

RESOLUTION

WHEREAS, the Township has been involved in certain Affordable Housing Litigation captioned In the Matter of the Township of West Orange, Docket No. ESX-L-4697-15 which has been pending before the Superior Court of New Jersey, Law Division, Essex County for over four (4) years; and

WHEREAS, that in the Affordable Housing Litigation, Beth McManus has been designated Special Master; and

WHEREAS, West Essex Highlands, Inc. has intervened in the Affordable Housing Litigation and has asserted that its tract of approximately 120 acres of vacant land is available to meet regional and local residential needs for affordable housing; and

WHEREAS, after numerous settlement discussions and negotiations, including involvement by the Highlands Condominium Association through its president and counsel, a tentative settlement is in the midst of being finalized; and

WHEREAS, the settlement will potentially provide for a substantial housing development; and

WHEREAS, the Township is concerned regarding the removal of trees and drainage and runoff issues; and

WHEREAS, the Township desires to ensure that the nearby residents are fully informed as to all aspects of development including staging, blasting, tree removal and related aspects of construction; and

WHEREAS, Wayne DeFeo currently serves as Environmental Compliance Officer and is a former member of the Board of Public Utilities and teaches at Rutgers University in the areas of recycling and environmental compliance; and

WHEREAS, on October 29, 2019, the Township Council adopted Resolution 258-19 authorizing the retention of DeFeo Associates to assist with regard to certain environmental and design standards; and

WHEREAS, Wayne DeFeo has inspected the site and has been involved in various mediation sessions and telephonic conference calls with regard to various issues including the current conditions on the site which reflect substantial deforestation as a result of deer browsing and related activity; and

WHEREAS, on November 14, 2019, the Township, including Wayne DeFeo, met with West Essex Highlands, its retained botanist and professional engineer; and

WHEREAS, as part of the pending mediation/settlement discussions, the parties agreed that one of the next steps is a comprehensive tree study to determine how many trees will be removed for the proposed development; and

WHEREAS, West Essex Highlands has agreed to fund the tree study; and

WHEREAS, this award is for a professional services contract and due its timing and exigencies not awarded in accordance with the Fair and Open Processes set forth in the New Jersey Statutes Annotated; and

WHEREAS, DeFeo Associates has provided the attached tree study proposal;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Council of the Township of West Orange that DeFeo Associates be and is hereby retained at a rate of \$10,975 which amount shall be escrowed by West Essex Highlands before the study is performed; and

IT IS FURTHER RESOLVED that the Mayor be and is hereby authorized to accept the proposal based upon the terms and conditions set forth therein; and

IT IS FURTHER RESOLVED that a copy of this notice and the attached proposal shall be available for inspection in the Municipal Clerk's office and advertised in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino
Council President

Adopted: November 26, 2019