burns, LLC, 494 Broad Street, Newark, NJ 07102 as Special Counsel to the Township Council for an Amount NTE \$15,000.**

2. **ABC Hearing**

- a. **723-23 Hearing on Renewal for 2023-2024 License Term-Harrison Avenue Tavern, Inc. 0722-33-058-006 (Special Conditions)**

- b. **724-23 Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the 2023-2024 License Term (Clerk)**

3. **Adjournment**

The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.
(1972 Code § 3-8; Ord. No. 726-84; Ord. No. 1157-93; Ord. No. 2128-07 § II)

Agenda is subject to change.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85315043277?pwd=WlFmOXpNRFFlai9oZEdoUVMzRWphQT09>

Passcode: 439825

Or Dial: +1 646 931 3860 US

Webinar ID: 853 1504 3277

Passcode: 439825

Next Meeting Date(s):

Township Council Meeting – To Be Determined

2023 Budget Amendment #1

BE IT RESOLVED, that the Township Council of the Township of West Orange does hereby approve this amendment to the 2023 Introduced Budget:

GENERAL REVENUES		Anticipated From	Anticipated To
3.	Miscellaneous Revenues - Section B: State Aid Without Offsetting Appropriations	-	-
	Watershed Aid	-	5,217.00
	Consolidated Municipal Property Tax Relief Aid	4,691,252.00	4,723,680.00
	Energy Receipts Tax (P.L. 1997, Chapters 162 & 167)	5,217.00	-
	Municipal Tax Relief Fund - 2022	-	489,428.00
	Municipal Tax Relief Fund - 2022	-	301,301.93
3.	Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated	-	-
	With Prior Written Consent of Director of Local Government Services - Public and	-	-
	Private Revenues Offset with Appropriations:	XXXXXXXXXX	XXXXXXXXXX
	Bulletproof Vest Partnership	-	8,882.50
	Recycling Tonnage Grant	-	61,179.36
	Essex County CARES	-	15,370.65
	COVID-19 Vaccination Supplemental	-	9,245.26
	New Jersey American Grant	-	8,190.60
	CLEAN COMMUNITIES GRANT	-	81,567.89
	DRIVE SOBER OR GET PULLED OVER GRANT	-	10,920.00
	NJ FORESTRY GRANT	-	11,900.00
	PARTNERS FOR HEALTH GRANT	-	10,000.00
	Consent of Director of Local Government Services - Public and Private Revenues		10,660,398.18
	Summary of Revenues	-	-
3.	Miscellaneous Revenues:	XXXXXXXXXX	XXXXXXXXXX
	Total Section B: State Aid Without Offsetting Appropriations	4,696,469.00	5,519,626.93
	Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues	-	10,660,398.18
	Total Miscellaneous Revenues	25,771,493.30	37,255,049.41
5.	Subtotal General Revenues (Items 1, 2, 3 and 4)	31,396,721.14	42,880,277.25
6.	Amount to be Raised by Taxes for Support of Municipal Budget:	XXXXXXXXXX	XXXXXXXXXX
	a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	64,960,039.47	64,382,191.76

Total Amount to be Raised by Taxes for Support of Municipal Budget		67,309,654.58	66,731,806.87
7.	Total General Revenues	98,706,375.72	109,612,084.11
8.	GENERAL APPROPRIATIONS	From	To
	(A) Operations - Excluded from "CAPS"		
	Public and Private Programs Offset by Revenues	-	-
	Matching Funds for Grants	-	-
	Automated License Plate Recognition Technology	-	63,513.00
	Partners for Health	-	10,000.00
	COVID-19 Vaccination Supplemental Funding 2022	-	135,000.00
	Clean Communities Program App - Reserves	-	81,567.89
	Drive sober or get pulled over	-	10,920.00
	NNJACCHO	-	215,724.00
	American Rescue Plan PPE Grant	-	35,000.00
	Bulletproof Vest Partnership	-	8,882.50
	Recycling Tonnage	-	67,669.00
	2022 - Budget Modification for 2022 State Community Partnership	-	4,800.00
	Essex County Delinquency Grant	-	24,000.00
	EX-OLPH22VSF040-3025-January	-	50,000.00
	EX-OLPH23PHC035-0654-January	-	274,735.00
	Municipal Alliance	-	31,202.31
	Municipal Alliance - match	-	5,895.20
	Covid-19 Vaccination Supplemental Grant	-	9,245.26
	Strengthening Local Public Health	-	195,582.00
	ESSEX CARES GRANT	-	15,370.65
	NJ FORESTRY GRANT	-	11,900.00
	Recycling Tonnage Grant	-	61,179.36
	National Opiod Settlement	-	44,322.36
	New Jersey American Grant	-	8,190.60
	Total Public and Private Programs Offset by Revenues	-	1,364,699.13
	Total Operations - Excluded from "CAPS"	9,349,362.67	10,714,061.80
	Detail:	-	-
	Salaries & Wages	79,363.00	723,567.40
	Other Expenses	9,269,999.67	9,876,802.08
	(C) Capital Improvements - Excluded from "CAPS"		

Public and Private Programs Offset by Revenues:	XXXXXXXXXX	XXXXXXXXXX
New Jersey Transportation Trust Fund Authority Act	-	-
DOT - MA 2023-Colonial Woods Dr, Merklin Ave & Morris Road	-	580,870.00
DOT - Walker Rd & Rooney Circle	-	1,000,000.00
DOT - Washington Street Corridor Improvement Project: Phase II project.	-	707,000.00
HUD - O'Connor Park Reconstruction	-	1,158,810.00
HUD - Degnan Park--Senior Citizens Park Improvements Project	-	250,000.00
Hazardous Discharge Site Remediation Fund	-	3,330,360.00
Green Essex Partners	-	2,274,554.25
Total Capital Improvements Excluded from "CAPS"	500,000.00	9,801,594.25
(D) Municipal Debt Service - Excluded from "CAPS"		
Interest on Bonds	919,302.50	974,462.50
Interest on Notes	2,828,285.96	3,017,914.96
Total Municipal Debt Service Excluded from "CAPS"	9,162,380.40	9,407,169.40
(H-2) Total General Appropriations for Municipal Purposes Excluded from "CAPS"	20,075,366.47	30,986,448.85
(O) Total General Appropriations - Excluded from "CAPS"	20,075,366.47	30,986,448.85
(L) Subtotal General Appropriations {Items (H-1) and (O)}	96,349,083.30	107,260,165.68
(M) Reserve for Uncollected Taxes	2,357,292.42	2,351,918.43
9. Total General Appropriations	98,706,375.72	109,612,084.11
Summary of Appropriations	From	To
(A) Operations - Excluded from "CAPS"	XXXXXXXXXX	XXXXXXXXXX
Public & Private Programs Offset by Revenues	-	1,364,699.13
Total Operations Excluded from "CAPS"	9,349,362.67	10,714,061.80
(C) Capital Improvements	500,000.00	9,801,594.25
(D) Municipal Debt Service	9,162,380.40	9,407,169.40
(M) Reserve for Uncollected Taxes	2,357,292.42	2,351,918.43
Total General Appropriations	98,706,375.72	109,612,084.11

RESOLUTION

WHEREAS, the Township of West Orange is a municipal corporation of the State of New Jersey, duly established and operating as a Faulkner Act Mayor-Council form of government; and

WHEREAS, on July 24, 2023, an action in lieu of prerogative writ captioned “In re Township of West Orange”, ESX-L-004687-23, was filed in the Superior Court of New Jersey, Law Division, Essex County by the Mayor of West Orange seeking relief from certain actions and inactions of the Township Council; and

WHEREAS, when the Mayor and Council are adversaries in the same litigation each requires their own counsel to avoid conflicts and as stated by the N.J. Supreme Court in the case of Municipal Council v. James, 183 N.J. 361 (2005); and

WHEREAS, the Township Council of the Township of West Orange has determined by vote taken in an open public meeting to retain the legal services of Angelo J. Genova, Esq., and his firm, Genova Burns, 494 Broad Street, Newark, NJ 07102, to represent its interests in the aforesaid law suit; and

WHEREAS, the terms of such representation are set forth in an Agreement Regarding Legal Services (“the Agreement”) dated July 28, 2023 and attached hereto together with letter of transmittal of the same date as Exhibit “A”, which provide for a cap or not to exceed amount of \$17,499.00 any expenditure beyond which amount requires Council approval; and

WHEREAS, the Township Council of the Township of West Orange wishes to authorize the Council President to execute the Agreement on behalf of the Township Council subject to confirmation of available funds by the Township’s Chief Financial Officer; and

**NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED BY THE
TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE,** that Angelo J.

Genova, Esq., and the firm of Genova Burns LLC be and hereby are retained by the Township Council to represent that governing body in the action in lieu of prerogative writ captioned “In re Township of West Orange”, ESX-L-004687-23, filed in the Superior Court of New Jersey, Law Division, Essex County on behalf of the Mayor of West Orange seeking relief from certain actions and inactions of the Township Council, the terms of retention including a cap or not to exceed amount of \$17,499.00 without further approval by the Council; and it is

FURTHER RESOLVED that the President of the Township Council be and hereby is authorized to execute the aforesaid retention agreement in the form and substance as attached in Schedule “A” on behalf of the Township Council and subject to confirmation of availability of funds by the Township’s Chief Financial Officer.

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

Tammy Williams
Council President

Adopted: August 1, 2023

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD
RESOLUTION**

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, an application has been filed by Harrison Avenue Tavern, Inc., t/a Harrison Avenue Tavern, 36 Harrison Avenue, West Orange, New Jersey 07052, for renewal of its Plenary Retail Consumption License # 0722-33-058-006, for the period **July 1, 2023 through June 30, 2024**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, on January 6, 2009, the Licensee represented by counsel and after a public hearing at which there was no opposition, the Township Council of the Township of West Orange sitting as the West Orange Board of Alcoholic Beverage Control, adopted Resolution #421, authorizing the Extension of Licensed Premises and Place to Place transfer for the Harrison Avenue Tavern; and

WHEREAS, the area covered by the expansion of the licensed premises is in the parking lot immediately adjacent to the rear door of the main licensed establishment, is encircled by a portable fence which is covered to prevent the public from viewing the interior portion where the outside bar is located, and that area had been used since 2001 as an area for outdoor dining with a café permit; and

WHEREAS, in forwarding the application for extension or expansion of the licensed premises, the Police Department noted that it was the first found in the Township to include an open area in a parking lot and that while calls for service had been minimal or non-existent, the area proposed for the expansion was contiguous to a residential area; and

WHEREAS, there had been numerous calls for service and complaints to Council members from the residential neighbors due to noise coming from the outdoor bar from both music and customer voices, the number of such complaints totaling 28 in the Spring of 2011; and

WHEREAS, the ABC Board has had considerable problems with noise and quality of life issues with other ABC Licensees adjoining residential neighborhoods in other areas of the Township and as the representatives of and conscience of the community has taken a more proactive approach as a result of such experiences; and

WHEREAS, with respect to its license renewal for the 2011-2012 License term, the Licensee was notified by certified mail, registered return receipt of the ABC Board's intention upon renewal for that License term to reconsider its approval of the expansion of the licensed premises, or in the alternative, to consider the imposition of Special Conditions to address the concerns of the residential neighborhood, and the Licensee having had the opportunity to be heard and through the assistance of counsel, the Township and the Licensee, in order to avoid the

time and expense of a formal hearing came to a voluntary agreement; and

WHEREAS, the Licensee, having installed additional noise reduction components on its outdoor premises in 2011-2012, and the Township having monitored the Licensed premises in order to ensure that the neighborhood residents have the peaceful and beneficial enjoyment of their properties while at the same time permitting the Licensee to reasonably conduct and profit from its business, and the number of noise complaints having lessened, but the noise issues not eliminated, the License having been renewed for each succeeding License period with the same Special Conditions; and

WHEREAS, by letter dated and sent via certified mail to the Licensee on or about **April 20, 2023**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Condition upon renewal for the **2023-2024** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor made any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, Harrison Avenue Tavern, Inc., t/a Harrison Avenue Tavern, 36 Harrison Avenue, West Orange, New Jersey 07052, License # 0722-33-058-006, for the **2023-2024** licensing term, subject to the following Special Conditions pursuant to *N.J.S.A. 33:1-32*, to be imposed on the outdoor bar only:

- A. The Licensee shall have last call on Sunday at 7:30 p.m., closing at 8:00 p.m.; amplified music to cease at 8:00 p.m.; "amplified music" refers to the jukebox on the premises, the limit modifier (volume control) for which shall not at any time exceed 70 for Zone 3, the outside bar area.
- B. The Licensee shall have last call on Monday at 9:30 p.m., closing at 10:00 p.m.; amplified music to cease at 10:00 p.m.
- C. The Licensee shall have last call on Tuesday at 9:30 p.m., closing at 10:00 p.m.; amplified music to cease at 10:00 p.m.
- D. The Licensee shall have last call on Wednesday at 9:30 p.m., closing at 10:00 p.m.; amplified music to cease at 10:00 p.m.
- E. The Licensee shall have last call on Thursday at 10:30 p.m., closing at 11:00 p.m.; amplified music to cease at 11:00 p.m., all of the foregoing, A., B., C., D., and E., excepting holiday eves which fall on Sunday through Thursday, on which days last call shall be at 12:30 a.m., and closing at 1:00 a.m.
- F. The Licensee shall have last call on Friday (Saturday morning) at 12:30 a.m.,

closing at 1:00 a.m.; amplified music to cease at 1:00 a.m.

- G. The Licensee shall have last call on Saturday (Sunday morning) at 12:30 a.m., closing at 1:00 a.m.; amplified music to cease at 1:00 a.m.
- H. On all nights bartenders and servers shall periodically remind customers to moderate their voices to avoid disturbing the residents of the surrounding residential area and paying special attention to this condition after 10:00 p.m.
- I. Live entertainment shall be limited to Friday and Saturday nights and infrequent special occasions and shall also be limited to the hours between 5:00 p.m. and 10:30 p.m., except the St. Patrick's Day event when music may begin at Noon;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange sitting and serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **August 1, 2023**.

Tammy Williams, Council President
and ABC Board Chairwoman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: August 1, 2023

Effective Date: August 1, 2023

Approved as to form on the basis of the facts provided: