

1. Conference Meeting Agenda

Documents:

[CA 6.12.18.PDF](#)

2. Public Meeting Agenda

Documents:

[PM6.12.18.PDF](#)

3. Resolution(S)

3.I. 142-18

Documents:

[142-18 RESOLUTION TO READ BUDGET BY TITLE.PDF](#)

3.II. 143-18

Documents:

[143-18 ADOPTION OF MUNICIPAL BUDGET 2018.PDF](#)

3.III. 144-18

Documents:

[144-18 AUTHORIZING USE AGREEMENT WITH CROSS RIVER FIBER FOR
INSTALLATION OF FIBER OPTICS CABLE THROUGH PUBLIC RIGHT OF
WAY.PDF](#)

[144-18 EXHIBIT-AGREEMENT WITH CROSS RIVER FIBER FOR
INSTALLATION OF FIBER OPTICS CABLE IN PUBLIC RIGHT OF WAY.PDF](#)

3.IV. 145-18

Documents:

[145-18 AUTHORIZING HEYER GRUEL ASSOCIATES FOR PREPARATION
OF REDEVELOPMENT PLAN OF ESSEX GREEN AND EXECUTIVE DRIVE
PROPERTIES.PDF](#)

[145-18 EXHIBIT-HEYER GRUEL ASSOCIATES-PREPARATION OF A
REDEVELOPMENT PLAN FOR ESSEX GREEN AND EXECUTIVE DRIVE.PDF](#)

3.V. 146-18

Documents:

[146-18 RESOLUTION AUTHORIZING EXTENSION OF CONTRACT-TAXSERV
2018.PDF](#)

[146-18 EXHIBIT TO RESOLUTION AUTHORIZING EXTENSION OF
CONTRACT WITH TAXSERV FOR PRIVATE COLLECTION OF MUNICIPAL
COURT DEBT - 2018.PDF](#)

3.VI. 147-18

Documents:

[147-18 AUTHORIZING SHARED SERVICES AGREEMENT WITH BOARD OF EDUCATION FOR FUNDING OF REPLACEMENT OF TURF AND OTHER REPAIRS.PDF](#)

[147-18 AGREEMENT - SHARED SERVICES - TURF.PDF](#)

3.VII. 148-18

Documents:

[148-18 SUPPORTING ASSEMBLY BILL 1218 SEEKING TO REDUCE THE USE OF PLASTIC BAGS.PDF](#)

3.VIII. 149-18

Documents:

[149-18 AUTHORIZING PARTICIPATORY BUDGETING NON-BINDING REFERENDUM.PDF](#)

[149-18 EXHIBIT A - PROPOSED PROJECTS.PDF](#)

3.IX. 150-18

Documents:

[150-18 RAFFLE LICENSES 6.12.18.PDF](#)

3.X. 151-18

Documents:

[151-18 RESOLUTION.PDF](#)

[151-18 MAP.PDF](#)

3.XI. 152-18

Documents:

[152-18 AUTHORIZING RETENTION OF ARKITECTURE PLUS FOR ZONING BOARD APPLICATION ZB-18-01.PDF](#)

[152-18 EXHIBIT A - AUTHORIZING RETENTION OF ARKITECTURE PLUS FOR ZONING BOARD APPLICATION ZB-18-01.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2542-18

Documents:

[2542-18 SOUTH VALLEY ROAD PARKING PROHIBITED 50218.PDF](#)

4.II. 2543-18

Documents:

[2543-18 REVISING PROHIBITION OF TOWING AND STORAGE FEES.PDF](#)

4.III. 2544-18

Documents:

[2544-18 BOND ORDINANCE - MULTIPURPOSE 5.22.18-COUNCIL COPY.PDF](#)

[2544-18 CAPITAL BUDGET REQUESTS 2018.PDF](#)

[2544-18 CAPITAL PROJECT LIST - A.PDF](#)

[2544-18 \(2017-2018-2019\) STREET RESURFACING LISTVERSION 1 OCT 12 2017 \(002\).PDF](#)

5. Ordinances On First Reading

5.I. 2545-18

Documents:

[2545-18 ORDINANCE - HANDICAPPED PARKING 6.12.18.PDF](#)

6. ABC Hearing

6.I. 594-18

Documents:

[594-18 RENEWAL RESOLUTION 2018-19 \(6.12.18\).PDF](#)

6.II. 595-18

Documents:

[595-18 AMC_2017KWK.PDF](#)

6.III. 596-18

Documents:

[596-18 CLUB 466 CATERERS LLC-SPECIAL CONDITIONS RENEWAL.PDF](#)

6.IV. 598-18

Documents:

[598-18 LAS PALMERAS-SPECIAL CONDITIONS.PDF](#)

6.V. 599-18

Documents:

[599-18 1920S ESSEX HOUSE.PDF](#)

6.VI. 600-18

Documents:

CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street, West Orange, NJ

Tuesday, June 12, 2018

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 October 25, 2017 and published in the West Orange Chronicle on November 2, 2017.

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

=====

6:30 P.M

- **Proclamation - Tourette Syndrome Awareness Day – Jaiden Mendez**
- **Proclamation – Retirement Mary Fregans**
- **Assemblyman John F. McKeon – Assembly Bill No. 1218-Seeking to Reduce and Ultimately Eliminate the Use of Plastic Shopping Bags**
- **Update – Redevelopment**
- **Council Liaison Announcements**

7:00 P.M.

- **Public Meeting**

PUBLIC MEETING AGENDA-Revised

Township of West Orange

66 Main Street – 7:00 p.m.

June 12, 2018

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 October 25, 2017 and published in the West Orange Chronicle on November 2, 2017.

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, Councilman Krakoviak, Council President McCartney (Mayor Parisi)

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. *Consent Agenda**
- 4. *Approval of Minutes of Previous Meeting – Public Meeting May 22, 2018 and Executive Session May 8, 2018**
- 5. *Report of Township Officers – Municipal Court, April 2018 and May 2018**
- f. *Reading of Petitions and Communications and Bids - None**
- 6. *Bills**
- 7. *Resolutions**
 - a. 142-18 Resolution Authorizing the Municipal Budget to be Read by Title Only (Clerk)**
 - b. 143-18 Resolution to Adopt the 2018 Municipal Budget (Gross)**
 - c. 144-18 Resolution Authorizing the Execution of a Use Agreement with Cross River Fiber to Allow Them to Install in Public Right of Ways Certain Telecommunication Equipment, Specifically Fiber Optic Cables at Certain Designated Locations (Legal-Moon)**
 - d. 145-18 Resolution Authorizing the Retention of Heyer, Gruel and Associates to Prepare and Present a Redevelopment Plan for the Redevelopment Area which the Essex Green and Executive Drive properties (Legal-Moon)**
 - e. 146-18 Resolution Authorizing the Extension of the Current Agreement with TaxServ for the Private Collection of Municipal Court Debt Extending the Agreement for an Additional One Year Extension Period from July 1, 2018 through July 1, 2019 (Legal-Moon)**

- f. 147-18 Resolution Authorizing the Execution of a Shared Services Agreement with the West Orange Board of Education Regarding the Funding for the Replacement of Turf and Other Repairs at the West Orange High School Stadium (Legal-Moon)
- g. 148-18 Resolution in Support of Assembly Bill No. 1218, Pending Before the NJ State Assembly Seeking to Reduce and Ultimately Eliminate the Use of Plastic Shopping Bags (Legal-Moon)
- h. 149-18 Resolution Requesting that Participatory Budgeting Projects Be Placed on a Non-Binding Referendum on the Official November General Election Ballot (Legal-Maier)
This resolution would request that the Essex County Clerk's Office place four projects on a Non-Binding Referendum on the Official November General Election Ballot. The projects were submitted by West Orange residents in connection with the Participatory Budgeting Program
- i. 150-18 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)
- j. 151-18 Resolution Authorizing 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)
- k. 152-18 Resolution Authorizing the Township to Retain Arkitecture Plus, LLC to Assist the West Orange Zoning Board with an Application Related to 112 Conforti Avenue (Legal-Moon)

l. Ordinances on Second and Final Reading

- a. 2542-18 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-13, Parking Prohibited at all Times on Certain Streets, of the Revised General Ordinances of the Township of West Orange. (Lepore)
- b. 2543-18 An Ordinance Amending Chapter 5, Sections 32.1, 32.3, 32.7, 32.8, 32.9, 32.10, 32.11 and 32.12 of the Revised General Ordinances of the Township of West Orange (Police-Requested Towing and Storage Services) (Legal-Moon)
This ordinance is drafted to revise the municipal code provisions governing the towing of vehicles by licensed tow companies. The Municipal Code previously prohibited towing companies from charging towing and storage fees for vehicles towed as part of a criminal investigation, this ordinance would limit that prohibition to vehicles registered to Township residents.
- c. 2544-18 Bond Ordinance Providing for Various Capital Improvements in and by the Township of West Orange, in the County of Essex, New Jersey, Appropriating \$9,644,148. Therefor and Authorizing the Issuance of \$9,184,902.86 Bonds or Notes of the Township to Finance Part of the Cost Thereof (Legal-Kahn)

8. Ordinances on First Reading

- a. 2545-18 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 – 108 Roosevelt Avenue, 52 Llewellyn Avenue, 132 Watson Avenue, 18 McKinley Avenue (Lepore)

10. Pending Matters/New Matters/Council Discussion

11. ABC Hearing

- a. 594-18 Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the 2018-2019 License Term (Clerk) **(resolution to follow)**
- b. 595-18 Hearing on Renewal for 2018-2019 License Term-AMC Entertainment International 0722-33-066-009 (Special Conditions)

- c. 596-18 Hearing on Renewal for 2018-2019 License Term-**Club 466 Caterers, Inc.** 0722-33-035-012 (Special Conditions)
- d. 598-18 REMOVED
- e. 599-18 Hearing on Renewal for 2018-2019 License Term – **1920's Road House, Inc.** 0722-33-071-003 (Special Conditions)
- f. 600-18 Hearing on Renewal for 2018-2019 License Term – **SuzyQues, LLC** 0722-33-009-012 (Special Conditions)
- g. Prosecution of ABC Charges – 0722-33-021-003 4 Corners Deli, LLC t/a Don Juan Restaurant
- h. Prosecution of ABC Charges – 0722-33-031-007 Anchor Restaurant, LLC t/a Anchor Restaurant
- i. Prosecution of ABC Charges-0722-33-045-005 Las Palmeras, Inc. t/a Las Palmeras Restaurant & Bar (Kayser)

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.

Township of West Orange
Resolution to Read Budget by Title

WHEREAS, N.J.S.A. 40A:4-8 is amended to read as follows:

The budget shall be read, in full, or it may be read by its title, if

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget,
 - a. shall be made available for public inspection, and
 - b. shall be made available to each person upon request, and
2. The governing body shall, by resolution passed by not less than a majority of the full membership, determine that the budget shall be read by its title and declare that the conditions set forth in subsection (1) of this section have been met.

After closing the hearing, the governing body may adopt the budget, by title without amendments, or may approve amendments as provided in N.J.S.40A:4-9 before adoption.

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

Susan McCartney, Council

Adopted: June 12, 2018

SECTION 2 - UPON ADOPTION FOR YEAR 2018
(Only to be included in the Budget as Finally Adopted)
RESOLUTION

Be it Resolved by the West Orange of the Township
of West Orange, County of Essex, that the budget hereinbefore set forth is hereby adopted and
shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 54,025,331.47 (item 2 below) for municipal purposes, and
- (b) \$ 0.00 (item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:9-2) to be raised by taxation and,
- (c) \$ 0.00 (item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in
Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of
the following summary of general revenues and appropriations.
- (d) \$ 0.00 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ 2,075,157.00 (item 5 below) Minimum Library Levy

RECORDED VOTE (insert last name)	Ayes	Nays	Abstained
	}	}	}
			Absent
			}

SUMMARY OF REVENUES

1. General Revenues					
Surplus Anticipated		08-100	\$	3,262,227.48	
Miscellaneous Revenues Anticipated		13-099	\$	20,645,670.70	
Receipts from Delinquent Taxes		15-499	\$	3,227,097.35	
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (item 6(a), Sheet 11)		07-190	\$	54,025,331.47	
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:					
Item 6, Sheet 42	07-195	\$	0.00		
Item 6(b), sheet 11 (N.J.S. 40A:4-14)	07-191	\$	0.00		
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only					0.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:					
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$	0.00		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY		07-192		2,075,157.00	
Total Revenues		13-299	\$	83,235,484.00	

SUMMARY OF APPROPRIATIONS

2018

5. GENERAL APPROPRIATIONS		xxxxxxx	xxxxxxxxxxx.xx
Within "CAPS"		xxxxxxx	xxxxxxxxxxx.xx
(a&b) Operations Including Contingent		34-201	\$ 56,800,754.13
(e) Deferred Charges and Statutory Expenditures - Municipal		34-209	\$ 7,099,536.19
(g) Cash Deficit		46-885	\$ 0.00
Excluded from "CAPS"		xxxxxxx	xxxxxxxxxxx.xx
(a) Operations - Total Operations Excluded from "CAPS"		34-305	\$ 6,473,369.63
(c) Capital Improvements		44-999	\$ 1,311,153.33
(d) Municipal Debt Service		45-999	\$ 7,338,977.72
(e) Deferred Charges - Municipal		46-999	\$ 891,693.00
(f) Judgements		37-480	\$ 0.00
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)		29-405	\$ 0.00
(g) Cash Deficit		46-885	\$ 0.00
(k) For Local District School Purposes		29-410	\$ 0.00
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)		50-899	\$ 3,320,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)		07-195	\$ 0.00
Total Appropriations		34-499	\$ 83,235,484.00

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 12th day of June, 2018. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2018 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 12th day of June, 2018, Clerk.

RESOLUTION

WHEREAS, Cross River Fiber, LLC located at 461 Headquarters Plaza in Morristown, NJ 07960 (“Cross River”) seeks to install telecommunications equipment in public right of ways within the Township of West Orange (the “Township”); and

WHEREAS, Cross River requires consent from the Township to access the public right of way to install and maintain its equipment within the public right of ways; and

WHEREAS, Cross River has agreed to the terms of a Use Agreement, annexed hereto as Exhibit “A” (the “Agreement”) whereby the Township will grant consent for a period of five (5) years which will be renewable for additional periods of five (5) years; and

WHEREAS, the Agreement requires that Cross River shall obtain all required permits from the Construction Department and to pay a fee of \$1,000 for the administrative fees related to the preparation of the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, that the Mayor and Township Clerk be and are hereby authorized to enter into and execute and attest to, respectively, the annexed Use Agreement for the installation of telecommunication facilities in the Township public right of way.

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

Susan McCartney
Council President

Adopted: June 12, 2018

RIGHTS-OF-WAY USE AGREEMENT

THIS RIGHTS-OF-WAY USE AGREEMENT ("Use Agreement") is dated _____ (the "Effective Date"), and entered into by and between the Township of West Orange (the "Township"), a New Jersey Township corporation, having its address at 66 Main Street, West Orange, New Jersey 07052 and Cross River Fiber LLC ("Cross River Fiber") with offices located at 461 Headquarters Plaza, Morristown, NJ 07960.

RECITALS

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval in Docket No. TE11050320 on July 14, 2011, Docket No. TE12040297 on June 18, 2012 and Docket No. TM14080906 and intends to provide telecommunication services in accordance with that Order and the rules and regulations of the Federal Communications Commission and the New Jersey Board of Public Utilities; and

WHEREAS, Pursuant to such authority granted by the New Jersey Board of Public Utilities, Cross River Fiber may locate, place, attach, install, operate and maintain facilities within Public Rights-of-Way for purposes of providing telecommunications services; and

WHEREAS, Cross River Fiber proposes to place its Telecommunication Facilities aerially on existing utility poles or in underground conduit in the Public Rights-of-Way within the Township for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system.

WHEREAS, it is in the best interests of the Township and its citizenry for the Township to grant consent to Cross River Fiber to occupy said Public Rights-of-Way within the Township for this purpose.

WHEREAS, the consent granted herein is for the non-exclusive use of the Public Rights-of-Way within the Township for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

NOW THEREFORE, in consideration of the mutual covenants and obligations hereinafter set forth, the Township and Cross River Fiber hereby agree to and with each other as follows:

Section 1. Definitions

- a. "BPU" is the New Jersey Board of Public Utilities.
- b. "Cross River Fiber" is the grantee of rights under this Use Agreement and is known as Cross River Fiber, their successors and assigns.
- c. "Township" is the grantor of rights under this Use Agreement and is known as the Township of West Orange, State of New Jersey.
- d. "Public Utility" means any public utility defined in N.J.S.A. 48:2-13.
- e. "Public Rights-of-Way" means the space in, upon, above, along, across, over, and through any public land, road, street or highway of the Township, including lands with public utility facilities as the same now or hereafter may exist, that are under the jurisdiction of the Township and depicted in the drawings attached hereto as Exhibit "A."

This term shall not include Township, state, or federal rights-of-way or any property owned by any person or agency other than the Township, except as provided by applicable Laws or pursuant to an agreement between the Township and any such person or agency.
- f. "Telecommunications Facilities" or "Facilities" means fiber optic network and associated equipment.
- g. "Utility Pole" means, in addition to its commonly accepted meaning, any wires or

cable connected thereto and any replacement thereof which are similar in construction and use.

Section 2. Grant of Consent.

The Township hereby grants consent to Cross River Fiber for non-exclusive access of the Public Rights-of-Way within the Township for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

Section 3. Scope of Use Agreement.

Any and all rights expressly granted to Cross River Fiber under this Use Agreement, which shall be exercised at Cross River Fiber's sole cost and expense, shall be subject to the prior and continuing right of the Township under applicable laws to access any and all parts of the Public Rights-of-Way exclusively or concurrently with any other person or persons, and shall be further subject to all deeds, easements, dedications, conditions, covenants, restrictions, encumbrances, and claims of title of record which may affect such Public Rights-of-Way. Nothing in this Use Agreement shall be deemed to grant, convey, create or vest in Cross River Fiber a real property interest in land, including any fee, leasehold interest, easement, or any other form of interest or ownership.

The Township hereby authorizes and permits Cross River Fiber to enter upon the Public Rights-of-Way and to attach, install, operate, maintain, remove, reattach, reinstall, relocate and replace its Telecommunications Facilities, in or on Utility Poles or other structures owned by public utility companies, or others, or to be constructed by Cross River Fiber located within the Public Rights-of-Way as may be permitted by the property owner, as the case may be. Cross River Fiber shall obtain all required permits from the Township Construction Department and comply with all condition imposed by the Township Construction Department prior to any installation, operation, maintenance, removal, reattachment, reinstallation, relocation and/or replacement of its Telecommunications Facilities.

Cross River Fiber shall be solely responsible for the care and maintenance of its Facilities installed pursuant to this Use Agreement.

Section 4. Fee

Cross River Fiber shall agree to reimburse the Township in the amount of \$1,000 for its expenses in entering into this Use Agreement. Cross River Fiber shall pay for all traffic control with respect to its installation of its Facilities.

Section 5. Compliance with Ordinance

Cross River Fiber shall comply with all applicable existing ordinances of the Township as may be amended from time to time and with all future ordinances as may be enacted to the extent such ordinances are consistent with state and federal law.

Section 6. Duration of Consent; Renewals

The Use Agreement shall be effective as of the date of execution by both Parties, provided, however, the initial term shall be for five (5) years and shall commence on the Commencement Date (as hereinafter defined) This Use Agreement shall automatically be extended for four (4) additional five (5) year terms unless either party terminates it at the end of the then current term by giving the other party written notice of the intent to terminate at least six (6) months prior to the end of the then current term.

Section 7. Termination; Removal of All Facilities

The Township shall maintain the right to terminate this Use Agreement in the event that Cross River Fiber's Facilities interfere or otherwise inhibits the use of the public right of way or creates any interference with any other utilities installed in the public right of way. Pursuant to this provision, the Township shall provide written notice to Cross River Fiber that all Facilities are to be removed no later than thirty (30) days from receipt of the written notice. The Township, however, shall maintain the right to require immediate removal of the Facilities in the event that such removal is needed for

the public health or safety.

Section 8. Indemnification

Cross River Fiber, its successors, assigns, sub-contractors, agents, servants, officers, employees, designees, guests and invitees, hereby indemnify, defend and hold harmless the Township, its successors and assigns, elected officials, officers, employees, servants, contractors, designees and invitees from and against any and all claims, demands, suits, actions at law or equity or otherwise, judgments, arbitration determinations, damages, liabilities, decrees of any person(s) or entities claiming to be or being harmed as a result of Cross River Fiber actions or Cross River Fiber Facilities under this Use Agreement and costs in connection therewith. This indemnification shall specifically include, but not be limited to, any and all costs, reasonable attorneys' fees, court costs and any other expenses that may be incurred by the Township in connection with any and all claims, demands, suits, actions at law or equity or otherwise and/or arbitration proceedings which may arise in connection with Cross River Fiber activities pursuant to the rights granted in this Use Agreement.

Section 9. LIMITATION OF LIABILITY

TOWNSHIP SHALL NOT BE LIABLE TO CROSS RIVER FIBER FOR ANY INDIRECT, INCIDENTAL, PUNITIVE OR CONSEQUENTIAL DAMAGES.

Section 10: Notices

All notices or other correspondence required or permitted to be given in connection with this Use Agreement shall be in writing and delivered personally, by telecopy, by overnight carrier service or by registered or certified mail to the parties at the following addresses:

To Cross River Fiber at:	Cross River Fiber LLC
	461 Headquarters Plaza
	Morristown, NJ 07960
	Attn: Robert Sokota, Chief Administrative Officer and
	General Counsel

To the Township at:

Township of West Orange
66 Main Street
West Orange, NJ 07052

Attn: Township Clerk

Richard D. Trenk, Esq.
347 Mt. Pleasant Avenue, Suite 300
West Orange, NJ 07052

Section 11. Liability Insurance

Cross River Fiber shall at all times maintain a comprehensive liability insurance policy with a single amount of at least One Million Dollars (\$1,000,000.00) covering liability for any death, personal injury, property damage or other liability arising out of the construction and operation contemplated herein, and an excess liability policy (or "umbrella") policy amount in the amount of Five Million Dollars (\$5,000,000.00).

Prior to the commencement of any work pursuant to this Use Agreement, Cross River Fiber shall file with the Township Certificates of Insurance with endorsements evidencing the coverage provided by said liability and excess liability policies.

The Township shall notify Cross River Fiber within fifteen (15) days after the presentation of any claim or demand to the Township, either by suit or otherwise, made against the Township on account of any of Cross River Fiber or its sub-contractors, agents, employees, officers, servants, designees, guests and invitees, activities pursuant to the rights granted in this Use Agreement.

Section 12. Assignment.

Cross River Fiber may not assign this Use Agreement without the written consent of the Township, which consent shall not be unreasonably withheld or delayed.

Section 13. Successors and Assigns.

The terms and conditions herein contained shall be binding upon and inure to the benefit of the

successors and assigns of the parties hereto.

Section 14. Governing Law.

This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of New Jersey.

Section 15. Incorporation of Prior Agreements.

This Agreement contains the entire understanding of the parties hereto with respect to the subject matter hereof, and no prior other written or oral agreement or undertaking pertaining to any such matter shall be effective for any purpose.

Section 16. Modification of Agreement.

This Agreement may not be amended or modified, nor may any obligation hereunder be waived orally, and no such amendment, modification or waiver shall be effective for any purpose unless it is in writing and signed by the party against whom enforcement thereof is sought.

Section 17. Invalidity.

If any provision hereof shall be declared invalid by any court or in any administrative proceedings, then the provisions of this Agreement shall be construed in such manner so as to preserve the validity hereof and the substance of the transaction herein contemplated to the extent possible. The headings are provided for purposes of convenience of reference only and are not intended to limit, define the scope of or aid in interpretation of any of the provisions hereof.

Section 18. Counterparts.

This Agreement may be executed and delivered in several counterparts, each of which, when so executed and delivered, shall constitute an original, fully enforceable counterpart for all purposes.

IN WITNESS WHEREOF, this Use Agreement has been executed as of the date set forth below.

Cross River Fiber LLC

Robert Sokota

Robert Sokota, Chief Administrative Officer and General Counsel

Dated: May 23, 2018

Township of West Orange

Mayor Robert D. Parisi

Dated: _____

Exhibit “A”



RESOLUTION

WHEREAS, on January 9, 2018, the Township of West Orange (the "Township") adopted Resolution 17-18 designating 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 "Redevelopment Area") as a Non-Condemnation Area in Need of Redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law requires a Redevelopment Plan to be prepared and referred to the Planning Board for its review and recommendation in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, Phillips Preiss Grygiel, LLC ("PPG") was previously directed to prepare a Redevelopment Plan, but that the Planning Board has requested that a separate planner be retained to prepare the Redevelopment Plan; and

WHEREAS, Heyer, Gruel & Associates located at 236 Broad Street in Red Bank, New Jersey 07701 ("Heyer, Gruel") submitted a proposal, annexed hereto as Exhibit "A" (the "Proposal") to prepare and present a Redevelopment Plan for the Redevelopment Area for an amount not to exceed \$35,000.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and hereby is authorized to retain Heyer, Gruel to prepare a Redevelopment Plan consistent with the requirements of N.J.S.A. 40A:12A-7 and the Proposal annexed hereto as Exhibit "A;" and be it further

RESOLVED, that the Business Administrator is authorized to execute any necessary agreements or documents, if any, to finalize the retention of Heyer, Gruel consistent with the Proposals annexed hereto as Exhibit "A;" and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the 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 J. Carnevale, R.M.C.
Municipal Clerk

Susan McCartney
Council President

Adopted: June 12, 2018

4816-3628-4519, v. 1

Exhibit “A”

May 16, 2018

Richard Trenk
Trenk, DiPasquale, Della Fera & Sodono, P.C.
347 Mount Pleasant Ave.
Suite 300
West Orange, NJ 07052

RE: Proposal for Professional Planning Services
Redevelopment Plan – Essex Green and Executive Drive Area in Need of Redevelopment

Dear Mr. Trenk:

We are pleased to submit this proposal to provide professional planning services associated with the preparation of a Redevelopment Plan for the Essex Green Area. Our firm is well versed in the preparation of redevelopment plans throughout the State. We have extensive experience working with the Local Redevelopment and Housing Law (LRHL) and frequently sit on panels dealing with redevelopment law topics.

The Redevelopment Plan for the Essex Green and Executive Drive Area would be prepared in accordance with the provisions of the Local Redevelopment and Housing Law (LRHL). Our office would work closely with the Township Governing Body, Planning Board, property owners, and any other parties deemed appropriate to develop conceptual plans and standards for the Area. The following elements would be included, as required by the LRHL:

- The plan relationship to definitive local objectives as to appropriate land uses, density of population and approved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
- Proposed land uses and building requirements in the area, including conceptual site layouts.
- An identification of any properties within the redevelopment area which are proposed to be acquired in accordance with the Redevelopment Plan.
- Any significant relationship to the Redevelopment Plan to the Master Plans of contiguous municipalities, the Master Plan of the county in which the municipality is located and the State Development and Redevelopment Plan.
- The Redevelopment Plan will discuss its relationship to pertinent municipal development regulations. The Plan will either supersede applicable provisions of the development regulations of the Township or constitute an overlay zoning district within the redevelopment area.

Firm principal Susan Gruel will attend all public meetings and present the Plan at both the Planning Board and Governing Body in accordance with the statutory requirements.

Our fee for preparation of the Redevelopment Plan would not exceed a total of \$35,000 (\$25,000 for the Executive Drive Area and \$10,000 for the Essex Green Area), including attendance at one Planning Board meeting and one Council meeting. All other meetings (e.g. internal, additional public) will be billed separately per meeting at our hourly rates.

We welcome the opportunity to work with the Township on this important redevelopment project. Should you have any questions, please do not hesitate to contact us.

Sincerely yours,

HEYER, GRUEL & ASSOCIATES



Fred Heyer, PP, AICP LEED- AP ND, CNUa
Principal



Susan S. Gruel, PP
Principal

RESOLUTION

WHEREAS, pursuant to N.J.S.A. 2B:19-6(a), municipalities are authorized to enter into contracts with private collection agencies or firms for the collection of outstanding municipal court debt; and

WHEREAS, pursuant to Resolution No. 142-15, the Township entered into an agreement with TaxServ Capital Services N.J., LLC ("TaxServ") for the private collection of municipal court debt (collectively, the "Agreement"), pursuant to a Competitive Contracting process which was approved by the Administrative Office of the Courts ("AOC"); and

WHEREAS, a copy of the Agreement is annexed hereto as Exhibit "B;" and

WHEREAS, the Agreement provided that the Agreement would be for a term of three (3) years, with an option to extend for two (2) additional one (1) year extensions; and

WHEREAS, the Township's Municipal Court Administrator recommends extension of the Agreement, as TaxServ has adequately performed its duties, recovered monies on behalf of the Township; and

WHEREAS, TaxServ will continue to perform its duties under the Agreement at no cost to the Township;

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Mayor and Township Clerk are hereby authorized to execute and attest to, respectively, the Contract Extension annexed hereto as Exhibit "B," between the Township of West Orange and TaxServ, for the Collection of Outstanding Municipal Court Debt (the "Contract Extension"); and it is further

RESOLVED, that the original of the Contract Extension between the Township and TaxServ shall be maintained in the Municipal Clerk's office.

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

Susan McCartney
Council President

Adopted: June 12, 2018

4850-8813-7319, v. 1

Exhibit “A”

**ONE-YEAR CONTRACT EXTENSION FOR THE COLLECTION OF
OUTSTANDING MUNICIPAL COURT DEBT**

THIS AGREEMENT EXTENSION, effective on the 1st day of July 2018, is by and between the TOWNSHIP OF WEST ORANGE, a municipal corporation of the State of New Jersey, having its principal offices at 66 Main Street, West Orange, New Jersey, hereinafter referred to as "Township," and TAXSERV CAPITAL SERVICES NJ, LLC a limited liability company of the Commonwealth of Virginia having its principal offices at 1313 Dolly Madison Boulevard, Suite LL-130, McLean, Virginia 22101-3926, hereinafter referred to as "Contractor."

W I T N E S S E T H:

WHEREAS, pursuant to N.J.S.A. 2B:19-6(a), the Township is authorized to enter into contracts with a private collection agency or firm for the collection of outstanding municipal court debt; and

WHEREAS, pursuant to a competitive contracting process and Resolution No. 142-15, the Township entered into an agreement with Contractor for the private collection of municipal court debt (collectively, the "Agreement"), which Agreement became effective on July 1, 2015; and

WHEREAS, the Agreement provided that the Agreement would be for a term of three (3) years, with an option to extend it for two (2) one (1) additional year extensions; and

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants hereinafter stated, the parties do hereby agree as follows:

1. The Township and Contractor agree that the term of the Agreement shall be extended for one (1) additional year.
2. The Commencement Date of this extension shall be July 1, 2018 and shall be valid for one (1) additional year, through and including July 1, 2019.
3. All other terms of the Agreement shall remain valid and binding.

ATTEST:

TOWNSHIP OF WEST ORANGE

KAREN J. CARNEVALE, R.M.C.
MUNICIPAL CLERK

BY: _____
ROBERT D. PARISI,
MAYOR

ATTEST:

TAXSERV CAPITAL SERVICES NJ, LLC

NAME: *Gus Kozak*

BY: _____
ROGER BLAIN,
SENIOR VICE PRESIDENT

4839-6177-2135, v. 1

RESOLUTION

WHEREAS, the Township of West Orange (“Township”) and the West Orange Board of Education (the “Board of Ed.”) have determined that it is in the best interest to jointly provide for the improvement of the West Orange High School Stadium Field and Track, including the removal of the current field turf and installation of new field turf, including all related work (the “Project”); and

WHEREAS, the estimate for the Project costs an amount not to exceed \$800,000; and

WHEREAS, the Township and the Board of Education have reached an agreement by which the Township will borrow funds pursuant to a bond ordinance in the amount necessary to complete the Project; and

WHEREAS, the Board of Education has agreed that it shall be responsible for repaying fifty percent (50%) of the net cost of the Project; and

WHEREAS, a copy of the proposed Shared Services Agreement (the “Agreement”) is annexed hereto as Exhibit “A.”

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, that the Mayor be and is hereby authorized to execute the Agreement annexed hereto as Exhibit “A;”

BE IT FURTHER RESOLVED that the Township Clerk be and is hereby authorized to attest to the Mayor’s signature; and

BE IT FURTHER RESOLVED that a copy of the Agreement will be maintained in the office of the Township Clerk.

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

Susan McCartney
Council President

Adopted: June 12, 2018

Adopted:

-SHARED SERVICES AGREEMENT-

BETWEEN

THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF

ESSEX, NEW JERSEY AND

THE BOARD OF EDUCATION OF THE

TOWNSHIP OF WEST ORANGE IN THE

COUNTY OF ESSEX, NEW JERSEY

PROVIDING FOR TURF AND SITEWORK AT

WEST ORANGE HIGH SCHOOL STADIUM FIELD AND TRACK

Dated as of _____, 2018.

SHARED SERVICES AGREEMENT

This SHARED SERVICES AGREEMENT (this “Agreement”) between the Township of West Orange, in the County of Essex, New Jersey, a municipal corporation of the State of New Jersey (the “Township”), and The Board of Education of the Township of West Orange in the County of Essex, New Jersey, a school district and political subdivision of the State of New Jersey (the “School District”), dated as of _____, 2018.

WITNESSETH

WHEREAS, the Township and the School District have determined that it is in the best interests of the Township, the School District and the residents thereof for the Township and the School District to jointly provide for the improvement of the West Orange High School Stadium Field and Track, including the removal of the current field turf and installation of new field turf and all related work (the "Project"); and

WHEREAS, the Project cost is estimated to be approximately an amount not to exceed \$800,000 to be funded initially through the issuance of bonds or notes of the Township pursuant to a bond ordinance; and

WHEREAS, it is anticipated that various fundraising efforts will occur which monies will be applied to the cost of the Project; and

WHEREAS, any bonds or notes issued pursuant to the bond ordinance for this purpose shall be repaid on an equal basis by the Township and the School District; and

WHEREAS, the Township and the School District desire to set forth certain terms and conditions relating to the time frame and the terms of payment by the School District to the Township for its share of the cost of the Project; and

WHEREAS, the Shared Services Act, N.J.S.A. 40A:65-1 et seq., authorizes and encourages a municipality and a school district to enter into contracts for the joint provision within their jurisdiction of any service that the parties to the agreement are empowered to render; and

WHEREAS, municipalities and school districts are expressly authorized to work together for the provision of recreational improvements pursuant to N.J.S.A. 40:48-2, N.J.S.A. 40:61-1, N.J.S.A. 40:61-5, N.J.S.A. 18A:20-22, and the Shared Services Act; and

WHEREAS, it is in the best interests of the citizens of the Township and the School District for the Township and the School District to work together through this Shared Services Agreement to implement the Project for the benefit of the community; and

WHEREAS, the Township has approved the execution of this Agreement by resolution on _____, 2018 and the School District has approved the execution of this Agreement by resolution adopted on _____, 2018;

NOW, THEREFORE, the parties hereto mutually agree as follows:

Section 1. The Township and the School District will act together in accordance with this Agreement to implement the Project for a total estimated cost in an amount not to exceed \$800,000 to be initially funded through the issuance of bonds or notes of the Township to finance the cost of the Project.

Section 2. Any donations received by the Parties for the purpose of implementing the Project will be applied toward the cost of the Project.

Section 3. The Township will utilize the funds pursuant to the bond ordinance for the implementation of the Project, and the Township shall be responsible for the implementation of the Project in accordance with the requirements of all State and Federal laws.

Section 4. The Township shall borrow funds pursuant to the bond ordinance on bond anticipation notes only in the amount necessary to complete the Project.

Section 5. Upon completion of the Project, the Township will issue permanent bonds to finance the Project.

Section 6. The School District shall be responsible for repaying fifty (50%) percent of the net cost of the Project.

Section 7. After the issuance of each set of notes, the Township shall notify the School District of the amount of the notes that were issued for this purpose, the interest rate per annum payable on the notes and the School District's share of the interest on the notes. If any principal amount is required to be paid on the notes, the Township shall also inform the School District of the amount of the principal to be paid on the notes and the School District's share of the amount to be paid. When permanent bonds are issued, the bonds shall mature up to fifteen (15) years and the Township shall provide a copy of the maturity schedule setting forth principal, interest and the interest rate at which the interest is calculated to the School District, and the School District shall be responsible for its share of the principal and interest due in each year.

Section 8. The amounts that the School District owes to the Township shall be paid annually on or before the maturity date or payment date of such obligations. The School District may prepay the bond at any time without penalty.

Section 9. Once the Project is completed, the West Orange High School Stadium Field and Track shall be available for use by the School District and the Township in accordance with this Agreement. The School District shall have scheduling preference for the use of the High School baseball fields for school purposes, and the

Township shall be able to use the fields for recreational purposes when such purposes do not conflict with the educational and school related use of the fields.

Section 10. The Township and the School District each hold each other harmless against claims, demands, liabilities, damages, losses, costs, charges and any and all expenses, (including, but not limited to, reasonable attorneys' fees) that either may incur or be subject to as a consequence directly or indirectly of any breach or nonperformance by either party of its obligations under this Agreement or by the negligent act of either party in connection with such performance or nonperformance.

Section 11. The rights and the obligations under this Agreement shall not be assigned by either party without the written consent of the other.

Section 12. This Agreement shall take effect when the bond ordinance described herein takes effect.

Section 13. This Agreement shall be governed by the laws of the State of New Jersey.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the Township has caused this Agreement to be executed in its corporate name by its duly Authorized Representative, and the School District has caused this Agreement to be executed in its name by its duly Authorized Representative, as of the date set forth below.

TOWNSHIP OF WEST ORANGE, IN THE
COUNTY ESSEX, NEW JERSEY

By: _____
ROBERT D. PARISI,
MAYOR

Dated: _____, 2018

ATTEST

Karen Carnevale, Municipal Clerk

THE BOARD OF EDUCATION OF THE
TOWNSHIP OF WEST ORANGE IN THE
COUNTY OF ESSEX, NEW JERSEY

BY: _____
PRESIDENT

Dated: _____, 2018

ATTEST

4822-8038-3845, v. 1

RESOLUTION

WHEREAS, the average American throws away about 10 single-use plastic bags per week and Americans use 380 billion plastic bags per year; and

WHEREAS, about 8 million tons of plastic waste end up in the ocean each year; and

WHEREAS, production of plastic bags requires approximately 12 million barrels of oil per year and generates 400 million tons of carbon dioxide per year; and

WHEREAS, the Township of West Orange is dedicated to supporting efforts to protecting the environment and reducing the amount of waste harming the environment; and

WHEREAS, Assembly Bill No. 1218 (the "Bill") is currently pending before the New Jersey State Assembly; and

WHEREAS, the Bill seeks to compel the reduction of single-use plastic bags by 50% in retail businesses and to ultimately prohibit to use of single-use plastic bags in retail businesses; and

WHEREAS, the Township seeks to support the passage and adoption of the Bill into law.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township hereby urges the New Jersey State Assembly to pass and adopt the Bill; and be it further

RESOLVED, the Township Clerk is directed to send a copy of this Resolution to New Jersey State Senator and former Governor Richard Codey, New Jersey State Assemblywoman Mila Jasey, New Jersey State Assemblyman John F. McKeon, and be it further

RESOLVED, the Township Clerk is directed to send a copy of this Resolution to Governor Phil Murphy; New Jersey State Senate Stephen M. Sweeney; and the Speaker of the New Jersey Assembly Craig Coughlin; 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 J. Carnevale, R.M.C.
Township Clerk

Susan McCartney
Council President

Adopted: June 12, 2018

4819-1316-1574, v. 1

RESOLUTION

WHEREAS, the Township of West Orange ("Township") has established a participatory budgeting program called "Our Town, Your Choice" ("Participatory Budgeting Program") whereby it will set aside \$400,000 in capital funds to be used for a capital project voted on by Township residents in a Non-Binding Referendum to be held during the upcoming general election; and

WHEREAS, the Participatory Budgeting Program was established to allow residents to be directly involved in the Township budgeting process and foster civic engagement by submitting project proposals that qualify as capital projects; and

WHEREAS, four (4) proposals have been submitted by Township residents which meet the criteria of a capital project that each cost less than \$400,000; and

WHEREAS, the Township desires to have the four (4) project proposals included on a Non-Binding Referendum to be placed on the official ballot of the Township of West Orange for its November General Election; and

WHEREAS, a copy of the proposed projects are annexed hereto as Exhibit "A."

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange, that the four (4) projects set forth on Exhibit **A** be included on a Non-Binding Referendum to be placed on the official ballot for the Township of West Orange for its upcoming November General Election and that the Township hereby requests that the Essex County Clerk's Office place the projects on a Non-Binding Referendum on the Official November General Election Ballot.

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

Susan McCartney
Council President

Adopted: June 12, 2018

EXHIBIT “A”

Proposals for Participatory Budgeting Projects

Ballot Position	Name of Project
1	Emergency Information AM Radio Station
2	Pleasant Valley Way Sidewalk Repairs between Belle Terre Road and Mellon Avenue
3	Special Needs Playground of Inclusive Play
4	OSPAC Improvement and Handicap Parking Project

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>
New Jersey State Golf Association- Foundation Inc. Off Premise Merchandise	July 23, 2018	25 Prospect Avenue	7500
Our Lady of Lourdes Church Calendar	12/1/2018, 1/5/2019, 2/2/2019, 3/2/2019, 4/6/2019, 5/4/2019 and 6/1/2019	1 Eagle Rock Avenue	7501
New Jersey State USBC WBA On Premise Merchandise	June 10, 2018	424 Eagle Rock Avenue	7502
New Jersey State USBC WBA On Premise 50/50	June 10, 2018	424 Eagle Rock Avenue	7503
AFJROTC West Orange HS Off Prem Merch	June 20, 2018	51 Conforti Avenue	7504
Arc of Essex County Inc. Off Prem 50/50	September 27, 2018	350 Pleasant Valley Way	7505

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

Susan McCartney
Council President

Adopted: June 12, 2018

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 and Block 82.03, Lot 14 for 1.543 acres and Lot 17 for 4.47 acres (the "Properties") to explore whether the Properties are suitable for acquisition by the Township as open space; and

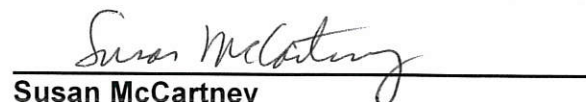
WHEREAS, the Township previously adopted Resolution 39-18 authorizing the retention of Hendricks Appraisal Company, LLC ("Hendricks") as the Township's appraiser at a rate of \$150.00 per hour for the year 2018.

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 39-18; 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.

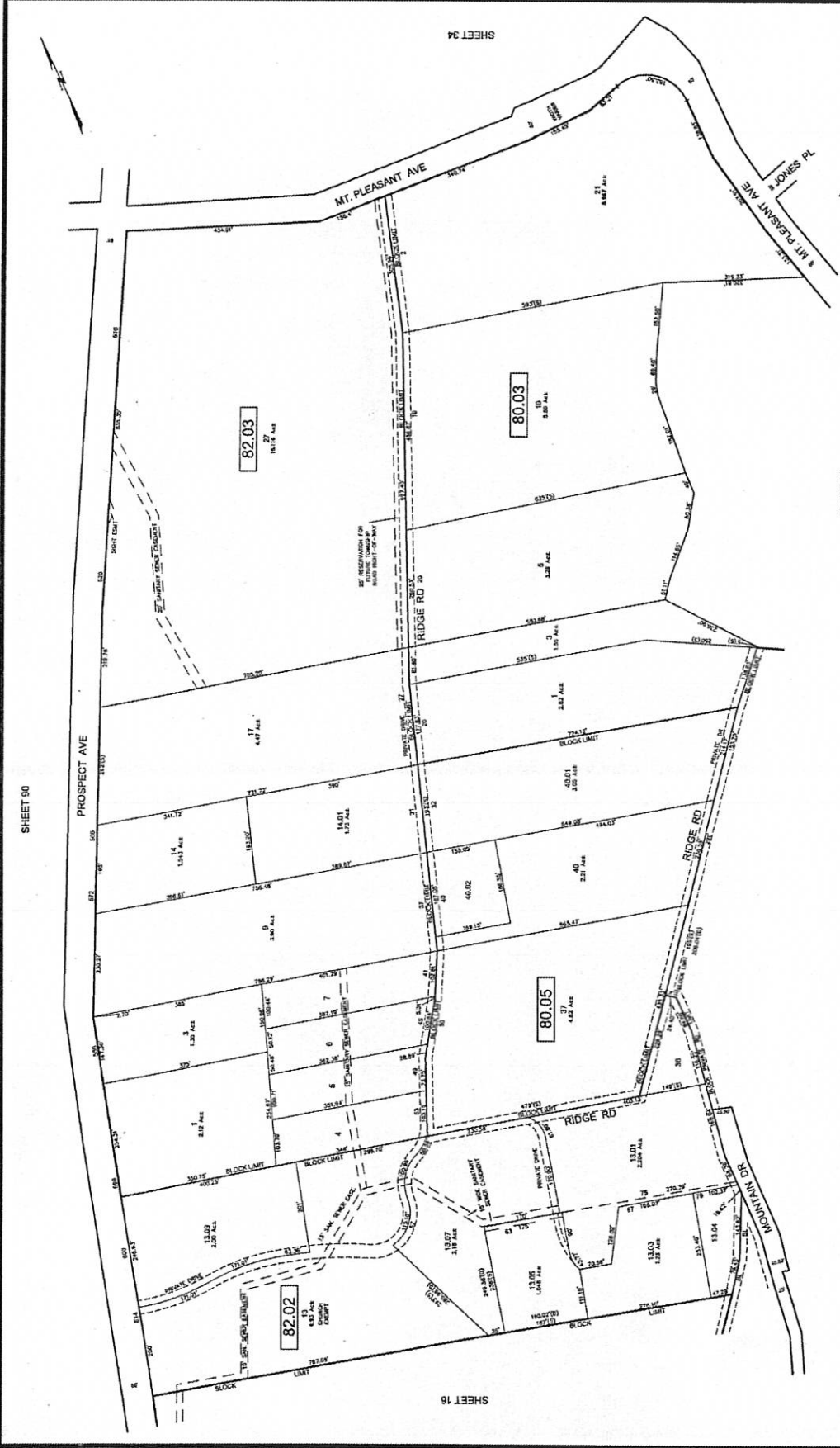


Karen Carnevale, R.M.C.
Municipal Clerk



Susan McCartney
Council President

Adopted: June 12, 2018



TAX MAP
TOWNSHIP OF WEST ORANGE
DATE: 11/14/2014
BY: CHARLES A. ATKINSON

THIS MAP WAS FORMALLY
CERTIFIED BY THE
DIVISION OF TAXATION ON
NOVEMBER 14, 2014 SIGNED
BY SUE DAVISON, CTA AND
ASSIGNED SERIAL NUMBER 1048

REVISIONS

DATE	BY	DESCRIPTION

* THIS SHEET HAS BEEN DRAWN USING COMPUTER AIDED DRAFTING/
DESIGN (CADD) AND COORDINATE GEOMETRY (CADD).

RESOLUTION

WHEREAS, a zoning application is currently pending before the Township of West Orange Zoning Board of Adjustment (the “Zoning Board”) under the application number ZB-18-01 (the “Application”) related to the property located at 112 Conforti Avenue (the “Property”); and

WHEREAS, the Zoning Board has requested the services of an architect to assist in reviewing the Application including the proposed handicapped ramps; and

WHEREAS, Peter T. Ricci, AIA (“Ricci”) of Arkitecture Plus, LLC has submitted a proposal dated June 7, 2018 (the “Proposal”) to provide architectural consulting services to the Zoning Board which proposal is annexed hereto as Exhibit “A;” and

WHEREAS, the Proposal provides that Mr. Ricci shall be paid at a rate of \$225 per hour with a maximum total billing of \$2,500; and

WHEREAS, Ricci has the expertise and experience necessary to assist the Zoning Board with the pending Application.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Township is authorized to retain Arkitecture Plus, LLC consistent with the terms of the Proposal annexed hereto as Exhibit “A;” and it is further

RESOLVED, that the Mayor is authorized to execute and the Township Clerk is authorized to attest to any document or contract needed to effectuate the retention of Arkitecture Plus, LLC consistent with this Resolution and the Proposal annexed hereto as Exhibit “A.”

Karen J. Carnevale
Municipal Clerk

Susan McCartney
Council President

Adopted: June 12, 2018

Exhibit “A”

Peter T. Ricci, AIA
Architect – Planner
ricci@arkitectureplus.com

Susana S. Tavera, AIA
Architect
tavaera@arkitectureplus.com

697 Bloomfield Avenue
West Caldwell, NJ 07006
T (973) 228-2208
F (973) 228-2206



June 7, 2018

Township of West Orange
66 Main Street
West Orange, NJ 07052

ZB-18-01
Deutsche Bank Trust Co.
c/o The Durkin Firm, LLC
112 Conforti Avenue
West Orange, NJ 07052

Please allow this letter to serve as a retention letter for the engagement of my firms' services in the above captioned action. I have been asked to provide architectural consulting services to the West Orange Zoning Board of Adjustment ("Board") in the matter of Deutsche Bank Trust Co. ZB-18-01, for 112 Conforti Avenue, Block 154.17, Lot 131. My rate is \$225.00 per hour, and I understand this engagement is limited to a maximum billing of \$2,500.00. My services will include review of the application, attendance at any further Board meetings in this matter and to render consulting advice in the field of architecture to the members of the West Orange Zoning Board.

In addition to the experience listed on my curriculum vitae, I have experience in the design of handicapped accessible ramps for residential structures, and I have also served as an architectural consultant for the Township of West Caldwell. I also served as a member of the West Orange Zoning Board of Adjustment for nine years, ending in the year 2011.

Very truly yours,

Arkitecture Plus, LLC

Peter T. Ricci, AIA

697 Bloomfield Avenue
West Caldwell, NJ 07006
T (973) 228-2208
F (973) 228-2206



Peter T. Ricci A.I.A. – Owner
Architecture – Planning – Interior Design

Arkitecture Plus, LLC
697 Bloomfield Avenue
West Caldwell, NJ 07006

Firm:

Arkitecture Plus, Full service Architectural firm founded in 1999. Staff is trained in Architecture and Interior Design. All work is computer generated with up to date software. Experienced doing projects as a Design Architect working directly for the Client or as part of a Design Build Team.

Certificate of Authorization # AC 300 for Architectural Services in New Jersey

Owner & Founder:

Peter T. Ricci, A.I.A.
Bachelor of Architecture, N.J.I.T. School of Architecture, 1978

Professional Licenses:

Licensed Architect since 1983.
Licensed in New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Illinois, Vermont, Virginia, New Hampshire, Georgia, Maryland and Delaware.

Licensed Professional Planner since 1984 in New Jersey.

Certified Interior Designer since 2011

NCARB Certified.

Professional Affiliations:

American Institute of Architects, Past President, 1989, of Newark & Suburban Chapter of NJ Society of Architects.
Chairman of A.I.A.N.S. Golf Outing from 1997 to 2006 raising over \$72,000.00 for First Cerebral Palsy of New Jersey.
Member of the NJIT School of Architecture Professional Advisory Board, 1991 - 2001
Herman C. Litwack, FAIA Honor Award, 2003
West Essex Chamber of Commerce, Member since 2002.
West Orange Township Board of Adjustment, Board member from 2004 to 2012 and past Board Chairman.
Rotary Club of West Orange, President & Paul Harris Fellow.

Military Service:

United States Army, Specialist, Radar Technician, Honorably Discharged, 5-1-1978

Retail Experience:

Staples. Architect in charge on approximately 120 new stores and 50 remodels over a fifteen year period.

AHOLD, USA. Retail shopping centers in New Jersey, New York and Pennsylvania. Design and development.

DCH Auto Group. Automobile dealerships in New Jersey. New construction and renovations.

Architect in charge on numerous additional retail stores including Jones New York, Nine West, Marshall's, Ashley Furniture and A.J.Wright.

Additional Commercial:

Client include Developers, both locally and in surrounding States and independent clients. Projects include Hotel renovations, office buildings and interior fit-ups, Professional offices, Dentists, Accountants, Real Estate Offices, Day Care facilities, Jewelry stores, Single and multi family residential, Etc.

Residential Experience:

Multi-family townhouses, single and two floor apartments, mid-rise condo units with retail on the ground level.

Single family homes, ground up new construction including large custom homes, modest homes and house additions.

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 7, TRAFFIC, SUBSECTION 7-13,
PARKING PROHIBITED AT ALL TIMES ON CERTAIN 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 7-13, Parking Prohibited at All Times on Certain 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	Sides	Location
<i>South Valley Road</i>	<i>West</i>	<i>Ridgeview Avenue to South Orange Line</i>
South Valley Road	West	Beginning 65 feet north of the northerly curbline of Ridgeview Avenue extended and extending southerly to the Township of South Orange Village line.
South Valley Road	West	Beginning 65 feet north of the northerly curbline of Lawrence Avenue extended and extending southerly to a point 50 feet south of the of the southerly curbline of Lawrence Avenue extended.
South Valley Road	West	Beginning 10 feet south of the southerly curbline of Tremont Avenue extended to the westerly curbline of South Valley Road and extending northerly to the City of Orange Township line.

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.

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

Robert D. Parisi, Mayor

Susan McCartney, Council President

Dated: May 8, 2018

Adopted: June 12, 2108

LEGISLATIVE HISTORY

This Ordinance amends the Revised General Ordinances of the Township of West Orange Chapter 7-13, Parking Prohibited at All Times on Certain Streets, to reflect what is already posted on the westerly side of South Valley Road from Tremont Avenue north to the City of Orange Township line and from Ridgeview Avenue south to the Township of South Orange Village line. It also expands the No Parking Area at Lawrence Avenue. Regulations for the easterly side of South Valley Road will remain unchanged.

**AN ORDINANCE AMENDING CHAPTER 5, SECTIONS 32.1, 32.3, 32.7, 32.8, 32.9,
32.10, 32.11, and 32.12 OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST ORANGE
(Police-Requested Towing and Storage Services)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 5 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 revised the municipal code provision governing the towing of vehicles within the Township of West Orange by licensed tow companies to provide additional details regarding the prohibition from charging fees for towing or impounding vehicles as part of criminal investigations.

II. CHAPTER 5, SECTION 32.11 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-32.11 Towing and Storage Charges.

- a. The maximum rate for towing and storage of vehicles pursuant to this section shall be as follows:

<i>Type of Service</i>	<i>Amount</i>
All passenger automobiles, motor vehicles and similar vehicles	\$110.00.
Medium-duty trucks, campers, and similar vehicles weighing more than 8,000 lbs. and less than 15,000 lbs.	\$210.00 per hour with a one (1) hour minimum.
Heavy-duty trucks, tractor-trailers, campers, and similar devices with dual wheels with a gross variable weight over 15,000 lbs.	\$325.00 per hour with a one (1) hour minimum.
Road service including jumpstarts, tire changes and related services	\$85.00
Recovery/winching for cars	\$95.00
Rollover of cars	\$125.00.
Heavy duty recovery services	\$650.00 per hour with a one (1) hour minimum.

Waiting time for each hour or part thereof

\$50.00 per hour.

Normal cleanup provided in subsection 5-32.10k. herein \$55.00

Storage charges (outside) \$40.00 per day.

Storage charges (inside) \$50.00 per day.

Outside storage for trucks, tractor-trailers, and campers \$75.00 per day.

Inside storage for trucks, trailers, campers \$105.00 per day.

Administrative fee which may be charged to a third party (non-owner) (i) for physical visits to a stored vehicle; or (ii) requests requiring an inordinate amount of clerical time. Documentation of such clerical time must be available upon request. This fee may be charged each time access is sought to the vehicle. Any owner shall be permitted access to the vehicle on one (1) occasion at no charge \$45.00

Yard fee \$45.00

b. *Reserved.*

c. *Reserved.*

d. An administrative fee of twenty (\$20.00) dollars shall be paid to the Township for each vehicle towed by the licensee in accordance with this section. This fee is to be paid by the licensee on a monthly basis upon the filing of monthly reports in form satisfactory to the Township's Chief Financial Officer. All reports and payments must be received by the fifteenth of the next month.

e. The Township and its Police shall not be liable to a licensee with respect to service rendered to any owner pursuant to the licensee or otherwise. The licensee shall look only to the owner of such vehicle for payment of service charges or any other compensation.

- f. Any vehicle towed will only be released upon presentation of a duly authorized and executed release from the Police Department authorizing such release.
- g. Licensee shall not charge a storage or towing fee when it tows a vehicle registered to a resident of the Township designated to be impounded or stored as part of a criminal investigation by the West Orange Police Department or other law enforcement agency operating within the Township of West Orange, except that this provision shall not prevent Licensee from seeking restitution including storage or towing fees in a criminal prosecution resulting from the criminal investigation.
- h. Licensee shall not charge a storage or towing fee for the transport or storage of any vehicle owned by the Township being transported or stored en route to a designated automobile repair facility.
- i. Licensee shall not charge a storage or tow fee when a vehicle is towed or impounded in error, whether by error on the part of Licensee or by error on the part of the West Orange Police Department in misidentifying a vehicle for towing or impounding. Licensee shall refund to the owner of the vehicle any storage or tow fee already paid for a vehicle towed or stored in error.
- j. All fees charged pursuant to this ordinance shall be due and payable prior to the tow operator being required to return the vehicle to the owner or other person authorized by the owner to obtain possession of the towed vehicle.

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.

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

Robert D. Parisi, Mayor

Susan McCartney, Council President

Introduced: May 22, 2018

Adopted: June 12, 2018

2543-18

Legislative History

This ordinance is drafted to revise the municipal code provisions governing the towing of vehicles by licensed tow companies. The Municipal Code previously prohibited towing companies from charging towing and storage fees for vehicles towed as part of a criminal investigation, this ordinance would limit that prohibition to vehicles registered to Township residents.

4843-3779-3893, v. 1

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL
IMPROVEMENTS IN AND BY THE TOWNSHIP OF WEST ORANGE, IN
THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING \$9,644,148
THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,184,902.86
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 several 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 several
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 \$9,644,148, and further including the aggregate sum
of \$459,245.14 as the several 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 several improvements or purposes not
covered by application of the several down payments, negotiable bonds are hereby authorized

to be issued in the principal amount of \$9,184,902.86 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 several improvements hereby authorized and the several 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 & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
a) Improvement of the West Orange High School Stadium Field and Track to be undertaken jointly with the Board of Education under a Shared Services Agreement (50% of the cost to be received from the Board of Education)	\$800,000.00	\$761,904.76	15 years
b) Acquisition of police, fire and DPW equipment including personal protective equipment, breathing air compressor recharging system/fill station, portable light tower/generator, motor cycle racks and other DPW equipment	\$224,825.00	\$214,119.05	5 years
c) Improvement of indoor facilities including major capital repair of municipal	\$850,000.00	\$809,523.81	20 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
facilities and phase 2 of the Library Improvement Project in accordance with the Needs Assessment on file with the municipal clerk			
d) Acquisition of information technology including postage machine with collator/folder for administration, MDT replacement, camera system expansion, investigative covert camera and Communications Center chairs for Police, security cameras for recreation department and other information technology	\$309,415.00	\$294,680.95	5 years
e) Improvement of outdoor facilities including paving, wall and equipment replacement or upgrades at Pleasantdale Parking Lot and an ice bumper car facility, Rolling Green tennis courts upgrade, major repairs and upgrades at pool facilities, major repairs, replacements and upgrades of playground equipment, installation of lighting at Degnan and Colgate and hard-court lighting at Degnan, Stagg and O'Connor and other recreation facility improvements	\$721,000.00	\$686,666.67	15 years
f) Improvement of streets and roads including resurfacing	\$5,509,750.00	\$5,247,380.95	15 years

<u>Purpose</u>	<u>Appropriation & Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds & Notes</u>	<u>Period of Usefulness</u>
and other improvements in accordance with the list on file in the Clerk's Office to the extent of the funds available, acquisition and installation of LED high visibility signs, shade tree replacement and installation of signs and striping			
g) Vehicle acquisition or improvement consisting of major capital repair of fire trucks and acquisition of 4X4 vehicles for Administration and Code Departments, service truck, ½ ton cargo van, pick-up truck with plow, front end loader, loader buckets and large hydraulic pump for DPW, fire pick-up and 4X4 vehicles for Fire Department and 4X4 vehicle, special service pick-up vehicle and snow plow for Police Department	<u>\$1,229,158.00</u>	<u>\$1,170,626.67</u>	5 years
TOTALS:	<u>\$9,644,148.00</u>	<u>\$9,184,902.86</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 unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. 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 or other applicable 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 all 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 13.61 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 \$9,184,902.86, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,928,830 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. Any grant moneys received for the purposes or improvements described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. 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 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

1	Suriano Stadium field surface & track	800,000.00
3	Equipment, including but not limited to	
4	Fire - Personal Protective Equipment (PPE)	50,000.00
5	Fire - Breathing Air Compressor Recharging System/Fill Station	50,000.00
6	Police - Portable Light Tower/Generator	22,225.00
7	Police - Motorcycle Racks	2,600.00
8	Other Equipment	100,000.00
10	Indoor Facility Improvements, including but not limited to	
11	Indoor Facility Capital Repairs	250,000.00
12	Library Improvements - Phase 2	600,000.00
14	Information Technology, including but not limited to	
15	Admin - Pitney Bowes Postage Machine with Collator/Folder	20,000.00
16	Police - MDT Replacement	70,000.00
17	Police - Camera System Expansion	31,015.00
18	Police - Investigative Covert Camera	11,600.00
19	Police - Communications Center Chairs	7,800.00
20	Recreation - Security Cameras: Colgate Futsal & Katz Civic Center	19,000.00
21	Other Information Technology	150,000.00
23	Outdoor Facility Improvements, including but not limited to	
24	DPW - Pleasantdale Parking Lot Improvements	150,000.00
25	Recreation - Ice Bumper Car Facility	110,000.00
26	Recreation - Upgrade Rolling Green Tennis Courts	90,000.00
27	Recreation - Pool Repairs/Upgrades	41,000.00
28	Recreation - Playground Equipment Repairs, Replacement & Upgrades	40,000.00
29	Recreation - Ball Field Lighting: Degnan & Colgate	30,000.00
30	Recreation - Hard Court Lighting: Degnan, Stagg & O'Connor	10,000.00
31	Other Outdoor Facility Improvements	250,000.00
33	Street Resurfacing & Improvement, including but not limited to	
34	DPW - Street Resurfacing & Improvement	5,329,750.00
35	DPW - LED High Visibility Signs	100,000.00
36	DPW - Signs & Striping	50,000.00
37	DPW - Shade Trees	30,000.00
40	Vehicles, including but not limited to	
41	Major Capital Repairs	250,000.00
42	Admin, Code - 4X4 Vehicles	120,000.00
43	DPW - Service Truck	67,000.00
44	DPW - 1/2 Ton Cargo Van	35,000.00
45	DPW - Pickup Truck with Plow	45,000.00
46	DPW - Front End Loader	225,000.00
47	DPW - Loader Buckets	30,000.00
48	DPW - Larger Hydraulic Pump	60,000.00
49	Fire - Fire Pickup Vehicle	40,000.00
50	Fire - Fire 4x4 Vehicle	40,000.00
51	Police - Patrol Vehicles	250,000.00
52	Police - Special Service Pickup Vehicle	61,000.00
53	Police - Snow Plow	6,158.00

5-YEAR IMPROVEMENT PLAN

ITEM	PHOTO #	LOCATION	SAFETY	SECURITY	ADA	ENERGY	GENERAL	IMPROVEMENT YEAR AND VALUE					ITEM TOTAL
								year 1	year 2	year 3	year 4	year 5	
Brick facade replacement at 1978 addition	A1/A2	exterior	X				X	\$960,000					\$350,000
Roof replacement and new coping at original building	A3/A4/A5	exterior					X			\$297,500			\$297,500
Chimney cap stone replacement and flashing	A6/A7	exterior					X	\$15,000					\$15,000
Trim trees overhanging the roof	A8/A9	exterior					X	\$1,500					\$1,500
Exterior hollow metal door painting	A10	exterior					X	\$1,500					\$1,500
Replace Mt. Pleasant Ave. entrance area soffits and lighting	A11/A12	exterior					X				\$20,000		\$20,000
Gaston Street parking lot-mill and repave, restripe, proper ADA signs and layout	A13/A14/A15	exterior	X				X				\$60,000		\$60,000
Side driveway and staff parking lot - seal coat and restripe	A16	exterior					X				\$25,000		\$25,000
Replace entrance exterior and vestibule doors (4 pairs)	A17/A18	exterior					X					\$60,000	\$60,000
Replace ceiling tiles at upper level adults area	A19/A20	upper level					X						\$30,000
Test flooring tiles and replace/cover at lower level storage/stack area	A21/A22	lower level	X				X		\$35,000				\$35,000
Replace ceiling at lower level storage/stack area	A23/A24	lower level					X			\$35,000			\$35,000
Paint walls and replace wall base at lower level storage/stack area	A5/A6	lower level					X				\$25,000		\$25,000
New kitchen counter, sink and appliances	A27	lower level			X		X		\$18,500				\$18,500
Modify public restrooms for ADA compliance	A28/A29/A30	upper level			X		X	\$60,000					\$60,000
New plumbing fixtures and accessories at all other restrooms	A31	throughout				X	X		\$50,000				\$50,000
Replace door knobs with lever handles	A32	throughout					X	\$22,500					\$22,500
Tripping hazard and ADA issue at entrance walk-off mat pockets - replace mats	A33	entrance door areas	X		X		X	\$2,000					\$2,000
Elevator signs at door jambs		both levels			X			\$500					\$500
Replace 4 rooftop HVAC units	E2	roof				X			\$150,000				\$150,000
New automatic temperature controls	E1	lower level				X			\$50,000				\$50,000
Replace non-working staff bathroom fan		roof				X		\$5,000					\$5,000
Replace non-working public bathroom fan		roof				X		\$5,000					\$5,000
Replace PIRV (pressure reducing valve)	E3/E4	lower level					X	\$2,500					\$2,500
Replace water heater	E1	lower level			X				\$4,500				\$4,500
Replace 600 amp switch board with new panel	E9/E10	lower level	X				X	\$7,500					\$7,500
Replace lighting with new LED fixtures	E11/E12	throughout				X	X			\$150,000			\$150,000
Replace fire alarm and detection system	E13/E14	throughout	X					\$50,000					\$50,000
			Year Sub-Total					\$523,300	\$298,000	\$512,500	\$130,000	\$60,000	\$1,523,500
			Professional Fees					\$52,300	\$29,800	\$51,250	\$13,000	\$6,000	\$152,350
			Year Total					\$575,300	\$327,800	\$563,750	\$143,000	\$66,000	\$1,675,850

NOTES:

1. Projected values reflect 2015 dollars and do not represent inflation or escalation due to market conditions.
2. Professional fees are estimated at 10% value of the job and may be subject to change due to job specifics and job groupings.

**2017, 2018 AND 2019 STREET RESURFACING LIST, VERSION 1, OCTOBER 12, 2017
REVISED JANUARY 8, 2018**

2016 STREET RESURFACING LIST TO BE COMPLETED OCTOBER AND NOVEMBER 2017

1. Spring Hill Drive, Fernwood Circle, Cherrywood Circle
Curb, Aprons and Drainage complete; milling and resurfacing week of October 16 or October 23
2. Ralph Road, Manger Road to Manger Road
Curb and Aprons to begin week of October 16, milling and paving November 2017

2017 PHASE III STREET RESURFACING LIST TO BE STARTED FALL 2017 AND COMPLETED BY SUMMER 2018

1. Manger Road, Ralph Rd to McGuire Drive – curb, aprons, mill & pave
2. Lorelei Road – curb, aprons, mill & pave
3. Carolina Avenue – curb, aprons, mill & pave.
4. Roosevelt Avenue, Elmwood Avenue to Lorelei Rd
Curb, aprons, mill and pave, Speed Tables, four
5. Elmwood Avenue - mill and pave, drainage
6. Westwood Drive North – curb, aprons, mill & Pave
7. Westwood Drive South – curb, aprons, mill & pave
8. Garfield Avenue, Shelly Terrace to dead end – curb, aprons, mill & pave
9. Shelly Terrace – curb, aprons, mill & pave
10. Calvin Terrace - curb, aprons, mill & pave
11. Parkside Avenue – curb, aprons, mill & pave

CONTRACT AMOUNT **\$ 1,755,182.37**

2017 PHASE IV STREET RESURFACING LIST TO BE STARTED FALL 2017 AND COMPLETED BY SUMMER 2018

1. Mountain Way – curb, aprons, mill & pave - Started October 12, Completion November 2017
2. Mountain Way South- curb, aprons, mill & pave – Started October 12, Completion November 2017
3. Devon Drive - curb, aprons, mill & pave – Started October 12, Completion November 2017
4. Sylvan Place – curb, aprons, mill & pave – Started October 12, Completion November 2017

5. Connel Drive - curb, aprons, mill & pave
6. Powell Drive - curb, aprons, mill & pave
7. Stone Drive - curb, aprons, mill & pave
8. Weber Road - curb, aprons, mill & pave
9. Tornillo Road - curb, aprons, mill & pave
10. Essex Terrace – curb, aprons, mill & pave
11. Undercliff Terrace, Walker Road north to dead end – curb, aprons, mill & pave
12. Birchwood Avenue cul de sac – curb, aprons, mill & pave

CONTRACT AMOUNT **\$ 2,055,200.72**

2017 PHASE II STREET IMPROVEMENTS, TO BE STARTED AND COMPLETED SPRING 2018

20.	Chestnut Street, Franklin Avenue to Harrison Avenue - curb, aprons, mill & pave 1,200 L.F. @ \$180/L.F.	\$216,000
21.	Elm Street, Franklin Avenue to Harrison Avenue - curb, aprons, mill & pave 1,000 L.F. @ \$180/L.F.	\$180,000
22.	Roosevelt Avenue, Lincoln Avenue north to dead end – curb, aprons, mill & pave 860 L.F. @ \$180/L.F.	\$154,800
23.	Samuel Street – curb, aprons, sidewalks, mill & pave 500 L.F. @ \$235/L.F.	\$117,500
24.	Chestnut Street, Whittlesey Avenue to Watchung Avenue curb, aprons, sidewalks, mill & pave 660 L.F. @ \$235/L.F.	\$155,100
25.	Ridge Avenue, Whittlesey Avenue to Watchung Avenue Curb, aprons, sidewalks, mill & pave 660 L.F. @ \$235/L.F.	\$155,100
TOTAL		\$978,500

**2017 STREET IMPROVEMENTS, PHASE I, WINDING WAY, SHEFFIELD TERRACE TO DEAD END
TO BE COMPLETED FALL 2017**

New Drainage system, new granite block curb, new full depth asphalt pavement

2018 PHASE I STREET IMPROVEMENTS, TO BE STARTED SPRING 2018 AND COMPLETED SUMMER 2018

1. Curtis Avenue and Garfield Avenue from Curtis Avenue to Hoover Avenue Storm sewer, curb, aprons, sidewalks, mill & pave	\$613,000
---	-----------

2018 PHASE II STREET IMPROVEMENTS, TO BE STARTED SUMMER 2018 AND COMPLETED SUMMER 2019

1. Whittingham Place (mill and pave) 1,000 L.F. @ \$120/L.F.	\$120,000
2. Rollinson Street, Northfield Avenue to Mitchell Street, curb & aprons one side, mill & pave 1,900 L.F. @ \$150/L.F.	\$285,000
3. Longview Street - curb, aprons, mill & pave 1,250 L.F. @ 180/L.F.	\$225,000
4. Randolph Place - curb, aprons, mill & pave 1,150 L.F. @ \$180/L.F.	\$207,000
5. Marion Drive - curb, aprons, mill & pave, sidewalk one side 1,300 L.F. @ \$165/L.F. Sidewalk	\$214,500 \$ 40,000
6. Barone Road – curb, aprons, mill & pave 700 L.F. @ \$180/L.F.	\$126,000
7. Phyllis Road - curb, aprons, mill & pave 1,700 L.F. @ \$175/L.F.	\$297,500
8. Marshall Street - curb, aprons, mill & pave 630 L.F. @ \$180/L.F.	\$113,400
9. Westminster Terrace – curb, aprons, mill & pave 870 L.F. @ \$180/L.F.	\$156,600
10. Devonshire Terrace – curb, aprons, mill & pave 1,010 L.F. @ \$180/L.F.	\$181,800
11. Cheshire Terrace – curb, aprons, mill & pave 930 L.F. @ \$180/L.F.	\$167,400
12. Nottingham Road – curb, aprons, mill & pave 720 L.F. @ \$180/L.F.	\$129,600
13. Barbara Avenue – curb, aprons, mill & pave 710 L.F. @ \$180/L.F.	\$127,800

14.	Waddington Avenue – curb, aprons, mill & pave 1,850 L.F. @ \$180/L.F.	\$333,000
15.	Syme Avenue – curb, aprons, mill & pave 860 L.F. @ \$180/L.F.	\$154,800
16.	Kirk Street (Harrison Avenue to Franklin Avenue) curb, aprons, mill & pave 700 L.F. @ \$180/L.F.	\$126,000
17.	Maple Street (Harrison Avenue to Franklin Avenue) Curb, aprons, mill & pave 870 L.F. @ \$180/L.F.	\$156,600
18.	Lessing Road (Edgewood Avenue to Highland Blvd) Curb, aprons, mill & pave 750 L.F. @ \$180/L.F.	\$135,000
19.	Walker Road (Undercliff Terrace South to Lower Burnett Terr) Mill and pave 1,550 L.F. @ \$120/L.F.	\$186,000
20.	Crestwood Drive Curb, aprons, mill and pave 1,160 L.F. @ \$180/L.F.	\$208,000
21.	Greenwood Avenue Curb, aprons, mill and pave 1,750 L.F. @ \$180/L.F.	\$315,000
	3 speed tables @ \$5,000 each	\$ 15,000
TOTAL		\$4,021,800

2018 PHASE III STREET IMPROVEMENTS
START SUMMER 2018 COMPLETE FALL 2018

Lessing Road, St. Cloud Avenue to Highland Boulevard New Curb, aprons, mill & pave 2,650 L.F. 1 \$190 / L.F.	\$503,500
--	------------------

2018	PHASE IV STREET IMPROVEMENTS	
	START FALL 2018 COMPLETE FALL 2018	
	Meade Street Some curb and sidewalk, mill and pave	\$120,000
	Columbia Street Some curb and sidewalk, mill and pave	\$180,000
2018	PHASE V STREET IMPROVEMENTS	
	WINDING WAY PHASE II, LOWELL AVENUE TO SHEFFIELD TERRACE START FALL 2018, COMPLETE FALL 2018	
	New Drainage System, new curb, new full depth asphalt pavement	\$350,000
2018	PHASE VI STREET IMPROVEMENTS	
	UPPER MELLON AVENUE	\$275,000
2019	AND 2020 STREET IMPROVEMENTS	
	Kenz Terrace	
	Mellon Avenue (lower)	
	Rand Drive	
	Parson Drive	
	Thorn Terrace	
	Dunn Road	
	Mann Avenue	
	Nicholas Avenue (Redwood Avenue to Terrace Avenue)	
	Kingwood Road	
	Glenview Drive	
	Hillcrest Avenue (Maple Avenue to Springhill Drive)	
	Ash Avenue	
	Mitchell Street (Valley Road to Orange line)	

Stockman Street

Tompkins Street

Renna Plaza

OTHER STREET IMPROVEMENTS

Curtis Avenue and Garfield Avenue from Curtis Avenue to Hoover Avenue (NJDOT Grant, partial)

Samuel Street (CDBG)

Chestnut Street, Whittlesey Avenue to Watchung Avenue (CDBG)

Ridge Avenue, Whittlesey Avenue to Watchung Avenue (CDBG, partial)

“Upper” Mellon Avenue and Cleveland Terrace from Mellon Avenue to Hoover Avenue

OTHER STREET IMPROVEMENTS – 2018

Lessing Road, St. Cloud Avenue to Edgewood Avenue (NJDOT Grant, partial)

Meade Street (CDBG)

Columbia Street (CDBG)

Kenz Terrace

Barbara Avenue

Mellon Avenue (lower)

Rand Drive

Parson Drive

Thorn Terrace

Dunn Road

Mann Avenue

Nicholas Avenue (Redwood Avenue to Terrace Avenue)

Westminster Terrace

Devonshire Terrace

Cheshire Terrace

Nottingham Road

Waddington Avenue

Syme Avenue

Kingwood Road

Glenview Drive

Hillcrest Avenue (Maple Avenue to Spring Hill Drive)

Ash Avenue

Mitchell Street (Valley Road to Orange line)

Stockman Street

Tompkins Street

Renna Plaza

Kirk Street (Harrison Avenue to Franklin Avenue)

Maple Street (Harrison Avenue to Franklin Avenue)

**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
108 Roosevelt Avenue	1	Beginning 191 feet south of the southerly curbline of Elmwood Avenue extended to the westerly curbline of Roosevelt Avenue and extending 20 feet south.
52 Llewellyn Avenue	1	Beginning 43 feet west of the westerly curbline of Sayers Place extended and extending 19 feet west.
132 Watson Avenue	1	Beginning 109 feet south of the southerly curbline of Ridge Avenue extended and extending 20 feet south.
18 McKinley Avenue	1	On McKinley Place, beginning 50 feet north of the northerly curbline of McKinley Avenue and extending 18 feet north.

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.

ROBERT D. PARISI, MAYOR

SUSAN McCARTNEY, COUNCIL PRESIDENT

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

INTRODUCED: June 12, 2018

ADOPTED: June 26, 2018

LEGISLATIVE HISTORY

This Ordinance is in response to requests from handicapped residents who reside at 108 Roosevelt Avenue, 52 Llewellyn Avenue, 132 Watson Avenue, and 18 McKinley Avenue. By adopting this Ordinance, the Township will establish a handicapped parking stall adjacent to each of these addresses. Such parking stalls are permissible under the laws of New Jersey, and they are designated as Restricted Parking Zones.

RESOLUTION

WHEREAS, unless otherwise noted herein, the holders of alcoholic beverage licenses from the Township of West Orange set forth on Exhibit A attached hereto and made part hereof, have made applications to this Township of West Orange ABC Board to renew said licenses for the **2018-2019** license term; and

WHEREAS, said licenses have paid all license renewal fees and submitted the appropriate application to renew; and

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on **June 12, 2018** and no one appeared in opposition to any license renewal; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Orange ABC Board wishes to renew the following alcoholic beverage licenses set forth for the **2018-2019** license term:

0722-32-019-007 WL West Orange, LLC t/a Wine Legend

0722-33-002-011 The Pour House, LLC

0722-33-003-003 Dillon Liquors, Inc., t/a Dillons

0722-33-017-005 S.V. Holdings, Inc. t/a Fortissimo

0722-33-028-004 Rockpro Capital Corp. (Pocket)

0722-33-032-008 Dominick Enterprises, Inc. t/a Primavera Restaurant

0722-33-043-008 Los Tapatios, Inc.

0722-33-040-003 Mayfair Farms

0722-33-050-008 Bliss Hospitality, LLC t/a Brown Bear Pub

0722-33-055-006 MAC-643, LLC t/a Bonds

0722-33-057-010 AMAC t/a La Primavera Trattoria

0722-33-060-009 Wilshire Hospitality Services II, LLC t/a Wilshire Grand Hotel

0722-33-068-016 Wilshire Hospitality Services, LLC t/a Wilshire Catering

0722-36-073-002 Apple Nine Hospitality Mgmt. Inc. t/a Courtyard West Orange

0722-44-010-006 S.P. Enterprises, Inc. t/a Don's Wine & Liquor Shoppe

0722-44-030-005 Eagle Rock Liquor, Inc. t/a Quick Shop Liquors

0722-44-034-008 West Orange News, Inc. t/a Pleasant Valley Food & Spirits

0722-44-046-009 E.G. Holding Corp., Inc. t/a Total Wine and More

0722-44-054-009 Y&R Enterprises, LLC t/a St. Cloud Wine & Liquor

0722-44-062-006 Priya Enterprise, LLC t/a Valley Liquors

KAREN J. CARNEVALE, RMC
ABC Board Secretary

SUSAN McCARTNEY
Council President/ABC Board member

Adopted: June 12, 2018

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
WEST ORANGE ABC BOARD**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, an Application has been filed by AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, for renewal of its Plenary Retail Consumption License # 0722-33-066-009, for the period **July 1, 2018 through June 30, 2019**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, at its regular meeting on June 29, 2010, the Township Council, sitting as the Township ABC Board, approved the person to person and place to place transfer of License No. 0722-33-066-009, from SHO, Inc., to AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, subject to the following special conditions:

1. All current security and off-duty police officers shall continue in accordance with past practice and resolutions (i.e., two (2) officers on Friday, Saturday and Sunday nights);
2. The business will not establish a policy whereby people under eighteen (18) years old must be accompanied by a parent or guardian in order to be on the premises unless such condition is affirmatively removed by the Township ABC Board; and
3. To the extent that the Licensee wishes to remove Condition No. 2, they may seek such relief before the Township ABC Board and in the event the Township ABC Board refuses to remove such condition, the Licensee fully preserves all of its rights, remedies and defenses including the right to appeal to the Director of Alcoholic Beverage Control for the State of New Jersey or such other entity or authority as may have jurisdiction; and

WHEREAS, after the aforesaid approval memorialized in ABC Resolution #443-10, the Licensee, AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, expressed the strong desire to limit the admission of minors under the age of eighteen (18) years to those accompanied by a parent or guardian, citing the risks inherent in a darkened movie theater environment combined with the presence of alcoholic beverages on the premises, the New Jersey tradition and practice of very strict regulation of ABC Licensees, and expressing the Licensee's firm wish and intent to comply with and foster the strict enforcement of the ABC statutes and regulations both to protect its own considerable investment in the Licensed premises, in its dine-in theater business plan, and to fulfill the underlying rationale for ABC regulations, the protection of the public health and safety; and

WHEREAS, the ABC Board acknowledged and appreciated all of those concerns and considerations, as well as the benefits to the local economy of the Licensee's investment and successful operation, and agreed to remove the earlier imposed special condition no. 2, in ABC Board Resolution 443-10, and because removal of special condition no. 2 made special condition no. 3 superfluous, agreed to remove that condition as well; and

WHEREAS, at a special meeting of the Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control, at the request of and with the consent of the Licensee, did Resolve in ABC Resolution #450, to amend its approval of the person to person and place to place transfer of License No. 0722-33-066-009, from SHO, Inc., to AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, removing special condition nos. 2 and 3 as set forth in ABC Board Resolution #443-10, and leaving only the following special condition:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location (i.e., two (2) officers on Friday, Saturday and Sunday nights); and

WHEREAS, the Township discovered a U.S. Third Circuit Court of Appeals decision holding it to be arbitrary and unreasonable for a municipal land use board to require as a condition of approval of a variance that off-duty police officers be hired to direct traffic and monitor compliance with occupancy limits, it not having been shown that the Licensee's own employees were incapable of performing such tasks (See 256 F.3d 107 (3rd Cir. 2001), and as a matter of policy determined to cease the requirement of using Township Police Officers working side jobs for traffic control and security at or about Alcoholic Beverage Control Licensed premises, and

WHEREAS, the License renewal for the 2011 – 2012, and subsequent License terms incorporated such change in policy, providing for the following Special Condition:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location, off-duty police officers not being required, but security personnel being permitted in their place and stead (i.e., two (2) security personnel on Friday, Saturday and Sunday nights); and

WHEREAS, by letter dated and sent via certified mail to the Licensee on or about **May 29, 2018**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Condition upon renewal for the **2018-2019** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the underlying reasons for the Special Conditions previously imposed on this License have not changed and the Licensee has offered no objection to their continuation, nor any request for their relaxation, and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, AMC Entertainment International, Inc., t/a AMC Theaters Essex Green 9, at 495 Prospect Avenue, West Orange, New Jersey, bearing License No. 0722-33-066-009, for the **2018-2019** License Term, subject to the following Special Condition pursuant to *N.J.S.A. 33:1-32*:

1. All current security and off-duty police officer requirements shall continue in accordance with past practice and resolutions regarding this location, off-duty police officers not being required, but security personnel being permitted in their place and stead (i.e., two (2) security personnel on Friday, Saturday and Sunday nights).

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Condition as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at its regular meeting held on **June 12, 2018**.

Susan McCartney, Council President and
ABC Board Chairman

Karen J. Carnevale, R.M.C. Municipal Clerk and
Secretary to the ABC Board

Adopted: June 12, 2018

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
ALCOHOLIC BEVERAGE AND CONTROL BOARD**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, on May 24, 2016, the Township Council of the Township of West Orange, sitting as the ABC Board for the Township of West Orange, approved the person to person transfer of Plenary Retail Consumption License No. 0722-33-035-011, from DJF Realty, Inc., 466 Prospect Avenue, West Orange, NJ, to Club 466 Caterers, LLC, 466 Prospect Avenue, West Orange, NJ 07052, and the License for the new Licensee having been renewed for the July 1, 2016 through June 30, 2017 License Term by West Orange ABC Board Resolution 563-16, on June 14, 2016; and

WHEREAS, an Application has been filed by Club 466 Caterers, LLC, 466 Prospect Avenue, West Orange, NJ 07052, for the renewal of its Plenary Retail Consumption License, bearing License #0722-33-035-011, for the period **July 1, 2018 through June 30, 2019**; and

WHEREAS, said Application complies with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, there is a long history with respect to the Licensed Premises located at 466 Prospect Avenue and its previous Licensee, DJF Realty, Inc., as set forth below, DJF Realty, Inc., continuing as the Landlord of the Licensed Premises following transfer of its Plenary Retail Consumption License to Club 466 Caterers, LLC; and

WHEREAS, Public Hearings were held by the Township Council in its capacity as the Municipal Board of Alcoholic Beverage Control on January 4, 2005 and January 18, 2005, in which the following Exhibits were marked and admitted into evidence:

- DJF-1 Planning Board Resolution PB-02-11 (October 21, 2002 Meeting, Resolution adopted November 13, 2002;
- DJF-2 First Floor Plan of Premises dated August 4, 2004;
- DJF-3 Fire Department Occupancy for Prior Licensed Premises;
- DJF-4 Second Floor Plan of Premises dated December 20, 2003;
- DJF-5 Foundation Plan dated August 4, 2004;
- DJF-6 Sky Dance Brochure and Etcetera Restaurant/Flirt Nightclub Business Plan Executive Summary;
- DJF-7 Letter dated January 12, 2005, from attorney for applicant listing Special Conditions acceptable to Licensee;
- DJF-8 Marketing flyer/advertisement for proposed June, 2003 opening of Etcetera Restaurant and Flirt Nightclub;
- DJF-9 Revised list of Special Conditions acceptable to Licensee;

DJF-10 Petitions to Insure the Quality of Life at Eagle Ridge Condominiums signed by 93 residents of Eagle Ridge Condominium community; and

WHEREAS, in addition to representatives of the applicant, one owner of a residence adjacent to the applicant's property, Richard S Schkolnick, Esq., an attorney on behalf of the Eagle Ridge Condominium Association, and more than a dozen residents of the adjacent Eagle Ridge Condominium community testified at the Public Hearings regarding their experiences with excessive noise, trespass, litter, and nuisance behavior by patrons of the prior license holder and concern about the likelihood of those problems increasing due to the larger size, capacity and intensification of use of the premises, including expansion of the parking areas to be used by the new licensed premises all adjacent to the Eagle Ridge community, almost a hundred residents of which signed petitions expressing these same concerns, and

WHEREAS, the Board expressed the belief that the noise problems faced by the residents of Eagle Ridge, many of whom retire for the night relatively early since they must leave early in the morning to commute to New York City, would be at least somewhat alleviated by cutting off the sale of alcohol at an earlier than usual hour to promote a more gradual departure of patrons during the hour or so before closing time, and

WHEREAS, the Board expressed concern about the "sky dance" cages or boxes, the advertisements for which show scantily clad women dancing inside them, and the applicant unable or unwilling to fully describe how they would be used other than for "motivational dancing", and their visibility from almost any and all parts of the premises, including the dining areas, and as elected officials and representatives of the conscience of the West Orange community, and wishing to maintain the community's character and moral standards, determined that the use of such entertainment equipment does not fit the character and standards of the community and should not be permitted on the premises, and

WHEREAS, the purpose of the ABC regulatory scheme is to protect the health, safety and welfare of the people of the State of New Jersey, and the fostering of moderate and responsible use and consumption of alcoholic beverages, and the proposed special conditions limiting hours of sale of alcohol and the use of entertainment devices which encourage excessive and irresponsible consumption of alcoholic beverages being logically related to the regulatory scheme and being reasonable efforts to promote the purposes of that scheme, and

WHEREAS the Board, by Resolution adopted following the January 18, 2005 hearing, approved the renewal of the Plenary Retail Consumption License issued to the Licensee bearing License #0722-33-035-008 for the 2004-2005 licensing term and further approved the Place-to-Place Transfer of said license (Expansion of Premises) for premises located at 466 Prospect Avenue, West Orange, New Jersey to place under license the area delineated in the Application Form and sketch of the licensed premises attached thereto or as otherwise approved by the West Orange Planning Board, the renewal and Place-to-Place Transfer subject to the following sixteen Special Conditions pursuant to *N.J.S.A. 33:1-32* (1 through 14 of which were agreed to by the Licensee, 15 and 16 of which, dealing with the sky dance boxes or cages and the hours of operation, respectively, were not agreed to by the Licensee):

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas;
2. The Licensee shall hire one or more off-duty police officers at prevailing rates to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises. The officer or officers are to be on the site by 9:00 p.m. every Friday and Saturday night until closing, or earlier than 9:00 p.m., or additional nights, or both, as may be needed. The Licensee shall work in conjunction with the West Orange Police Department in determining the needs of the site;
- 3 The Licensee shall refuse motorcycles on the site in order to limit noise on the premises;
4. There shall be no music outside the building, including but not limited to, the outside patio area;
5. The Licensee will not permit teen nights on the premises at any time;
6. The Licensee shall not advertise to the general public that the premises are opened as follows:
 - A. "Eighteen to party, twenty-one to drink" or other language to the same effect;
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons;
8. Licensee shall not admit persons to the licensed premises who have not parked their vehicle with Licensee's valet service except in the case of persons arriving by taxicab, public transportation, car service or those persons who reside or are employed in homes and buildings on the East Side of Prospect Avenue, i.e., Eagle Ridge Condos, etc;
9. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or Governmental approval required by law.
10. There shall be no outside bar service, including, but not limited to, the patio area.
11. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other governmental authority from imposing further or different restrictions pursuant to their lawful authority;
12. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
13. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.

14. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.
15. The Licensee shall not be permitted to have “sky dance” cages or boxes, or similar devices, mechanisms, or equipment, on the premises.
16. The hours for sale of alcoholic beverages on the licensed premises are restricted as follows:
 - Sunday - 12:00 p.m. to 11:00 p.m.
 - Monday, Tuesday, Wednesday - 7:00 a.m. to 11:00 p.m.
 - Thursday - 7:00 a.m. to 12:00 a.m.
 - Friday - 7:00 a.m. to 1:00 a.m. Saturday
 - Saturday - 7:00 a.m. to 1:00 a.m. Sunday; and

WHEREAS, the licensee appealed those special conditions, which appeal was transmitted to the Office of Administrative Law where it was assigned docket no. ABCPL 03686-2005N, and was pending a plenary hearing, and

WHEREAS, those special conditions were submitted to the Director of Alcoholic Beverage Control for approval as required by *N.J.S.A. 33:1-32*, and his approval was granted by letter dated June 13, 2005, and

WHEREAS, the West Orange Planning Board, following numerous public hearings on the Licensee’s application for amended site plan approval with variances, having decided on March 11, 2009, and memorializing said decision by adopting a Resolution of Approval on April 1, 2009, setting forth findings of fact and conclusions of law, and approving the application of DJF Realty, Inc., for amended Preliminary and Final Site Plan Approval with variances, all subject to certain conditions set forth in the Resolution, and the Applicant and Owner of the property at 466 Prospect Avenue, West Orange, NJ, having entered into a private Agreement with the Property Owners Association of Eagle Ridge, previously an objector to the application before the Planning Board, resolving their differences subject to certain conditions, and the Licensee having withdrawn its appeal and consenting to its dismissal for each and every one of the appeals filed to that point, and the Township agreeing to withdraw Special Conditions 15 and 16, which had been attached to the license renewals since the 2005 term, the remaining Special Conditions, imposed pursuant to *N.J.S.A. 33:1-32*, numbered 1 through 14, to remain in effect unless and until withdrawn by the West Orange ABC Board, in whole or in part, in conjunction with the next and subsequent annual license renewal periods, and following a hearing as may be required by law, and

WHEREAS, at its regular meeting on October 13, 2009, upon request by counsel for the Licensee, and due to changed circumstances, the West Orange ABC Board agreed to eliminate what had in prior approvals been Special Condition no. 8, regarding the refusal of admission of persons not using valet parking; and

WHEREAS, at the same meeting, the West Orange ABC Board, after hearing requests and argument by the Licensee’s counsel as well as counsel to the ABC Board, made modifications to what had been Special Condition no. 2, in prior approvals, to add the Special

Condition required by the then most recent Special Ruling, and to incorporate all pertinent parts of the Planning Board's Approval Resolution and the Agreement with the Property Owners Association of Eagle Ridge into its Special Conditions as follows:

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas.
2. Every Thursday, Friday and Saturday night, and any night when the nightclub portion of the facility is open for business, meaning when there is dancing, 4sixty6 shall have not less than two (2) off-duty West Orange police officers present to control traffic and any disturbances at the proposed restaurant and nightclub. The Licensee shall hire such off-duty police officers at prevailing rates to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises. On those nights when the officers are required, they are to be on the site by 9:00 p.m., and to remain until closing. The Licensee shall work in conjunction with the West Orange Police Department in determining the specific needs of the site and, when required by that Department, the officers shall be on site earlier than 9:00 p.m., or on additional nights, or both. In the event that West Orange Police Officers are not available for these purposes, 4sixty6 may hire police officers from other municipalities or Essex County Police or Sheriff's Officers.
3. The Licensee shall refuse motorcycles on the site in order to limit noise on the premises.
4. There shall be no music outside the building, including but not limited to, the outside patio area.
5. The Licensee will not permit teen nights on the premises at any time.
6. The Licensee shall not advertise to the general public that the premises are opened as follows: "Eighteen to party, twenty-one to drink", or other language to the same effect.
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons.
8. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or governmental approval required by law.
9. There shall be no outside bar service, including, but not limited to, the patio area.
10. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other

governmental authority from imposing further or different restrictions pursuant to their lawful authority.

11. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
12. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.
13. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.
14. Pursuant to the ABC Director's Special Ruling dated September 29, 2009, pursuant to *N.J.S.A. 33:1-12.39*, since at the time it was the sixth license term for which relief was sought pursuant to *N.J.S.A. 33:1-12.39*, no further renewals of this license shall be granted unless the license is being actively used at an approved site on or before June 30, 2010. The license is being actively used at an approved site and has been so used for some time before June 30, 2010.
15. Consistent with the Agreement entered into between Licensee DJF Realty, Inc., the Applicant before the West Orange Planning Board for development of the site at 466 Prospect Avenue, and the owner of that property, Marjac, LLC, and the Property Owners Association of Eagle Ridge, the paragraphs in that Agreement numbered 4 (Closing Hours) and 7 (Police Presence), are incorporated into the West Orange ABC Board's approval of renewal of the liquor license such that it shall be a Special Condition of Renewal for this and for each and every renewal term to follow, that the restaurant and/or nightclub at 466 Prospect Avenue shall have a last call no later than 1:30 a.m., with a grace period of not more than ten (10) minutes prior to enforcement, which time requirement will not be effective on New Year's Eve or on the night when Daylight Savings Time takes effect in the spring of each year, when the closing hour will be one (1) hour later, which closing time may be extended in the event a State law or a municipal ordinance is adopted extending closing hours for Alcoholic Beverage establishments. Paragraph 7 (Police Presence) of that Agreement has already been incorporated in paragraph 2, above and herein.
16. The Licensee shall comply with all conditions and requirements of the West Orange Planning Board approval as set forth in its Resolution of Approval dated April 1, 2009; and

WHEREAS, the Township discovered a U.S. Third Circuit Court of Appeals decision holding it to be arbitrary and unreasonable for a municipal land use board to require as a condition of approval of a variance that off-duty police officers be hired to direct traffic and monitor compliance with occupancy limits, it not having been shown that the Licensee's own employees were incapable of performing such tasks (See 256 F.3d 107 (3rd Cir. 2001)), and as a matter of policy determined to cease the requirement of using Township Police Officers working side jobs for traffic control and security at or about Alcoholic Beverage Control Licensed premises, and

WHEREAS, the License renewal for the 2011 - 2012 License term incorporated such change in policy, which has been continued thereafter; and

WHEREAS, the new Licensee, Club 466 Caterers, LLC, is an experienced catering operator which has been since the transfer of License, and will be operating the premises, leased from the previous Licensee, not as a bar/restaurant/nightclub, but as a catering venue for weddings and other special occasions, which the new Licensee had and has agreed to operate within the Special Conditions previously in place as they will not adversely affect the New Licensee's catering use; and

WHEREAS, the Licensee was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the **2018 - 2019** License Term and having offered no objection to same, indicating its continuing consent;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee, Club 466 Caterers, LLC, bearing License #0722-33-035-011, for the **2018 - 2019** Licensing term, said renewal being subject to the following Special Conditions pursuant to *N.J.S.A. 33:1-32*, all of which Special Conditions having been found by the Board to be necessary and proper to accomplish the objects of Title 33 and secure compliance with its provisions, and submitted for approval by the Director of the Division of Alcoholic Beverage Control in accordance with law:

1. All parking provided for the licensed premises shall be done by way of valet parking after 5:00 p.m. seven days per week and all valet parking employees shall be required to wear earphones with microphones in order to limit unnecessary shouting in the parking areas.
2. Every Thursday, Friday and Saturday night, and any night when the nightclub portion of the facility is open for business, meaning when there is dancing, 4sixty6 shall have not less than two (2) security personnel, at least one of whom shall be qualified to direct traffic on the streets and roads of New Jersey, present to control traffic and any disturbances at the proposed restaurant and nightclub. The Licensee shall hire such security personnel at prevailing rates, one to direct traffic entering and exiting the premises in order to ease vehicular congestion on and around the premises, and the other to control any disturbances. On those nights when the security personnel are required, they are to be on the site by 9:00 p.m., and to remain until closing. The Licensee shall work in conjunction with the West Orange Police Department in determining the specific needs of the site and, when required by that Department, the security personnel shall be on site earlier than 9:00 p.m., or on additional nights, or both.
3. The Licensee shall refuse motorcycles on the site in order to limit noise on the premises.

4. There shall be no music outside the building, including but not limited to, the outside patio area.
5. The Licensee will not permit teen nights on the premises at any time.
6. The Licensee shall not advertise to the general public that the premises are opened as follows: "Eighteen to party, twenty-one to drink", or other language to the same effect.
7. No alcoholic beverages or food shall be sold, served or consumed by patrons in the basement or on the third floor and said areas shall not be open to patrons.
8. The sale of alcoholic beverages shall be prohibited on the premises until a Certificate of Occupancy is issued for the premises as well as any other license, permit, or governmental approval required by law.
9. There shall be no outside bar service, including, but not limited to, the patio area.
10. The total number of patrons permitted on the premises which shall include the interior and patio areas shall be limited to 499 persons. This provision shall not restrict the authority of the Planning Board, Fire Department, or any other governmental authority from imposing further or different restrictions pursuant to their lawful authority.
11. The Licensee shall not remove bottles or other kinds of noise-producing refuse from the building after 10:00 p.m.
12. The Licensee shall provide private security personnel to monitor parking areas leased by the licensed premises for additional parking.
13. The Licensee shall install a second set of doors in the main entrance area to limit the amount of sound escaping from the premises.
14. Pursuant to the ABC Director's Special Ruling dated September 29, 2009, pursuant to *N.J.S.A. 33:1-12.39*, since at that time it was the sixth license term for which relief was sought pursuant to *N.J.S.A. 33:1-12.39*, no further renewals of this license were to be granted unless the license is being actively used at an approved site on or before June 30, 2010. The license is and has for some time now been actively used at an approved site.
15. Consistent with the Agreement entered into between Licensee DJF Realty, Inc., the Applicant before the West Orange Planning Board for development of the site at 466 Prospect Avenue, and the owner of that property, Marjac, LLC, and the Property Owners Association of Eagle Ridge, the paragraphs in that Agreement numbered 4 (Closing Hours) and 7 (Police Presence), to the extent not inconsistent herewith, are incorporated into the West Orange ABC Board's approval of renewal of the liquor license such that it shall be a Special Condition of Renewal for this and for each and every renewal term to follow, that the

restaurant and/or nightclub at 466 Prospect Avenue shall have a last call no later than 1:30 a.m., with a grace period of not more than ten (10) minutes prior to enforcement, which time requirement will not be effective on New Year's Eve or on the night when Daylight Savings Time takes effect in the spring of each year, when the closing hour will be one (1) hour later, which closing time may be extended in the event a State law or a municipal ordinance is adopted extending closing hours for Alcoholic Beverage establishments. Paragraph 7 (Police Presence) of that Agreement has already been incorporated in paragraph 2, above and herein, except to make clear that private security personnel rather than Police Officers are acceptable alternatives to perform the required tasks.

16. The Licensee shall comply with all conditions and requirements of the West Orange Planning Board approval as set forth in its Resolution of Approval dated April 1, 2009, to the extent not inconsistent herewith.

AND BE IT FURTHER RESOLVED that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records.

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 12, 2018**.

Susan McCartney, Council President and
ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 12, 2018

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
ALCOHOLIC BEVERAGE AND CONTROL BOARD**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, an Application has been filed by Las Palmeras, Inc., t/a Las Palmeras Restaurant and Bar, 364 Valley Road, West Orange, NJ, for the renewal of its Plenary Retail Consumption License, bearing License #0722-33-045-005, for the License Period **July 1, 2018** through **June 30, 2019**; and

WHEREAS, the Licensee's application for renewal complies with the New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, the Licensee, in or about early June, 2016, resolved with the State of New Jersey at least ten (10) charges filed by the Office of the Attorney General, Department of Law and Public Safety, Division of Alcoholic Beverage Control, alleging that the Licensee had committed various and serious offenses during 2014, and seeking suspension of the license for 209 days, the resolution of which included payment of \$8,600 in lieu of a 72 day suspension, with 45 days held in abeyance for a period of 2 years, and the mitigating factor that the Township had imposed Special Conditions on this Licensee, including, but not limited to, the requirement to install and maintain a video security system, and the Township learning of such disposition shortly after the Licensee's License had been renewed for the 2016-2017 License term; and

WHEREAS, the Special Conditions existing on the Licensee for the current License Term are as follows"

1. The Licensee shall hire one off-duty WOPD Officer or private security guard at prevailing rates to provide for exterior security at the Licensed Premises on Friday, Saturday and Sunday nights from 9:30 p.m., to 1:30 a.m.;
2. The Licensee shall hire a licensed security company to provide security for the interior of the Licensed Premises on Friday, Saturday and Sunday nights from 9:30 p.m., to 1:30 a.m.;
3. The Licensee shall install and maintain a video surveillance system to cover the interior of the Licensed Premises, including the bar area, the front and back entrances and exits and the front sidewalk area on Valley Road, which surveillance system shall be maintained in good working order and operating during all hours when the Licensed Premises is open for business, and recordings shall be kept and made available to the West Orange Police Department upon request for at least thirty (30) days following the date of recording, and the Licensee shall

cooperate with the West Orange Police Department in the implementation and maintenance of this video surveillance system; and that

4. The Licensee, every day it is open, shall close its doors to new customers at 12:30 a.m., shall cease the sale of alcoholic beverages at 1:00 a.m., and all customers shall be off the premise by 1:30 a.m.; and

WHEREAS, new ABC charges were brought by the Township against this Licensee in February, 2017, as follows: On or about November 27, 2016, at or about 11:20 p.m., in the Township of West Orange, County of Essex and State of New Jersey, at and about the Licensed premises of the Licensee located at 364 Valley Road, West Orange, New Jersey, the Licensee did conduct the premises so as to allow, permit or suffer in, upon and about that premises, an act of violence and disturbance, specifically a patron shoving and throwing a bottle at another patron, who was highly intoxicated, and causing a laceration above the victim's left eye, in violation *N.J.A.C. 13:2-23.6(a)2*, and the Licensee has violated *N.J.A.C. 13:2-23.6(b)*, in that it has repeatedly and over a period of at least the past three years allowed, permitted, or suffered in or upon the licensed premises assaults, acts of violence and/or disturbances, including, but not limited to seventeen incidents requiring police intervention in or about the year 2014, adversely affecting public safety or the rights of the public, to which a non-vult plea was entered and disposition made on June 1, 2016, by the State of New Jersey, Department of Law and Public Safety, Division of Alcoholic Beverage Control, Trans. No. R42991, as well as fifteen incidents of affrays, two incidents of aggravated assault, an incident of strong arm robbery, urinating in public, disorderly conduct, and ten noise complaints, all occurring in 2015, as well as twenty-one incidents of affrays, four incidents of simple assault, an aggravated assault, assault with a weapon, fighting, strong arm robbery, disorderly conduct, theft and noise complaints in 2016, all contrary to the public health, safety and welfare, requiring many calls to and interventions by the West Orange Police Department, such that the operation of this licensed premises has become, and its operation is, a nuisance, the Licensee unable to maintain control of its patrons and its licensed and surrounding premises; and

WHEREAS, counsel for the Licensee has advised that the Licensee employed a new Co-Manager in February, 2017, and has voluntarily self-imposed certain time constraints on its operation since that time, which are greater constraints than the currently existing Special Conditions, in an effort to eliminate the incidents which have given rise to the pending and earlier ABC charges and Special Conditions during the past several years; and

WHEREAS, the West Orange Township ABC Board and the Licensee have agreed with respect to said pending charges to proceed as follows:

The Township ABC Board shall adjourn the hearing on the pending ABC charges for a period of 90 days, from the currently scheduled June 27, 2017, to the second regular Council Meeting in September, or first such meeting in October, 2017, and shall then determine based upon the Licensee's operation in the interim whether there is a need to go forward with prosecution of those charges, or to forego them in view of the Licensee's improved and acceptable operation during 2017; and

The Licensee agrees to continue its to date self-imposed modifications to the previously imposed Special Condition no. 4, closing its doors to new customers at 12:00 a.m., rather than 12:30 a.m., ceasing the sale of alcoholic beverages at 12:15 a.m., rather than at 1:00 a.m., and having all customers off the premises by 1:00 a.m., instead of at 1:30 a.m., all of those limitations applicable every day the Licensee is open; and

The Licensee understands and acknowledges that Special Conditions 1 and 2, previously imposed and to continue for the 2017-2018 License Term, contemplate that any security company and security guard, or officer, shall be licensed and registered pursuant to the "Security Officer Registration Act" ("SORA"), *N.J.Stat. §45:19A-1, et seq.*, the terms "security guard" and "security officer" meaning the same thing, and, if not already in full compliance with "SORA", full compliance shall be achieved within sixty (60) days of enactment of this Resolution; and

WHEREAS, the purpose of the ABC regulatory scheme is to protect the health, safety and welfare of the people of the State of New Jersey, and the fostering of moderate and responsible use and consumption of alcoholic beverages, and the proposed special conditions being logically related to the regulatory scheme and being reasonable efforts to promote the purposes of that scheme;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, serving as the Township's Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License heretofore issued to the Licensee bearing License #0722-33-045-005, for the 2017 - 2018 Licensing term, said renewal being subject to the following Special Conditions pursuant to *N.J.S.A. 33:1-32*, all of which Special Conditions having been found by the Board to be necessary and proper to accomplish the objects of Title 33 and secure compliance with its provisions, and submitted promptly for approval by the Director of the Division of Alcoholic Beverage Control in accordance with law:

1. The Licensee shall hire one off-duty WOPD Officer or private security guard at prevailing rates to provide for exterior security at the Licensed Premises on Friday, Saturday and Sunday nights from 9:30 p.m., to 1:30 a.m.;
2. The Licensee shall hire a licensed security company to provide security for the interior of the Licensed Premises on Friday, Saturday and Sunday nights from 9:30 p.m., to closing at 1:00 a.m.;
3. The Licensee shall install and maintain a video surveillance system to cover the interior of the Licensed Premises, including the bar area, the front and back entrances and exits and the front sidewalk area on Valley Road, which surveillance system shall be maintained in good working order and operating during all hours when the Licensed Premises is open for business, and recordings shall be kept and made available to the West Orange Police Department upon request for at least thirty (30) days following the date of recording, and the Licensee shall

cooperate with the West Orange Police Department in the implementation and maintenance of this video surveillance system; and that

4. The Licensee, every day it is open, shall close its doors to new customers at 12:00 a.m., shall cease the sale of alcoholic beverages at 12:15 a.m., and all customers shall be off the premises by 1:00 a.m.; and

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey for the Director's approval before implementation and for that Division's records, and shall be maintained in the Township's permanent Alcoholic Beverage Control records.

The above Resolution was passed by the Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at the Board's regular meeting held on **June 12, 2018**.

**Susan McCartney, Council President and
ABC Board Chairman**

**Karen J. Carnevale, Municipal Clerk/
Secretary to the ABC Board**

Adopted: June 12, 2018

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
BOARD OF ALCOHOLIC BEVERAGE CONTROL**

RESOLUTION

WHEREAS, the Township Council of the Township of West Orange serves as the Township of West Orange Board of Alcoholic Beverage Control; and

WHEREAS, the 1920's Road House, Inc., t/a Essex House, Inc., ("the Licensee") is the owner and operator of the Essex House, a restaurant and bar located at 525 Northfield Avenue, West Orange, New Jersey, 07052, the License bearing #0722-33-071-003; and

WHEREAS, an Application has been filed by the Licensee for the renewal of its Plenary Retail Consumption License #0722-33-071-003, for the License Term from **July 1, 2018, through June 30, 2019**; and

WHEREAS, on February 21, 2012, the Township of West Orange brought a Notice of Charges of ABC Violations against the Licensee, charging violations of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises (one count - brawl, act of violence, disturbance, or unnecessary noise), and N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance (one count - failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare), all occurring over the course of 2010 to the present, and most recently on February 10, 2012; and

WHEREAS, the Licensee was properly and personally served with that Notice of Charges and by and through its attorney, Robert C. Williams, Esq., entered a Not Guilty plea to each charge with the Municipal Clerk; and

WHEREAS, the Licensee appeared before the Township Council of the Township of West Orange, serving as that municipality's ABC Board, the Licensee represented by its counsel, Robert C. Williams, Esq., and Kenneth W. Kayser, Esq., appearing on behalf of the Township as its ABC Prosecutor, for a hearing on the charges; and

WHEREAS, discussion and negotiation resulted in the Licensee and the Township, coming to an agreement to resolve the charges without the need for an evidentiary hearing, which agreement, memorialized by Resolution, was placed on the record before the ABC Board, providing as follows:

As to Charge 2, a violation of N.J.A.C. 13:2-23.6(b), prohibition against immoral activities, disturbance, and nuisance on premises, to wit, failing to operate licensee's business in orderly and lawful fashion so as to constitute a nuisance, the misconduct of the licensee, its employees and patrons creating conditions contrary to the public health, safety and welfare, the Licensee shall change its plea from not guilty to non-vult;

As to Charge 1, charging a violation of N.J.A.C. 13:2-23.6(a)(2), prohibition against immoral activities, disturbance, and nuisance on or about the licensed premises, to wit, permitting a brawl, act of violence, disturbance, or unnecessary noise on the licensed premises, said Charge is and hereby is dismissed;

As to Charge 2, the Licensee's License shall be suspended for ten (10) days, and said period of suspension shall be held in abeyance for a period of one (1) year from the date of the adoption of this Resolution, April 3, 2012, and if within that one (1) year period there occurs a new violation of any section of N.J.A.C. 13:2-23.6, for which there is a finding of responsibility, whether made within or after that one (1) year period, and there being no waiver of the Licensee's right to defend such a charge, the ten (10) days held in abeyance as to Charge 2 shall be served at the direction of the ABC Board in addition to any penalty imposed on the new charge(s);

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that it shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;

Further as to Charge 2, the Licensee shall agree to the attachment to its License of a Special Condition that whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;

Further as to Charge 2, the Licensee shall agree to the attachment of its License of a Special Condition that entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings, excepting an event already committed to for Saturday, June 23, 2012, a party consisting of an older group of patrons who have previously had parties at the Licensee's location without incident and at which amplified music may be played until 1:30 a.m.;

During the period of suspension, if and when served, no alcoholic beverages shall be served or consumed on the premises and any and all alcoholic beverages on the premises shall be secured; and

WHEREAS, Special Conditions such as those agreed to may be re-imposed with each License renewal, subject to the Licensee's right to be heard with respect to them; and

WHEREAS, the Licensee, by and through its counsel, was notified by certified mail, return receipt requested, of the ABC Board's intention to continue the same Special Conditions for the 2012 to 2013 License Term, and for each succeeding License Term, and was provided with an opportunity to object and be heard with respect to the Special Conditions being imposed, and declined to object or to request a hearing; and

WHEREAS, the Licensee was again notified by letter dated and sent by certified mail, registered return receipt on or about **May 29, 2018**, of the ABC Board's intention to impose the same Special Conditions upon renewal of the license for the next License Term and providing the opportunity for a formal hearing regarding such imposition of Special Conditions upon request; and

WHEREAS, the Licensee has offered no objection and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal for the next License Term;

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE serving as the Township Board of Alcoholic Beverage Control, does hereby approve the renewal of the Plenary Retail Consumption License 0722-33-071-003, belonging to the Licensee, for the period from **July 1, 2018 through June 30, 2019**, for the premises located at 525 Northfield Avenue, West Orange, New Jersey, subject to the following Special Conditions pursuant to N.J.S.A. 33:1-32:

1. It shall have no parties or party-type events which are open to the public and promoted through social networking, or other internet sites, or otherwise promoted or advertised, and intended to attract a large number of attendees who pay for admission, whether to a promoter, or to the Licensee, or someone working for either or both;

2. Whenever a private party, or other private event is held at the licensed premises, which is anticipated to result in the parking lot at the premises filling to 75% of capacity, or more, at least two parking attendants shall be employed to monitor and manage ingress to and egress from the lot so as to maintain order and to prevent patrons from parking on the adjacent and nearby residential streets and off-street parking locations;

3. Entertainment at the licensed premises involving amplified music shall not be permitted after 11:00 p.m., on Sundays through Thursdays, and shall not be permitted after 1:00 a.m., on Saturday and Sunday mornings;

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey, the Licensee and Licensee's attorney, Robert C. Williams, Esq., the Municipal Clerk's Office and the West Orange Police Department, and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records.

The above Resolution was passed by Township Council of the Township of West Orange serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 12, 2018**.

Susan McCartney, Council President
and ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 12, 2018

Approved as to form on the basis of the facts provided:

**TOWNSHIP OF WEST ORANGE, ESSEX COUNTY, NEW JERSEY
BOARD OF ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, SUZYQUE’S LLC, t/a Suzy Que’s, located at 34 South Valley Road, West Orange, New Jersey, 07052, is the holder of Plenary Retail Consumption License No. 0722-33-009-012; and

WHEREAS, an Application has been filed by SUZYQUE’S LLC, t/a Suzy Que’s for renewal of its Plenary Retail Consumption License # 0722-33-009-012, for the period **July 1, 2018 through June 30, 2019**, the Application submitted to the Township Clerk and in compliance with New Jersey State Laws regulating the sale, consumption, and distribution of alcoholic beverages; and

WHEREAS, Suzy Que’s had made application for an Extension of Licensed Premise to add an outdoor food and beverage service area at the rear of the current location and to accomplish that Extension applied for a Place to Place transfer of the abovementioned license; and

WHEREAS, a public hearing was conducted at the regular West Orange Township ABC Board meeting on June 12, 2012, no one appeared in opposition and the Police Department’s investigation did not raise any concerns, the Department approving of the transfer; and

WHEREAS, the Applicant and the Attorney for the applicant, Robert C. Williams, Esq., were present and responded to questions from the Council; and

WHEREAS, the Council expressed concern about creation of excess noise due to amplified music in or about the vicinity of the expansion, the proposed outdoor patio area where dining and alcoholic beverage service would be available, and to address that concern the Board would approve the expansion of licensed premises and place to place transfer only if subject to the Special Condition that there will be no amplified outside music after 10:00 p.m.; and

WHEREAS, the Township Council of the Township of West Orange, sitting as the West Orange Township ABC Board, approved of the Extension of Licensed Premise and Place to

Place transfer of License No. 0722-33-009-012, held by SUZYQUE'S LLC t/a SuzyQue's, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32*, that no amplified outside music shall be permitted after 10:00 p.m., all as evidenced and set forth in Resolution #483-12, adopted on June 12, 2012; and

WHEREAS, on June 12, 2012, the Township Council of the Township of West Orange, Sitting as the West Orange Township ABC Board, approved the renewal of the Plenary Retail Consumption License No. 0722-33-009-012, held by SUZYQUE'S LLC t/a SuzyQue's, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, for the License Term July 1, 2012 to June 30, 2013, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32* that no amplified outside music shall be permitted after 10:00 p.m., there being no objection on the part of the Licensee to such Special Condition, and the same Special Condition having been deemed necessary and appropriate by the ABC Board, and having been consented by the Licensee in the succeeding License terms to date; and

WHEREAS, by letter dated and sent via certified mail, registered return receipt to the Licensee on **May 29, 2018**, the Licensee was notified of the Township ABC Board's intention to continue the same Special Conditions upon renewal for the **2018-2019** License Term and offering a formal hearing in the event there was objection to same by the Licensee; and

WHEREAS, the Licensee has offered no objection and therefore by its inaction has consented to continuation of the same Special Conditions upon renewal;

NOW THEREFORE BE IT, AND IT HEREBY IS, RESOLVED, by the Township Council of the Township of West Orange, sitting as the West Orange Township ABC Board, hereby approves of the renewal of the Plenary Retail Consumption License No. 0722-33-009-012, held by SUZYQUE'S LLC t/a SuzyQue's, Licensee, located at 34 South Valley Road, West Orange, New Jersey 07052, for the License Term **July 1, 2018 to June 30, 2019**, subject to the Special Condition pursuant to *N.J.S.A. 33:1-32*, that no amplified outside music shall be

permitted after 10:00 p.m., there being no objection on the part of the Licensee to such Special Condition.

AND BE IT FURTHER RESOLVED, that a copy of this Resolution shall be provided to the Director of the Division of Alcoholic Beverage Control of the State of New Jersey and shall be maintained in the Township's permanent Alcoholic Beverage Control records, and that the Director is, and hereby is, respectfully requested to grant his approval to the foregoing Special Conditions as required by statute, and to communicate that approval to the Township of West Orange, which approval shall then also be maintained in the Township's permanent ABC records;

The above Resolution was passed by the Township Council of the Township of West Orange sitting and serving as the West Orange Board of Alcoholic Beverage Control at their regular meeting held on **June 12, 2018**.

Susan McCartney, Council President
and ABC Board Chairman

Karen J. Carnevale, Municipal Clerk
and Secretary to the ABC Board

Adopted: June 12, 2018

Approved as to form on the basis of the facts provided: