

Conference Meeting – January 23, 2018

The Township Council of the Township of West Orange met in the Council Chambers, Municipal Building, 66 Main Street, West Orange, New Jersey at 6:37 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. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on October 25, 2017 and published in the West Orange Chronicle on November 2, 2017.

Roll Call:

Present: Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Councilman Krakoviak, Council President McCartney

Council President McCartney presented a commendation was presented to the West Orange Recreation Department Flag Football Junior Division, the 2017 undefeated Super Bowl Champions. Captain Timothy Brennan and Officer Chris Jacksic made a presentation about the Take Me Home Program recently implemented by the West Orange Police Department. Councilwoman Casalino presented a commendation to Lisa Batchelor of the Unique Performance Arts Center (UPAC) recognizing their 20th anniversary.

Mr. Sayers gave an update on the progress of Phase I of the Redevelopment Project on Main Street.

Public Meeting – January 23, 2018

The Township Council of the Township of West Orange met in the Council Chambers, Municipal Building, 66 Main Street, West Orange, New Jersey at 7:24 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. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on October 25, 2017 and published in the West Orange Chronicle on November 2, 2017.

Roll Call:

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

Public Comment

Sally Malanga – 57 Ridge Road

Robert Daniel – 2B Buckingham Road

Kevin Malanga – 57 Ridge Road

Rosary Morelli – Ralph Road

Nicole Ruffo - 4 Overlook Avenue

Gary VanWyk – 71 Burnett Terrace

Shannon McKinnon – 15 Yale Terrace

Gladys Arismendi Cumberton

Elizabeth Redwine – 10 Cobane Terrace

Clare Silvestri – 20 Grandview Avenue

Loren Svetvilas – 699 Prospect Avenue

Joyce Ruden – Woodland Avenue

Alison Ullrich – 1 Franklin Terrace

Anthony Puglisi – Public Information Officer, Essex County

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

The Council responded at this time.

***Review of Consent Agenda**

***Approval of Minutes of Previous Meeting-** Continuation of Public Meeting-December 5, 2017, Public Meeting-January 9, 2018, Executive Session-January 9, 2018.

***Report of Township Officers –** Municipal Court-December 2017

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

***Resolution(s) adopted on Consent Agenda:**

15-18 Resolution Authorizing the Township to Apply for the 2018 New Jersey Historic Preservation Fund Sub-Grant (for CLG-Certified Local Grant) in an Amount of Not Less Than \$9,000. and Not More Than \$24,999. (Legal-Moon) – Second Reading and Final Approval

29-18 Resolution Authorizing a Subordination of Mortgage for Property at 589 Eagle Rock Avenue, Block 152.17, Lot 957. (Legal-Moon)

This Resolution would authorize the subordination of a Mortgage arising from the Township’s Housing Rehabilitation Program on the property located at 589 Eagle Rock Avenue to allow the property owner to refinance their mortgage.

30-18 Resolution Authorizing a Professional Services Agreement with Alice Beirne, Esq. for appointment as Zoning Board Attorney for the Period of January 1, 2018 through December 31, 2018 (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Alice Berne, Esq. whereby Ms. Beirne will serve as the Zoning Board Attorney for 2018. Pursuant to the terms of the professional services agreement, Ms. Beirne will be paid an annual rate of \$3,500.

31-18 Resolution Authorizing a Professional Services Agreement with Allied Risk Management Services as Risk Management Consultant for the West Orange Insurance Fund Commission for the Period January 1, 2018 through December 31, 2018. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Allied Risk Management Services (“ARMS”) whereby ARMS will provide Risk Management Consultant Services for the West Orange Insurance Fund Commission for 2018.

32-18 Resolution Authorizing a Professional Services Agreement with Blau and Blau for appointment as Commercial Real Estate Tax Appeal Special Counsel for the Period of January 1, 2018 through December 31, 2018 on a Flat Fee Basis of \$6,000 per Month. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Blau and Blau whereby Blau and Blau will serve as Commercial Real Estate Tax Appeal Special Counsel for 2018. Pursuant to the terms of the professional services agreement, Blau and Blau will be paid on monthly rate of \$6,000.

33-18 Resolution Authorizing a Professional Services Agreement with Bourne, Noll and Kenyon to Serve as Residential Real Estate Tax Appeal Special Counsel for the Period of January 1, 2018 through December 31, 2018 on a Flat Fee Basis of \$3,250 per Month. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Bourne, Noll and Kenyon whereby Bourne, Noll and Kenyon will serve as Residential Real Estate Tax Appeal Special Counsel for 2018. Pursuant to the terms of the professional services agreement, Bourne, Noll and Kenyon will be paid on monthly rate of \$3,250.

34-18 Resolution Authorizing a Professional Services Agreement with Bowman Consulting Group, Ltd., 54 Horsehill Rd., Cedar Knolls, NJ to Provide Municipal Planning Services for the Township for the Period January 1, 2018 through December 31, 2018. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with Bowman Consulting Group, Ltd. (“Bowman”), whereby Bowman would provide municipal planning services for the calendar year 2018 at rates specified in the agreement.

37-18 Resolution Authorizing a Professional Services Agreement with Ellen O’Connell of Inglesino, Webster, Wyciskala & Taylor, LLC, 600 Parsippany Rd., Suite 204, Parsippany, NJ for Appointment as Hearing Officer for the Period of January 1, 2018 through December 31, 2018 at an Hourly Rate of \$175.00. (Legal-Moon)

This Resolution would authorize the execution of a professional services agreement with Ellen O’Connell, Esq. of Inglesino Webster, whereby Ms. O’Connell would serve in the capacity of Hearing Officer for the calendar year 2018 at an hourly rate of \$175.

38-18 Resolution Authorizing a Professional Services Agreement with Fox Rothschild, LLP, 75 Eisenhower Parkway, Suite 200, Roseland, NJ to Serve as Labor Counsel for the Period of January 1, 2018 through December 31, 2018 at an Hourly Rate of \$175.00. (Legal-Moon)

This resolution would authorize execution of a professional services agreement with Fox Rothschild, LLP (“FR”), whereby FR would serve as Labor Counsel for the calendar year 2018 at an hourly rate of \$175.

39-18 Resolution Authorizing a Professional Service Agreement with Hendricks Appraisal Company, Inc., 7 Hutton Avenue, West Orange, NJ to Provide Appraisal Services to the Township for the Period of January 1, 2018 through December 31, 2018 at an Hourly Rate of \$150. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with Hendricks Appraisal Company, LLC (“Hendricks”), whereby Hendricks would provide appraisal services for the calendar year 2018 at the hourly rate of \$150.

40-18 Resolution Authorizing a Professional Services Agreement with Joseph A. Deer, Esq. to serve as the Municipal Public Defender for the Township of West Orange for the Period of January 1, 2018 through December 31, 2018 at the Rate of \$350.00 Per Session. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Joseph A. Deer, Esq. whereby Mr. Deer will serve as the Public Defender for 2018. Pursuant to the terms of the professional services agreement, Mr. Deer will be paid at a rate of \$350 per session.

42-18 Resolution Authorizing the Execution of a Professional Services Agreement with Joseph Wenzel, Esq. to Serve as the Township's Municipal Prosecutor the for the Period January 1, 2018 through December 31, 2018 at the Rate of \$1,000. Per Week. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Joseph Wenzel, Esq. whereby Mr. Wenzel will serve as the Municipal Prosecutor for 2018. Pursuant to the terms of the professional services agreement, Mr. Wenzel will be paid at a weekly rate of \$1,000.

44-18 Resolution Authorizing a Professional Services Agreement with NW Financial Group, LLC to Provide Financial Consulting Services. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with NW Financial Group, LLC ("NW"), whereby NW would provide financial consulting services for the calendar year 2018 at the rates specified in the agreement.

49-18 Resolution Authorizing a Professional Services Agreement with Scarinci Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, NJ to Serve as Labor Counsel for the Period of January 1, 2018 through December 31, 2018 at an Hourly Rate of \$150.00. (Legal-Moon)

This resolution would authorize execution of a professional services agreement with Scarinci Hollenbeck, LLC ("SL"), whereby SL would service in the capacity of Labor Counsel for the calendar year 2018 at an hourly rate of \$150.

54-18 Resolution Authorizing the Execution of a Professional Services Agreement with McManimon, Scotland and Baumann, LLC to Serve as Redevelopment Counsel for the Township for the Period of January 1, 2018 through December 31, 2018. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with McManimon, Scotland and Baumann, LLC ("McManimon") whereby McManimon will serve as Redevelopment Special Counsel at an hourly rate of \$215 per hour for 2018.

56-18 Resolution Supporting the Reinstatement of the Deferred Action for Childhood Arrivals by the United States Department of Homeland Security and Supporting the Passage the Development, Relief, and Education for Alien Minors Act. (Legal-Moon)

This resolution urges the U.S. Department of Homeland Security to reinstate the Deferred Action for Childhood Arrivals ("DACA") and urges the United States Congress to pass Development, Relief, and Education for Alien Minors Act (the "Dream Act").

57-18 Resolution Urging the State of New Jersey to Establish Procedures and Guidelines for Municipalities to Implement the Proposed Tax Plan Whereby States and Local Governments can Establish Charitable Trusts to Fund Local Government Operations in Order to Allow Tax Deductible Charitable Contributions to the Trust In lieu of State and Local Tax Payments (Legal-Moon)

On motion made by Councilman Guarino and seconded by Councilwoman Casalino, the consent agenda was approved.

All members present voting "Aye."

Resolution(s) Removed from the Consent Agenda

Resolution 35-18

Resolution Authorizing a Professional Services Agreement with Community Action Services, P.O. Box 6025, East Brunswick, NJ to Provide Housing Rehabilitation Services to the Township for the Period of January 1, 2018 through December 31, 2018. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with Community Action Services (“CAS”), whereby CAS would provide housing rehabilitation services for the calendar year 2018 at \$3,300 per single-family unit and \$8,500 per multi-family unit.

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

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 36-18

Resolution Authorizing a Professional Services Agreement with Comprehensive Psychological Services, P.A., 623 Raritan Road, Clark, NJ as Psychological Consultant for the Period of January 1, 2018 through December 31, 2018. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Comprehensive Psychological Services (“CPS”) whereby CPS will provide psychological consultant services, including psychological evaluations for 2018 at rates specified in the agreement.

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

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 41-18

Resolution Authorizing a Professional Services Agreement with The Shade Tree Department, LLC, P.O. Box 6089, West Orange, NJ for appointment as the Township Forrester for the Period of January 1, 2018 through December 31, 2018 at an Hourly Rate of \$85. (Legal-Moon)

This Resolution would authorize the execution of a professional services agreement with Shade Tree Department, LLC (“Shade Tree”), whereby Shade Tree would provide forestry services for the calendar year 2018 at the hourly rate of \$85.

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

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 43-18

Resolution Authorizing a Professional Services Agreement with Ken Kayser, Esq. to Serve as Assistant Township Attorney for the Term Beginning January 1, 2018 through December 31, 2018 at an Annual Rate of \$31,500. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Ken Kayser, Esq. whereby Mr. Kayser will serve as the Assistant Township Attorney for 2018. Pursuant to the terms of the professional services agreement, Mr. Kayser will be paid an annual rate of \$31,500.

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

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 45-18

Resolution Authorizing a Professional Services Agreement with Phillips Preiss Grygiel as to Paul Grygiel’s Reappointment as the Township’s Planning Director for 2018 (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Phillips Preiss Grygiel to continue the retention of Paul Grygiel as the Township’s Municipal Planning Director for 2018. Pursuant to the terms of the agreement, Phillips Preiss Grygiel shall be paid a monthly rate of \$2,400. for services that are non-escrow reimbursable. For all services that are reimbursable from escrow Phillips Preiss Grygiel shall be reimbursed pursuant to the rates set forth in paragraph 2 of the professional services agreement.

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

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 46-18

Resolution Authorizing a Professional Services Agreement with Buzz1441, Inc. for Appointment as the Township’s Social Media and Marketing Coordinator for the term beginning January 1, 2018 through December 31, 2018 to be Paid in Monthly Installments of \$2,000. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with Buzz1441, Inc., whereby Buzz1441, Inc. would provide social media and marketing coordination services for the calendar year 2018 at a monthly rate of \$2,000.

On motion made by Councilman Cirilo and seconded by Councilman Guarino, the above referenced resolution was approved.

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 47-18

Resolution Authorizing a Professional Services Agreement with PKF O’Connor Davies, 293 Eisenhower Parkway, Livingston, NJ for appointment as the Township Auditor for the Period January 1, 2018 through December 31, 2018 at the Rate of \$54,000 per Audit. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with PKF O’Connor Davies (“PKF”), whereby PKF would provide auditing services for the calendar year 2018 at \$54,000 per audit.

On motion made by Council President McCartney and seconded by Councilman Cirilo, the above referenced resolution was approved.

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 48-18

Resolution Authorizing a Professional Services Agreement with Richard D. Trenk, Esq., 347 Mt. Pleasant Avenue, West Orange, NJ to Continue to Serve as Municipal Attorney for the Township for the Period January 1, 2018 through December 31, 2018 at a Rate of \$42,500. Per Year. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with Richard D. Trenk, Esq. whereby Mr. Trenk will serve as the Township Attorney for 2018. Pursuant to the terms of the professional services agreement, Mr. Trenk will be paid an annual rate of \$42,500.

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

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

Resolution 50-18

Resolution Authorizing a Professional Services Agreement with Susan Anderson for appointment as the Township's Communications Director and Public Information Officer for the Period of January 1, 2018 through December 31, 2018 to be Paid in Monthly Installments of \$2,475.00. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with Susan Anderson, whereby Ms. Anderson would provide serve as the Township's Communications Director and Public Information Officer for the calendar year 2018 at a monthly rate of \$2,475.

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

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

Resolution 51-18

Resolution Authorizing a Professional Services Agreement with Susan Anderson for appointment as the Township's Communications Director and Public Information Officer for the Period of January 1, 2018 through December 31, 2018 to be Paid in Monthly Installments of \$2,475.00. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with Susan Anderson, whereby Ms. Anderson would provide serve as the Township's Communications Director and Public Information Officer for the calendar year 2018 at a monthly rate of \$2,475.

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

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

Resolution 52-18

Resolution Authorizing a Professional Services Agreement with Wayne DeFeo, 15 Washington Valley Road, Somerset, NJ to Serve as the Environmental Compliance Officer for the Period January 1, 2018 through December 31, 2018. (Legal-Moon)

This resolution would authorize the execution of a professional services agreement with Wayne DeFeo, whereby Mr. DeFeo would serve as the Township's Environmental Compliance Officer for the calendar year 2018 at the rates specified in the agreement.

On motion made by Councilman Cirilo and seconded by Councilman Guarino, the motion on the above referenced resolution failed.

Councilman Cirilo and Councilman Guarino “Aye.” Councilwoman Casalino, Councilman Krakoviak and Council President McCartney voting “Nay.”

Resolution 53-18

Resolution Authorizing the Execution of a Professional Services Agreement with McManimon, Scotland and Baumann, LLC to Serve as Bond Counsel for the Township for the Period of January 1, 2018 through December 31, 2018. (Legal-Moon)

This resolution authorizes the execution of a professional services agreement with McManimon, Scotland and Baumann, LLC (“McManimon”) whereby McManimon will serve as the Bond Counsel for 2018 at the rates specified in the agreement.

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

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Resolution 55-18

Resolution Authorizing a Professional Services Agreement with Fairview Insurance for Insurance Broker Services for 2018.

This resolution would authorize the execution of a professional services agreement with Fairview Insurance, whereby Fairview Insurance would serve as the Township’s Insurance Broker for the calendar year 2018 at a rate negotiated with the Township’s Third-Party Administrator as specified in the agreement.

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

Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Council President McCartney voting “Aye.” Councilman Krakoviak voting “Nay.”

Ordinance(s) on Second and Final Reading

Ordinance 2535-18

On motion made by Councilwoman Casalino and seconded by Council President McCartney, **An Ordinance Amending Chapter 18, Sections 1.7, 1.8 and 1.9 of the Revised General Ordinances of the Township of West Orange (Local Enforcement of the Uniform Fire Code)** was taken up on second and final reading.

All members 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 else who wished to be heard and the public hearing was closed.

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

All members voting "Aye".

Ordinance 2536-18

On motion made by Council President McCartney and seconded by Councilwoman Casalino, **Bond Ordinance Providing for the Green Acres Multi-Park Development Project in and by the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$143,575 Therefor and Authorizing the Issuance of \$136,575 Bonds or Notes of the Township to Finance Part of the Cost Thereof** was taken up on second and final reading.

All members 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 else who wished to be heard and the public hearing was closed.

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

All members voting "Aye".

Pending Matters/New Matters/Council Discussion

Councilwoman Casalino asked for a list of completed capital projects to be distributed to the Council prior to the budget hearings. The upcoming budget hearing dates were discussed and confirmed. Councilman Krakoviak mentioned that he wishes to discuss the rules regarding the position of Council President and asked that it be discussed at the next meeting.

At 11:01 p.m., on motion made by Councilman Guarino and seconded by Council President McCartney, 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

Susan McCartney, Council President

Adopted: February 6, 2018