

RESOLUTION

WHEREAS, on June 9, 2015, the Township Council for the Township of West Orange (the "Township") passed Resolution 156-15 which authorized the commencement of a declaratory judgment action consistent with the transitional process established in the New Jersey Supreme Court in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (the "Affordable Housing Decision") to obtain judgment approving the Township's affordable housing plan; and

WHEREAS, pursuant to Resolution 156-15, the Township commenced a declaratory judgment action captioned In Re Township of West Orange, Docket No. ESX-L-4697-15 (the "Declaratory Judgment Action"); and

WHEREAS, Redwood, LLC. ("Redwood"), the owner of a 6-acre property located at 200 Pleasant Valley Way at Block 151, Lot 33 (the "Redwood Property") intervened into the Declaratory Judgment Action to challenge the Township's affordable housing plan as related to Redwood's interest in developing the Redwood Property; and

WHEREAS, West Essex Highlands, Inc. ("WEHI"), the owner of a 125-acre property located in the northwest area of the Township at Block 179, Lot 32 (the "WEHI Property") intervened into the Declaratory Judgment Action to challenge the Township's affordable housing plan as related to WEHI's interest in developing the WEHI Property; and

WHEREAS, WEHI's challenge relates to the number of units they seek to build at the WEHI Property; and

WHEREAS, the potential impact on the traffic in the area of the WEHI Property is a substantial concern in the analysis of these projects; and

WHEREAS, on May 8, 2018, the Township Council adopted Resolution 114-18 authorizing the Township to retain CME Associates ("CME"), a consulting and municipal

engineering firm located at 1460 Route 9 South, Howell, New Jersey 07731 to prepare a letter in response to the WEHI traffic study; and

WHEREAS, CME prepared a letter on behalf of the Township concerning the WEHI traffic study; and

WHEREAS, in response to CME's letter, WEHI issued a supplemental traffic study and additional data to rebut CME's response; and

WHEREAS, the Township now requires the preparation of its own traffic study to research the potential impact on the traffic in the area of the WEHI Property; and

WHEREAS, CME has submitted a proposal to perform and prepare a traffic study, annexed hereto as Exhibit "**A**" (the "Proposal") and

WHEREAS, the Proposal provides that CME will prepare the traffic study at a cost not to exceed \$13,300; and

WHEREAS, the Proposal is less than the bid threshold thereby exempting the proposal from the requirements of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township is hereby authorized to retain CME to prepare a traffic report pursuant to the terms of the Proposal annexed hereto as Exhibit "**A**;" and be it further

RESOLVED, that Mayor is authorized to execute the Proposal and any other necessary documents to retain CME consistent with the proposals annexed hereto as Exhibit "**A**;" and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature; and be it further

RESOLVED this resolution shall be published and made available in the Clerk's office in accordance with applicable law.

**Karen J. Carnevale,
Municipal Clerk**

**Susan McCartney,
Council President**

Adopted: November 20, 2018

I hereby certify funds are available from: _____
Account No.

JOHN O. GROSS, CFO