

RESOLUTION

WHEREAS, certain property located at 293 St. Cloud Avenue, Block 168, Lot 15.03 (the "Property") in the Township of West Orange (the "Township") was subject to various complaints for property maintenance and other violations before the Township of West Orange Municipal Court (the "Municipal Court") in 2010 and 2011; and

WHEREAS, on May 20, 2010, the Township issued to the Property owner, Bruce H. Brumlop ("Mr. Brumlop"), Summons 030588 for failure to maintain the exterior of the premises at the Property (the "Summons"); and

WHEREAS, on September 29, 2010, Mr. Brumlop pled guilty to the Summons, paid a fine of \$183, and committed to paint the home by October 19, 2010; and

WHEREAS, on August 3, 2011, having not painted the home, Mr. Brumlop appeared in Municipal Court after missing six (6) prior hearings, and committed to retaining a contractor to paint the home; and

WHEREAS, on August 16, 2011, Mr. Brumlop made his final appearance in Municipal Court, and the home on the Property had still not been painted; and

WHEREAS, thereafter, Mr. Brumlop did not appear for required court dates on August 30, 2011, September 14, 2011, October 26, 2011 and February 22, 2012, while the conditions at the Property worsened; and

WHEREAS, on November 15, 2011, the Honorable Harry L. Starrett, Chief Judge of the Municipal Court, entered an "Order Authorizing the Township of West Orange to Enter Onto Property to Partially Abate Property Maintenance Code Violation," annexed hereto as **Exhibit "A,"** which, among other things: (i) authorized the Township or a third-party approved by the Township to enter on to the Property to perform work to abate said violations, if they were not yet resolved; and (ii) ordered that the Township could record a lien on the Property, without further notice to Defendant, "for the amount of any and all services rendered to abate" the violations, and collect statutorily-authorized interest on that lien; and

WHEREAS, on January 3, 2012, Gerhard Huegel, then the Township's Senior Architect, submitted a Certification to the Municipal Court indicating that he inspected the exterior conditions of the Property, and found severe and urgent conditions necessitating inspection of the interior of the residence at the Property in a further effort to remediate the violating conditions; and

WHEREAS, on January 5, 2012, the Municipal Court entered an Order, annexed hereto as **Exhibit "B,"** authorizing the Township, or a third-party approved by the Township, to enter into the residence due to the urgent conditions described by Mr. Huegel; and

WHEREAS, on February 3, 2012, Tom Tracey, the Township Construction Official issued a Notice of Unsafe Structure and Notice of Imminent Hazard with regard to the property, annexed hereto as **Exhibit "C,"** which ordered that Mr. Brumlop fix the conditions stated or demolish the Property by February 24, 2012; and

WHEREAS, on March 13, 2012, the dangerous conditions at the Property not having been abated, the Township filed in the Superior Court of New Jersey a Verified Complaint and Order to Show Cause seeking authorization to demolish the Property; and

WHEREAS, on April 19, 2012, the Honorable Sebastian P. Lombardi, Judge of the Superior Court, entered an Order, a copy of which is annexed hereto as **Exhibit "D,"** authorizing the Township to demolish the Property, and to recoup as a lien its costs in demolishing the Property, in bringing the Verified Complaint and Order to Show Cause, and in performing any other work at the Property to ensure the public safety and welfare (the "Order");

WHEREAS, in May 2012, the Township received bids from three (3) vendors to demolish the Property, which are annexed hereto as **Exhibit "E";** and

WHEREAS, T. Fiore Demolition, Inc.'s ("T. Fiore") bid of \$15,000.00 to demolish the Property was the lowest of those received; and

WHEREAS, on September 11, 2012 T. Fiore demolished the property. A copy of date-stamped photos of the demolition are annexed hereto as **Exhibits "F";** and

WHEREAS, the Township incurred a cost of \$15,000.00 for the demolition of the Property. A copy of the Township's June 25, 2012 Purchase Order for the demolition is annexed hereto as **Exhibit "G,"** a copy of T. Fiore's September 14, 2012 invoice to the Township is annexed hereto as **Exhibit "H,"** and a copy of the Township's September 28, 2012 check to T. Fiore for \$15,000.00 is annexed hereto as **Exhibit "I";** and

WHEREAS, the Township expended \$5,260.44 in legal fees and expenses in connection with this matter; and

WHEREAS, the Township's Ordinances permit the Township to place a lien against the Property in the amount of \$20,260.44 for expenses and fees incurred by the Township in handling this matter.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that a lien in the amount of \$20,260.44 shall be placed against 293 St. Cloud Avenue, West Orange for the cost of services required to demolish the structure and safeguard the Property.

KAREN J. CARNEVALE, MUNICIPAL CLERK

SUSAN McCARTNEY, COUNCIL PRESIDENT

Adopted: September 9, 2014