

AGENDA
August 17, 2010
Township of West Orange
66 Main Street – 7:00 p.m.

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 December 3, 2009. A notice of this meeting was also posted on the Bulletin Board in the Municipal Building, West Orange and filed in the office of the Municipal Clerk of the Township of West Orange on December 3, 2009.

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)

1. Roll Call – Councilman Cirilo, Councilwoman McCartney, Councilwoman Spango, Councilman Webster, Council President Anderton, (Mayor Parisi)
2. The Pledge of Allegiance
3. Public Comment
- *4. Minutes – June 29, 2010 Public Meeting
- *5. Communication – Letter from Mayor Parisi regarding the Appointment of the Honorable Harry L. Starrett as Chief Judge of the Municipal Court of West Orange beginning immediately and ending June 30, 2013.
- *6. Reports – None
- *7. Bills **** (see explanation below)**
8. Ordinances on Second and Final Reading
 - a. 2274-10 An Ordinance Amending & Supplementing Chapter 25 Section 28 of the General Ordinances of the Township of West Orange, Entitled “Steep Slope and Natural Features Ordinance”
The steep slope amended ordinance adds additional restrictions of State open waters, wetlands, wetland transition areas, flood hazard areas, floodways and riparian zone. This is warranted to prevent flooding, protect water quality, preserve wildlife and aquatic habitat.
 - b. 2275-10 An Ordinance Amending & Supplementing Chapter 25 Section 3.2 of the General Ordinances of the Township of West Orange Entitled “Zone Map and Table of District Regulations”
The purpose of this ordinance is to change the current zoning for the lands known as Block 179, Lot 32 in accordance with the 2010 Master Plan Reexamination Plan. Specifically, this ordinance removes the zoning parameters added following the 2004 Master Plan Reexamination Report and limits the zoning to standard development within a R-2 and R-3 zone.
 - c. 2276-10 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-20, Stop Intersections of the Revised General Ordinances of the Township of West Orange.
This Ordinance proposes designating the intersection of Birchwood Avenue and Lessing Road as a Stop Intersection with Stop Signs on Birchwood Avenue. Currently this intersection is only designated as a Yield Intersection with Yield Signs on Birchwood Avenue.
 - d. 2277-10 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-32.2, Restricted Parking Zones of the Township of West Orange.
This Ordinance proposes designating on-street handicapped parking stalls in front of two residences, 79 Mitchell Street and 18 Elm Street, for the exclusive use by a resident of each household who has a Disabled Persons ID issued by the Motor Vehicles Commission. Parking in these stalls will still be subject to other parking regulations of Chapter 7 namely the Alternate Side Parking Regulations.
9. Ordinances on First Reading
 - a. 2278-10 Bond Ordinance Authorizing Various Capital Improvements In and For the Township of West Orange, in the

County of Essex, New Jersey, Appropriating \$117,300 Therefore and Authorizing the Issuance of \$111,435 Bonds or Notes to Finance Part of the Cost Thereof

For the purpose of upgrading Colgate Futsal Court and installation of Skate Park-including ramps and accessories.

- b. 2279-10 An Ordinance Amending and Supplementing Chapter 25 Section 3.2 of the General Ordinances of the Township of West Orange, Entitled “Zone Map and Table of District Regulations”-Block 105, Lots 2 and 64.01 from PURD (Planned Unit Residential Development) to B-1
The purpose of this ordinance is to change the current zoning for the lands known as Block 105, Lots 2 and 64.01 in accordance with the 2010 Master Plan Reexamination Plan.
- c. 2280-10 An Ordinance Amending and Supplementing Chapter 25 Section 3.2 of the General Ordinances of the Township of West Orange, Entitled, Zone Map and Table District Regulations”-Block 152.07, Lots 1 and 2 form O-R to B-1
The purpose of this ordinance is to change the current zoning for the lands known as Block 152.07, Lots 1 and 2 in accordance with the 2010 Master Plan Reexamination Plan.
- d. 2281-10 An Ordinance Amending and Supplementing Chapter 25 Section 3.2 of the General Ordinances of the Township of West Orange, Entitled, Zone Map and Table District Regulations”-Block 169, Lot 1 from an R-4 to R-1
The purpose of this ordinance is to change the current zoning for the lands known as Block 169, Lot 1 in accordance with the 2010 Master Plan Reexamination Plan.
- e. 2282-10 An Ordinance Amending and Supplementing Chapter 25 Section 3.2 of the General Ordinances of the Township of West Orange, Entitled, Zone Map and Table District Regulations”-Block 171, Lots 1, 3 and 4
The purpose of this ordinance is to change the current zoning for the lands known as Block 171, Lot 1, 3 and 4 in accordance with the 2010 Master Plan Reexamination Plan.
- f. 2283-10 An Ordinance Amending and Supplementing Chapter 25 Section 3.2 of the General Ordinances of the Township of West Orange, Entitled, Zone Map and Table District Regulations”-Block 170.3, Lot 1.01, Zone change from R-2 to R-1
The purpose of this ordinance is to change the current zoning for the lands known as Block 170.03, lot 1.01 in accordance with the 2010 Master Plan Reexamination Plan.

Public Hearing on Amendment #2 for 2010 Local Municipal Budget

***10. Resolutions**

- a. 199-10 Resolution Authorizing the Approval of the Temporary Capital Budget
Authorizing a Temporary Capital Appropriation before the adoption of the 2010 Municipal Budget
- b. 200-10 Corrective Action Plan-2009 Audit
Recommendations and comments with regard to the 2009 Audit
- c. 201-10 Resolution Authorizing Raffle Licenses
- d. 202-10 Resolution Authorizing the Tax Collector to Rebate Payment to Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey
- e. 203-10 Resolution Fixing the Rate of Interest to be Charged for Non Payment of Tax or Assessments
This resolution is to set the interest rate and penalties to be charged for delinquent tax payments.
- f. 204-10 Resolution to Adopt 2010 Local Municipal Budget
- g. 205-10 Resolution Authorizing the Certification of the Annual Audit by the Governing Body
Township Council has reviewed the 2009 Annual Audit and is required to sign an Affidavit to that effect
- h. 206-10 Resolution Awarding a Contract for Tree Pruning Services to Dujet Tree Experts, West Paterson, NJ, in the Amount of \$30,000. from the 2010 Operating Budget
- i. **207-10 Removed**
- j. 208-10 Resolution Awarding a Contract for Tree Removal Services to Beucler Tree Experts, LLC, Tenafly, NJ in the Amount of \$30,000. from the 2010 Operating Budget
- k. 209-10 Resolution Authorizing an Executive Session to Discuss Matter(s) of Litigation

- l. 210-10 Resolution Authorizing the Tax Collector to Rebate Payment to Listed Taxpayer Pursuant to Final Judgment by the Tax Court of New Jersey
- m. 211-10 Resolution Authorizing the Collector of Taxes to Refund Duplicate Payment of Third Quarter 2010 Taxes to Listed Taxpayers
- n. 212-10 Resolution Authorizing a Contract with William W. Northgrave, McManimon & Scotland, in the Amount of \$175. per hour, NTE \$7,500. with Regard to the 2010 Master Plan Reexamination Report and any Potential Litigation Connected Hereto
- o. 213-10 Resolution Authorizing an Agreement with the Essex County Division of Senior Services for the Provision of Partial Funding for a Senior Citizen Public Health Nurse and the Dental Program from 1/1/10 to 12/31/10 in the Amount of \$37,871. and 1/1/2012 to 12/31/2012 in the Amount of \$37,871.
- p. 214-10 Resolution Authorizing a Refund of Payment for the 2010 Swim Pool Membership Fees for in the Amount of \$275. Due to Residents Scheduling Conflict
- q. 215-10 Removed**
- r. 216-10 Resolution Authorizing Change Order No. 1 for Art Herder, Inc. 18 South Cedar Street, Livingston, NJ, in the Amount of \$1,200. for Renovation and Restoration of the O'Connor Park Handball Courts
- s. 217-10 Resolution Authorizing Subordination of Mortgage in Favor of PNC Bank with Regard to 29 Woodland Avenue, West Orange, NJ
- t. 218-10 Resolution Authorizing a Contract with Continental Fire & Safety, Inc., 180 Volusia Avenue, Trenton, NJ in the Amount of \$35,492.00
Emergency Rescue Equipment will be acquired by the West Orange Fire Department from Grant Funds approved by FEMA.
- u. 219-10 Resolution in Recognition of Spirit of 45 Day Commemorating the Ending of World War II
- v. 220-10 Resolution for the receipt of the Request for Qualifications for Professional Services
The solicitation of the Request for Qualifications for Professional Services allows the Township to acquire Professional Services in a Fair & Open Manner.
- w. 221-10 Resolution Authorizing the Purchasing Agent to Sell Abandoned Vehicles at Public Auction
All vehicles collected by the Township's authorized towing companies and abandoned by the owners can be sold at auction pursuant to State and Local laws.
- x. 222-10 Resolution Awarding a Contract to Lexis Nexis, 6601 Park of Commerce Blvd., Boca Raton, Fl. in an Amount NTE \$36,000. for the West Orange Police Department To Stay Current with the Latest News, Legal and Business Information
Pursuant to N.J.S.A. 19:44A-20.4 et seq. (New Jersey Local Unit Pay-To-Play laws), the Township must award by resolution all goods and services contracts with a dollar amount between \$17,500.00 and 35,999.00. These contracts are not bid, but vendors are still responsible to provide political contribution and company disclosure information in order to do business with the Township.
- y. 223-10 Resolution Authorizing a 12 Month Service Contract to Burlew Mechanical, LLC, 59 W. Front Street, Keyport, NJ in an Amount NTE \$36,000.
This resolution is to award a service and maintenance contract to handle the Townships heating and Air Conditioning equipment for all its buildings. To bid this service is necessary because it is an open ended contract which may exceed the bidding threshold of \$36, 000.00 in the aggregate. The company to be awarded has submitted the lowest hourly rate.
- z. 224-10 Resolution Calling on the Legislature and the Governor to Enact Property Tax Reform with Passage of the "Municipal Toolkit" and Other Mandates Relief
This resolution urges the state legislature to pass the series of reforms, called "Toolkit" reforms, proposed by Governor Christie providing local governments with more flexibility and ability to make management reforms in a host of areas including interest arbitration reform, civil service reforms and public employee pension and benefits.
- aa. 225-10 Resolution Authorizing Approval to Submit a Grant Application and Execute a Grant Contract with the NJ Department of Transportation for the Improvement of Belle Terre and Roosevelt Avenue Project

- ab. 226-10 Resolution Appointing the Municipal Public Defender, Joseph M. Wenzel, Esq. Commencing on September 1, 2010 at a Rate of \$350. Per Court Session as an Independent Contractor**
- ac. 227-10 Resolution Requesting that the Amount of \$60,000. be Authorized from the 2010 Operating Budget for Contining the Emergency and Non Emergency Tree Services with Downes Tree Services, Hawthorne, NJ**

11. ABC Hearing

- a. **ABC - Hearing and Resolution on Application for Renewal of Plenary Retail Consumption and Distribution Licenses for El Rancho 2010-2011 License with Special Conditions**
- b. **ABC - Hearing and Resolution on Applications for Renewal of Plenary Retail Consumption and Distribution Licenses for the 2010-2011 License Term**

12. Adjournment

****Bills - All items with an asterisk (*) are approved by the Township Council on Consent Agenda, which means they are approved all at once. Let it be known that Councilman Webster will recuse himself from all invoices and vouchers concerning Trenk, DiPasquale, Webster, Della Fera & Sodano, P.C. contained in Item #7 (Bills) tonight and throughout his term as Councilman.**