

1. Conference Meeting Agenda

Documents:

[CA9.19.17.PDF](#)

2. Public Meeting Agenda

Documents:

[PM 9.19.17.PDF](#)

3. Resolution(S)

3.I. 204-17

Documents:

[204-17 AUTHORIZING PRISM RDA 2017.PDF](#)

3.II. 205-17

Documents:

[205-17 AUTHORIZING PRISM INFRASTRUCTURE AGREEMENT 2017.PDF](#)

3.III. 206-17

Documents:

[206-17 APPROVING GP ASHLAND AFFORDABLE HOUSING.PDF](#)

3.IV. 207-17

Documents:

[207-17 WEST ORANGE REDEVELOPMENT AREA BOND
RESOLUTION.PDF](#)

3.V. 208-17

Documents:

[208-17 RESOLUTION AUTHORIZING AGREEMENT TO ACQUIRE 659 EAGLE
ROCK AVENUE A.K.A 665 EAGLE ROCK AVENUE.PDF](#)
[208-17 EXHIBIT TO RESOLUTION AUTHORIZING AGREEMENT OF SALE
CONTRACT FOR 665 EAGLE ROCK AVENUE.PDF](#)

3.VI. 209-17

Documents:

[209-17 RESOLUTION APPROVING THE SUBMISSION OF A 2018 NJ DEPT
OF TRANSPORTATION- MUNICIPAL AID GRANT APPLICATION.PDF](#)

3.VII. 210-17

Documents:

[210-17 RESOLUTION AUTHORIZING APPRAISAL FOR RIDGE ROAD
PROPERTY PER RECOMMENDATION FROM OPEN SPACE
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3.VIII. 211-17

Documents:

[211-17 RAFFLE LICENSES 9.19.17.PDF](#)

3.IX. 212-17

Documents:

[212-17 RESOLUTION AUTHORIZING PLANNING BOARD TO UNDERTAKE
PRELIMINARY INVESTIGATION AS TO QUALIFICATION OF EXECUTIVE
DRIVE.PDF](#)

3.X. 213-17

Documents:

[213-17 RESOLUTION AUTHORIZING RETENTION OF PHILLIPS PREISS
GRYGIEL LLC FOR POSSIBLE REDEVELOPMENT OF ESEEX GREEN
PROPERTIES.PDF](#)
[213-17 EXHIBITS TO RESOLUTION AUTHORIZING THE RETENTION OF
PHILLIPS PREISS GRYGIEL LLC FOR POSSIBLE REDEVELOPMENT.PDF](#)

3.XI. 214-17

Documents:

[214-17 RESOLUTION ABANDONED CARS 10032017.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2518-17

Documents:

[2518-17 AUTHORIZING GP ASHLAND FINANCIAL AGREEMENT 8.15.17.PDF](#)

4.II. 2519-17

Documents:

[2519-17 ORDINANCE AUTHORIZING GP 55 LAKESIDE FINANCIAL
AGREEMENT 8.15.17.PDF](#)

4.III. 2520-17

Documents:

2520-17 ORDINANCE AUTHORIZING GP BABCOCK FINANCIAL
AGREEMENT 8.15.17.PDF

4.IV. 2522-17

Documents:

2522-17 REGARDING EXPANDING TABLE OF ORGANIZATION FOR POLICE
DEPARTMENT TO ADD A CAPTAIN POSITION.PDF

4.V. 2523-17

Documents:

2523-17 PARKING ORDINANCE FOR FRANKLIN AVE BETW CHESTNUT
AND MONTCLAIR 9.5.17.PDF

4.VI. 2524-17

Documents:

2524-17 HANDICAPPED SPACE 72 PARK TERR. 9.5.17.PDF

5. Ordinances On First Reading

5.I. 2525-17

Documents:

2525-17 ORDINANCE REGARDING TOWING OF REPOSSESSED
VEHICLES.PDF

5.II. 2526-17

Documents:

2526-17 WEST ORANGE 575000 AUTHORIZING THE ISSUANCE OF
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5.III. 2527-17

Documents:

2527-17 LUDDINGTON ROAD ONE WAY STREET.PDF

5.IV. 2528-17

Documents:

2528-17 WESTORANGE_REVISID ID ORDINANCE (002)
09052017_KWKREVISION2.PDF

COUNCIL COMMITTEE CONFERENCE MEETING

AGENDA-Revised

Council Chambers – 66 Main Street, West Orange, NJ

September 19, 2017

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. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 28, 2016 and published in the West Orange Chronicle on December 8, 2016.

Roll Call – Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Councilwoman McCartney, Council President Krakoviak (Mayor Parisi)

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6:30 P.M

- **Presentation by Administration and representatives of new owners of Essex Green and Executive Drive Office Park on potential for creating a Redevelopment Area**
- **Update: Redevelopment – Jack Sayers**
- **Council Liaison Announcements**

7:00 P.M.

- **Public Meeting**

PUBLIC MEETING AGENDA- Revised

**Township of West Orange
66 Main Street – 7:00 p.m.
September 19, 2017**

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. The annual notice was emailed to the Star Ledger and filed in the Township Clerk's office on November 28, 2016 and published in the West Orange Chronicle on December 8, 2016.

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)**

Roll Call – Councilwoman Casalino, Councilman Cirilo, Councilman Guarino, Councilwoman McCartney, Council President Krakoviak (Mayor Parisi)

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. *Consent Agenda**
- 4. *Approval of Minutes of Previous Meeting – Public Meeting September 5, 2017**
- 5. *Report of Township Officers- Municipal Court Monthly Report - August, 2017**
- 6. *Reading of Petitions and Communications and Bids - None**
- 6. *Bills**
- 7. *Resolutions**
 - a. 204-17 Resolution Authorizing a Redevelopment Agreement with Prism Green Associates IV, LLC for the Redevelopment of a Portion of the Downtown Redevelopment Area (Legal-Credidio)
 - b. 205-17 Resolution Authorizing an Infrastructure Construction Agreement with Prism Green Associates IV, LLC for a Portion of the Downtown Redevelopment Area (Legal-Credidio)
 - c. 206-17 Resolution Authorizing a Financial Agreement with GP Ashland Housing, LLC Pursuant to the HMFA Law (Legal-Credidio)
 - d. 207-17 Resolution Authorizing the Issuance of One or More Series of Non-Recourse Redevelopment Area Bonds of the Township of West Orange in an Aggregate Principal Amount Not to Exceed **\$21,000,000** (Township of West Orange Downtown Area Redevelopment Project) (Legal-Credidio)

- e. 208-17 Resolution authorizes the Township to execute the Sale Agreement for the purchase of the property located at 665 Eagle Rock Avenue which the Township intends to convert to public parking for shoppers and commuters. Pursuant to the Sale Agreement the purchase price for the Property is \$400,000. (Legal-Moon)
- f. 209-17 Resolution Approving the Submission of a 2018 New Jersey Department of Transportation – Municipal Aid Grant Application and Execution of Grant Agreement for the West Orange 2018 Municipal Aid Various Streets Milling and Resurfacing Project (Lepore)
- g. 210-17 Resolution authorizes the Township to obtain an appraisal for the properties located at 2 Ridge Road and 10 Ridge Road, pursuant to a recommendation from the Open Space Commission, in order to examine whether the properties are suitable for possible acquisition (Legal-Moon)
- h. 211-17 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- i. 212-17 Resolution directs the West Orange Planning Board to investigate whether the designated study area within the Essex Green and Executive Drive area constitutes an area in need of redevelopment consistent with the Municipal Land Use Law and upon determination that the study area does constitute an area in need of redevelopment, authorizes the Planning Board to prepare a Redevelopment Plan for the study area to be presented to the Township Council (Legal-Moon)
- j. 213-17 Resolution authorizes the retention of Phillips Preiss Grygiel, LLC to prepare a report to examine whether the designated study area within the Essex Green and Executive Drive area constitutes an area in need of redevelopment consistent with the Municipal Land Use Law and to prepare a redevelopment plan in the event that the Planning Board determines that the study area does constitute an area in need of redevelopment (Legal-Moon)
- k. 214-17 Resolution to authorize sale of abandoned cars(DeSantis)

8. Ordinances on Second and Final Reading

- a. 2518-17 An Ordinance Authorizing a Financial Agreement with GP Ashland Urban Renewal, LLC for Certain Property Within the Downtown Redevelopment Area Commonly Known as 4, 12-16, 18, 20 and 24 Ashland and 28 and 42-44 Lakeside Avenue (Legal-Credidio)
- b. 2519-17 An Ordinance Authorizing a Financial Agreement with GP 55 Lakeside Urban Renewal, LLC for Certain Property Within the Downtown Redevelopment Area Commonly Known as 1 Lakeside Avenue, 25 Lakeside Avenue and a Portion of 55 Lakeside Avenue (Legal-Credidio)
- c. 2520-17 An Ordinance Authorizing a Financial Agreement with GP Babcock Urban Renewal, LLC for Certain Property Within the Downtown Redevelopment Area Commonly Known as 28 Babcock Place and a Portion of 55 Lakeside Avenue (Legal-Credidio)

- d. 2522-17 An Ordinance Amending Chapter 2, Section 14.2 of the Revised General Ordinances of the Township of West Orange (Police Department) (Legal-Moon)
This Ordinance updates the table of organization for the Police Department to increase the maximum number of Captains for the Department from 4 to 5.
- e. 2523-17 An Ordinance Amending and Supplementing Chapter 7, Traffic Subsection 7-7.3 Temporary Parking Prohibition for Snow Plowing and Removal Subsection 7-12 Parking Prohibited for Street Cleaning and Maintenance, Subsection 7-14.1 Night Parking Restricted and Subsection 7-14.7 Alternate Side Parking of the Revised General Ordinance of the Township of West Orange (Lepore)
- f. 2524-17 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 – Handicapped Space – 72 Park Terrace (Lepore)

9. Ordinances on First Reading

- a. 2525-17 An Ordinance Amending Chapter 4, Sections 37.1 of the Revised General Ordinances of the Township of West Orange Repossession Activity (Legal - Moon)
- b. 2526-17 Bond Ordinance providing for the acquisition of Real Property and its Development as a parking lot in and by the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$575,000 therefore and authorizing the issuance of \$547,500 Bonds or Notes of the Township to finance part of the cost thereof (Finance-Gross)
- c. 2527-17 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-18, One Way Streets, of the Revised General Ordinances of the Township of West Orange (Lepore)
- d. 2528-17 An Ordinance Amending Chapter II, the Administrative Code of the Township of West Orange, Article IX, Administrative Policies and Procedures, to Include Previously Reserved Section 83 of the Revised General Ordinances of the Township of West Orange Creating an Identification Card Program for Residents of the Township of West Orange (Legal-Kayser)

10. Pending Matters/New Matters/Council Discussion

11. ABC Hearing-None

12. Adjournment

**The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.
(1972 Code § 3-8; Ord. No. 726-84; Ord. No. 1157-93; Ord. No. 2128-07 § II)**

Agenda is subject to change.

**RESOLUTION AUTHORIZING A REDEVELOPMENT AGREEMENT
WITH PRISM GREEN ASSOCIATES IV, LLC FOR THE
REDEVELOPMENT OF A PORTION OF THE DOWNTOWN
REDEVELOPMENT AREA**

WHEREAS, pursuant to the Local Redevelopment and Housing Law (*N.J.S.A. 40A:12A-1 et seq.*), the Township Council (the “**Township Council**”) of the Township of West Orange (the “**Township**”), acting by resolution, determined that Blocks 64, 66, 115, 116, 116.02 and portions of Blocks 89, 114 and 117 on the official tax map of the Township (the “**Downtown Redevelopment Area**”) was an “area in need of redevelopment” in accordance with *N.J.S.A. 40A:12A-6(b)*; and

WHEREAS, on February 9, 2003 the Township Council approved an Ordinance adopting a redevelopment plan for the Downtown Redevelopment Area (as amended and supplemented from time to time, the “**Redevelopment Plan**”); and

WHEREAS, the Township and Prism Green Associates IV, LLC (“**Prism**”) entered into that certain Redevelopment Agreement dated as of December 20, 2006 with respect to the Downtown Redevelopment Area (as amended by letter agreements dated May 8, 2007, June 21, 2007, September 11, 2007 and October 27, 2009, and by that certain modification agreement dated August 8, 2014, the “**Initial Redevelopment Agreement**”); and

WHEREAS, on February 26, 2016, the Township entered into a modification agreement with Prism (the “**2016 Modification Agreement**”) which, among other things, removed Block 66, Lots 1, 5 and 7 (collectively, “**Edison Battery Factory**” or “**Phase 1**”) from the ambit of the Initial Redevelopment Agreement, and concurrently entered into a separate redevelopment agreement with DGP Urban Renewal, LLC with respect to the development of Edison Battery Factory; and

WHEREAS, each of the following limited liability companies of the State of New Jersey is an affiliate of Redeveloper, and each has been formed as an “urban renewal entity” in accordance with State law: GP Babcock Urban Renewal, L.L.C. (“**GP Babcock**”), GP 55 Lakeside Urban Renewal, L.L.C. (“**GP Lakeside**”), and GP Ashland Urban Renewal, L.L.C. (“**GP Ashland**”); and

WHEREAS, GP Ashland Housing, L.L.C. is a limited liability company of the State of New Jersey and an affiliate of Redeveloper (“**GP Affordable**”, and together with GP Babcock, GP Lakeside, and GP Ashland, collectively the “**GP Affiliates**” and each a “**GP Affiliate**”); and

WHEREAS, the Township and Prism desire to enter into an amended and restated redevelopment agreement (the “**Amended and Restated Agreement**”) authorizing Prism to undertake (or cause one or more of the GP Affiliates to undertake) the Project (as defined in the Amended and Restated Agreement) and to establish the rights and obligations of the parties with respect to the same,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, in the County of Essex, New Jersey, as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. EXECUTION OF AMENDED AND RESTATED AGREEMENT AUTHORIZED

(a) The Amended and Restated Agreement, a form of which is attached hereto as Exhibit A, which amends and restates the Initial Redevelopment Agreement, as modified by the 2016 Modification Agreement, is hereby approved.

(b) The Mayor is hereby authorized to execute the Amended and Restated Agreement, together with such additions, deletions and modifications as are necessary and desirable in consultation with counsel to effectuate the same.

(c) The Township Clerk is hereby authorized and directed, upon execution of the Amended and Restated Agreement in accordance with the terms of Section II(b) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Township.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

KAREN CARNEVALE, R.M.C., MUNICIPAL CLERK JOE KRAKOVIAK, COUNCIL PRESIDENT

Adopted: September 19, 2017

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017**.

Karen J. Carnevale, RMC, Municipal Clerk

Exhibit A

Form of Amended and Restated Agreement

**RESOLUTION AUTHORIZING AN INFRASTRUCTURE
CONSTRUCTION AGREEMENT WITH PRISM GREEN ASSOCIATES
IV, LLC FOR A PORTION OF THE DOWNTOWN REDEVELOPMENT
AREA**

WHEREAS, pursuant to the Local Redevelopment and Housing Law (*N.J.S.A. 40A:12A-1 et seq.*), the Township Council (the “**Township Council**”) of the Township of West Orange (the “**Township**”), acting by resolution, determined that Blocks 64, 66, 115, 116, 116.02 and portions of Blocks 89, 114 and 117 on the official tax map of the Township (the “**Downtown Redevelopment Area**”) was an “area in need of redevelopment” in accordance with *N.J.S.A. 40A:12A-6(b)*; and

WHEREAS, on February 9, 2003 the Township Council approved an Ordinance adopting a redevelopment plan for the Downtown Redevelopment Area (as amended and supplemented from time to time, the “**Redevelopment Plan**”); and

WHEREAS, concurrently with or prior to the adoption of this Resolution, the Township has authorized the execution of an amended and restated redevelopment agreement (the “**Redevelopment Agreement**”) with Prism Green Associates IV, LLC (“**Prism**”) pursuant to which Prism will redevelop, or will cause one or more of the GP Affiliates (as defined in the Redevelopment Agreement) to redevelop, a portion of the Redevelopment Area as further described therein; and

WHEREAS, in accordance with the Long Term Tax Exemption Law of 1992, as amended and supplemented, *N.J.S.A. 40A:20-1 et seq.* (the “**Exemption Law**”), Prism created and established Prism Green Urban Renewal Associates IV, LLC (“**PG IV**”) and is its sole member; and

WHEREAS, PG IV created and established the GP Affiliates and is the sole member of each such entity; and

WHEREAS, for purposes of this Agreement and the undertaking of the Infrastructure Project, as such term is defined herein, Prism, as the sole member of PG IV, the sole member of the GP Affiliates, is acting on behalf of, and as the agent for, the GP Affiliates; and

WHEREAS, the Township and Prism desire to enter into an infrastructure construction agreement (the “**Infrastructure Construction Agreement**”) setting forth, among other things, the terms and conditions pertaining to Prism’s obligation to construct or install, or to cause to be constructed or installed, the infrastructure improvements in connection with the Project described in the Redevelopment Agreement (the “**Infrastructure Project**”),

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange, in the County of Essex, New Jersey, as follows:

I. **GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. EXECUTION OF INFRASTRUCTURE CONSTRUCTION AGREEMENT

(a) The Infrastructure Construction Agreement, a form of which is attached hereto as Exhibit A, is hereby approved.

(b) The Mayor is hereby authorized to execute the Infrastructure Construction Agreement, together with such additions, deletions and modifications as are necessary and desirable in consultation with counsel to effectuate the same.

(c) The Township Clerk is hereby authorized and directed, upon execution of the Infrastructure Construction Agreement in accordance with the terms of Section II(b) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Township.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

KAREN CARNEVALE, R.M.C., MUNICIPAL CLERK JOE KRAKOVIAK, COUNCIL PRESIDENT

Adopted: September 19, 2017

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017**.

Karen J. Carnevale, RMC, Municipal Clerk

Exhibit A

Form of Infrastructure Construction Agreement

**RESOLUTION AUTHORIZING A FINANCIAL AGREEMENT WITH GP
ASHLAND HOUSING, LLC PURSUANT TO THE HMFA LAW**

WHEREAS, Ashland Housing, LLC (hereinafter referred to as the “Sponsor”) proposes to construct a housing project that will provide 44 units of affordable family rental housing (hereinafter referred to as the “Project”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Township of West Orange (hereinafter referred to as the “Township”) on a site described as Block 64, Lots 3, 21, 22, 25 and 27, as shown on the Official Assessment Map of the Township of West Orange, Essex County and commonly known as 28-40, 42 and 64 Ashland Avenue and 64 Park Avenue; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents to be executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the “Agency”); and

WHEREAS, in accordance with the HMFA Requirements, the Municipality hereby determines that there is a need for this rental housing project in the Township; and

WHEREAS, in furtherance of the Project, the Township wishes to authorize the execution of a financial agreement with the Sponsor, a proposed form of which is attached hereto as Exhibit A (the “Financial Agreement”),

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF WEST ORANGE IN THE COUNTY OF ESSEX** as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. FINANCIAL AGREEMENT APPROVED

- A. The Township hereby determines that the proposed family rental project will meet or meets an existing housing need.
- B. The Township does hereby adopt this Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project.
- C. The Township does hereby adopt this Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project will be

exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the Township in such amounts and manner set forth in the Financial Agreement attached hereto as Exhibit A.

- D. The Mayor is hereby authorized and directed to execute, on behalf of the Township, the Financial Agreement in substantially the form annexed hereto as Exhibit A.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this Resolution shall be available for public inspection at the offices of the Township.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

KAREN CARNEVALE, R.M.C., MUNICIPAL CLERK JOE KRAKOVIAK, COUNCIL PRESIDENT

Adopted: September 19, 2017

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017**.

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

EXHIBIT A

FORM OF FINANCIAL AGREEMENT

A RESOLUTION AUTHORIZING THE ISSUANCE OF ONE OR MORE SERIES OF NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE TOWNSHIP OF WEST ORANGE IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$21,000,000 (TOWNSHIP OF WEST ORANGE DOWNTOWN AREA REDEVELOPMENT PROJECT)

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), the Township of West Orange (the "Township") has designated a portion of its downtown area generally bounded by the City of Orange to the southeast, Park Avenue to the southwest, Llewellyn Park to the northwest, and Kling Street to the northeast, and containing those properties identified on the Official Tax Map of the Township as Blocks 64, 66, 115, 116, 116.02 and portions of Blocks 89, 114 and 117 as an area in need of redevelopment (collectively, the "Redevelopment Area"); and

WHEREAS, in accordance with the Redevelopment Law, the Township enacted a redevelopment plan for the Redevelopment Area on February 9, 2003 (as thereafter amended and supplemented, and as further amended and supplemented from time to time, the "Redevelopment Plan"); and

WHEREAS, in accordance with the Redevelopment Law and the Redevelopment Plan, on December 20, 2006, the Township and Prism Green Associates IV, LLC (the "Redeveloper") entered into that certain redevelopment agreement with respect to the Redevelopment Area (as amended by letter agreements dated May 8, 2007, June 21, 2007, September 11, 2007 and October 27, 2009, and by that certain modification agreement dated August 8, 2014, the "Initial Redevelopment Agreement"); and

WHEREAS, in accordance with the Redevelopment Law and the Redevelopment Plan, on February 26, 2016, the Township entered into a modification agreement with the Redeveloper which, among other things, removed Block 66, Lots 1, 5 and 7 (collectively, "Edison Battery Factory") from the ambit of the Initial Redevelopment Agreement, and concurrently entered into a separate redevelopment agreement with DGP Urban Renewal, LLC with respect to the development of Edison Battery Factory; and

WHEREAS, each of the following limited liability companies of the State of New Jersey (the "State") is an affiliate of Redeveloper, and each has been formed as an "urban renewal entity" in accordance with State law: GP Babcock Urban Renewal, L.L.C. ("GP Babcock"), GP 55 Lakeside Urban Renewal, L.L.C. ("GP Lakeside") and GP Ashland Urban Renewal, L.L.C. ("GP Ashland" and, together with GP Babcock and GP Lakeside, the "GP Affiliates" and each, a "GP Affiliate"); and

WHEREAS, concurrently herewith, the Township has authorized that certain Amended and Restated Redevelopment Agreement with respect to a portion of the Redevelopment Area (as further amended and supplemented from time to time, the "Redevelopment Agreement"); and

WHEREAS, Redeveloper proposes to undertake (or cause one or more of the GP Affiliates to undertake, in accordance with Section 8.2 of the Redevelopment Agreement) Phase 2A, Phase 2B and Phase 2D of for-sale, residential development in accordance with the Redevelopment Plan and the Redevelopment Agreement; and

WHEREAS, the design, financing, construction and implementation of Phase 2A, Phase 2B and Phase 2D (each as defined in the Redevelopment Agreement) shall hereinafter collectively be referred to as the "Project"; and

WHEREAS, the Project will require, among other items: (i) certain infrastructure improvements in and around the Redevelopment Area, including without limitation, utilities, roadways, pathways, sidewalks, and public rights of way (the "Infrastructure Project"); and (ii) the payment of fees and costs incurred by the Township in connection with the Project (items (i) and (ii) collectively referred to as the "Developer Obligations"); and

WHEREAS, to defray some of the costs of the Project, including without limitation, the Infrastructure Project and the Developer Obligations, thereby making the Project viable, the Township will issue the hereinafter defined Bonds in one or more series in an aggregate principal amount not to exceed \$21,000,000 (such aggregate principal amount inclusive of all Bonds issued in accordance with any project described under the Redevelopment Agreement) pursuant to the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "RAB Law"); and

WHEREAS, the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "Exemption Law") and the RAB Law authorize the Township to accept, in lieu of real property taxes, an annual service charge paid by an Owner, as such term is defined herein, to the Township; and

WHEREAS, concurrently herewith, the Township has authorized the following financial agreements pursuant to the Exemption Law: (i) Financial Agreement with GP Babcock (the "GP Babcock Financial Agreement"), (ii) Financial Agreement with GP Lakeside (the "GP Lakeside Financial Agreement") and (iii) Financial Agreement with GP Ashland (the "GP Ashland Financial Agreement" and, together with the GP Babcock Financial Agreement and the GP Lakeside Financial Agreement, the "GP Affiliates Financial Agreements" and each, a "GP Affiliate Financial Agreement"); and

WHEREAS, pursuant to the GP Affiliates Financial Agreements, (i) each GP Affiliate will pay to the Township an Annual Service Charge (as defined in the respective GP Affiliate Financial Agreement) and (ii) the Township has assigned all of its right, title and interest in and to the Pledged Annual Service Charge (as defined in each GP Affiliate Financial Agreement) to the trustee for the respective Bonds in accordance with the terms of and limitations set forth in the respective GP Affiliate Financial Agreement; and

WHEREAS, the Township, in furtherance of the purposes of the Redevelopment Law and the RAB Law and to assist in financing the cost of Phase 2A, proposes to issue its non-recourse Redevelopment Area Bonds (Township of West Orange Downtown Area Redevelopment – Phase 2A Project), in one or more series (the "Phase 2A Bonds"), to be secured by a pledge of the Pledged Annual Service Charge payable under the GP Babcock Financial Agreement, pursuant to a Trust Indenture by and between the Township and a Trustee to be appointed by the Township (the "Trustee"), as supplemented pursuant to supplemental trust indentures to be executed in connection with each series of additional Phase 2A Bonds (collectively, the "Phase 2A Trust Indenture"), which pledge and assignment are hereby declared to further secure the payment of the principal of and interest on the Phase 2A Bonds; and

WHEREAS, the Township, in furtherance of the purposes of the Redevelopment Law and the RAB Law and to assist in financing the cost of Phase 2B, proposes to issue its non-recourse Redevelopment Area Bonds (Township of West Orange Downtown Area Redevelopment – Phase 2B Project), in one or more series (the "Phase 2B Bonds"), to be secured by a pledge of the Pledged Annual Service Charge payable under the GP Lakeside Financial Agreement, pursuant to a Trust Indenture by and between the Township and the Trustee, as supplemented pursuant to supplemental trust indentures to be executed in connection with each series of additional Phase 2B Bonds (collectively, the "Phase 2B Trust Indenture"), which pledge and assignment are hereby declared to further secure the payment of the principal of and interest on the Phase 2B Bonds; and

WHEREAS, the Township, in furtherance of the purposes of the Redevelopment Law and the RAB Law and to assist in financing the cost of Phase 2D, proposes to issue its non-recourse Redevelopment Area Bonds (Township of West Orange Downtown Area Redevelopment – Phase 2D Project), in one or more series (the "Phase 2D Bonds" and, together with the Phase 2A Bonds and the Phase 2B Bonds, the "Bonds"), to be secured by a pledge of the Pledged Annual Service Charge payable under the GP Ashland Financial Agreement, pursuant to a Trust Indenture by and between the Township and the Trustee, as supplemented pursuant to supplemental trust indentures to be executed in connection with each series of additional Phase 2D Bonds (collectively, the "Phase 2D Trust Indenture" and, together with the Phase 2A Trust Indenture and the Phase 2B Trust Indenture, the "Trust Indentures" and each, a "Trust Indenture"), which pledge and assignment are hereby declared to further secure the payment of the principal of and interest on the Phase 2D Bonds; and

WHEREAS, the aggregate principal amount of Bonds to be issued pursuant to the Trust Indentures shall not exceed \$21,000,000; and

WHEREAS, the Bonds shall not be in any way a debt or liability of the Township other than to the limited extent set forth in the Trust Indentures, and neither the full faith and credit nor taxing power of the Township shall be pledged to the payment of the principal or redemption price, if any, of or interest on the Bonds.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY, AS FOLLOWS:

Section 1. Determination to Issue. To accomplish the purposes and objectives of the Redevelopment Law and the RAB Law, the Township hereby determines to finance the Project. In order to finance the Project, the Bonds are hereby authorized to be issued in the aggregate principal amount not to exceed \$21,000,000. The Bonds shall be issued in multiple series, shall be dated, shall bear interest at such rates of interest and shall be payable as to principal, interest and premium, if any, all as is specified therein. The Bonds shall be issued in the form, shall mature, shall be subject to redemption prior to maturity and shall have such other details and provisions as are prescribed by the Trust Indenture.

Section 2. Bonds to Constitute Special Limited Obligations. The Bonds shall be special limited obligations of the Township, payable solely out of the Pledged Annual Service Charge payable pursuant to the GP Affiliate Financial Agreement that is associated with such series of Bonds, as set forth in the applicable Trust Indenture. The payment of the principal of, premium, if any, and interest on each series of Bonds shall be secured by a pledge and assignment of the Pledged Annual Service Charge payable pursuant to the GP Affiliate Financial

Agreement that is associated with such series of Bonds, as set forth in the applicable Trust Indenture. Neither the members of Township Council nor any person executing the Bonds issued pursuant to this resolution, the Redevelopment Law and the RAB Law shall be liable personally on the Bonds by reason of the issuance thereof. **The Bonds shall not be in any way a debt or liability of the Township other than to the limited extent set forth in the Trust Indenture. Neither the full faith and credit nor taxing power of the Township is pledged to the payment of the principal or redemption price, if any, of or interest on the Bonds.**

Section 3. Authorization of Bonds. (a) The Bonds shall mature no later than 30 years from the date of issuance and shall be issued in an aggregate principal amount not exceeding \$21,000,000. The Bonds shall bear interest at a rate or rates of interest which shall not exceed the maximum interest rates approved by the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs.

(b) The Mayor or Township Administrator (each an "Authorized Officer") are each hereby authorized to execute and deliver on behalf of the Township a contract of purchase for the purchase of each series of Bonds (the "Contract of Purchase") with an underwriter or underwriters (the "Underwriter" or "Underwriters") to be determined by a certificate of award executed by an Authorized Officer (the "Award Certificate") as determined by an Authorized Officer in consultation with counsel, approval thereof to be evidenced by such Authorized Officer's execution thereof, for the purchase of all, but not less than all, of each series of Bonds. The Bonds may be sold pursuant to a competitive sale, negotiated sale or limited placement agency, all as determined by an Authorized Officer. A copy of the Contract of Purchase shall be filed upon execution with the records of the Township.

Section 4. Execution and Authentication. The Bonds shall be executed and authenticated in accordance with the Trust Indenture and shall be issued in registered form qualifying for book entry registration or as otherwise set forth in the Trust Indenture.

Section 5. Delivery of Bonds. Following execution of the Bonds, the Authorized Officers are each hereby authorized to deliver the Bonds to the Trustee for authentication and, after authentication, to deliver the Bonds to the Underwriters against receipt of the purchase price or unpaid balance thereof.

Section 6. Approval of Offering Document. The distribution by the Underwriters of a Limited Offering Memorandum or Official Statement in preliminary form (the "Preliminary Offering Document") relating to the Bonds in connection with the marketing of the Bonds, and the distribution of a final Limited Offering Memorandum or Official Statement relating to the Bonds to the purchasers of the Bonds (the "Offering Document") is hereby authorized. The Authorized Officers are each hereby authorized to approve the contents of the Preliminary Offering Document with such changes therein and modifications thereto as counsel may advise and such officer of the Township may approve. The Authorized Officers are each hereby authorized to approve the contents of the Offering Document and to execute the Offering Document on behalf of the Township, which Offering Document shall be in substantially the form of the Preliminary Offering Document with such changes therein (including the insertion of the redemption provisions and the initial interest rates for the Bonds) and supplements thereto as counsel may advise and the officer of the Township executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Authorized Officers are each

hereby authorized to "deem final" the Preliminary Offering Document and to execute and deliver a certificate to the Underwriters to such effect.

Section 7. Approval of Trust Indenture. The form of the Trust Indentures presented to this meeting (a copy of each of which is on file with the records of the Township), and all instruments to be attached thereto or executed in conjunction therewith, are each hereby approved and the Authorized Officers are each hereby authorized to execute, acknowledge and deliver, and the Township Clerk or Deputy Township Clerk are each hereby authorized to affix and attest the seal of the Township to the Trust Indentures in substantially such form, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof.

Section 8. Incidental Action. The Authorized Officers are hereby authorized to execute and deliver such other papers, instruments, certificates, opinions, affidavits and documents, and to take such other action as may be necessary or appropriate in order to carry out the purposes of this resolution, including effectuating the execution and delivery of the Trust Indentures and the issuance and sale of the Bonds, all in accordance with the foregoing sections hereof.

Section 9. Construction. In case any one of more of the provisions of this resolution, the Trust Indentures, the Contract of Purchase, the Offering Document or the Bonds issued hereunder shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution of the Trust Indentures, the Contract of Purchase, the Offering Document and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 10. Effective Date. This resolution shall take effect immediately upon adoption.

KAREN CARNEVALE, R.M.C., MUNICIPAL CLERK JOE KRAKOVIAK, COUNCIL PRESIDENT

Adopted: September 19, 2017

I HEREBY CERTIFY the foregoing to be a true copy of a resolution adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017.**

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

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) had a license with the Center for Spiritual Living at 662 Eagle Rock Avenue for the use of their parking lot for shopping and commuter parking;

WHEREAS, the Center for Spiritual Living in the process of selling their property which will create the need of additional parking for shoppers and commuters; and

WHEREAS, the Township has engaged in negotiations with 665 Realty Management, LLC (“665 Realty”), the owners of the property located at Lot 10, Block 176.03 on the Tax Map of the Township of West Orange also known as 665 Eagle Rock Avenue or 659 Eagle Rock Avenue as designated by the New Jersey Department of Environmental Protection (the “Property”) for purchase of the Property; and

WHEREAS, the Township has consulted with Mark Hendricks, CRE, FRICS, CTA, SCGREAA who has provided an appraisal report estimating the value of the Property at \$460,000; and

WHEREAS, the purchase of the Property is conditioned on adoption of this resolution authorizing the purchase of the Property and the adoption of a bond ordinance to finance the purchase of the Property; and

WHEREAS, the Township and 665 Realty have negotiated a Sale of Agreement, annexed hereto as Exhibit “A,” whereby the Township will purchase the Property for \$400,000.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and hereby is authorized to purchase the Property consistent with the terms of the Agreement of Sale, annexed hereto as Exhibit “A;” and be it further

RESOLVED, that Mayor be and is hereby authorized to execute the Agreement of Sale, annexed hereto as Exhibit “A;” and be it further

RESOLVED, that the Business Administrator be and is hereby authorized to execute any other closing documents necessary to finalize the purchase of the Property; and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature on the Agreement of Sale and the Business Administrator's signature on any necessary closing documents; and be it further

RESOLVED, that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

Karen Carnevale, R.M.C.
Municipal Clerk

Joe Krakoviak
Council President

Adopted: September 19, 2017

4814-0041-6334, v. 1

Exhibit “A”

AGREEMENT OF SALE

THIS AGREEMENT OF SALE (this “Agreement”), made as of the ____ day of August, 2017, by and between **665 REALTY MANAGEMENT, LLC**, a limited liability company of the State of New Jersey, having an address at 26 South Valley Road, West Orange, New Jersey 07052 (the “Seller”) and **TOWNSHIP OF WEST ORANGE**, or its designee (collectively, the “Buyer”), having an address of 66 Main Street, West Orange, New Jersey 07052.

W I T N E S S E T H:

WHEREAS, the Seller is the owner of the real property commonly known as 665 Eagle Rock Avenue, West Orange, New Jersey designated as Lot 10, Block 176.03 on the Tax Map of the Township of West Orange, commonly known as 665 Eagle Rock Avenue¹ (the “Property”);

WHEREAS, the Property is currently a vacant lot and the former location of an Exxon Service Station, Exxon RS# 31047, previously owned by the Exxon Mobil Corporation; and

WHEREAS, the Seller desires to sell the Property, and the Buyer desires to purchase the Property, on the terms and conditions set forth herein; and

NOW, THEREFORE, for and in consideration of the covenants and agreements hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the mutual promises herein made, it is agreed as follows:

1. SALE. Seller agrees to sell and Buyer agrees to purchase the Property, free and clear of all liens, claims and encumbrances other than the Permitted Liens defined herein, for the

¹ The Buyer and Seller also recognize and acknowledge that the Property has been misidentified by the New Jersey Department of Environmental Protection as 659 Eagle Rock Avenue, but that all reference in various records related to the remediation of 659 Eagle Rock Avenue relate to the Property.

respective purchase price set forth below and subject to the terms and conditions hereinafter provided.

2. PURCHASE PRICE.

A. The Purchase Price shall be Four Hundred Thousand Dollars (\$400,000) (the "Purchase Price").

B. The Purchase Price shall be payable at the Closing.

3. CLOSING DOCUMENTS.

A. At the Closing, Seller shall execute and/or deliver to the Buyer: (i) Quitclaim Deed for the Property (the "Deed"), in proper form for recording which will be signed by the Seller for the Property; (ii) any and all required documents regarding assignment to the Buyer of the rights and obligations under the Site Access Agreement dated June 6, 2011 between the Estate of Peter A. Meyer and Exxon Mobil Corporation as assigned to Seller by letter dated January 2, 2013; (iii) an agreement with and/or documentation in a form acceptable to Buyer in its sole discretion whereby it is established that Exxon Mobil Corporation will continue to undertake all remaining environmental investigation and remediation work related to the Property until the issuance of one or more Response Action Outcome letters by a Licensed Site Remediation Professional and in compliance with all remedial action permits thereafter (the "Exxon Mobil Documentation"); and (iv) such other instruments as may be reasonably required by Buyer's attorney or Buyer's title insurance company to effectuate the within transaction.

B. At the Closing, Buyer shall execute and/or deliver to Seller such other documents and/or instruments as may be reasonably required by Seller's attorneys to effectuate the within transaction.

4. **TITLE.** The dimensions of the Property shall be set forth on surveys which may be ordered by the Buyer at the Buyer's expense. The sale is subject to easements and restrictions of record, if any, and such state of facts as an accurate survey might disclose, provided they do not make the Property uninsurable. The sale shall be free and clear of all other liens, claims and encumbrances.

5. **POSSESSION.** At Closing, Seller shall deliver possession of the Property to the Buyer. Seller represents that no tenancies exist.

6. **RISK OF LOSS, CONDEMNATION, AND FORECLOSURE.**

A. Seller does not assume the risk of any material loss or damage to the Property other than as set forth herein.

B. If, prior to Closing, all or part of the Property shall be damaged by fire or other casualty or condemned or taken as the result of the exercise of the power of eminent domain, to the extent that the value of the Property is reduced by more than twenty-five (25%) percent of its assessed value, then Buyer shall have the option of terminating this Agreement as to the Property and this Agreement shall be null and void. In addition, notwithstanding the foregoing, in the event of damage or casualty to the Property which is not covered by insurance or in the event that the applicable insurance is subject to the payment of deductibles or other such related charges in excess of \$5,000, then in such event, Buyer may, regardless of the extent of the damage or loss, also terminate this Agreement.

7. **CONDITION OF PROPERTY.** Buyer acknowledges and agrees that it has had the opportunity to inspect the Property including, but not limited to, all of the improvements and the land comprising each of the Property and that the Buyer has made a complete and independent investigation of all facts and data which it has deemed necessary or desirable to

enter into this Agreement (referred to as “Due Diligence”). The Buyer acknowledges that it is purchasing the Property “**WHERE IS**” and “**AS IS**” without reliance upon any warranty or representation made by Seller or by any of its agents or representatives, including any broker, of any kind or nature including, without limitation, the environmental condition of the Property. The Buyer shall be responsible, at its sole cost and expense: (i) to obtain whatever governmental certificates or approvals, including environmental, that might be necessary to convey the Property to the Buyer; and (ii) to conduct an inspection and perform all Due Diligence of the Property no later than October 31, 2017. To the extent Buyer is not satisfied with any condition of the Property, the Buyer may terminate this Agreement in writing by October 31, 2017. Notwithstanding the above, Seller will convey to Buyer good and marketable title to the Property, insurable at regular rates by a title insurance company licensed to do business in New Jersey subject to the terms of paragraph 4 herein.

8. ENVIRONMENTAL ISSUES. Seller has disclosed the existence of active environmental issues concerning the Property and environmental testing and remediation by Exxon Mobil Corporation, a former owner. Buyer has retained environmental consultants who are examining these issues. Seller agrees that Buyer’s obligation to close title is subject to Buyer’s satisfaction that the Exxon Mobil Documentation is sufficient in Buyer’s sole discretion and, to the extent applicable, is fully binding and assignable to Buyer and that nothing will affect the ability of Buyer to use the Property as a parking lot. The Buyer is responsible for obtaining the satisfactory Exxon Mobil Documentation. If Exxon Mobil Documentation satisfactory to the Buyer is not obtained, then either party can cancel this Agreement.

9. INSPECTION. Buyer represents it has inspected the Property.

10. CLOSING OF TITLE. Subject to satisfaction of all of the conditions of this Agreement, below, the Closing shall take place no later than November 30, 2017 (the “Closing Date”), at the offices of Trenk, DiPasquale, Della Fera & Sodono, P.C., 347 Mt. Pleasant Ave., Suite 300, West Orange, New Jersey 07052, or at such other location as may be mutually agreed by the parties, at a time mutually convenient for the parties.

11. TOWNSHIP COUNCIL APPROVAL. The parties’ obligations set forth in this Agreement are expressly subject to approval by the Township Council of the Township of West Orange of (i) this Agreement, and (ii) a Bond ordinance in the amount of not less than five hundred thousand dollars (\$500,000).

12. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement between the parties. To the extent any of the terms in this Agreement conflict with any previous agreement or contract between the parties, the terms of this Agreement prevail. No variations or modifications of or amendments to the terms of this Agreement shall be binding unless reduced to writing and signed by the parties hereto and approved by the Township Council.

13. BINDING EFFECT. This Agreement shall be binding on and shall inure to the benefit of Seller and Buyer and their respective successors and assigns.

14. CONSTRUCTION. The laws of the State of New Jersey shall govern the interpretation, construction and performance of this Agreement.

15. FURTHER ASSURANCES. Each party agrees that at any time or from time to time upon written request of the other party, they will execute and deliver all such further documents and do all such other acts and things as may be reasonably required to confirm or consummate this transaction.

16. **CAPTIONS.** The captions preceding the paragraphs of this Agreement are intended only as a matter of convenience for reference and in no way define, limit or describe the scope of this Agreement or the intent of any provision hereof.

17. **NOTICES.** All notices required to be given pursuant to this Agreement shall be sent by certified mail, return receipt requested, or by any overnight delivery service to the parties at the following addresses:

A. If to the Seller, at their address set forth in the heading to this Agreement, with a copy to Richard D. Trenk, Esq., Trenk, DiPasquale, Della Fera & Sodono, P.C., 347 Mt. Pleasant Avenue, West Orange, New Jersey 07052.

B. If to the Buyer, at their address set forth in the heading to this Agreement, with a copy to Daniel J. Roy, Esq., 2115 Millburn Avenue, Suite L-1, Maplewood, New Jersey 07040.

C. Any party may change the notice address by written notice to the other party.

18. **REMEDIES.** If Buyer defaults in its obligations hereunder, Seller shall have the right to cancel the Contract on ten (10) days written notice as its sole remedies and thereafter neither party shall have any further obligations to the other. If the Seller defaults in its obligations hereunder or shall fail to close title hereunder for any reason other than a pending appeal, then Buyer, as its sole and exclusive remedy, shall be entitled to enforce the Contract and seek attorney's fees and expenses.

19. **WAIVER OF CONDITIONS.**

A. Buyer and Seller each shall have the right to waive any of the terms or conditions of this Agreement which are strictly for their respective benefit and to complete the

Closing in accordance with the terms and conditions of this Agreement which have not been so waived. Any such waiver shall be effective and binding only if made in writing and signed by the party who benefits from the condition being waived.

B. No waiver by either party of any failure or refusal by the other party to comply with their obligations hereunder shall be deemed a waiver of any other or subsequent failure or refusal by the other party so to comply.

20. SEVERABILITY. The terms, conditions, covenants and provisions of this Agreement shall be deemed to be severable. If any clause or provision herein contained shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by operation of applicable law, the same shall be deemed to be severable and shall not affect the validity of any other clause or provision of this Agreement and such other clauses and provisions shall remain in full force and effect. If, however, the severed clause or provision relates to the Purchase Price or other monies to be paid hereunder, Seller shall have the right to terminate this Agreement on prior written notice to the Buyer.

21. GENDER. As used in this Agreement, the masculine gender shall include the feminine or neuter genders, the neuter gender shall include the masculine or feminine genders, the singular shall include the plural and the plural shall include the singular, wherever appropriate to the context.

22. BROKERAGE. The Goldstein Group shall be entitled to a real estate commission in accordance with a separate agreement which shall not be earned or due until the Closing Date. Both parties represent and warrant that no other brokers have been involved in this transaction.

23. MISCELLANEOUS.

A. Each person signing this Agreement warrants that he/she has fully authority to execute this Agreement and bind the party on whose behalf he/she has signed to the terms hereof.

B. This Agreement may be executed in two or more counterparts, and when all counterparts have been executed, each executed counterpart will have the force and effect of the original. Each party to this Agreement may sign and deliver to the other party(ies) a facsimile copy of this Agreement, in counterparts, or with a conformed signature of the Seller with the same effect as if each party had signed and delivered to the other party(ies) an original of the same document.

C. Buyer intends to use the property as a parking lot. Buyer may assign its interest in this Contract to a quasi-governmental entity, but not a private developer. Seller's counsel must be given valid proof of formation, authorization to effectuate the transaction and a tax identification number issued by the Internal Revenue Service.

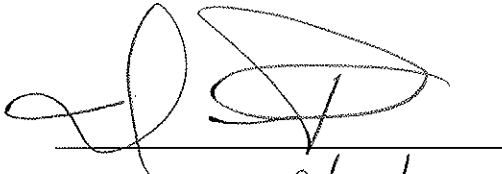
D. If Closing in this matter does not take place by November 30, 2017, the Seller can cancel this Agreement on written notice.

E. Seller is not obligated to do any environmental work.

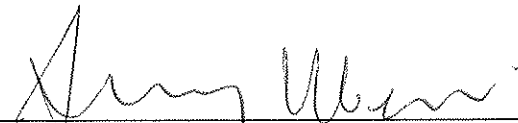
IN WITNESS WHEREOF, the parties hereto have hereunto executed and delivered this Agreement the day and year first above written.

WITNESS:

665 REALTY MANAGEMENT, LLC
Seller



Date: September 9/12/, 2017

By: 
Sunny Uberoi, Managing Member

WITNESS:

TOWNSHIP OF WEST ORANGE
Buyer

MUNICIPAL CLERK

By: _____
Karen Carnevale

By: _____
Robert Parisi, Mayor

Date: September _____, 2017

**Resolution
Township of West Orange**

**Resolution Approving The Submission Of A 2018 New Jersey Department Of
Transportation—Municipal Aid Grant Application And Execution Of Grant Agreement For The
Ma-2018-West Orange 2018 Municipal Aid Various Streets Milling And Resurfacing Project--
00151**

WHEREAS, the Township of West Orange wishes to apply for and obtain funding from the New Jersey Department of Transportation—Municipal Aid grant program for the completion of the West Orange 2018 Municipal Aid Various Streets Milling and Resurfacing Project, for the milling and resurfacing of streets at the following locations: Lindsley Avenue – Wheeler Street to Laird Drive, Laird Drive – entire length, Lindsley Avenue to Mt. Pleasant Avenue, Brennan Drive – entire length, Mt. Pleasant Avenue to Northfield Avenue, Ridgeway Avenue – entire length, Old Indian Road to Northfield Avenue, & Old Indian Road – Prospect Avenue to Ridgeway Avenue

NOW, THEREFORE, BE IT RESOLVED That the Mayor and Council of the Township of West Orange formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-WEST ORANGE 2018 MUNICIPAL AID VARIOUS STREETS MILLING AND RESURFACING PROJECT--00151 to the New Jersey Department of Transportation on behalf of the Township of West Orange.

BE IT FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized to sign the grant agreement on behalf of the Township of West Orange and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Joe Krakoviak, Council President

Adopted: September 19, 2017

Certified as a true copy of the Resolution adopted by the Council on this 19th day of September, 2017

ROLL CALL:

Introduction:

Second:

Ayes:

Nays:

Abstain:

Absent:

Certification

I, Karen Carnevale, Town Clerk of the Township of West Orange, in the County of Essex and the State of New Jersey, do hereby certify that the forgoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at a meeting on September 19, 2017

Karen Carnevale
Township Clerk

RESOLUTION

WHEREAS, the Open Space Commission for the Township of West Orange (the "Open Space Commission") have recommended that the Township of West Orange (the "Township") obtain an appraisal for the properties located at Block 80.03, Lots 10 and 21 on the Township's tax map, commonly known as 2 Ridge Road and 10 Ridge Road (the "Properties") to explore whether the Properties are suitable for acquisition by the Township as open space; and

WHEREAS, the Township previously adopted Resolution 274-16 authorizing the retention of Hendricks Appraisal Company, LLC ("Hendricks") as the Township's appraiser at a rate of \$150.00 per hour for the year 2017.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and hereby is authorized to proceed with obtaining an appraisal for the Properties from Hendricks pursuant to the professional services agreement authorized by Resolution 274-16; and be it further

RESOLVED, that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

Karen Carnevale, R.M.C.
Municipal Clerk

Joe Krakoviak
Council President

Adopted: September 19, 2017

I hereby certify funds are available from: _____

Account No.

John Gross, Chief Financial Officer

RESOLUTION

WHEREAS, the following charitable organization(s) have applied for a Raffle License which raffle is to be conducted within the Township of West Orange,

NOW THEREFORE, BE IT RESOLVED by the Township Council of *the Township of West Orange, that the Municipal Clerk is hereby authorized to* issue a license to conduct a raffle by the following organization (s) at the place (s) and time(s) set opposite their respective name(s):

<u>Organization</u>	<u>Date of Event</u>	<u>Place</u>	<u>RL No.</u>
Seton Hall Prep School Mothers Aux Off Prem Merch	November 2, 2017	481 Eagle Rock Avenue	7429
St Peters Prep Parents Assn Off Prem 50/50	November 12, 2017	481 Eagle Rock Avenue	7430
St Peters Prep Parents Assn Tricky Tray	November 12, 2017	481 Eagle Rock Avenue	7431

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

Joe Krakoviak, Council President

Adopted: September 19, 2017

RESOLUTION

*A Resolution Authorizing the Planning Board to
Undertake a Preliminary Investigation to Determine Whether Block
155, Lots 40.02, 40.03, 41.02, 42.01, and 42.02 and Block 155.21, Lot 40 Qualifies for
Designation as a Non Condemnation Area in Need of Redevelopment Pursuant to N.J.S.A.
40A:12A-1 et. seq.*

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 et seq., provides a mechanism to empower and assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the Township of West Orange (the “Township”) desires to explore whether the real properties located on Executive Drive and Rooney Circle and more commonly known as Block 155, Lots 40.02, 40.03, 41.02, 42.01, and 42.02 and Block 155.21, Lot 40 on the Township of West Orange Tax Map, inclusive of any and all streets, “paper” streets, private drives and right of ways (the “Study Area”) may be an appropriate area for consideration for redevelopment; and

WHEREAS, the Study Area currently has a high vacancy rate for retail and commercial space located thereon and that has remained as such for an extended period of time; and

WHEREAS, the Local Redevelopment and Housing Law sets forth a specific procedure for establishing an area in need of redevelopment; and

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-6, prior to the Township making a determination as to whether the Study Area qualifies as an area in need of redevelopment, the Township Council must authorize the Planning Board, by resolution, to undertake a preliminary investigation to determine whether the Study Area meets the criteria of an area in need of redevelopment set forth in *N.J.S.A.* 40A:12A-5; and

WHEREAS, the Township Council wishes to direct the Township of West Orange Planning Board to undertake such preliminary investigation to determine whether the Study Area meets the criteria for designation as an area in need of redevelopment pursuant to

N.J.S.A. 40A:12A-5 and in accordance with the investigation and hearing process set forth at N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Council hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area"); and

WHEREAS, the notice of any hearing to be conducted by the Township of West Orange Planning Board with regards to this Resolution shall specifically state that a Non-Condensation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Area.

NOW, THEREFORE, BE IT RESOLVED that the Township Council hereby directs the West Orange Township Planning Board to conduct the necessary investigation and to hold a public hearing to determine whether the Study Area defined hereinabove qualifies for designation as an area in need of redevelopment under the criteria and pursuant to the public hearing process set forth in N.J.S.A. 40A:12A-1, *et seq.*; and

BE IT FURTHER RESOLVED that the redevelopment area determination shall further authorize the municipality to use all those powers provided by the New Jersey Legislature for use in a redevelopment area.

BE IT FURTHER RESOLVED that the Township Council hereby states that any Non-Condensation Redevelopment Area determination shall authorize the municipality to use all those powers provided by the Local Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain.

BE IT FURTHER RESOLVED that the notice of any hearing to be conducted by the Township of West Orange Planning Board with regards to this Resolution shall specifically state that a Non-Condensation Redevelopment Area determination shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Area.

BE IT FURTHER RESOLVED that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supportive documentation.

BE IT FURTHER RESOLVED that if the Township Council designates the Study Area as an area in need of redevelopment it hereby authorizes the Planning Board to prepare a redevelopment plan which shall be subject to the review and approval of the Township Council

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Township Clerk, Chief Financial Officer and Township Planning Board and Planning Board Secretary.

RESOLVED, that a copy of this Resolution shall be made available in the Clerk's office in accordance with applicable law.

Karen Carnevale, R.M.C.
Municipal Clerk

Joe Krakoviak
Council President

Adopted: September 19, 2017

RESOLUTION

WHEREAS, the Township of West Orange (the “Township”) seeks to explore whether certain real property located on Executive Drive and Rooney Circle and more commonly known as Block 155, Lots 40.02, 40.03, 41.02, 42.01, and 42.02 and Block 155.21, Lot 40 on the Township of West Orange Tax Map (the “Study Area”) may be an appropriate area for consideration for redevelopment; and

WHEREAS, the Township seeks to retain Phillips Preiss Grygiel, LLC (“PPG”) to perform the evaluation as to whether the Study Area meets the qualification under the Municipal Land Use Law (the “MLUL”) as an area in need of redevelopment; and

WHEREAS, if the West Orange Planning Board determines that the Study Area constitutes an area in need of redevelopment, the Township also seeks to retain PPG to draft a Redevelopment Plan to present to the West Orange Planning Board and then, upon recommendation, to the Township Council; and

WHEREAS, PPG has provided: (1) a proposal for the preparation and presentation of an evaluation and report as to whether the Study Area meets qualification under the MLUL, annexed hereto as Exhibit “**A**,” and (2) a proposal to draft a Redevelopment Plan to present to the West Orange Planning Board and then, upon recommendation, to the Township Council, annexed hereto as Exhibit “**B**,” (collectively the “Proposals”) and

WHEREAS, the rates set forth in the Proposal are consistent with the rates for PPG’s retention as the Township’s Planning Director; and

WHEREAS, the proposal for the preparation and presentation of an evaluation and report as to whether the Study Area meets qualification under the MLUL shall be capped at \$7,500; and

WHEREAS, the proposal for the drafting and presentation of a Redevelopment Plan shall be paid from the escrow funds of the proposed redevelopers.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and hereby is authorized to retain PPG to perform the evaluation as to whether the Study Area constitutes an Area in Need of Redevelopment and to prepare a Redevelopment Plan consistent with the Proposals annexed hereto as Exhibit “A” and Exhibit “B,” and be it further

RESOLVED, that the Business Administrator is authorized to execute all necessary agreements or documents to retain PPG consistent with the Proposals annexed hereto as Exhibit “A” and Exhibit “B,” and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Business Administrator’s signature; and be it further

RESOLVED, that a copy of this Resolution shall be made available in the Clerk’s office in accordance with applicable law.

Karen Carnevale, R.M.C.
Municipal Clerk

Joe Krakoviak
Council President

Adopted: September 19, 2017

Exhibit “A”



PHILLIPS PREISS GRYGIEL LLC

Planning & Real Estate Consultants

33-41 Newark Street

Third Floor, Suite D

Hoboken, NJ 07030

201.420.6262

Fax 420.6222

www.ppgplanners.com

September 11, 2017

John K. Sayers
Business Administrator
Township of West Orange
66 Main Street
West Orange, NJ 07052

VIA ELECTRONIC MAIL

Subject: **Proposal for Preparation of Area in Need of Redevelopment Study
Block 155, Lots 40.02, 40.03, 41.02, 42.01 and 42.02 and Block
155.21, Lot 40 – Township of West Orange, NJ**

Dear Mr. Sayers:

As per your request, please accept the following as our proposal for Phillips Preiss Grygiel LLC to prepare a study of an area located along Executive Drive and Rooney Circle within the Township of West Orange. This study will determine whether Block 155, Lots 40.02, 40.03, 41.02, 42.01 and 42.02 and Block 155.21, Lot 40 (the “study area”) qualifies as “an area in need of redevelopment,” pursuant to the State’s Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. In addition to preparation of the study, expert planning testimony will be required at a public hearing of the West Orange Planning Board, which will then determine whether or not the area qualifies and will transmit its findings to the Township Council.

Scope of Work

In this study, Phillips Preiss Grygiel (PPG) will evaluate the study area to determine if it meets the requirements of one or more of the eight statutory “criteria” contained in the LRHL for redevelopment area designation. It should be stressed that New Jersey courts have repeatedly reviewed the LRHL in recent years. As such, there is an extensive case law record that has further defined, and in some cases significantly limited, the application of the LRHL’s statutory criteria. PPG staff is fully conversant and up-to-date with this case law and its implications for qualifying a property as “in need of redevelopment.”

Our work on this assignment will include the following: conduct a visual inspection of the study area and adjoining properties; survey surrounding land uses and development trends; conduct exterior and interior building inspections (the latter subject to obtaining permission from property owners); document development approvals and/or building permit activity for the study area; document recent code enforcement actions and reported crimes involving the study area; review any prior rehabilitation and redevelopment designation report(s) involving the study area; review the current zoning ordinance, zoning map and master plan documentation for the Township of West Orange; review all other documents and reports germane to the proposed redevelopment designation; prepare an expert report with our findings and supported by maps and photographs, for submission to the West Orange Planning Board; and prepare for and provide expert testimony regarding the proposed redevelopment designation in keeping with the redevelopment statute and

relevant case law at the West Orange Planning Board and Township Council hearings on the proposed designation.

Project Staff

Principal Paul Grygiel, AICP, PP will serve as the firm’s primary representative for this project and will prepare the redevelopment study, with assistance from staff members as necessary. Mr. Grygiel is a licensed professional planner in the State of New Jersey, and has extensive experience in the application of the Local Redevelopment and Housing Law preparing redevelopment studies and plans on behalf of New Jersey municipalities. Mr. Grygiel’s relevant projects include preparing redevelopment and rehabilitation studies and redevelopment plans for Bogota, Fairfield, Maplewood, Montclair, Newark, North Bergen, North Plainfield, Raritan Borough and Toms River and reviewing development applications and preparing master plans and zoning regulations for approximately three dozen municipalities throughout northern and central New Jersey, including the Township of West Orange.

Timeline and Budget

A startup meeting with Township officials would be scheduled at the outset of the process in order to obtain documents and request information from municipal staff to be utilized in preparing the study. We would next conduct site visits, including interior inspections of buildings in the study area if possible, then prepare the redevelopment study document. We estimate the redevelopment study can be prepared within four weeks of the startup meeting. An additional three to four weeks would be required once the study is completed for the provision of required public notices for the Planning Board hearing, during which time the study would need to be made available for public review.

Note that this timeframe assumes expedient scheduling of site inspections and meetings and timely publication of required public notices. The schedule may be need to be lengthened if there are issues with meeting scheduling and/or notice.

We propose to bill the Township of West Orange for our services based upon the standard billing rates for Phillips Preiss Grygiel principals and staff for New Jersey municipal clients, as set forth below:

Paul Phillips, Managing Principal	\$160
Richard Preiss, Principal	\$160
Paul Grygiel, Principal	\$150
Elizabeth Leheny, Principal	\$140
Keenan Hughes, Principal	\$140
Senior Associate	\$135
Senior Urban Designer	\$125
Associate	\$120
Senior Planner	\$115
Planner	\$100
Director of Graphics	\$100
Support	\$50



PHILLIPS PREISS GRYGIEL LLC

Planning & Real Estate Consultants

It should be noted that these rates have been discounted 20 to 30 percent from our standard billing rates consistent with company policy. Our firm's billing rates are inclusive of overhead and expenses, with certain limited exceptions (e.g., courier and express delivery service, bulk/special mailings, non-office copying).

I would estimate the cost of services for preparation of the redevelopment investigation report and other tasks described above to be approximately \$6,000 to \$7,500, and will not exceed \$7,500, inclusive of attendance at two hearings: the West Orange Planning Board and Township Council hearings on the redevelopment study.

Feel free to contact me with any questions regarding this proposal.

Yours sincerely,

Paul Grygiel, AICP, PP
Principal

c: Richard D. Trenk, Esq., Township Attorney

Exhibit “B”



PHILLIPS PREISS GRYGIEL LLC

Planning & Real Estate Consultants

33-41 Newark Street

Third Floor, Suite D

Hoboken, NJ 07030

201.420.6262

Fax 420.6222

www.ppgplanners.com

September 11, 2017

John K. Sayers
Business Administrator
Township of West Orange
66 Main Street
West Orange, NJ 07052

VIA ELECTRONIC MAIL

Subject: **Proposal for Preparation of a Redevelopment Plan
Block 155, Lots 40.02, 40.03, 41.02, 42.01 and 42.02 and Block
155.21, Lot 40 – Township of West Orange, NJ**

Dear Mr. Sayers:

As per your request, please accept the following as our proposal for Phillips Preiss Grygiel LLC to prepare a redevelopment plan for an area located along Executive Drive and Rooney Circle within the Township of West Orange, assuming it is determined to be “an area in need of redevelopment,” pursuant to the State’s Local Redevelopment and Housing Law (LRHL) at N.J.S.A. 40A:12A-5. The potential redevelopment area includes Block 155, Lots 40.02, 40.03, 41.02, 42.01 and 42.02 and Block 155.21, Lot 40 (the “potential redevelopment area”). The remainder of this proposal provides a proposed scope of work, schedule and budget for this assignment.

Scope of Work

It is our understanding West Orange is seeking a consultant to prepare a redevelopment plan that will focus on crafting development regulations the potential redevelopment area, in the event it is designated as an “area in need of redevelopment” by the Township. The plan will include use and bulk standards for the potential redevelopment area as well as site, parking, building design and other regulations typically found in a redevelopment plan. It will also need to consider the Township’s ongoing efforts to settle affordable housing litigation.

We propose a scope of work for this project that includes a total of three public meetings, plus additional meetings with Township representatives and the redeveloper. The following tasks are anticipated: inspect existing conditions in the study area; survey surrounding land uses and development trends; review existing development approvals for the study area; review the zoning ordinance and zoning map; review the current master plan documentation for the Township of West Orange; prepare draft and final versions of the redevelopment plan; and present the redevelopment plan to the Planning Board and Township Council at public meetings.

Timetable

The projected timeframe for this project is approximately three months, as follows:

Month 1

- Review of site development concepts

- Review relevant planning documents
- Meeting with municipal representatives and potential redeveloper to discuss plan parameters
- Prepare draft redevelopment plan

Month 2

- Township reviews draft redevelopment plan
- Meeting with municipal representatives and/or redeveloper to review draft plan
- Revise draft redevelopment plan
- Township of West Orange reviews revised draft redevelopment plan

Month 3

- Finalize revised draft redevelopment plan
- Township of West Orange provides all required public notices for public hearing on the redevelopment plan
- Redevelopment plan introduced for first reading by the West Orange Township Council and referred to the Planning Board as required by law
- Present redevelopment plan to Township Council
- Attend Planning Board meeting for review of redevelopment plan
- Attend Township Council meeting for second reading and public hearing on the redevelopment plan

Note that this schedule assumes expedient scheduling of public meetings by the Township of West Orange and timely publication of required public notices. The schedule may be lengthened if there are issues with meeting scheduling and/or notice, or additional time is required to revise the redevelopment plan.

Proposed Budget

This project will be funded through escrow provided by the potential redeveloper. We would estimate the cost of services for preparation of the redevelopment plan, and other tasks described above, will be approximately \$7,000 to \$9,000. This estimate includes attendance at up to three public meetings (of the Planning Board and the Township Council) and other meetings as described above. Our billing would increase should we be required to undertake supplemental work and/or attend additional hearings. Additional escrow would need to be provided if necessary.

This fee proposal is based upon our firm's standard billing rates for municipal clients in New Jersey, which are listed below:

Paul Phillips, Managing Principal	\$160
Richard Preiss, Principal	\$160
Paul Grygiel, Principal	\$150
Elizabeth Leheny, Principal	\$140
Keenan Hughes, Principal	\$140
Senior Associate	\$135
Senior Urban Designer	\$125
Associate	\$120
Senior Planner	\$115
Planner	\$100



PHILLIPS PREISS GRYGIEL LLC

Planning & Real Estate Consultants

Director of Graphics
Support

\$100
\$50

It should be noted that these rates have been discounted 20 to 30 percent from our standard billing rates consistent with company policy. Our firm's billing rates are inclusive of overhead and expenses, with certain limited exceptions (e.g., courier and express delivery service, bulk/special mailings, non-office copying).

Feel free to contact me with any questions regarding this proposal.

Yours sincerely,

Paul Grygiel
Principal

c: Richard D. Trenk, Esq., Township Attorney

RESOLUTION
ABANDONED CAR AUCTION

Vehicles in violation, accidents, and/or abandoned will be towed off the street by a licensed Towing Company designated by the Township. The Township is authorized to sell at Public Auction unclaimed vehicles pursuant to State and Local Laws.

BE IT RESOLVED, by the Township Council of the Township of West Orange that the following recovered motor vehicles will be sold at Public Auction as described below:

The Purchasing Agent is hereby authorized to sell four (4) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday October 3, 2017 at 2:00 PM in following location:

Twin Towing
1 Lakeside Avenue
West Orange, NJ 07052

The Purchasing Agent is hereby authorized to sell one (1) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of sale is scheduled for Tuesday October 3, 2017 at 3:00 PM in following location:

Select Towing
52 Washington Street
West Orange, NJ 07052

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

Joe Krakoviak
Council President

Adopted: September 19, 2017

ABANDONED CAR AUCTION NOTICE

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday October 3, 2017 at 2:00 pm prevailing time, the vehicles listed below. Sale will be held and vehicles may be inspected at Twin Towing, Inc., 1 Lakeside Avenue, West Orange, NJ 07052.

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2002	LEX	JTJHF10U120244461
2004	FORD	1FMZU73KXUA75008
2010	CHEV	KLTD6DE9AB049849
2001	HON	1HGEM22591L019663

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday October 3, 2017 at 3:00 pm prevailing time, the vehicles listed below. Sale will be held and vehicles may be inspected at Select Towing, 52 Washington Street, West Orange, NJ 07052.

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2003	MIT	4A3AC44G53E003135

All of the above vehicles shall be sold as transferable titles. Sales are subject to payment of all accumulated towing and storage charges. A 25% deposit will be required in cash and the balance payable in payable in 24 hrs. Vehicles will be removed from the storage premises at buyer's expense within 48 hours of the sale date.

Anne DeSantis
Purchasing Agent

THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE REDEVELOPMENT AREA BOND FINANCING LAW AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL NON-MUNICIPAL LIENS HEREINAFTER RECORDED.

ORDINANCE AUTHORIZING A FINANCIAL AGREEMENT WITH GP ASHLAND URBAN RENEWAL, L.L.C. FOR CERTAIN PROPERTY WITHIN THE DOWNTOWN REDEVELOPMENT AREA COMMONLY KNOWN AS 4, 12-16, 18, 20 AND 24 ASHLAND AVENUE AND 28 AND 42-44 LAKESIDE AVENUE

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), the Township has designated a portion of its downtown area generally bounded by the City of Orange to the southeast, Park Avenue to the southwest, Llewellyn Park to the northwest, and Kling Street to the northeast, and containing those properties identified on the Official Tax Map of the Township as Blocks 64, 66, 115, 116, 116.02 and portions of Blocks 89, 114 and 117 as an area in need of redevelopment (collectively, the “Redevelopment Area”); and

WHEREAS, in accordance with the Redevelopment Law, the Township enacted a redevelopment plan for the Redevelopment Area on February 9, 2003 (as thereafter amended and supplemented, and as further amended and supplemented from time to time, the “Redevelopment Plan”); and

WHEREAS, concurrently with the final adoption of this Ordinance, the Township has authorized the execution of an amended and restated redevelopment agreement (the “Redevelopment Agreement”) with Prism Green Associates IV, L.L.C. (“Prism” or “Redeveloper”) for a portion of the Redevelopment Area including Block 64, Lots 3.02, 28, 30, 31, 32, 33, 38, 40, 42.02, 49 and 49.01 (commonly known as 4, 12-16, 18, 20 and 24 Ashland Avenue and 28 and 42-44 Lakeside Avenue), the “Property”); and

WHEREAS, Prism is the sole member of Prism Green Urban Renewal Associates IV, L.L.C., having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey (“PG IV U.R.E.”); and

WHEREAS, PG IV U.R.E. is the sole member of GP Ashland Urban Renewal, L.L.C. (“GP Ashland” or the “Entity”), having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey; and

WHEREAS, in accordance with the Redevelopment Agreement, Prism will enter into an assignment and assumption agreement (the “Assignment Agreement”) with the Entity to undertake the development of approximately thirty (30) three-bedroom townhome units and approximately fifty-two (52) stacked townhome units, with twenty-six (26) of such units having two bedrooms

and twenty-six (26) of such units having three bedrooms, and certain infrastructure improvements (collectively, the “Project”); and

WHEREAS, in order to improve the feasibility of the Project and to allow the Project to be competitive, the Entity made an application for a financial agreement pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “Exemption Law”) and *N.J.S.A. 40A:12A-64 et seq.* (the “RAB Law”) with respect to the Property (the “Application”), which Application is on file with the Township Clerk; and

WHEREAS, in accordance with the Exemption Law, the Mayor has reviewed the Application and recommended that the Application be approved; and

WHEREAS, the Township Council has adopted a Resolution approving the Application; and

WHEREAS, in furtherance of the Project, the Township wishes to authorize the execution of a financial agreement with the Entity, a proposed form of which is attached hereto as Exhibit A (the “Financial Agreement”),

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of West Orange, New Jersey as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. FINDINGS AND DETERMINATIONS

The Township hereby finds and determines as follows:

A. Relative benefits of the Project:

- i. The Project will provide additional high quality housing in the Downtown Area, creating a twenty-four hour presence supporting the renewal and revitalization of the Redevelopment Area.
- ii. The completion of the infrastructure project will benefit all residents of and visitors to the area.
- iii. The Project is expected to create approximately 132 construction jobs.
- iv. The Project will generate revenue to the Township in excess of the municipal revenue currently generated by ad valorem taxes on the Property.
- v. The Project is expected to include the environmental remediation of the Property.

B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:

- i. The tax exemption permits better use of the Property through the completion of the infrastructure project; and
 - ii. Without the exemption, the Project would not be able to be financed and constructed in a manner that will allow the implementation of high quality housing at price points that are consistent with the current market; and
- C. Based upon all of the foregoing, the Township has determined that the benefits to the Township accruing as a result of the Project, including but not limited to the revitalization of the Redevelopment Area, the generation of jobs, the remediation of environmental concerns, and the creation of additional high quality housing in the Downtown area, outweigh any costs to the Township resulting from the tax exemption granted herein.

III. EXECUTION OF FINANCIAL AGREEMENT CONDITIONALLY AUTHORIZED

(a) The Mayor of the Township of West Orange is hereby authorized to execute the Financial Agreement (substantially in the form as it has been presented to the Township Council subject to modification or revision deemed necessary or desirable in consultation with redevelopment counsel in order to effectuate the Project described herein), provided that, the Redevelopment Agreement has first been approved by the Governing Body and executed by the Township and the Redeveloper, and the Assignment Agreement has been executed by the Entity and the Redeveloper.

(b) The Clerk of the Township is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the Township upon such document.

(c) The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township. In accordance with P.L. 2015, c. 247, within ten calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

Joe Krakoviak
Council President

Karen J. Carnevale, R.M.C.

Robert D. Parisi
Mayor

Introduced: August 15, 2017

Adopted: September 19, 2017

Vote on Introduction:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
Krakoviak, Pres.						Guarino					
Casalino						McCartney					
Cirilo											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

Vote on Second Reading, Public Hearing and Final Adoption:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
Krakoviak, Pres.						Guarino					
Casalino						McCartney					
Cirilo											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance finally adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017**.

Karen J. Carnevale, Municipal Clerk

Exhibit A

Form of Financial Agreement

THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE REDEVELOPMENT AREA BOND FINANCING LAW AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL NON-MUNICIPAL LIENS HEREINAFTER RECORDED.

ORDINANCE AUTHORIZING A FINANCIAL AGREEMENT WITH GP 55 LAKESIDE URBAN RENEWAL, L.L.C. FOR CERTAIN PROPERTY WITHIN THE DOWNTOWN REDEVELOPMENT AREA COMMONLY KNOWN AS 1 LAKESIDE AVENUE, 25 LAKESIDE AVENUE AND A PORTION OF 55 LAKESIDE AVENUE

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), the Township has designated a portion of its downtown area generally bounded by the City of Orange to the southeast, Park Avenue to the southwest, Llewellyn Park to the northwest, and Kling Street to the northeast, and containing those properties identified on the Official Tax Map of the Township as Blocks 64, 66, 115, 116, 116.02 and portions of Blocks 89, 114 and 117 as an area in need of redevelopment (collectively, the “Redevelopment Area”); and

WHEREAS, in accordance with the Redevelopment Law, the Township enacted a redevelopment plan for the Redevelopment Area on February 9, 2003 (as thereafter amended and supplemented, and as further amended and supplemented from time to time, the “Redevelopment Plan”); and

WHEREAS, concurrently with the final adoption of this Ordinance, the Township has authorized the execution of an amended and restated redevelopment agreement (the “Redevelopment Agreement”) with Prism Green Associates IV, L.L.C. (“Prism” or “Redeveloper”) for a portion of the Redevelopment Area including a portion of Block 115, Lot 15 (commonly known as 55 Lakeside Avenue) and Block 115, Lots 16, 16.01 and 51 (commonly known as 1 and 25 Lakeside Avenue and collectively with a portion of Block 115, Lot 15, the “Property”); and

WHEREAS, Prism is the sole member of Prism Green Urban Renewal Associates IV, L.L.C., having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey (“PG IV U.R.E.”); and

WHEREAS, PG IV U.R.E. is the sole member of GP 55 Lakeside Urban Renewal, L.L.C. (“GP Lakeside” or the “Entity”), having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey; and

WHEREAS, in accordance with the Redevelopment Agreement, Prism will enter into an assignment and assumption agreement (the “Assignment Agreement”) with the Entity to undertake the development of approximately one hundred forty-eight (148) townhome units comprised of approximately sixty (60) three-bedroom townhome units, and eighty-eight (88) stacked townhome

units, with forty-four (44) of such stacked townhome units having two bedrooms and forty-four (44) of such stacked townhome units having three bedrooms, and certain infrastructure improvements (collectively, the “Project”); and

WHEREAS, in order to improve the feasibility of the Project and to allow the Project to be competitive, the Entity made an application for a financial agreement pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “Exemption Law”) and *N.J.S.A. 40A:12A-64 et seq.* (the “RAB Law”) with respect to the Property (the “Application”), which Application is on file with the Township Clerk; and

WHEREAS, in accordance with the Exemption Law, the Mayor has reviewed the Application and recommended that the Application be approved; and

WHEREAS, the Township Council has adopted a Resolution approving the Application; and

WHEREAS, in furtherance of the Project, the Township wishes to authorize the execution of a financial agreement with the Entity, a proposed form of which is attached hereto as Exhibit A (the “Financial Agreement”),

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of West Orange, New Jersey as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. FINDINGS AND DETERMINATIONS

The Township hereby finds and determines as follows:

A. Relative benefits of the Project:

- i. The Project will provide additional high quality housing in the Downtown Area, creating a twenty-four hour presence supporting the renewal and revitalization of the Redevelopment Area.
- ii. The completion of the infrastructure project will benefit all residents of and visitors to the area.
- iii. The Project is expected to create approximately 238 construction jobs.
- iv. The Project will generate revenue to the Township in excess of the municipal revenue currently generated by ad valorem taxes on the Property.
- v. The Project includes the environmental remediation of the Property.

B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:

- i. The tax exemption permits better use of the Property through the completion of the infrastructure project; and
 - ii. Without the exemption, the Project would not be able to be financed and constructed in a manner that will allow the implementation of high quality housing at price points that are consistent with the current market; and
- C. Based upon all of the foregoing, the Township has determined that the benefits to the Township accruing as a result of the Project, including but not limited to the revitalization of the Redevelopment Area, the generation of jobs, the remediation of environmental concerns, and the creation of additional high quality housing in the Downtown area, outweigh any costs to the Township resulting from the tax exemption granted herein.

III. EXECUTION OF FINANCIAL AGREEMENT CONDITIONALLY AUTHORIZED

(a) The Mayor of the Township of West Orange is hereby authorized to execute the Financial Agreement (substantially in the form as it has been presented to the Township Council subject to modification or revision deemed necessary or desirable in consultation with redevelopment counsel in order to effectuate the Project described herein), provided that, the Redevelopment Agreement has first been approved by the Governing Body and executed by the Township and the Redeveloper, and the Assignment Agreement has been executed by the Entity and the Redeveloper.

(b) The Clerk of the Township is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the Township upon such document.

(c) The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township. In accordance with P.L. 2015, c. 247, within ten calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

Joe Krakoviak
Council President

Karen J. Carnevale, R.M.C.

Robert D. Parisi
Mayor

Introduced: August 15, 2017

Adopted: September 19, 2017

Vote on Introduction:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
Krakoviak, Pres.						Guarino					
Casalino						McCartney					
Cirilo											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

Vote on Second Reading, Public Hearing and Final Adoption:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
Krakoviak, Pres.						Guarino					
Casalino						McCartney					
Cirilo											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance finally adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017**.

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

Exhibit A

Form of Financial Agreement

THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE REDEVELOPMENT AREA BOND FINANCING LAW AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL NON-MUNICIPAL LIENS HEREINAFTER RECORDED.

ORDINANCE AUTHORIZING A FINANCIAL AGREEMENT WITH GP BABCOCK URBAN RENEWAL, L.L.C. FOR CERTAIN PROPERTY WITHIN THE DOWNTOWN REDEVELOPMENT AREA COMMONLY KNOWN AS 28 BABCOCK PLACE AND A PORTION OF 55 LAKESIDE AVENUE

WHEREAS, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), the Township has designated a portion of its downtown area generally bounded by the City of Orange to the southeast, Park Avenue to the southwest, Llewellyn Park to the northwest, and Kling Street to the northeast, and containing those properties identified on the Official Tax Map of the Township as Blocks 64, 66, 115, 116, 116.02 and portions of Blocks 89, 114 and 117 as an area in need of redevelopment (collectively, the “Redevelopment Area”); and

WHEREAS, in accordance with the Redevelopment Law, the Township enacted a redevelopment plan for the Redevelopment Area on February 9, 2003 (as thereafter amended and supplemented, and as further amended and supplemented from time to time, the “Redevelopment Plan”); and

WHEREAS, concurrently with the final adoption of this Ordinance, the Township has authorized the execution of an amended and restated redevelopment agreement (the “Redevelopment Agreement”) with Prism Green Associates IV, L.L.C. (“Prism” or “Redeveloper”) for a portion of the Redevelopment Area including a portion of Block 115, Lot 15 (commonly known as 55 Lakeside Avenue) and Block 116.02, Lot 12 (commonly known as 28 Babcock Place and collectively with a portion of Block 115, Lot 15, the “Property”); and

WHEREAS, Prism is the sole member of Prism Green Urban Renewal Associates IV, L.L.C., having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey (“PG IV U.R.E.”); and

WHEREAS, PG IV U.R.E. is the sole member of GP Babcock Urban Renewal, L.L.C. (“GP Babcock” or the “Entity”), having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey; and

WHEREAS, in accordance with the Redevelopment Agreement, Prism will enter into an assignment and assumption agreement (the “Assignment Agreement”) with the Entity to undertake the development of approximately twenty (20) stacked townhomes comprised of ten (10) two-

bedroom units and ten (10) three-bedroom units, one (1) duplex unit comprised of two (2) three-bedroom units, and certain offsite infrastructure improvements (collectively, the “Project”); and

WHEREAS, in order to improve the feasibility of the Project and to allow the Project to be competitive, the Entity made an application for a financial agreement pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “Exemption Law”) and *N.J.S.A. 40A:12A-64 et seq.* (the “RAB Law”) with respect to the Property (the “Application”), which Application is on file with the Township Clerk; and

WHEREAS, in accordance with the Exemption Law, the Mayor has reviewed the Application and recommended that the Application be approved; and

WHEREAS, the Township Council has adopted a Resolution approving the Application; and

WHEREAS, in furtherance of the Project, the Township wishes to authorize the execution of a financial agreement with the Entity, a proposed form of which is attached hereto as Exhibit A (the “Financial Agreement”),

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of West Orange, New Jersey as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. FINDINGS AND DETERMINATIONS

The Township hereby finds and determines as follows:

A. Relative benefits of the Project:

- i. The Project will provide additional high quality housing in the Downtown Area, creating a twenty-four hour presence supporting the renewal and revitalization of the Redevelopment Area.
- ii. The completion of the infrastructure project will benefit all residents of and visitors to the area.
- iii. The Project is expected to create approximately 31 construction jobs.
- iv. The Project will generate revenue to the Township in excess of the municipal revenue currently generated by ad valorem taxes on the Property.

B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:

- i. The tax exemption permits better use of the Property through the completion of the infrastructure project; and

- ii. Without the exemption, the Project would not be able to be financed and constructed in a manner that will allow the implementation of high quality housing at price points that are consistent with the current market; and
- C. Based upon all of the foregoing, the Township has determined that the benefits to the Township accruing as a result of the Project, including but not limited to the revitalization of the Redevelopment Area, the generation of jobs, and the creation of additional high quality housing in the Downtown area, outweigh any costs to the Township resulting from the tax exemption granted herein.

III. EXECUTION OF FINANCIAL AGREEMENT CONDITIONALLY AUTHORIZED

(a) The Mayor of the Township of West Orange is hereby authorized to execute the Financial Agreement (substantially in the form as it has been presented to the Township Council subject to modification or revision deemed necessary or desirable in consultation with redevelopment counsel in order to effectuate the Project described herein), provided that, the Redevelopment Agreement has first been approved by the Governing Body and executed by the Township and the Redeveloper, and the Assignment Agreement has been executed by the Entity and the Redeveloper.

(b) The Clerk of the Township is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the Township upon such document.

(c) The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township. In accordance with P.L. 2015, c. 247, within ten calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

Joe Krakoviak
Council President

Karen J. Carnevale, R.M.C.

Robert D. Parisi
Mayor

Introduced: August 15, 2017

Adopted: September 19, 2017

Vote on Introduction:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
Krakoviak, Pres.						Guarino					
Casalino						McCartney					
Cirilo											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

Vote on Second Reading, Public Hearing and Final Adoption:

COUNCIL	YES	NO	ABS	N.V.	AB	COUNCIL	YES	NO	ABS	N.V.	AB
Krakoviak, Pres.						Guarino					
Casalino						McCartney					
Cirilo											
X – Indicate Vote ABS – Abstain N.V. – Not Voting AB – Absent											

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance finally adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017**.

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

Exhibit A

Form of Financial Agreement

**AN ORDINANCE AMENDING CHAPTER 2, SECTION 14.2 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Police Department)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 2 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this Ordinance is to update and revise the table of organization for the West Orange Police Department to increase the maximum number of Captains from 4 to 5 consistent with a recommendation from the Chief of Police.

II. CHAPTER 2, SECTION 14.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

23-2.2 Department Generally; Table of Organizations.

There is hereby created in and for the Township of West Orange a Police Department which shall consist of a Chief of Police and such members and officers as shall be deemed necessary by the Mayor or his designee ("Mayor") who shall, from time to time, determine the number of persons, including patrolmen, superior officers, temporary officers and members in an emergency, to be appointed to those positions. The Table of Organization for the Police Department shall not exceed a total force of one hundred twenty (120), including the following maximums by rank:

Police Chief – 1
Deputy Police Chief — 2
Captain – 4 to 5
Lieutenant – 11
Sergeant – 21
Patrolman – 81

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Joe Krakoviak
Council President

Robert D. Parisi
Mayor

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

Introduced: September 5, 2017

Adopted: September 19, 2017

Legislative History

This Ordinance is intended to update the Table of Organization for the West Orange Police Department to increase the maximum number of Captains from 4 to 5 consistent with a recommendation from the Police Chief.

4826-6721-7742, v. 1

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBSECTION 7-7.3 TEMPORARY PARKING PROHIBITION
FOR SNOW PLOWING AND REMOVAL, SUBSECTION 7-12 PARKING
PROHIBITED FOR STREET CLEANING AND MAINTENANCE, SUBSECTION 7-14.1
NIGHT PARKING RESTRICTED, and SUBSECTION 7-14.7 ALTERNATE SIDE
PARKING OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE**

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey, as follows:

Section 1. Subsection 7-7.3, Temporary Parking Prohibition for Snow Plowing and Removal, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion, bold type denotes addition*):

<u>Street</u>	<u>Side</u>
Franklin Avenue (from Chestnut Street to the Montclair Township Line)	West

Section 2. Subsection 7-12 Parking Prohibited for Street Cleaning and Maintenance, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion, bold type denotes addition*):

<u>Name of Street</u>	<u>Side/Hours</u>
<i>Franklin Avenue(from Cherry Street to Chestnut Street)</i>	<i>West/ 8 A.M. to 10 A.M. Mondays</i>
Franklin Avenue (from Cherry Street to the Montclair Township Line)	West/ 9 A.M. to 12 Noon Mondays
Franklin Avenue (from Chestnut Street	East/ 9 A.M. to 12 Noon Fridays

to the Montclair Township Line)

Section 3. Subsection 7-14.1 Night Parking Restricted, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows:
(*italic type denotes deletion, bold type denotes addition*):

<u>Name of Street</u>	<u>Side/Location</u>
<i>Franklin Avenue</i>	<i>West/ Cherry Street to Chestnut Street</i>
Franklin Avenue	West/ Cherry Street to the Montclair Township Line
Franklin Avenue	East/ Chestnut Street to the Montclair Township Line

Section 4. Subsection 7-14.7 Alternate Side Parking, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows:
(*italic type denotes deletion, bold type denotes addition*):

<u>Name of Street</u>	<u>Sides/Location</u>
<i>Franklin Avenue</i>	<i>Both/ from Chestnut Street to Montclair Line</i>

Section 5. If any provisions of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any of the provisions or applications of this Ordinance that can be given effect without the valid provision(s) or application and to this end, the provisions of the Ordinance are severable.

Section 6. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 7. This Ordinance will take effect upon final passage and publication in accordance with law.

Robert D. Parisi, Mayor

Joe Krakoviak, Council President

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

Introduced: September 5, 2017

Adopted: September 19, 2017

LEGISLATIVE HISTORY

The Ordinance, which amends the Traffic Regulations of the Township, eliminates the Alternate side parking regulation on Franklin Avenue between Chestnut Street and the Montclair Township line to allow more parking around the clock for the local residents, including those on the neighboring side streets. Accommodations were made to allow for snow plowing and weekly street cleaning and maintenance. Included were adjustments to the existing regulations pertaining to the block of Franklin Avenue between Cherry Street and Chestnut Street for uniformity and to eliminate confusion. The additions and deletion listed in section 3 of this Ordinance are part of the exceptions list of the Night Parking Restriction Subsection.

**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**

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey as follows:

Section 1. Subsection 7-32.2, Restricted Parking Zones, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

7-32.2 Restricted Parking Zones. Pursuant to N.J.S.A 39:4-197.6, Restricted Parking Zones, as defined in N.J.S.A. 39:4-207.6e, are established in front of the following residences as indicated on the Tax Maps of the Township of West Orange, at the specified locations. Parking within a specific zone is restricted to the motor vehicle issued a permit pursuant to N.J.S.A. 39:4-197.7. In accordance with N.J.S.A., 39:4-197.6 parking is permitted in the Restricted Parking Zone except when prohibited in front of the residence by other sections of this Chapter.

Residence Address	No. of Spaces	Location
72 Park Terrace	1	Beginning 969 feet west of the westerly curbline of Main Street extended and extending 20 feet westerly.

Section 2. If any provision of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision(s) or application(s) and to this end the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law and upon the approval of the New Jersey Department of Transportation if required.

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

Robert D. Parisi, Mayor

Joe Krakoviak, Council President

Introduced: September 5, 2017

Adopted: September 19, 2017

LEGISLATIVE HISTORY

This Ordinance is in response to a request from a handicapped resident who resides at 72 Park Terrace. By adopting this Ordinance, the Township will establish a handicapped parking stall adjacent to this address. Such parking stalls are permissible under the laws of New Jersey, and they are designated as Restricted Parking Zones.

**AN ORDINANCE AMENDING CHAPTER 4, SECTIONS 37.1 OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
(Repossession Activity)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 4 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this Ordinance is to create requirements for the repossession of vehicles on behalf of holders of liens on the vehicles.

II. CHAPTER 4, SECTION 37.1 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

4-37 REPOSSESSION ACTIVITY

4-37.1 Definitions.

As used in this section:

Private Towing Company shall mean a company retained by a holder(s) of lien(s) on a vehicle for the recovery of a vehicle possessed by an owner/borrower.

Notice shall mean a written notification identifying: (1) the make and model of the vehicle to be repossessed; (2) the Vehicle identification number to be repossessed; (3) name of the vehicle owner/borrower from whom the vehicle will be recovered from; (4) address or location of the vehicle to be repossessed; and (5) the approximate date and time of the repossession of the vehicle.

Repossession Activity shall mean the recovery of a vehicle from public or private property without the consent of the owner or operator of the vehicle by a Private Towing Company on behalf of a holder of lien on the vehicle.

III. CHAPTER 4, SECTION 37.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

4-37.2 Notice to the West Orange Police Department.

Prior to any Repossession Activity, any Private Towing Company operating within the Township of West Orange must provide Notice to the Township of West Orange Police Department. The Private Towing Company shall also provide the Township of West Orange Police Department with proof of its right to repossess the vehicle.

IV. CHAPTER 4, SECTION 37.3 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

4-37.3 Violations and Penalties

Any person convicted of violating this section shall be subject to a fine of not less than five hundred (\$500) dollars and not more than one thousand (\$1,000) dollars or imprisonment for a period not exceeding ninety (90) days or both.

V. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

VI. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Joe Krakoviak
Council President

Honorable Robert D. Parisi
Mayor

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

Introduced: September 19, 2017

Adopted: October 3, 2017

Legislative History

This Ordinance is intended to create a notice requirement for private towing companies repossessing vehicles within the Township of West Orange to notify the Township of West Orange Police Department prior to any repossession activities. This Ordinance is meant to avoid erroneous reports of stolen vehicles being submitted to the Township of West Orange Police Department.

4849-1616-1611, v. 1

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ITS DEVELOPMENT AS A PARKING LOT IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$547,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Township of West Orange, in the County of Essex, New Jersey (the "Township") as general improvements. For the improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$575,000, and further including the aggregate sum of \$27,500 as the down payments for the improvements or purposes required by the Local Bond Law. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payments, negotiable bonds are hereby authorized to be issued in the principal amount of \$547,500 pursuant to the Local Bond Law. In anticipation of

the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvements hereby authorized and the purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds and Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of real property along Eagle Rock Avenue for municipal purposes	\$420,000	\$400,000	40 years
b) Development of real property along Eagle Rock Avenue being acquired for use as a parking lot, including additional real property acquisition costs, paving, and acquisition and installation of equipment	<u>\$155,000</u>	<u>\$147,500</u>	15 years
TOTALS:	<u>\$575,000</u>	<u>\$547,500</u>	

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the down payment for each purpose.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note

shall mature later than one year from its date. The bond anticipation notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes that the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness, computed on the basis of the respective amounts of obligations authorized for each purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 33.26 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$547,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$115,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

Section 7. The Township hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary,

the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the Township to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The Township hereby declares the intent of the Township to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Re: TOWNSHIP OF WEST ORANGE
\$575,000/\$547,500 BOND ORDINANCE
ACQUISITION OF REAL PROPERTY AND ITS DEVELOPMENT AS A
PARKING LOT

- | | |
|-----------|--|
| <u>11</u> | Certified copy of the Supplemental Debt Statement prepared as of the date of introduction of the bond ordinance, together with the electronic confirmation of filing provided by the Division of Local Government Services and evidence of filing in the Clerk's Office. |
| <u>12</u> | Down Payment Certificate. |
| <u>13</u> | Certified copy of the minutes of the meeting of the Township Council held on ___/___/___ showing introduction of the bond ordinance. |
| <u>14</u> | Affidavit of Publication in local newspaper following introduction of the bond ordinance. |
| <u>15</u> | Certified copy of the minutes of the meeting of the Township Council held on ___/___/___ showing public hearing and final adoption of the bond ordinance. |
| <u>16</u> | Affidavit of Publication in local newspaper following final adoption of the bond ordinance. |
| <u>17</u> | Clerk's Certificate executed no sooner than 21 days following final publication of the bond ordinance. |

BELOW FOR McMANIMON, SCOTLAND & BAUMANN, LLC USE ONLY

Posted: __/__/__ Useful Life: 33.26 years Reviewed By: _____

'20 Costs: \$115,000 Mayor's Approval: ___/___/___

Amends/Amended By: Ord. # _____ F/A: __/__/__

Amendment: _____

Supplements/Supplemented By: Ord. # _____ F/A: ____/____/____

Original Appropriation/Authorization: \$ _____ / \$ _____

Authorization for CFO to Sell Notes: X Yes No

Resolution Authorizing CFO to Sell Notes: F/A / /

Grant Moneys Expected: 0

[illegible]

DEBT STATEMENT CERTIFICATE

I, Karen J. Carnevale, Clerk of the Township of West Orange, in the County of Essex, New Jersey (herein called the "Township"), HEREBY CERTIFY that annexed hereto is a true and complete copy of the Supplemental Debt Statement of the Township that was prepared as of _____, 2017 by John Gross, who was then chief financial officer of the Township, and filed in my office on _____, 2017 and that a complete, executed copy of such statement was filed in the office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Township this _____ day of _____, 2017.

Karen J. Carnevale, Clerk

(SEAL)

CERTIFICATE OF DOWN PAYMENT

I, John Gross, Chief Financial Officer of the Township of West Orange, in the County of Essex, New Jersey (the "Township") HEREBY CERTIFY that prior to the final adoption on _____, 2017 of a bond ordinance entitled:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ITS DEVELOPMENT AS A PARKING LOT IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$547,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF,

there was available as a down payment for the purposes authorized by the bond ordinance the sum of \$27,500, which amount was appropriated as a down payment by the bond ordinance and was made available by provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2017.

John Gross, Chief Financial Officer

EXTRACT from the minutes of a _____ meeting of the Township Council
of the Township of West Orange, in the County of Essex, New Jersey held at the
_____ in the Township on _____, 2017 at _____ o'clock ____ .m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Karen J. Carnevale, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2017 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2017.

Karen J. Carnevale, Clerk

(SEAL)

EXTRACT from the minutes of a _____ meeting of the Township Council
of the Township of West Orange, in the County of Essex, New Jersey held at the
_____ in the Township on _____, 2017 at _____ o'clock _____.m.

PRESENT:

ABSENT:

[Attach appropriate minutes hereto]

CERTIFICATE

I, Karen J. Carnevale, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the governing body of the Township duly called and held on _____, 2017 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2017.

Karen J. Carnevale, Clerk

(SEAL)

CLERK'S CERTIFICATE

I, Karen J. Carnevale, Clerk of the Township of West Orange, in the County of Essex, State of New Jersey, HEREBY CERTIFY as follows:

1. I am the duly appointed Clerk of the Township of West Orange, in the County of Essex, State of New Jersey (herein called the "Township"). In this capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the Township and the records relative to all ordinances and resolutions of the Township. The representations made herein are based upon the records of the Township.

2. Attached hereto is a true and complete copy of a bond ordinance passed by the governing body of the Township on first reading on _____, 2017 and finally adopted by the governing body on _____, 2017 and, where necessary, approved by the Mayor on _____, 2017.

3. On _____, 2017, a copy of the bond ordinance and a notice that copies of the bond ordinance would be made available to the members of the general public of the Township who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body, was posted in the principal municipal building of the Township at the place where public notices are customarily posted. Copies of the bond ordinance were made available to all who requested them.

4. A certified copy of the bond ordinance and a copy of the amended capital budget form has been filed with the Director of the Division of Local Government Services.

5. After final passage, the bond ordinance, a copy of which is attached hereto, was duly published on _____, 2017. No protest signed by any person against making the improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within 20 days after the publication or at any other time after the final passage thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this _____ day of _____, 2017.

Karen J. Carnevale, Clerk

[SEAL]

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of West Orange, in the County of Essex, State of New Jersey, on _____, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the _____, in the Township on _____, 2017 at ____ o'clock __.m. During the week prior to and up to and including the date of such meeting, copies of the full bond ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ITS DEVELOPMENT AS A PARKING LOT IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$547,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds and Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of real property along Eagle Rock Avenue for municipal purposes	\$420,000	\$400,000	40 years
b) Development of real property along Eagle Rock Avenue being acquired for use as a parking lot, including additional real property acquisition costs, paving, and acquisition and installation of equipment	\$155,000	\$147,500	15 years
TOTALS:	<u>\$575,000</u>	<u>\$547,500</u>	

Appropriation: \$575,000
Bonds/Notes Authorized: \$547,500
Grants (if any) Appropriated: \$0
Section 20 Costs: \$115,000
Useful Life: 33.26 years

Karen J. Carnevale, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of West Orange, in the County of Essex, State of New Jersey on _____, 2017 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full bond ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND ITS DEVELOPMENT AS A PARKING LOT IN AND BY THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$547,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Purposes:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds and Notes</u>	<u>Period of Usefulness</u>
a) Acquisition of real property along Eagle Rock Avenue for municipal purposes	\$420,000	\$400,000	40 years
b) Development of real property along Eagle Rock Avenue being acquired for use as a parking lot, including additional real property acquisition costs, paving, and acquisition and installation of equipment	\$155,000	\$147,500	15 years
TOTALS:	<u>\$575,000</u>	<u>\$547,500</u>	

Appropriation: \$575,000
Bonds/Notes Authorized: \$547,500
Grants (if any) Appropriated: \$0
Section 20 Costs: \$115,000
Useful Life: 33.26 years

Karen J. Carnevale, Clerk

**AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBSECTION 7-18, ONE WAY STREETS,
OF THE REVISED GENERAL ORDINANCES OF
THE TOWNSHIP OF WEST ORANGE**

BE IT ORDAINED, by the Township Council of the Township of West Orange, in the County of Essex, State of New Jersey as follows:

Section 1. Subsection 7-18, One Way Streets, of the Township of West Orange is hereby supplemented and amended as follows: (*italic type denotes deletion, bold type denotes addition*):

Name of Street	Direction	Limits
<i>Luddington Road</i>	<i>West</i>	<i>Entire Length from Mountain Way to Gregory Avenue</i>
Luddington Road	West	Entire length from South Valley Road to the intersection with Mountain Way and Lowell Avenue

Section 2. If any provisions of this Ordinance or application thereof, under any circumstances, is held invalid, the invalidity shall not affect any of the provisions or applications of this Ordinance that can be given effect without the valid provision(s) or application and to this end, the provisions of this Ordinance are severable.

Section 3. All other Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law.

Robert D. Parisi, Mayor

Joe Krakoviak, Council President

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

Introduced: September 19, 2017

Adopted: October 3, 2017

LEGISLATIVE HISTORY

Luddington Road, between South Valley Road and Gregory Avenue, is a two lane roadway that is only twenty (20) feet wide and has several curves and blind spots along its length. Commuters use this road as a cut through street to quickly reach South Valley Road and the South Orange train stations from the Upper Gregory section and beyond, creating the dual hazards posed by speed and passing in opposite directions on the tight curves and narrow roadway. During the leaf season and the winter snow plowing, the road narrows even further due to piles along the sides of the road.

To eliminate these hazards, the Municipal Engineer proposes changing Luddington Road between South Valley Road and Gregory Avenue to a one way street in the westbound direction. Luddington Road west of Gregory Avenue to its terminus at the intersection with Mountain Way and Lowell Avenue is already one way westbound.

AN ORDINANCE AMENDING CHAPTER II, THE ADMINISTRATIVE CODE OF THE TOWNSHIP OF WEST ORANGE, ARTICLE IX, ADMINISTRATIVE POLICIES AND PROCEDURES, TO INCLUDE PREVIOUSLY RESERVED SECTION 83 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE CREATING AN IDENTIFICATION CARD PROGRAM FOR RESIDENTS OF THE TOWNSHIP OF WEST ORANGE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter II, the Administrative Code of the Township of West Orange, Article IX, Administrative Policies and Procedures, all part of the Revised General Ordinances of the Township of West Orange, be and hereby is supplemented and amended to include Section 83, previously reserved, entitled Township Identification Card Program as follows:

I. Purpose

The purpose of this section is to provide residents within the Township of West Orange (the "Township") the opportunity to obtain Township identification cards. The Township recognizes that many residents within the Township do not have access to verifiable forms of identification and have difficulty obtaining services requiring such identification, including, but not limited to, banking accounts, health care services, public transportation, and entry into public/ government buildings. To assist those who have difficulty obtaining effective identification by other means, the Township hereby establishes a Township Identification Card Program, which shall issue Township Identification Cards to individuals who can prove their identity and residency, in accordance with the terms of this section, which shall be liberally interpreted. To ensure the privacy and security of card recipients, no records are to be kept with respect to the application for and issuance of the identification cards.

II. Administering Department

A. The West Orange Township Clerk (hereafter referred to as the "Administering Department") shall be designated as the department to administer the Township Identification Card Program.

B. The Township's Administering Department shall issue such policies and procedures necessary to effectuate the purposes of this section; including the designation of access sites where applications for such cards shall be made available for pick-up and submission. The Administering Department shall also make the applications available online.

III. Definitions

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning stated herein unless their use in the text of this section clearly demonstrates different meaning. When not inconsistent with the context,

words used in the present tense include the future, words used in the plural number shall include the singular number, and words used in the singular number include the plural number.

The word "shall" is always mandatory and not merely directory.

"Township of West Orange Municipal Identification (I.D.) Card" or "West Orange Identification Card" shall mean an identification card issued by the Township that shall display the card holder's photograph, name, date of birth, address, signature, self-described gender (m for male, f for female, or u for undeclared), height, eye color, issuance and expiration date. Such identification card shall be designed in a manner to deter fraud.

"Administrator" shall mean the West Orange Township Clerk.

"Resident" shall mean a person who can establish that he or she is a current resident of the Township of West Orange.

"Township" unless otherwise identified shall solely mean Township of West Orange.

IV. Issuance of West Orange Identification Cards; Display; Term; Fee

A. The West Orange Identification Card shall be available to any resident of the Township of West Orange, age fourteen (14) or older, regardless of his or her race, color, creed, age, national origin, alienage, or citizenship status, gender, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in this section and of any applicable policies and procedures established by the Administering Department.

B. The West Orange Identification Card shall display the resident's full name, photograph, home address, date of birth, signature, gender, height, eye color, card issue and expiration dates. Such identification card shall be designed in a manner to deter fraud, which may include: bar codes, serial numbers, watermarks, Township Seal, and other security protections.

C. The West Orange Identification Card shall be valid for three (3) years from date of issuance. Residents age fourteen (14) or over may apply for a card. Relocation out of the Township invalidates the West Orange Identification Card and shall require its return to the Township for destruction.

D. The fee for the issuance of the West Orange Identification Card shall be \$20.00 (the "Fee"). Renewal of cards shall be \$20.00 and change of information shall be \$20.00. The Fee shall be subject to change by adoption of a resolution by the

Township Council.

V. Proof of Residency and Identity

In order to obtain a West Orange Identification Card, an applicant must establish his or her identity and residency within the Township of West Orange as follows.

A. Proof of Identity. In order to establish identity, an applicant shall be required to produce one of the following unexpired documents: a U.S. or foreign passport, a U.S. driver's license; a U.S. state identification card; a U.S. permanent resident card; a consular identification card; a photo identification card with name, address, date of birth, and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country; a certified copy of U.S. or foreign birth certificate; a Social Security Card; a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; a U.S. or foreign military I.D. card; a visa issued by a government agency; a U.S. Individual Taxpayer Identification Number (ITIN) authorization letter; an Electronic Benefit Transfer (EBT) card. If the individual is a minor, proof must be furnished on behalf of said minor by the individual's parents or legal guardian or by a court of competent jurisdiction.

B. Proof of Residency. In order to establish residency, an applicant shall be required to produce the following items depending upon whether or not they are a homeowner or a renter.

Proof of Residency for a homeowner requires the applicant to provide one document to establish proof of ownership and two documents to establish proof of address. Documents which establish proof of ownership are as follows: a deed; a municipal tax bill; or a mortgage bill. Documents which establish proof of address are as follows: a utility bill; a water bill; a cable or satellite bill; a home or cell phone bill; a bank or insurance statement; or a pay stub with the applicant's name and address.

Proof of Residency for a renter, requires the applicant to provide one document to establish proof of tenancy and two documents to establish proof of address. Documents which establish proof of tenancy are as follows: a current lease; a current signed and addressed rent receipt; a letter signed and notarized by a relative/friend, stating that the parent/guardian and/or minor is living in his/her home, and are not responsible for rent and bills for the home. If a letter is submitted, the letter must be accompanied by proof of ownership or tenancy of the relative/friend. Documents which establish proof of address are as follows: a utility bill; a water bill; a cable or satellite bill; a home or cell phone bill; a bank or insurance statement; a pay stub with the applicant's name and address.

C. All Township departments shall accept the West Orange Identification Card as proof of identity and residence for access to Township services and benefits unless such acceptance is prohibited by federal or state law. Cardholders shall not be

subjected to any heightened scrutiny by the Township or any Township department as a result of using a West Orange Identification Card.

VI. Confidentiality

Upon receipt and review of the Resident's application, the Township shall return all documents to the Resident. The pertinent information for the West Orange Identification Card shall be transmitted to the Township's vendor for production of the West Orange Identification Card and the information shall not be retained by the Township. The Township will not maintain any records relating to the West Orange Identification Card, applicants, or recipients. Further, the Township vendor shall not maintain any records relating to the West Orange Identification Card, applicants, or recipients and shall delete any such information upon printing of the West Orange Identification Card.

VII. Disclaimer

The Township is providing the West Orange Identification Card for identification and access to services provided by the Township of West Orange. The Township does not act as guarantor or warrantor of any of the information provided by the applicant for the West Orange Identification Card or of/against acts, criminal or otherwise committed by the individual(s) while possessing or using the West Orange Identification Card. The Township does not waive any of its protections afforded under Federal, state or local laws, including but not limited to the immunities under the New Jersey Torts Claims Act, N.J.S.A. 59:1-1 et seq., by processing or issuing the Township Identification Card.

VIII. Violations and Penalties

Any person who violates any provision of this section shall, upon conviction thereof, be punished in accordance with section 1-5.1 of the Township's Revised General Ordinances.

IX. Severability

Each subsection, sentence, clause and phrase of this section is declared to be an independent subsection, sentence, clause and phrase. If any portion of this section or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this section, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this section are severable.

X. Repealer

All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this section are hereby repealed to the extent of such conflict or inconsistency.

Joe Krakoviak
Council President

Karen J. Carnevale, R.M.C.

Robert D. Parisi
Mayor

Introduced: September 19, 2017

Adopted: October 3, 2017