

1. Conference Meeting Agenda

Documents:

[CA11.27.18.PDF](#)

2. Public Meeting Agenda

Documents:

[PM 11.27.18.PDF](#)

3. Resolution(S)

3.I. 259-18

Documents:

[259-18 ROSELAND ANIMAL SERVICES 2018-2020.PDF](#)
[259-18ROSELAND ACO CONTRACT 1.PDF](#)

3.II. 260-18

Documents:

[260-18 AWARD SNOW REMOVAL 2018-19.PDF](#)
[260-18 SCHEDULE A.PDF](#)
[260-18 SNOW PLOWING.PDF](#)

3.III. 261-18

Documents:

[261-18 RESOLUTION FOR SNOW REMOVAL EXTENSION 2018-2019.PDF](#)
[261-18 ATTACHMENT.PDF](#)

3.IV. 262-18

Documents:

[262-18 AUTHORIZING RETENTION OF CME TO PROVIDE ADDITIONAL
SUPPLEMENTAL REPORT IN RESPONSE TO WEST ESSEX HIGHLANDS
TRAFFIC STUDY.PDF](#)
[262-18 EXHIBIT - RETENTION OF CME TO PROVIDE ADDITIONAL
SUPPLEMENTAL RESPORT IN RESPONSE TO WEST ESSEX HIGHLANDS
TRAFFIC S~.PDF](#)

3.V. 263-18

Documents:

[263-18 AUTHORIZING SUBORDINATION OF MORTGAGE RE 4 PILLOT
STREET.PDF](#)
[263-18 EXHIBIT - AUTHORIZING SUBORDINATION OF MORTGAGE FOR 4
PILLOT PLACE.PDF](#)

3.VI. 264-18

Documents:

[264-18 DUPLICATE PAYMENT RESOLUTION 4TH2018.PDF](#)

3.VII. 265-18

Documents:

[265-18 AUTHORIZING FIRST LICENSE AMENDMENT TO LEASE AGREEMENT WITH NJ TRANSIT FOR USE MISSISSIPPI AVENUE LOOP PROPERTY.PDF](#)

3.VIII. 266-18

Documents:

[266-18 AUTHORIZING PLANNING BOARD TO UNDERTAKE PRELIMINARY INVESTIGATION AS TO QUALIFICATION OF WEST ORANGE LIBRARY AS AN AREA IN NEED O~1.PDF](#)

3.IX. 267-18

Documents:

[267-18 AUTHORIZING RETENTION OF HEYER GRUEL FOR POSSIBLE REDEVELOPMENT OF WEST ORANGE PUBLIC LIBRARY.PDF](#)
[267-18 EXHIBIT - AUTHORIZING RETENTION OF HEYER GRUEL TO PREPARE STUDY AS TO WHETHER PUBLIC LIBRARY QUALIFIES AS AN AREA IN NEED OF RED~1.PDF](#)

4. Ordinance(S) On Second And Final Reading

4.I. 2556-18

Documents:

[2556-18 BOND ORDINANCE 11.13.18.DOC.PDF](#)

5. Ordinances On First Reading

5.I. 2557-18

Documents:

[2557-18 ORDINANCE TO VACATE-ELMWOOD.PDF](#)

6. ABC Hearing

6.I. 614-18

Documents:

[614-18 ABC-PERSON TO PERSON AND PLACE TO PLACE - HOOK AND REEL 11.27.18.DOC](#)

6.II. 615-18

Documents:

[615-18 ABC-PLACE TO PLACE-REDUCTION OF PREMISES - SAKURA
GRILL AND BUFFET 11.27.18.PDF](#)

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

Tuesday, November 27, 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)

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6:30 P.M

- **West Orange Fire Department Awards Ceremony**
- **West Orange High School Girls Soccer Team – NJSIAA North 1, Group 4 Champions**
- **Update – Redevelopment**
- **Council Liaison Announcements**

7:00 P.M.

- **Public Meeting**

PUBLIC MEETING AGENDA

Township of West Orange

66 Main Street – 7:00 p.m.

November 27, 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 and Executive Session November 13, 2018
- 5. *Report of Township Officers** – None
- 6. *Reading of Petitions and Communications and Bids** – None
- 7. *Bills**
- 8. *Resolutions**
 - a. 259-18 Resolution Authorizing the Execution of a Joint Services Agreement with the Borough of Roseland for Animal Control Services (DeNova)
 - b. 260-18 Resolution Awarding a Contract for Snow Plowing and Removal Services for Year(s) 2018-2019 (Lepore)
 - c. 261-18 Resolution Awarding a Contract Extension for Snow Plowing and Snow Hauling Services for 2018-19 to Downes Tree Service, Inc., 65 Royal Avenue, Hawthorne, NJ 07506, New York Asphalt, Inc., 366 Industrial Loop, Staten Island, NY 10309 and Grabowski Construction, Inc., 770 Northfield Avenue, West Orange, NJ 07052 (Lepore)
 - d. 262-18 Resolution Authorizing the Township to Retain CME Associates, 1460 Rte. 9 South, Howell, NJ 07731 to Research and Prepare a Traffic Study as Part of the Ongoing Litigation Involving West Essex Highlands, Inc.'s and its Challenge to the Township's Affordable Housing Plan (Legal-Moon)
 - e. 263-18 Resolution Authorizing the Execution of a Subordination of Mortgage Agreement Agreeing to Subordinate the Township's Mortgage to Allow the Property Owners to Obtain a Reverse Mortgage to Prevent a Foreclosure on their Home (Legal-Moon)

- f. 264-18 Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to an Overpayment of Taxes Due to a Duplicate Payment (Gagliardo)
- g. 265-18 Resolution Authorizing an Amendment to the License Agreement with New Jersey Transit Extending the Township's Use of the Property Located on the Easterly side of Mississippi Avenue Located North of Harrison Avenue as Part of the Mississippi Avenue Loop (Legal-Moon)
- h. 266-18 Resolution Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether Block 68, Lot 1 Qualifies for Designation as a Non-Condemnation Area in Need of Redevelopment Pursuant to N.J.S.A. 40A:12A-1 et. seq. (Legal-Moon)
- 1. 267-18 Resolution Authorizing the Township to Retain Heyer Gruel and Associates, 236 Broad Street, Red Bank, NJ 07701 at a Rate Not to Exceed \$8,000, to Prepare a Study as to Whether the Property at 46 Mt. Pleasant Avenue (the Public Library) Qualifies as an area in Need of Redevelopment (Legal-Moon)

9. Ordinances on Second and Final Reading

- a. 2556-18 Bond Ordinance Providing for the Local Unit's Allocable Share of Capital Improvement Projects for the Joint Meeting of Essex and Union Counties, by and in the Township of West Orange, in the County of Essex, State of New Jersey, Appropriating \$1,570,000 Therefor and Authorizing the Issuance of \$1,570,000 Bonds or Notes to Finance the Cost Thereof (Gross)

10. Ordinances on First Reading

- a. 2557-18 An Ordinance to Vacate, Release and Extinguish the Public Right to a Portion of Elmwood Avenue in the Township of West Orange from Roosevelt Avenue to Garfield Avenue (Lepore)

11. Pending Matters/New Matters/Council Discussion

12. ABC Hearing

- a. 614-18 Person to Person and Place to Place Transfer of License No. 0722-33-028-004 from Rock Pro Capital Corporation to Hook & Reel West Orange, Inc. t/a Hook and Reel Cajun Seafood

13. Adjournment

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

Agenda is subject to change.

RESOLUTION

WHEREAS, the Township of West Orange (“Township”) and Borough of Roseland (“Roseland”) have previously executed Inter-Local Agreements whereby the Township would provide Roseland with certain animal control services in exchange for quarterly payments by Roseland to the Township (the “Inter-Local Agreement”); and

WHEREAS, the Township now intends to renew the Inter-Local Agreement, for a two (2)-year term, whereby animal control services shall be provided to Roseland from July 1, 2018 to June 30, 2020; (the “Agreement”); and

WHEREAS, under the Agreement, the Borough of Roseland will pay the Township of West Orange the sum of \$14,121.80 per annum to be prorated on a quarterly basis of \$3,530.45 per quarter for the contract year 2018 – 2019 and the sum of \$14,827.91 per annum to be prorated on a quarterly basis of \$3,706.98 per quarter for the contract year 2019 – 2020; and

WHEREAS, this Resolution authorizes that twenty-five (25%) of the per annum amount for each contract year be dedicated to and placed in the dog license account 04-2010-00-6690-304 to cover the cost of personnel and other expenses authorized under the agreement; and

WHEREAS, the Township’s Health Officer has reviewed the Agreement and recommends execution of the terms contained therein; and

WHEREAS, pursuant to the Roseland Resolution and as stated in the Inter-Local Agreement, Roseland has agreed to indemnify the Township for any services provided for the Borough, as stated in Schedule A attached to the Inter-Local Agreement;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Mayor be and is hereby authorized to execute and counter-sign the Inter-local Agreement with the Borough of Roseland annexed hereto as Attachment “A”, and the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature thereon.

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

Susan McCartney
Council President

Adopted: November 27, 2018

INTER-LOCAL AGREEMENT

THIS AGREEMENT, made this **1st day of July, 2018** by and between the Township of West Orange, a municipal corporation of the State of New Jersey, having principal offices at 66 Main Street, West Orange, NJ 07052, hereinafter referred to as "Provider", and the BOROUGH OF ROSELAND, a municipal corporation of the State of New Jersey, having principal offices at 19 Harrison Avenue, Roseland, NJ 07068, hereinafter referred to as "Recipient";

WITNESSETH

WHEREAS, N.J.S.A.26:3-22, authorized adjacent municipalities to contract for municipal services; and

WHEREAS, the Recipient (Roseland) wishes to retain the services of the Provider (West Orange) for Animal Control Services for a period of two year beginning July 1, 2018 and ending June 30, 2020.

NOW THEREFORE, in consideration of the foregoing and subject to the terms and conditions, the parties hereto agree as follows:

1. The Provider shall make their Animal Control Services available to the Recipient on a daily basis, as needed, for five (5) days a week. Saturday, Sunday, holiday and night emergency services will be provided as needed. Emergency service is defined as the care of injured animals, trapped animals, sick animals, animals whose lives are endangered or animals that are providing a danger to humans (also on an emergency basis, the provider will assume control, as described in paragraph 9 below, of animals that have bitten a human being).

2. The Recipient will pay the provider the sum of \$14,121.80 per annum to be prorated on a quarterly basis of \$3,530.45 per quarter and paid within thirty (30) days of receipt of invoice for the contract year 2018 – 2019 and the sum of \$14,827.91 per annum to be prorated on a quarterly basis of \$3,706.98 per quarter and paid within thirty (30) days of receipt of invoice for the contract year 2019 – 2020.

3. The payments set forth above shall include all costs incurred by the Provider or its Animal Control Officers in the maintenance of its kennels, costs expenses and maintenance of vehicles to be used by the Animal Control Officers and all necessary insurance except the care and treatment of injured animals which will be the responsibility of the Recipient or an owner, if located.

4. The Animal Control Officers shall patrol and inspect the streets of the Recipient for licensed and unlicensed dogs running at large for the purpose of impoundment or the issuing of summonses to the owners thereof where possible and appropriate.

5. Upon request of the Recipient, the Animal Control Officers shall respond to any emergency that is defined in paragraph 1. Emergency treatment will be given to an ill or injured animal as required by State regulations under Title 8. Sick and injured animals, including wildlife, requiring immediate medical attention will be taken to an emergency veterinary clinic designated by the Recipient. If there is no known owner, the cost of emergency veterinary care will be the responsibility of the Recipient. If an owner is ascertained, those costs will be borne by the owner of the animal, billed by the emergency veterinary clinic designated by the recipient.

6. The Animal Control Officers shall, at the request and the cost of an owner of an unwanted animal, render assistance in delivering said animal to an appropriate local humane shelter. Private services shall be in all instances, a matter between the owner and the Provider. Private service is described in paragraph 14 of this agreement.

7. When specifically notified by the Recipient, the Provider shall attempt to impound any stray or licensed dog or cat running at large on the streets of the Recipient Municipality. When such impoundment occurs, the dog or cat shall be held for a period of seven (7) days unless claimed earlier by the owner; then such dog or cat shall be put up for adoption or humanely disposed of, but in no way whatsoever, shall they be made available for experimentation.

8. Any person may redeem their dog, cat or other animal from the Provider's Animal Control Facility located at 311 Lakeside Avenue, West Orange, NJ 07052. The redemption hours are set by the Provider or through an appointment time designated by the Provider's Animal Control Officers. The redemption of said animals will be

completed upon the payment to the Provider the sum of \$30.00 pick up fee, Monday – Friday; 8:30 a.m. – 5:00 p.m. There will be an \$85.00 pick up fee for other hours, weekends and holidays and a boarding fee of \$7.00 for each day that the animal has been impounded up to and including seven (7) days. After the seven (7) day period the dog, cat or other animal becomes the property of the Provider unless otherwise arranged. No redemption will be honored unless the owner provides a current dog license as set forth in State Statues.

9. Any stray dog or cat in the custody of the Provider and charged with biting a human being, shall be quarantined and isolated from other animals for the regular quarantine period of at least ten (10) days. The cost of this shall be to the owner or person who is bitten or scratched or, if the person is a minor, the legal guardian, if established. Any other animal suspected of biting, scratching or exposing a human being or domestic pet with rabies will be euthanized by the Provider. The specimen will be prepared for analysis by the Provider and turned over to the Recipient's Health Department for transportation to the State Department of Health Laboratory.

10. Transportation of the head of an animal suspected of rabies to the State Department of Health shall be provided by the Provider under the condition that said animal expired on the premises before the ten (10) day quarantine period referred to in Paragraph 9 above had elapsed. The fee for removal of the head and delivery for rabies examination will be paid by the owner of the animal if known; if not known, by the person bitten. An owner may quarantine his own animal with permission of the Recipient's Health Officer. All quarantine functions and animal bite reporting will be the responsibility of the Recipient's Health Department. The Health Officer of the Recipient's Health Department shall be responsible for the collection, reporting and analysis of birds suspected of carrying the West Nile Virus.

11. The Provider agrees to furnish the necessary vehicles to be used by the Animal Control Officers solely for the performance of their duties under this agreement. Said vehicle will be insured by the Provider.

12. It is understood and agreed between the parties that the Animal Control Officers shall be employees of the Provider and that the Provider is responsible for any damage caused by said Animal Control Officer, but is not responsible for damage caused by any animals within the Municipality.

13. The Provider's services include the handling of all animals as described. The charges for owned animals shall be the responsibility of the owner.

14. Removal of an animal, including wildlife, on private property, inside of a home, apartment building, garage, roof, etc., is not covered under this standard contract and constitutes private service. The Provider will respond to private service calls; however the owner of the premises will be charged Eighty-five (\$85.00) Dollars per hour during regular business hours and Ninety-Five (\$95.00) Dollars per hour during evening hours, holidays and weekends for this service. The payment for this service shall be made by check payable to the West Orange Health Department at the completion of the rendered services.

15. Stray animals, including wildlife outside of a residence shall be handled by the Provider. Traps are available from the Provider with a deposit of Sixty-five (\$65.00) Dollars and fee of \$5.00 per day, which will be deducted from the deposit. Dog traps are also available with a deposit of One Hundred and Twenty-five (\$125.00) Dollars and a fee of \$10.00 per day, which will be deducted from the deposit. Traps are not to be set on weekends or nights or with poor weather (rain, snow, extreme cold or heat above 90 degrees).

16. The Recipient will be charged a boarding fee of Fifteen (\$15.00) Dollars per day for any animals brought to the Provider who are involved in litigation and cannot be released to their owners.

17. The Provider will pick up large dead animals, such as, squirrels, raccoons, opossums, dogs and cats on private property only. The Recipient's Department of Public Works will pick up dead animals on public roadways and remove dead deer within the Borough.

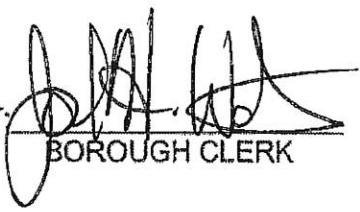
18. The Recipient will indemnify and hold and save the Provider harmless and against any and all loss, damage, liability and claims whatsoever caused, resulting directly or indirectly from the performance of this agreement.

19. Under the terms of this contract, one or both parties may terminate the contract within sixty (60) days' written notice to the other party by Certified Mail, Return

Receipt Requested, and accompanied by a Resolution of withdrawal by one or both parties. Upon the expiration, all rights and obligations between the parties under this contract shall cease and be deemed null and void.

20. This is a two (2) year Contract and the parties hereto agree to be bound by the provision of Schedule A attached hereto and made a part hereof.

ATTEST:

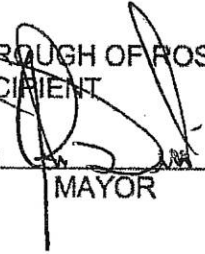

BOROUGH CLERK

ATTEST:

TOWNSHIP CLERK

BOROUGH OF ROSELAND
RECIPIENT

BY:



MAYOR

TOWNSHIP OF WEST ORANGE
PROVIDER

MAYOR

SCHEDULE A

ADDENDUM TO ANIMAL CONTROL SERVICES CONTRACT BETWEEN THE TOWNSHIP OF WEST ORANGE, PROVIDER, AND THE BOROUGH OF ROSELAND, RECIPIENT.

1. The Borough of Roseland will indemnify and hold harmless the Township of West Orange with reference to any cause of action resulting from or arising out of any act or conduct by the Animal Control Officers when said act or conduct is solely and exclusively for the performance of his duties and obligations to the Borough of Roseland pursuant to the terms and conditions of this Contract. In the event the Township of West Orange receives notification of any cause of action or claim which it contends arises out of the employment by the Borough of Roseland of the services of the Animal Control Officers pursuant to the terms of this Contract, said notification shall be made promptly to the Borough of Roseland by directing same to the Mayor and Business Administrator.

2. The Borough of Roseland shall indemnify and hold harmless acts, conduct or services of the Animal Control Officers when said individuals are acting solely and exclusively for the Borough of Roseland provided that said acts, conduct or services arise out of and are in the scope and duties of the Animal Control Officer's employment. It is the intent of this provision that the Animal Control Officers shall conduct themselves pursuant to general principles, obligations, duties and responsibilities governing the general nature and standards of Animal Control services recognized throughout the State of New Jersey.

**RESOLUTION AWARDING CONTRACT FOR SNOW PLOWING
AND REMOVAL SERVICES YEARS 2018-2019**

WHEREAS, the Township of West Orange has advertised for bids, pursuant to the New Jersey Local Public Contracts Law (N.J.S.A.40A:11-1) for Snow Plowing and Removal Services for year(s) 2018-2019 and received bids on November 6, 2018; and

WHEREAS, the West Orange Department of Public Works has reviewed the bids received and has recommended that one of the bidders be awarded four of the six routes for Option 1 and awarded four of the Option 4 specifications for snow removal and hauling. These options represent specific snow plowing routes and snow removal equipment respectively; and

WHEREAS, hereto is attached Schedule A listing the vendor with the services and rates to be provided.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange that a one year service contract for Snow Plowing and Removal Services for the year(s) 2018-2019 be awarded to the following bidder listed on Schedule A.

BE IT FURTHER RESOLVED that the bids for Options 1F-1 and 1J-1 be rejected and that services for these two options be rebid.

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

Susan McCartney
Council President

Adopted: November 27, 2018

**I hereby certify funds are available from Account: 01-2010-00-7502-113
(Salt, Chloride & Snow)**

2018 not exceed the budget appropriation

2019 amount subject to 2019 budget appropriation

John O. Gross
Chief Financial Officer

SCHEDULE A

VENDOR SUBMISSION LIST	AWARD	YES/NO
Grabowski Construction Inc. 770 Northfield Avenue West Orange, New Jersey 07052		NO BID
Downes Tree Service, Inc. 65 Royal Avenue Hawthorne, New Jersey 07506		NO BID
N.Y. Asphalt 73 Industrial Loop Staten Island, New York 10309		NO BID
American Asphalt & Milling Services 96 Midland Avenue Kearny, New Jersey 07032		YES
Abraham General Construction, LLC 81 Northfield Avenue Suite 202 West Orange, NJ 07052		NO

Option 1, Snow Plow Routes:

1A-1, Valley, F-450 truck, American Asphalt, \$230 per hour

1B-1 Heights, F-450 truck, American Asphalt, \$230 per hour

1C-1 Merklin, F-700 truck, American Asphalt, \$320 per hour

1F-1, Upper Gregory, No Award

1J-1, Stanford, No Award

1K-1, Lower Gregory, American Asphalt, \$320 per hour

Option 4, Equipment for Plowing, Loading and Hauling:

4A - Single Axle Truck, 26,000 GVWR, with Plow:	NO BID
NO BID	
4B - Tandem Axle Truck with Plow:	4C - Single Axle Truck, 12,000 GVWR with Plow:

NO BID

4BA - 20 CY Roll offs:

NO AWARD

4BB - 30 CY Roll offs:

American Asphalt, \$120 per hour

4BC - Tandem Axle Truck:

American Asphalt, \$120 per hour

4BD – Tri-Axle Trucks

American Asphalt, \$120 per hour

4BE - Front End Loaders, 2.5 CY bucket:

American Asphalt, \$250 per hour

November 14, 2018

Mayor and Township Council
Municipal Building
66 Main Street
West Orange, New Jersey 07052

RE: **AWARD OF CONTRACT**
SNOW PLOWING AND SALTING EQUIPMENT
FOR PLOWING, LOADING AND HAULING

Mayor Parisi, Council President McCartney, and Council Members:

In October 2018, bids were advertised for Snow Plowing and Salting and Equipment for Plowing, Loading and Hauling snow for the 2018 – 2019 season with the option to extend any contract for two additional one year periods. On Tuesday, November 6, 2018 the bids were received. Two included bids for snow plowing and salting. One of these two bids, from Abraham General Construction of West Orange was deemed unresponsive due to them not including a Bid Bond for the work as specified. Another bid from American Asphalt and Milling Services, LLC of Kearny, New Jersey was responsive.

The snow plowing and salting portion of the bid documents requested hourly rates to plow and salt six different routes in the Township. The summary of the bids is attached.

I am only recommending contracts be awarded for four of the six routes, as follows: Routes 1A-1 Valley, 1B-1 Heights, 1C-1 Merklin, and 1K-1 Lower Gregory are to be awarded to American Asphalt & Milling Services, 96 Midland Avenue, Kearny, NJ 07032.

Additionally, I am recommending contracts be awarded to American Asphalt and Milling Services, LLC for supplying equipment for loading and hauling snow.
4BB- 30 cubic yard Rolloffs, 4BC- Tandem Axle Trucks, 4BD- Tri-Axle Trucks, and
4BE- Front End Loaders.

Route 1F-1 Upper Gregory, and 1J-1 Stanford, will not be awarded and will be rebid.

A Resolution of Award is attached, and if you have any questions, please feel free to contact me.
Very truly yours,

Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/
enc.

cc: John K. Sayers
John Gross

**RESOLUTION TO AWARD A CONTRACT EXTENSION FOR SNOW
PLOWING & SNOW HAULING SERVICES FOR 2018-2019**

WHEREAS, Resolution No. 219-17 was authorized by the Township of West Orange Council for Snow Plowing and Removal Services for year(s) 2017-2018 on October 3, 2017; and

WHEREAS, the Township wishes to continue contracted snow plowing and removal in various sections, and

WHEREAS, the Township desires to extend this contract as allowed in the original bid document giving the Township the option to extend the contract for two (2) one (1) year periods, and

WHEREAS, the West Orange Department of Public Works has been satisfied with past performance of these vendors, who are agreeable to existing rates to be charged, and

WHEREAS, the Township Engineer recommends extension of this contract, and the Township Council concurs with this recommendation.

NOW, THEREFORE BE IT RESOLVED by the Municipal Council of the Township of West Orange that Snow Removal Services contract be extended for the year(s) 2018-2019 to the following vendors:

Downes Tree Service, Inc., 65 Royal Avenue Hawthorne, N.J. 07506

New York Asphalt, Inc., 366 Industrial Loop Staten Island, N.Y. 10309

Grabowski Construction, Inc., 770 Northfield Avenue West Orange, N.J. 07052

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to arrange to pay for the foregoing in accordance with the terms in the purchase order with funds certified funds made available.

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

Susan McCartney
Council President

Adopted: November 27, 2018

**I hereby certify funds are available from Account: 01-330-500-00-01
(Salt, Chloride & Snow)**

*** amount not to exceed 2018 budget appropriation**

*** amount subject to 2019 approval of budget appropriation**

John O. Gross, Chief Financial Officer

OPTION 4, EQUIPMENT FOR PLOWING, LOADING, AND HAULING

4A - Single Axle Truck, 26,000 GVWR, with Plow:
Downes Tree Service, \$250 per hour

4B - Tandem Axle Truck with Plow:
Downes Tree Service, \$250 per hour

4C - Single Axle Truck, 12,000 GVWR with Plow:
Downes Tree Service, \$250 per hour

4BA - 20 CY Roll offs:
Downes Tree Service, \$165 per hour
NY Asphalt, \$250 per hour

4BB - 30 CY Roll offs:
Downes, \$165 per hour
NY Asphalt, \$250 per hour

4BC - Tandem Axle Truck:
Downes Tree Service, \$140 per hour
Grabowski Construction, \$140 per hour
NY Asphalt, \$225 per hour

4BD – Tri-Axle Trucks
Downes Tree Service, \$140 per hour
NY Asphalt, \$225 per hour

4BE - Front End Loaders, 2.5 CY bucket:
Downes Tree Service, \$240 per hour
Grabowski Construction, \$250 per hour
NY Asphalt, \$275 per hour

RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Karen J. Carnevale,
Municipal Clerk**

**Susan McCartney,
Council President**

Adopted: November 20, 2018

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

JOHN O. GROSS, CFO

Exhibit “A”



JOHN H. ALLGAIR, PE, PP, LS (1983-2001)
DAVID J. SAMUEL, PE, PP, CME
JOHN J. STEFANI, PE, LS, PP, CME
JAY B. CORNELL, PE, PP, CME
MICHAEL J. McCLELLAND, PE, PP, CME
GREGORY R. VALES, PE, PP, CME

TIMOTHY W. GILLEN, PE, PP, CME
BRUCE M. KOCH, PE, PP, CME
LOUIS J. PLOSKONKA, PE, CME
TREVOR J. TAYLOR, PE, PP, CME
BEHRAM TURAN, PE, LSRP
LAURA J. NEUMANN, PE, PP
DOUGLAS ROHMEYER, PE, CFM, CME
ROBERT J. RUSSO, PE, PP, CME
JOHN J. HESS, PE, PP, CME

November 19, 2018

Via Electronic (rtrenk@MSBNJ.COM) & 1st Class Mail

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

**Re: *Proposal for Professional Engineering Services for
Traffic Evaluation relative to the Traffic Impact Study prepared for
West Essex Highlands Residential Development Apartments
Block 179, Lot 32
Township of West Orange, Essex County, New Jersey
Proposal No: 2018-249***

Dear Mr. Trenk:

Thank you for considering our firm for the above referenced work relative to the West Essex Highlands Residential Development Apartments application currently before the West Orange Planning Board and allowing us to submit this proposal for Professional Engineering Services associated with the Traffic Evaluation relative to Traffic concerns for the proposed development in the Township of West Orange.

We have previously issued a review letter and attended a mediation session with the Developer's Professional Staff and the Special Master assigned to this case. Accordingly, we understand that the scope of services for the Traffic Evaluation will generally include the following terms of work:

- Perform a Site Visit to observe existing conditions and traffic operations of the surrounding roadway network including Eagle Rock Avenue, Oval Road, Rappleye Court, Warner Road, Kuzik Drive, and Sullivan Drive;
- Technical Review of the Traffic Impact Study, prepared by the Developer's Traffic Engineer for the proposed development, last revised November 1, 2018;
- Technical Review of the Traffic Impact Study Appendices, prepared by the Developer's Traffic Engineer for the proposed development, last revised November 1, 2018;
- Technical Review of the response letter, prepared by the Developer's Traffic Engineer for the proposed development, dated November 1, 2018;
- Technical Review of the Concept Plan, last revised November 1, 2018;



Richard D. Trenk, Esq.
Township of West Orange

Re: TIS for West Essex Highlands Residential Development Apartments

November 19, 2018
Our Proposal No. 2018-249
Page 2

- Preparation of a Technical Review Letter, which outlines the findings of our Traffic Evaluation and offers technical comments relative to Traffic operations related to the proposed residential development; and
- Attendance at one (1) Mediation Session Meeting.

Cost Proposal

Based upon the items of work as described above, we can perform the necessary Site Visit, Technical Review of Traffic Impact Study, Technical Review of Traffic Impact Study Appendices, Technical Review of the Concept Plan, Technical Review Letter Preparation, and attendance at one (1) Mediation session meeting for a cost not to exceed \$13,300.00. It should be noted that the report will be completed within 30 days from adoption of the authorizing resolution.

It should be noted that said fee does not include traffic counts on the roadway network, capacity analyses of the roadway network surrounding the proposed development site. Our fee also excludes any review of non-traffic, non-parking, non-circulation issues. Our technical review will be based on the data, analyses, and information submitted by the Applicant's Traffic Engineers. Preparation for and attendance at meetings as requested would be provided per our hourly rate schedule. Further, if the Client elects to change the scope of services, any additional services can be provided at our hourly rates. In addition, any additional meetings or court appearances required will be billed at \$75 per hour. Should the Applicant or the Applicant's Professionals submit revised traffic studies or site plans for our review relative to traffic and parking concerns, additional escrow would be necessary to perform our review of additional information.

Thank you for your consideration in this matter. Your return of a signed copy of this proposal indicating your acceptance to the terms and conditions presented herein will represent your authorization for us to proceed.

CME Associates takes great pride in our commitment to personal service and our ability to successfully address our Clients' interests. We look forward to working with the representatives of the Township of West Orange on this project. We trust the information as contained herein addresses your requirements. Should you have any questions regarding this matter, please do not hesitate to contact this office.

Exceptions

- This proposal does not include the costs associated with attending any additional meetings.
- This proposal does not include the costs associated with reviewing any non-traffic, non-parking, and non-circulation issues.



Richard D. Trenk, Esq.
Township of West Orange

Re: TIS for West Essex Highlands Residential Development Apartments

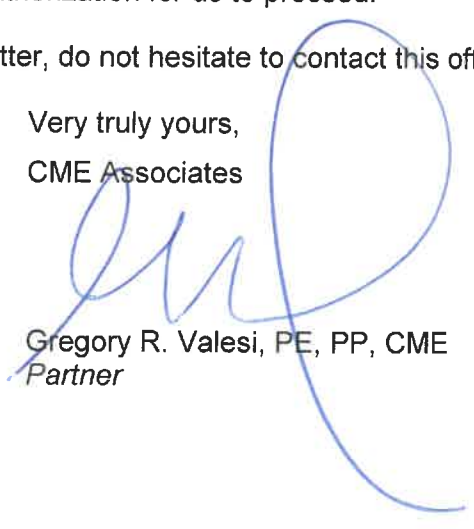
November 19, 2018
Our Proposal No. 2018-249
Page 3

- The above-quoted fees will be in effect for a period of twelve (12) months from the date of this proposal; however, the fees on the hourly rate schedule are subject to change by January 1 of each year.

Thank you for permitting our firm to submit this proposal and your consideration in this matter. Your return of a signed copy of this proposal indicating your acceptance to the terms and conditions presented herein will represent your authorization for us to proceed.

Should you have any questions regarding this matter, do not hesitate to contact this office.

Very truly yours,
CME Associates


Gregory R. Valesi, PE, PP, CME
Partner

GRV:JCW:KEC:mrm

I/We have reviewed the above proposal and agree to the terms as presented.

BY:

Signature

Date

Print or Type Name

RESOLUTION

WHEREAS, the Township of West Orange Housing Rehabilitation Program has a mortgage against certain real property owned by John Stein and Sandra Stein (the "Owners") residing at 4 Pillot Street, Block 24, Lot 49 (the "Property"), in the amount of Thirty-Five Thousand Dollars (\$35,000.00), which was dated January 11, 2013 and recorded in the Essex County Register's Office on March 26, 2013 in Book 14242, Page 9059 (the "WOHRP Mortgage"); and

WHEREAS, there is a first mortgage on the Property held by BSI Financial ("BSI") in the outstanding amount of One Hundred Eleven Thousand Nine Hundred Twenty-Four Dollars (\$111,924.00) (the "First Mortgage") for which the Owners are required to pay \$1,304 per month; and

WHEREAS, there is also a second mortgage on the Property held by TD Bank ("TD Bank") in the outstanding amount of Thirty-Two Thousand Four Hundred Ninety-Six Dollars (\$32,496.00) (the "Second Mortgage") for which the Owners are required to pay \$306 per month; and

WHEREAS, a foreclosure action was brought against the Owners for their failure to make timely payments towards the First Mortgage, the Owners desire to obtain a reverse mortgage from Advisors Mortgage Group, LLC ("Advisors Mortgage") in the amount of One Hundred Thirty Thousand Five Hundred Thirty (\$130,530.00), and with an interest rate of 5.044% (the "Reverse Mortgage") in order to allow them to continue to reside in the Property; and

WHEREAS, the Reverse Mortgage will provide funds towards paying off the First Mortgage and the Second Mortgage with the Owners paying the remaining balance due on the First Mortgage and Second Mortgage; and

WHEREAS, the Owners have requested that the Township of West Orange subordinate the WOHRP Mortgage to the Reverse Mortgage; and

WHEREAS, the appraised value of the property is \$295,000; and

WHEREAS, based on the amount of the Reverse Mortgage as compared to the First Mortgage and Second Mortgage, the proposed subordination will not materially change the equity available to satisfy the WOHRP Mortgage;

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor be and hereby is authorized to execute a Subordination of Mortgage, annexed hereto as Exhibit “A,” in favor of Advisors Mortgage with respect to the Property and the Owners; and be it further

RESOLVED, that the Municipal Clerk be and is hereby authorized to attest to the Mayor’s signature on the Subordination of Mortgage; 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: November 27, 2018

Exhibit “A”

When Recorded Return To:
Beta Abstract of New Jersey LLC
3115 Long Beach Road
2nd Floor
Oceanside, New York 11572

SUBORDINATION AGREEMENT

This Agreement is made this ____ day of ____, ____

by and between

Township of West Orange ("Lienholder"), whose address is 66 Main Street, West Orange,
New Jersey, 07052

and,

Mortgage Electronic Registration Systems, Inc., ("MERS") as nominee for Advisors Mortgage Group, LLC, whose address is 1901 E. Voorhees Street, Suite C, Danville, IL 61834
(collectively referred to as "Advisors Mortgage Group")

WHEREAS the Lienholder is the holder of a mortgage in the principal amount of **\$35,000.00** executed by **John S. and Sandra M. Stein**, (the "Borrowers"), dated **01/11/2013** and recorded on **03/26/2013** in **Book 12424, at Page 9059**, in the Essex County Register's Office, covering the property commonly known as **4 Pillot Place, West Orange, NJ 07052** (the "Property") and legally described as: **Block 24 Lot 49**.

SEE SCHEDULE "A" ATTACHED HERETO AND MADE A PART HEREOF

WHEREAS Advisors Mortgage Group intends to make a Reverse Mortgage loan (First Position) to the Borrower with a maximum claim amount not to exceed **\$295,000.00**, and a face amount of **\$295,000.00**, and dated on or about ____, 2018, to be secured by a mortgage granted to MERS as nominee for Advisors Mortgage Group, LLC covering the Property ("Advisors Mortgage Group Lien"), together with a mortgage made by the Secretary of Housing and Urban Development ("HUD Reverse Lien") to the Borrowers with a maximum claim amount not to exceed **\$295,000.00**, and a face amount of **\$295,000.00**, and dated on or about ____, 2018, to be recorded simultaneously therewith.

WHEREAS Advisors Mortgage Group will only make the loan to the Borrower provided that Lienholder's Lien is subordinate to both Advisors Mortgage Group Lien and HUD Reverse Lien.

WHEREAS Lienholder intends that Advisors Mortgage Group's Lien and HUD Reverse Lien both be prior and superior to Lienholder's Lien (Third Lien Position), and

NOW THEREFORE, it is agreed that in consideration of one dollar and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, Lienholder agrees to subordinate and make Lienholder's Lien subordinate and junior in all respects to Advisor Mortgage Group's Lien and HUD Reverse Lien, said Lienholder's Lien being in Third Mortgage Priority Position.

IN WITNESS WHEREOF, the Subordinator has signed and sealed in this Subordination of Mortgage, or if a Corporation, has caused this Subordination to be signed by its proper corporate officers and its corporate seal to be affixed, the day and year first above written.

Signed, sealed and delivered in
the presence of or Attested by:

Robert Parisi, Mayor

by: _____
Louis Palazzo, Chief
Financial Officer

STATE OF NEW JERSEY

:

: ss.:

COUNTY OF Essex:

BE IT REMEMBERED, that on _____ day of _____ before me the
subscriber, _____ personally appeared our **Mayor**.

who being by me duly sworn on his/her oath, deposes and makes proof to my
satisfaction.

- 1) That he/she is the **Mayor** named in the within instruments;
- 2) That **Robert Parisi** is the **Mayor**
- 3) That the execution, as well as the making of this instrument, has been duly authorized by a proper resolution of the Board of Directors of the said Corporation.
- 4) That deponent well knows the corporate seal of said Corporation.
- 5) That the seal affixed to said instrument is the proper corporate seal and was thereto affixed and said instrument signed and delivered by said President as and for the voluntary act and deed of said Corporation, in the presence of deponent, who thereupon subscribed his/her name thereto as attesting witness.

Sworn to and subscribed before me
the date aforesaid.

**RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES
TO REFUND PAYMENT TO THE LISTED TAXPAYER DUE TO A
OVERPAYMENT OF TAXES DUE TO A DUPLICATE PAYMENT**

WHEREAS, certain West Orange property owners or their mortgage company have made a duplicate payment for the fourth quarter 2018 taxes;

WHEREAS, the Tax Collector of the Township of West Orange has indicated that such Taxpayers or their mortgage company are entitled to refunds to the extent of such overpayments;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Tax Collector and the Treasurer of the Township of West Orange be and they are hereby authorized, empowered and directed to cause to be paid to the taxpayers on the attached list sums in full and final satisfaction of the overpayment of the 2018 taxes.

Block	Lot	Name & Address	Amount
166	48	Yacob Zewoldi & Elizabeth Haregwein 5130 North Capitol St NE Washington, DC 20011	\$1,100.00
175.19	20	Barry Irwin Cohen 9 Dawson Avenue West Orange, NJ 07052	\$3,874.00
TOTAL:			\$4,974.00

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

Susan McCartney
Council President

Adopted: November 27, 2018

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

John Gross
Chief Financial Officer

RESOLUTION

WHEREAS, on or about September 15, 2012, the Township of West Orange (the “Township”) entered into a License Agreement with the New Jersey Transit Corporation (“NJ Transit”), annexed hereto as Exhibit “**A**” (the “License”) for the use of a 20,250 square foot area comprising a portion of the Mississippi Avenue Loop, situated on the easterly side of Mississippi Avenue, north of Harrison Avenue (the “Property”) within the Township; and

WHEREAS, the License expired on July 31, 2017; and

WHEREAS, the Township and NJ Transit have agreed to amend the License to extend the use of the Property until July 31, 2022 pursuant to the terms and conditions of the First License Amendment, annexed hereto as Exhibit “**B**” (the “Amendment”); and

WHEREAS, the Amendment provides that the Township shall continue to use the Property and pay an Annual Fee as set forth in paragraph 2 of the Amendment.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor shall be and hereby is authorized to execute the Amendment annexed hereto as Attachment “**B**”, and the Municipal Clerk shall be and hereby is authorized to attest to the Mayor’s signature; and

BE IT FURTHER RESOLVED, that the original fully executed copy of this Resolution and the executed Amendment to the Lease with the initial executed copy of the original License between the Township and NJ Transit.

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

Susan McCartney
Council President

Adopted: November 27, 2018

RESOLUTION

A Resolution Authorizing the Planning Board to Undertake a Preliminary Investigation to Determine Whether Block 68, Lot 1 Qualifies for Designation as a Non-Condensation Area in Need of Redevelopment Pursuant to N.J.S.A. 40A:12A-1 et. seq.

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

WHEREAS, the Township of West Orange (the "Township") desires to explore whether the real property located at 46 Mt. Pleasant Avenue, West Orange, New Jersey and more commonly known as Block 68, Lot 1 on the Township of West Orange Tax Map, inclusive of any and all streets, "paper" streets, private drives and right of ways (the "Study Area") may be an appropriate area for consideration for redevelopment; and

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

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

WHEREAS, the Township Council wishes to direct the Township of West Orange Planning Board to undertake such preliminary investigation to determine whether the Study Area meets the criteria for designation as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5 and in accordance with the investigation and hearing process set forth at N.J.S.A. 40A:12A-6; and

WHEREAS, the Township Council hereby states that any redevelopment area determination shall authorize the municipality to use all those powers provided by the Local

Redevelopment and Housing Law for use in a redevelopment area, except the use of eminent domain (hereinafter referred to as a "Non-Condensation Redevelopment Area"); and

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

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

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

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

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

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

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

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

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

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

Susan McCartney
Council President

Adopted: November 27, 2018

RESOLUTION

WHEREAS, the Township of West Orange (the "Township") seeks to explore whether certain real property located 46 Mt. Pleasant Avenue, West Orange, New Jersey and more commonly known as Block 68, Lot 1 on the Township of West Orange Tax Map, inclusive of any and all streets, "paper" streets, private drives and right of ways (the "Study Area") may be an appropriate area for consideration for redevelopment; and

WHEREAS, the Township seeks to retain Heyer, Gruel & Associates ("Heyer Gruel") to perform the evaluation as to whether the Study Area meets the qualification under the Municipal Land Use Law (the "MLUL") as an area in need of redevelopment; and

WHEREAS, Heyer Gruel has provided a proposal for the preparation and presentation of an evaluation and report as to whether the Study Area meets qualification under the MLUL, annexed hereto as Exhibit "A;" and

WHEREAS, the proposal for the preparation and presentation of an evaluation and report as to whether the Study Area meets qualification under the MLUL shall be capped at \$8,000.

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 perform the evaluation as to whether the Study Area constitutes an Area in Need of Redevelopment consistent with the Proposal annexed hereto as Exhibit "A." and be it further

RESOLVED, that the Mayor is authorized to execute all necessary agreements or documents, if any, to retain Heyer Gruel consistent with the Proposal annexed hereto as Exhibit "A;" and be it further

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

RESOLVED, 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: November 27, 2018

Exhibit “A”

November 19, 2018

Richard Trenk
McManimon, Scotland & Baumann, LLC
75 Livingston Avenue
Roseland, NJ 07068

RE: Proposal for Professional Planning Services
West Orange Area in Need of Redevelopment Study – Block 68, Lot 1

Dear Mr. Trenk:

We are pleased to submit this proposal to provide professional planning services associated with the preparation of an Area in Need of Redevelopment Investigation for Block 68, Lot 1 in the Township. Our firm is well versed in the preparation of redevelopment investigations 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 scope of work for the project will include a site visit and inspection, collection and review of relevant Township records, additional research as appropriate, and the preparation of a written document describing the property and evaluating it with regard to the criteria outlined in the LRHL.

It is our understanding that a facility study / capital improvement assessment has been prepared for the library building. Based upon the assumption that we will be able to rely on information in the capital improvement assessment, our fee for preparation of the Redevelopment Study would not exceed a total of \$8,000 including attendance at one Planning Board meeting. All other meetings and preparation (e.g. internal, additional public) will be billed separately per meeting at our hourly rates. Firm principal Susan Gruel will attend all public meetings and present the Plan at the Planning Board in accordance with the statutory requirements.

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

BOND ORDINANCE PROVIDING FOR THE LOCAL UNIT'S ALLOCABLE SHARE OF CAPITAL IMPROVEMENT PROJECTS FOR THE JOINT MEETING OF ESSEX AND UNION COUNTIES, BY AND IN THE TOWNSHIP OF WEST ORANGE, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING \$1,570,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,570,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

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

SECTION 1. The improvements described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Joint Meeting of Essex and Union Counties (the "Joint Meeting") on behalf of the Township of West Orange, in the County of Essex, State of New Jersey (the "Local Unit") as general improvements. For the said improvements stated in Section 3, there is hereby appropriated the aggregate sum of \$1,570,000. Pursuant to the provisions of N.J.S.A. 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), no down payment is required as this bond ordinance authorizes obligations for environmental infrastructure projects which are funded by a loan from the New Jersey Infrastructure Bank (the "I-Bank").

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the \$1,570,000 appropriation, negotiable bonds of the Local Unit are hereby authorized to be issued in the principal amount of

\$1,570,000 pursuant to and within all limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Local Unit in a principal amount not exceeding \$1,570,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. The improvements hereby authorized and purposes for the financing of which said debt obligations are to be issued are for the Local Unit's allocable share of capital improvement projects being undertaken by the Joint Meeting, including, but not limited to, (i) waste gas burner upgrades consisting of (a) the replacement of waste gas burners at the Digester Building and (b) upgrades to sludge storage tanks with state-of-the-art flares to meet current air emission permitting requirements; (ii) rehabilitation of various structures, including, but not limited to, concrete repairs and/or reconstruction of the Screen House, the Old Chlorine Building, the Chlorination Building, the Aeration Gallery, and the Waste Gas Building, replacement of brick veneer panels and supporting walls in the Dewatering Building, and replacement of the coping and brick façade on the sludge storage tanks; and (iii) replacement and construction of the Tunnel Building along with the replacement of severely corroded piping within the tunnel, including installation of new sludge pumps.

a. All improvements shall include, as applicable, all work, materials, equipment, engineering, design, architectural, environmental consulting work, preparation of plans and specifications, permits, bid documents, conducting and preparation of reports and studies, equipment rental, labor and appurtenances necessary therefore or incidental thereto.

b. The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$1,570,000.

c. The aggregate estimated cost of said improvements or purposes is \$1,570,000.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Essex make a loan, contribution or grant-in-aid to the Local Unit for the improvements authorized hereby and the same shall be received by the Local Unit prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Essex. In the event, however, that any amount so loaned, contributed or granted by the United States of America, the State of New Jersey, and/or the County of Essex shall be received by the Local Unit after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply however, with respect to any contribution or grant in aid received by the Local Unit as a result of using such funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Local Unit, provided that no bond anticipation note shall mature later than one (1) year from its date, unless such bond anticipation notes are permitted to mature at such later date in

accordance with the provisions of the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 ("NJIT Act"). 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 of the Local Unit shall determine all matters in connection with the bond anticipation notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer 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 in accordance with the provisions of Section 8.1 of the Local Bond Law and, as applicable, the provisions of the NJIT Act. 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 principal amount, the description, the interest rate, and the maturity schedule of the bond anticipation notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Local Unit hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Local Unit 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 7. The following additional matters are hereby determined, declared, recited and stated:

a. The purposes described in Section 3 of this bond ordinance are not current expenses and are improvements which the Local Unit may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

b. The average period of usefulness of said improvements is within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 30 years.

c. The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Local Unit and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services within the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Local Unit, as defined in the Local Bond Law, is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,570,000 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

d. An aggregate amount not exceeding \$180,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the

estimated cost indicated herein for the improvements hereinbefore described.

e. In accordance with N.J.S.A. 40:63-134, bonds authorized and issued by the Local Unit to finance improvements or works for the Joint Meeting shall not be taken to be included within or governed by any limitation fixed by law to the amount of bonds authorized to be issued by the Local Unit.

SECTION 8. The full faith and credit of the Local Unit are hereby pledged to the punctual payment of the principal of and the interest on the debt obligations authorized by this bond ordinance. The debt obligations shall be direct, unlimited obligations of the Local Unit, and the Local Unit shall be obligated to levy ad valorem taxes upon all the taxable property within the Local Unit for the payment of the debt obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Local Unit reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Local Unit's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 150-2.

SECTION 10. The Local Unit covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this ordinance.

SECTION 11. Upon adoption hereof, the Clerk of the Local Unit shall forward

certified copies of this bond ordinance to Everett M. Johnson, Esq., Wilentz, Goldman & Spitzer, P.A., bond counsel to the Joint Meeting of Essex and Union Counties, and Richard T. Nolan, Esq., McCarter & English, LLP, bond counsel to the I-Bank.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

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

ROBERT D. PARISI, MAYOR

INTRODUCED: November 13, 2018

SUSAN McCARTNEY, COUNCIL PRESIDENT

ADOPTED: November 27, 2018

**AN ORDINANCE TO VACATE, RELEASE AND EXTINGUISH THE PUBLIC RIGHT
TO A PORTION OF ELMWOOD AVENUE IN THE TOWNSHIP OF WEST ORANGE
FROM ROOSEVELT AVENUE TO GARFIELD AVENUE**

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

SECTION I: That portion of Elmwood Avenue from Roosevelt Avenue to Garfield Avenue, as hereinafter described, is hereby vacated, and any and all public rights therein are hereby released and extinguished.

Beginning at the intersection of the northerly sideline of Elmwood Avenue and the westerly sideline of Roosevelt Avenue, 50 feet wide, alongside Block 172.10, Lot 2, as shown on the Tax Maps of the Township of West Orange, thence:

1. North 63 degrees 23 minutes 00 seconds West, 280 feet to the easterly sideline of Garfield Avenue, thence
2. South 26 degrees 37 minutes 00 seconds West, 50 feet to the southerly line of Elmwood Avenue, thence
3. South 63 degrees 23 minutes 00 seconds East, 280 feet to the westerly line of Roosevelt Avenue, thence
4. North 26 degrees 37 minutes 00 seconds, 50 feet to the point and place of beginning.
Containing 14,000 square feet.

SECTION II: The vacated portions of Elmwood Avenue shall revert and be annexed to the adjoining parcels as described below.

- A. Beginning at the intersection of the northerly sideline of Elmwood Avenue and the westerly sideline of Roosevelt Avenue, thence:
 1. North 63 degrees 23 minutes 00 seconds West, 140 feet, then
 2. South 26 degrees 37 minutes 00 seconds West, 25 feet, thence
 3. South 63 degrees 23 minutes 00 seconds East, 140 feet, thence
 4. North 26 degrees 37 minutes 00 seconds East, 25 feet to the point and place of beginning.

Containing 3,500 square feet.

To revert and be annexed to Block 172.10, Lot 2 as shown on the Tax Maps of the Township of West Orange and commonly known as 100 Roosevelt Avenue.

B. Beginning at the intersection of the southerly sideline of Elmwood Avenue and the westerly sideline of Roosevelt Avenue, thence:

1. North 63 degrees 23 minutes 0 seconds West, 140 feet, thence
2. North 26 degrees 37 minutes 00 seconds East, 25 feet, thence
3. South 63 degrees 23 minutes 00 seconds East, 140 feet, thence
4. South 26 degrees 37 minutes 00 seconds West, 25 feet to the point and place of beginning.

Containing 3,500 square feet.

To revert and be annexed to Block 172.05, Lot 8 as shown on the Tax Maps of the Township of West Orange and commonly known as 102 Roosevelt Avenue.

SECTION III. A 10 foot wide drainage easement shall be established within the vacated portions of Elmwood Avenue that revert to Block 172.10, Lot 2 and Block 172.05, Lot 8 as follows:

A. Beginning at the intersection of the new dividing line between Lot 2 in Block 172.10 and Lot 8 in Block 172.05 and the westerly sideline of Elmwood Avenue and proceeding:

1. West along the dividing line one hundred and forty (140) feet; thence
2. North on a perpendicular to the dividing line ten (10) feet; thence
3. East and parallel with the dividing line one hundred forty (140) feet to the extended westerly line of Elmwood Avenue; thence
4. South along the westerly line of Elmwood Avenue ten (10) feet to the point and place of beginning.

Being a ten (10) foot drainage and utility easement.

Containing 1,400 square feet within Block 172.10, Lot 2 commonly known as 100 Roosevelt Ave.

B. Beginning at the intersection of the new dividing line between Lot 2 in Block 172.10 and Lot 8 in Block 172.05 and the westerly sideline of Elmwood Avenue and proceeding:

1. West along the dividing line one hundred and forty (140) feet; thence

2. South on a perpendicular to the dividing line ten (10) feet; thence
3. East and parallel with the dividing line one hundred forty (140) feet to the extended westerly line of Elmwood Avenue; thence
4. North along the westerly line of Elmwood Avenue ten (10) feet to the point and place of beginning.

Being a ten (10) foot drainage and utility easement.

Containing 1,400 square feet within Block 172.05, Lot 8 commonly known as 102 Roosevelt Ave.

SECTION IV. It is the purpose of this Ordinance to abandon, release and extinguish the public rights, including any right to build a public roadway, in Elmwood Avenue between Roosevelt Avenue and Garfield Avenue. The northerly half of the vacated right of way alongside Block 172.10, Lot 2 shall revert and be annexed to that lot subject to a 10 foot wide drainage and utility easement along the new southerly line of that lot. The southerly half of the vacated right of way alongside Block 172.05, Lot 8 shall revert and be annexed to that lot subject to a 10 foot wide drainage and utility easement along the new northerly line of that lot.

SECTION V. The Township Clerk shall, within sixty (60) days after the effective date of this Ordinance, file a copy of the within Ordinance, certified by her under the seal of the Township of West Orange to be a true copy, together with Proof of Publication in the office of the Register of Deeds of the County of Essex, all in accordance with N.J.S.A. 40:67-21.

SECTION VI. Any and all ordinances or parts of ordinance inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION VII. This ordinance shall take effect upon final passage and after publication in accordance with law.

KAREN J. CARNEVALE, R.M.C.

ROBERT PARISI, MAYOR

Introduced: November 27, 2018

SUSAN McCARTNEY, COUNCIL PRESIDENT

Adopted: December 11, 2018

LEGISLATIVE HISTORY

This Ordinance vacates Elmwood Avenue between Roosevelt Avenue and Garfield Avenue which is a paper street. The vacation of the right of way releases and extinguishes any and all public rights to this portion of Elmwood Avenue including barring the right to build a public road within the vacated right of way. Although this portion of Elmwood Avenue will be vacated, access to property owned by the Township of West Orange that could previously be accessed through Elmwood Avenue may still be accessed through other public rights of way including Garfield Avenue and Mt. Vernon Avenue. The vacated section of the Elmwood Avenue right of way between Roosevelt Avenue and Garfield Avenue will revert to the adjoining property owners which includes the Township of West Orange and the owners of Block 172.10, Lot 2 and Block 172.05, Lot 8 commonly known as 100 Roosevelt Avenue and 102 Roosevelt Avenue respectively. Since a stream currently exists in a portion of vacated Elmwood Avenue a 20 foot wide easement will be created around the centerline of the vacated right of way for drainage and future utility purposes.

RESOLUTION

WHEREAS, RockPro Capital Corp. the current holder of Plenary Retail Consumption License No. 0722-33-028-004, of the Township of West Orange; and

WHEREAS, application has been made for a person to person transfer and place to place transfer of the above-mentioned license to Hook & Reel West Orange, Inc. t/a Hook & Reel Cajun Seafood Restaurant & Bar, 495 Prospect Avenue, Suite 20, West Orange, NJ 07052; and

WHEREAS, the principals of the applicant have been investigated by the Township Police Department with no impediments to an interest in an alcoholic beverage license having been found and the transfer having been recommended for approval; and

WHEREAS, due notice of the proposed transfer was published in the West Orange Chronicle on September 13, 2018 and September 20, 2018 and appropriate fees have been paid by the applicant; and

WHEREAS, a public hearing was conducted regarding the proposed person to person and place to place transfer on November 27, 2018, and no one appeared in opposition thereto;

NOW, THEREFORE BE IT RESOLVED by the Township Council sitting as the ABC Board for the Township of West Orange, hereby approves the person to person and place to place transfer of Plenary Retail Consumption License No. 0722-33-028-004, from RockPro Capital Corp to Hook & Reel West Orange, Inc. t/a Hook & Reel Cajun Seafood Restaurant & Bar, 495 Prospect Avenue, Suite 20, West Orange, NJ 07052

KAREN J. CARNEVALE, RMC
ABC BOARD SECRETARY

SUSAN McCARTNEY
COUNCIL PRESIDENT/ABC BOARDMEMBER

Adopted: November 27, 2018

RESOLUTION

WHEREAS, Sakura Grill & Buffet, Inc. t/a Mitasu Umi Sushi and Bar the current holder of Plenary Retail Consumption License No. 0722-33-022-004, of the Township of West Orange; and

WHEREAS, application has been made for a place to place transfer – reduction of premises of the above-mentioned license located at 495 Prospect Avenue, Suite 19, West Orange, NJ 07052; and

WHEREAS, the principals of the applicant have been investigated by the Township Police Department with no impediments to an interest in an alcoholic beverage license having been found and the transfer having been recommended for approval; and

WHEREAS, due notice of the proposed transfer was published in the West Orange Chronicle on August 2, 2018 and August 9, 2018 and appropriate fees have been paid by the applicant; and

WHEREAS, a public hearing was conducted regarding the proposed place to place transfer-reduction of premises on November 27, 2018, and no one appeared in opposition thereto;

NOW, THEREFORE BE IT RESOLVED by the Township Council sitting as the ABC Board for the Township of West Orange, hereby approves the place to place transfer-reduction of premises of Plenary Retail Consumption License No. 0722-33-022-004 to Sakura Grill & Buffet, Inc. t/a Mitasu Umi Sushi and Bar 495 Prospect Avenue, Suite 19, West Orange, NJ 07052.

KAREN J. CARNEVALE, RMC
ABC BOARD SECRETARY

SUSAN McCARTNEY
COUNCIL PRESIDENT/ABC BOARDMEMBER

Adopted: November 27, 2018