

Public Meeting – September 9, 2014

The Township Council of the Township of West Orange met in the Council Chambers, Municipal Building, 66 Main Street, West Orange, New Jersey at 7:00 P.M. Karen J. Carnevale, 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. A notice of this meeting was mailed to the Star Ledger and the West Orange Chronicle on November 22, 2013.

Roll Call:

Present: Councilman Cirilo, Councilman Guarino, Councilman Krakoviak, Councilwoman Spango and Council President McCartney

Absent: None

The Township identified and presented by unanimous consent, Item 5 (Minutes), Item 8 (Bills) and Item 9 (Certain Resolutions).

On motion made by Councilman Guarino and seconded by Council President McCartney, the consent agenda was implemented.

All members voting "Aye".

Public Comment

The Council President asked if there was anyone who wished to make a statement at this time.

Roger and Sharon Sachs, 86 Lawrence Avenue, West Orange

Charles Upshaw, 105 Roosevelt Avenue, West Orange

Roz Moskowitz, Pleasant Valley Way Civic Association, 11 Wedgewood Avenue, West Orange

Rosary Morelli, 22 Ralph Road, West Orange

Anthony Puglisi, Public Information Officer, Essex County

Christine Bosco, 4 Masson Place, West Orange

There was no one else who wished to be heard and the public hearing was closed.

Minutes

The August 12, 2014 public minutes were approved as submitted.

Bills

The Bill List was received and ordered paid. A Summary of the Bill List is attached.

Resolutions

The following resolutions were adopted:

Resolution#160-14

Resolution Authorizing Raffle Licenses

Resolution #161-14

Resolution Authorizing a Refund to Nordan Realty Corp. d/b/a The Reserve at Bel Air, 820 Morris Turnpike, Suite 301, Short Hills, NJ for Overpayment of Taxes in the Amount of \$8,095.59 and Approving Cancellation of the Remainder of Real Estate Taxes on the Property for 2013

Resolution #162-14

Resolution Authorizing the Settlement and Release of Mortgage with Bayview Loan Servicing, LLC for the Amount of \$6,000 in Exchange for Satisfaction of the West Orange Housing Rehabilitation Program Mortgage for the Property at 71 Lowell Avenue, Block 44.03, Lot 18

Resolution #163-14

Resolution Authorizing Fees and Rates for the West Orange Recreation Department for the 2015 Season

Resolution #164-14

Resolution Authorizing the Collector of Taxes to Rebate Payment to the Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey to the Listed Taxpayers (attachment)

Resolution #165-14

Resolution Authorizing an Amendment to the Agreement Between the Life Christian Church, LLC and the Township of West Orange to Extend the Time Frame Consistent with the Terms of Amendment No. 1 as Set Forth in Attachment B

*It is noted that Kevin McCullom, Director of Business and Finance, Life Christian Church commented on said resolution.

Resolution #166-14

Resolution Authorizing the Owner of the Property at 34 Stanford Avenue to Remove the Section of the Sidewalk in Front of Said Property

Resolution #167-14

Resolution Directing Application Be Made to the Local Finance Board Pursuant to NJSA 58:11B-9(a), 40A:2-26(e), 40A:2-7(d) and 40A:2-11(c)

Resolution #170-14

Resolution Amending Resolution 18-14 Emergency Temporary Appropriation Resolution for the Purpose of Funding Eminent Tax Appeals NJS 40A:4-20

Resolution #171-14

Resolution Authorizing an Award of Contract for Historic Architectural Services to Hunter Research Group, 120 West State Street, Trenton, NJ 08608 to Conduct a Study of the Historic Preservation Sites in Accordance with the Certified Local Grant Funds Awarded to the Township

Resolution #172-14

Resolution Declaring West Orange a Stigma Free Town Eliminating Any Stigma Associated with Mental Health Illness and Will Promote Public Awareness of Mental Health Issues and the Removal of any Barriers to Recovery, and Work to Overcome Stigma, Stereotyping and Discrimination

Resolution #173-14

Resolution to Authorize the Sale of Abandoned Vehicles

Resolution #174-14

Resolution to Accept NW Financial Group, LLC Request for Qualifications for Financial Advisory Services

*It is noted that Victor Cirilo recused himself from the above resolution

Ordinances on Second and Final Reading

Ordinance #2417-14

On motion made by Councilman Guarino and seconded by Councilwoman Spango, AN ORDINANCE REQUIRING THE INSTALLATION OF A KEY LOCK BOX EMERGENCY ACCESS SYSTEM FOR USE BY THE WEST ORANGE FIRE DEPARTMENT DURING AN EMERGENCY OR ANY OTHER ACTION DEEMED NECESSARY BY THE W.O. FIRE DEPARTMENT AND ADDING SECTION 4 TO CHAPTER 18 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF WEST ORANGE, was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this was 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.

Christine Bosco, 4 Masson Place, West Orange commented on the above ordinance.

John O. Gross, Chief Financial Officer commented on the above ordinance and responded to questions.

There was no one else who wished to be heard and the public hearing was closed.

On motion made by Councilman Krakoviak and seconded by Councilman Guarino, the above mentioned resolution was passed on second and final reading and ordered advertised according to law.

All members voting "Aye".

Ordinance #2418-14

On motion made by Councilman Cirilo and seconded by Councilman Guarino, AN ORDINANCE REQUIRING THE INSTALLATION OF A FIRE DEPARTMENT CONNECTION INDICATOR LIGHT FOR USE BY

THE WEST ORANGE FIRE DEPARTMENT AND ADDING SECTION 5 TO CHAPTER 18 OF THE MUNICIPAL CODE OF THE TOWNSHIP OF WEST ORANGE, was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this was 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 who wished to be heard and the public hearing was closed.

On motion made by Councilman Guarino and seconded by Councilman Cirilo, the above mentioned ordinance was passed on second and final reading and ordered advertised according to law.

All members voting "Aye".

Ordinance #2419-14

On motion made by Councilwoman Spango and seconded by Councilman Cirilo, AN ORDINANCE AMENDING CHAPTER 4, SUBSECTION 35.2 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE – RESTRICTIONS – FEEDING WILDLIFE, was taken up on second and final reading.

All members voting "Aye".

The Council President asked if there was anyone who wished to make a statement at this time.

Charles Upshaw, 105 Roosevelt Avenue, West Orange commented on the above ordinance.

Teresa DeNova, Health Officer, West Orange Health Department commented on the above ordinance and responded to questions from Council.

Mariel Clemenson, 4 Cherrywood Circle, West Orange

Wanda Friess, 75 Burnett Terrace, West Orange

Kathleen O'Malley, Jersey City, NJ, representing American Society for Prevention of Cruelty to Animals

Rita Messing, 14 Mountain Way, West Orange

Susan Lenczyk, 234 Eagle Rock Avenue, West Orange

Anita Uotinen, 48 Hazel Avenue, West Orange

Sherry Ross, 1480 Pleasant Valley Way, West Orange

Althia Tweiten, 15 Edgar Road, West Orange

Melissa Cito, 25 Nutwold Avenue, West Orange

Teresa DeNova, Health Officer, West Orange Health Department again responded to questions from Council.

Joseph Messing, 16 Mountain Way, West Orange

There was no one else who wished to be heard and the public hearing was closed.

On motion made by Council President McCartney and seconded by Councilwoman Spango, the above mentioned ordinance was passed on second and final reading and ordered advertised according to law.

Councilwoman Spango and Council President McCartney voting "Aye". Councilman Cirilo and Councilman Guarino abstained. Councilman Krakoviak voting "Nay".

Ordinance #2420-14

On motion made by Councilwoman Spango and seconded by Councilman Guarino, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-23.1, TURN PROHIBITIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE – OAK RIDGE ROAD AND HAZEL AVENUE, was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this was 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.

Deputy Director Leonard Lepore commented on the above ordinance and responded to questions from Council.

Anita Uotinen, 48 Hazel Avenue, West Orange commented on the above ordinance.

There was no one else who wished to be heard and the public hearing was closed.

Following discussion and on motion made by Councilman Guarino and seconded by Councilman Cirilo, the above mentioned ordinance was passed on second and final reading and ordered advertised according to law.

Councilman Cirilo, Councilman Guarino, Councilman Krakoviak and Council President McCartney voting "Aye". Councilwoman Spango was absent at the time of voting.

Ordinance #2421-14

On motion made by Councilman Guarino and seconded by Councilman Cirilo, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-12, PARKING PROHIBITED FOR STREET CLEANING AND MAINTENANCE, SUBSECTION 7-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS, SUBSECTION 7-14.7, ALTERNATE SIDE PARKING OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE – CARY STREET, was taken up on second and final reading.

Councilman Cirilo, Councilman Guarino, Councilman Krakoviak and Council President McCartney voting "Aye". Councilwoman Spango was not present at the time of voting.

The Council President stated that this was 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.

Shelly Titus, 5 Cary Street, West Orange commented on the above ordinance.

There was no one else who wished to be heard and the public hearing was closed.

A motion made by Councilman Cirilo and seconded by Councilman Guarino to adopt the above ordinance, failed.

All members voting "Nay".

Ordinance #2422-14

On motion made by Council President McCartney and seconded by Councilman Krakoviak, AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-12, PARKING PROHIBITED FOR STREET CLEANING AND MAINTENANCE, SUBSECTION 7-13, PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS AND SUBSECTION 7-14.1c, NIGHT PARKING RESTRICTIONS ON CERTAIN STREETS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE – ROLLINSON STREET, was taken up on second and final reading.

All members voting "Aye".

The Council President stated that this was 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.

Deputy Director Leonard Lepore commented on the above ordinance and responded to questions from Council.

Steve Perlmutter, 26 Rollinson Street, West Orange

Grace Perlmutter, 26 Rollinson Street, West Orange

Adele Scioscia, 21 Rollinson Street, West Orange

Paul Chester, 39 Rollinson Street, West Orange

Jacqueline Jarvis, 37 Rollinson Street, West Orange

Leo O'Sullivan, 47 Quimby Street, West Orange

There was no one else who wished to be heard and the public hearing was closed.

A motion made by Councilman Guarino and seconded by Councilman Cirilo to adopt the above ordinance, failed.

All members voting "Nay".

Ordinances on First Reading

Ordinance #2423-14

AN ORDINANCE AMENDING CHAPTER 13, SECTION 4.1(a)(1) to Update the Township's Construction Permit Fee Ordinance, was introduced and passed on first reading.

The Clerk read the ordinance by title only.

On motion made by Council President McCartney and seconded by Councilman Cirilo, the above mentioned ordinance was passed on first reading, ordered advertised according to law, to come up for second and final reading on September 23, 2014.

All members voting "Aye".

Ordinance #2424-14

AN ORDINANCE AMENDING CHAPTER 25, SECTION 9.12 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE (HOURS OF OPERATION FOR BUSINESS OPERATING IN RESIDENTIAL ZONES IN THE TOWNSHIP OF WEST ORANGE, was introduced and passed on first reading.

The Clerk read the ordinance by title only.

Harvey Grossman, Public Advocate commented on the above ordinance.

The Clerk stated that the above ordinance will be forwarded to the West Orange Planning Board for review and recommendations.

On motion made by Councilman Krakoviak and seconded by Councilman Cirilo, the above mentioned ordinance was passed on first reading, ordered advertised according to law, to come up for second and final reading on October 7, 2014.

All members voting "Aye".

Ordinance #2425-14

BOND ORDINANCE AUTHORIZING VARIOUS IMPROVEMENTS IN CONNECTION WITH THE CAPITAL ASSESSMENT IN RESPECT OF THE JOINT MEETING OF ESSEX AND UNION COUNTIES IN AND FOR THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NJ APPROPRIATING \$1,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,300,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF, was introduced and passed on first reading.

The Clerk read the ordinance by title only.

On motion made by Council President McCartney and seconded by Councilwoman Spango, the above mentioned ordinance was passed on first reading, ordered advertised according to law, to come up for second and final reading on October 21, 2014.

All members voting "Aye".

Ordinance #2426-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, SECTION 17 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE ENTITLED "DEPARTMENT OF RECREATION AND CULTURAL AFFAIRS" was introduced and passed on first reading.

The Clerk read the ordinance by title only.

On motion made by Councilman Guarino and seconded by Councilman Cirilo, the above mentioned ordinance was passed on first reading, ordered advertised according to law, to come up for second and final reading on September 23, 2014.

All members voting "Aye".

Ordinance #2427-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-32.1, HANDICAPPED PARKING ON STREETS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE – LONGVIEW STREET, WEST, ASHLAND AVENUE, EAST AND WEST, was introduced and passed on first reading.

The Clerk read the ordinance by title only.

On motion made by Council President McCartney and seconded by Councilman Guarino, the above mentioned ordinance was passed on first reading, ordered advertised according to law, to come up for second and final reading on September 23, 2014.

All members voting "Aye".

Ordinance #2428-14

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-23.1, TURN PROHIBITIONS OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE – NORTHFIELD AVENUE AND GLEN VIEW DRIVE, was introduced and passed on first reading.

The Clerk read the ordinance by title only.

On motion made by Council President McCartney and seconded by Councilman Cirilo, the above mentioned ordinance was passed on first reading, ordered advertised according to law, to come up for second and final reading on September 23, 2014.

All members voting "Aye".

Resolution #168-14

Resolution Authorizing Change Order No. 6 with Conquest Industries, Inc., 32 Woodland Avenue, Westwood, NJ for Downtown West Orange Streetscape and Traffic Improvements in the Amount of \$10,884.80

Following discussion and on motion made by Councilwoman Spango and seconded by Councilman Guarino, the above mentioned resolution was adopted.

Councilman Cirilo, Councilman Guarino, Councilwoman Spango and Council President McCartney voting "Aye". Councilman Krakoviak voting "Nay".

Resolution #175-14

Resolution Authorizing Change Order No. 2 for Llewellyn Park Roadway and Sanitary Sewer Improvements between Sanitary Construction Company, 415 Franklin Avenue, Rockaway, New Jersey 07866 and the Township of West Orange which authorizes additional funding in the amount of \$545,000

to complete all improvements as originally specified in the bid documents and plans which brings the total amount authorized through Change Order No. 2 for this project to \$4,377,260 or a 25.64 percent increase from the original contract amount is approved.

John O. Gross, Chief Financial Officer commented on the above resolution and responded to questions from Council.

On motion made by Council President McCartney and seconded by Councilman Guarino, the above mentioned resolution was adopted.

Councilman Cirilo, Councilman Guarino, Councilwoman Spango and Council President McCartney voting "Aye". Councilman Krakoviak voting "Nay".

Resolution #176-14

Resolution Authorizing the Township of West Orange to Place a Lien in the Amount of \$20,260.44 Against 293 St. Cloud Avenue, West Orange, NJ (Block 168, Lot 15.03) for Expenses and Fees Incurred by the Township

On motion made by Councilwoman Spango and seconded by Councilman Guarino, the above mentioned resolution was adopted.

Councilman Guarino, Councilman Krakoviak, Councilwoman Spango and Council President McCartney voting "Aye". Councilman Cirilo was absent at the time of voting.

Resolution #177-14

Resolution Authorizing the Retention of Thomas P. Scrivo, Esq. of McElroy, Deutsch, Mulvaney & Carpenter, LLP as Independent Counsel to the Municipal Clerk in the Review of the Hawkins Objection to the Petitions Filed on Behalf of Mayor Robert D. Parisi at a Rate of \$200 Per Hour

On motion made by Councilwoman Spango and seconded by Council President McCartney, the above mentioned resolution was adopted.

Councilman Cirilo, Councilman Guarino, Councilwoman Spango and Council President McCartney voting "Aye. Councilman Krakoviak recused himself on the above resolution.

ABC HEARING

On motion made by Council President and seconded by Councilman Guarino, the Council adjourned as the Township Council and reconvened as the ABC Board.

All members voting "Aye".

Resolution #529-14 – Hearing and Resolution on Application for Renewal, Licenses Received Special Ruling

On motion made by Council President McCartney and seconded by Councilman Guarino, the above mentioned resolution was adopted.

All members voting "Aye".

On motion made by Councilman Guarino and seconded by Councilman Cirilo, the Council adjourned as the ABC Board and returned as the Township Council.

All members voting "Aye".

On motion made by Council President McCartney and seconded by Councilman Guarino, the meeting was adjourned at 10:53 P.M.

All members 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

SUSAN McCARTNEY, COUNCIL PRESIDENT

Adopted: September 23, 2014