

AGENDA
September 28, 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. General Matters Pending

4. Public Comment

*5. Minutes – Special Meeting August 3, 2010, Conference Meeting Minutes-July 20, 2010 & August 17, 2010, September 14, 2010 Public Meeting Minutes

*6. Communication – Correspondence from Chief Financial Officer, Edward J. Coleman Regarding Bond Anticipation Notes and Tax Appeal Refunding Notes Awarded to TD Securities (USA) LLC Totaling \$11,834,956.00 and bear an Net Interest Rate of 0.5083%

*7. Reports – None

*8. Bills **** (see explanation below)**

9. 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. 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-2
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. The PURD zoning for the condos was inadvertently placed on these two properties on Prospect Avenue; 456 Prospect Avenue owned by Weichert Realty and 460 Prospect Avenue owned by RKS Properties.
- d. 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 from 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. It includes the fire house located at 280 Pleasant

Valley Way and the mixed use building located at 270 Pleasant Valley Way.

- e. 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. This is Mayapple Hill Extension at Cedar Avenue a 52 acre property that was originally owned by the Township and was sold to the State of New Jersey. In the Master Plan it was recommended that all public land be rezoned to R-1.
- f. 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. This is the Armory and its garages located on Pleasant Valley Way owned by the State of New Jersey. In the Master Plan it was recommended that all public land be rezoned to R-1.
- g. 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. This property located on Mt. Pleasant Avenue was bought for open space with Green Acre money and is owned by the County of Essex. In the Master Plan it was recommended that all public land be rezoned to R-1.
- h. 2284-10 An Ordinance Amending and Supplementing Chapter 2 Section 60 of the General Ordinances of the Township of West Orange Entitled "Commission on Military and Veterans Affairs"
The purpose of this ordinance is change the composition of the members of the West Orange Commission on Military and Veterans Affairs.
- i. 2285-10 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 designates the intersection of Greenwood Avenue and Sherwood Place, a "T" intersection, as a Stop Intersection with a Stop sign placed on Sherwood Avenue. The Stop sign will be placed on the minor street in accordance with the provisions of the Manual on Uniform Traffic Control Devices.
- j. 2286-10 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
This ordinance will designate an on-street handicapped parking stall, or Restricted Parking Zone, in front of 47 Mississippi Avenue for the exclusive use of a resident of that household who has a Disabled Persons ID issued by the Motor Vehicle Commission.
- k. 2287-10 An Ordinance Amending and Supplementing Chapter 2, Title 3 of the Revised General Ordinances of the Township of West Orange (Members of Council; Terms; Powers) Establishing The Suspension of Pay of the Members of the Township Council for Excessive Unexcused Absences
This ordinance is drafted to establish an "Absence from Meetings Policy" for members of the Township Council consistent with the Local Government Best Practices established by the Department of Community Affairs.
- l. 2288-10 An Ordinance Amending and Supplementing Chapter 2, Title 3 of the Revised General Ordinances of the Township of West Orange (Members of Council; Terms; Powers) Establishing a Requirement for Members of the Township Council to Attend Basic Courses on Their Responsibilities and Obligations in Local Government
This ordinance establishes that each member of the Township Council must complete courses in the subject areas of Budgeting, Policy Setting, Local Government Contracting, Risk Management, and the Open Public Records Act.

10. Ordinances on First Reading

- a. 2289-10 An Ordinance Amending Chapter 17, Section 6 of the Revised General Ordinances of the Township of West Orange (Mandatory Recycling Program)
The purpose of this ordinance is to amend a portion of the Township of West Orange's ordinance governing the mandatory recycling program to institute requirements for the recycling of construction, renovation and demolition materials.
- b. 2290-10 Bond Ordinance Authorizing Various Capital Improvements In and For the Township of West Orange, In the County of Essex, New Jersey Appropriating \$2,087,200 Therefore and Authorizing the Issuance of \$1,982,840 Bonds or Notes to Finance Part of Cost Thereof
This bond ordinance is for various capital improvements included in the 2010 Capital Budget.

- c. 2291-10 An Ordinance Amending and Supplementing Chapter XXI, Environmental Regulations, and Creating Subsection 21-15, Private Storm Drain Retrofitting, of the Revised General Ordinances of the Township of West Orange
Requires owners of private property (except owners of one and two family homes) when improving paved areas to retrofit existing storm drain inlets with “environmental” friendly inlets that reduce the amount of trash, debris and floatables which enter the waters of the Township of West Orange and State of New Jersey. These regulations are required by Township’s Municipal Stormwater Permit issued by the New Jersey Department of Environmental Protection pursuant to the Federal Clean Water Act.
- d. 2292-10 An Ordinance Amending and Supplementing Chapter 25 Section 40.2 of the General Ordinances of the Township of West Orange, Entitled “Permits” and Repealing Chapter 14 Section 10 of the General Ordinances of the Township of West Orange, Entitled “Certificates of Habitability” and Repealing Chapter 18 Section 3 of the General Ordinances of the Township of West Orange Entitled “Smoke Detectors and Carbon Monoxide Alarms Required for All Dwellings
The purpose of this ordinance is to provide the Township with more flexibility in changing the procedures for the issuances of multiple certificates in order to allow for the consolidation of the inspections for habitability, construction approval, and fire safety into a single inspection to be conducted under the purview of the zoning and planning department. The ordinance will also amend the schedule of fees for certificates.
- e. 2293-10 An Ordinance Authorizing the Commencement of Condemnation Proceedings for Certain Easements Within the Mayfair District of the Township of West Orange for the Construction of Storm and Sanitary Sewer Improvements with Apertures
The purpose of this Ordinance is to authorize the Township to commence appropriate proceedings to obtain easements from various properties in the Mayfair District for the purpose of improving the storm and sanitary sewer system. The storm and sanitary sewer system in the Mayfair District has been deteriorating over a number of years which has caused recurring flood issues.

*11. Resolutions

- a. 244-10 Resolution Appointing Deputy Fire Chief Patrick Curry as Municipal Fire Official
In Accordance With N.J.A.C. 5:71-4.3C and N.J.A.C. 5:71-2.7A, New Jersey Division of Fire Safety, each Municipality must have a Municipal Fire Official
- b. 245-10 Resolution Authorizing the Issuance of Raffle Licenses
- c. 246-10 Resolution Authorizing an Executive Session – Litigation
- d. 247-10 Resolution Authorizing Subordination of Mortgage on Behalf of 32 Elm Street, Lot 137, Block 75, West Orange, NJ
- e. 248-10 Resolution Recognizing Hispanic Heritage Month – September 15 thru October 15, 2010
- f. 249-10 Resolution Authorizing a Refund In the Amount of \$620.74 to CIGNA Healthcare for Overpayment of Ambulance Services Provided on June 5, 2008
- g. 250-10 Resolution Finding Michael Bielak-Developer-Old Indian Estates in Default of his Developer’s Agreement and Declaring Michael Bielak as Co-Principal with Bozena Bielak and Old Indian Estates Corp in Default of Obligations Under Fidelity of America Insurance Company Bond No. S20095.
Finds Michael Bielak developer of the Old Indian Estates subdivision in default of the Developer’s Agreement with the Township for failure to complete the installation of improvements within the time limit prescribed in the Agreement, and declares Mr. Bielak and other co-principals in default of their obligations secured by Performance Bond S20094 issued by Fidelity of America Insurance Company.
- h. 251-10 Resolution Authorizing an Agreement with PSE&G to Provide Decorative Parking Lot Lighting in the Valley Road Parking Lot in the Amount of \$40,901.16.
Authorizes the Township to enter into a Service Agreement with Public Service Electric and Gas Company (PSE&G) and to issue a purchase order to PSE&G in the amount of \$40,901.16 for the purchase and installation of decorative street lighting in the Valley Road Parking Lot located just south of Main Street and Northfield Avenue.
- i. 252-10 Resolution Awarding a Contract to Shauger Property Services, Inc., 429 Dodd Street, East Orange, NJ in the Amount of \$390,521.10. for Valley Road Streetscape from Freeman Street to Central Avenue
Award of a construction contract for the Valley Road Streetscape Project, Freeman Street to Central Avenue, to

the Shauger Property Services, Inc. of 429 Dodd Street, East Orange, N.J. in the amount of \$390,521.10.

- j. 253-10 Resolution Authorizing an Award of Contract to Continental Fire & Safety, Inc., 180 Volusia Avenue, Trenton, NJ in the Amount of \$32,916.00 for the Purchase of Emergency Rescue Confined Space Equipment
Emergency Rescue Equipment will be acquired by the West Orange Fire Department from Grant Funds approved by FEMA. The total amount of award was reduced from the original resolution #218-10 08/17/10.
- k. 254-10 Resolution Authorizing an Award of Contract to New Jersey Fire Equipment Company, 923 N. Washington Avenue, Greenbrook, NJ, in the Amount of \$18,674.31 for the Purchase of Emergency Rescue Confined Space Equipment
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.
- l. 255-10 Resolution Authorizing an Award of Professional Services Contract to Dewberry, 200 Broadacres Drive, Suite 410, Bloomfield, NJ in the Amount of \$47,280.00 for Construction Management Services for the Valley Road Streetscape from Freeman Street to Central Avenue
Authorizes a Professional Services Contract with the engineering firm Dewberry of 200 Broadacres Drive, Suite 410, Bloomfield, New Jersey to provide construction management, administration and inspection services in the amount of \$47,280.00 for the construction project known as Valley Road Streetscape, Freeman Street to Central Avenue.
- m. 256-10 Resolution Approving Tax Appeal Settlement Concerning Crestmont Country Club
- n. 257-10 Resolution Authorizing An Amendment to Option Agreement Between the Township of West Orange and KYYS Holdings, LLC

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.**