

1. Conference Meeting Agenda

Documents:

[CA 10.7.19.PDF](#)

2. Public Meeting Agenda

Documents:

[PM 10.7.19.PDF](#)

3. Resolution(S)

3.I. 236-19

Documents:

[236-19 STREET RESURFACING IIB NUMBER 2 \(2018\).PDF](#)

3.II. 237-19

Documents:

[237-19 DISCHARGE RESOLUTION-734 EAGLE ROCK AVENUE-DURSO-10-7-19.PDF](#)

[237-19 ATTACHMENT - DISCHARGE DOCUMENT-734 EAGLE ROCK AVENUE-DURSO-10-7-19.PDF](#)

3.III. 238-19

Documents:

[238-19 AUTHORIZING EXECUTION OF CONTRACT WITH WAYNE DEFEO ASSOCIATES RE AFFORDABLE HOUSING LITIGATION.PDF](#)

[238-19 ATTACHMENT - EXECUTION OF CONTRACT WITH WAYNE DEFEO ASSOCIATES RE AFFORDABLE HOUSING LITIGATION.PDF](#)

3.IV. 239-19

Documents:

[239-19 DEDUCTIONS GRANTED - BILLING ADJUSTMENT.PDF](#)

3.V. 240-19

Documents:

[240-19 AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT AND SURFACING THROUGH THE EDUCATION SERVICES COMMISSION OF NJ \(ESCNJ\) COOPERATIVE.PDF](#)

[240-19 EXHIBIT A.PDF](#)

3.VI. 241-19

Documents:

[241-19 AUTHORIZING EXECUTION OF EASEMENT AGREEMENT WITH PSEG FOR EQUIPMENT THROUGH SELECTO-FLASH PROPERTY.PDF](#)
[241-19 EXHIBIT - GRANT OF EASEMENT AGREEMENT WITH PSEG FOR EQUIPMENT THROUGH SELECTO-FLASH PROPERTY.PDF](#)

3.VII. 242-19

Documents:

[242-19 ESTABLISHING A LAND USE PLEDGE 10.7.19.PDF](#)

4. Ordinance(S) On First Reading

4.I. 2588-19

Documents:

[2588-19.PDF](#)

Township of West Orange
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Monday, October 7, 2019

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 September 26, 2018, and published in the West Orange Chronicle on October 4, 2018.

Roll Call – Councilwoman Casalino, Councilman Krakoviak, Councilwoman Matute-Brown, Councilwoman McCartney, Council-President Guarino, Mayor Parisi

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6:30 P.M

Proclamation: METAvivors of NJ - Metastatic Breast Cancer Awareness Day – October 13

Recognition: 105-Year-Old West Orange Resident Gilbert Seltzer

Discussion: 2020 Council Meeting dates

Update – Redevelopment

Council Liaison Announcements

7:00 P.M.

Public Meeting

PUBLIC MEETING AGENDA
Township of West Orange
66 Main Street – Council Chambers
Monday, October 7, 2019

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 September 26, 2018, and published in the West Orange Chronicle on October 4, 2018.

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 Krakoviak, Councilwoman Matute-Brown, Councilwoman McCartney, Council President Guarino (Mayor Parisi)

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. *Consent Agenda**
- 4. *Approval of Minutes of Previous Meeting – Public Meeting September 24, 2019**
- 5. *Report of Township Officers – Municipal Court – January thru August 2019**
- 6. *Reading of Petitions and Communications and Bids –None**
- 7. *Bills**
- 8. *Resolutions**
 - a. **236-19** Resolution Authorizing Change Order No. 2 for the Contract 2018 Street Improvements Phase IIB with Granada Construction Company, 147 Thomas Street, Newark, New Jersey 07114 in the amount of \$226,000.00 which along with Change Order No. 1, in the amount of \$300,000 represents a 23.19 percent increase in the Authorized Amount Bringing the Total Authorized Contract Amount to \$2,793,011.78. (Lepore)
 - b. **237-19** Resolution Authorizing a Discharge of Mortgage for Property at 734 Eagle Rock Avenue, West Orange, NJ, Block 177, Lot 26 (Planning)
 - c. **238-19** Resolution Authorizing the Retention of Wayne DeFeo Associates, 15 Washington Valley Road, Warren, NJ 07059 to Assist in Review and Analysis of Potential West Essex Highlands Project (Legal-Trenk)
 - d. **239-19** Resolution Authorizing the Collector of Taxes to Adjust 2019 Fourth Quarter Tax Billing Due to a \$250.00 Veteran or Senior Citizen Deduction Granted to the Eligible Property Owner (Gagliardo)
 - e. **240-19** Resolution to Authorize the Purchase of Playground Equipment and Surfacing through the Education Services Commission of NJ (ESCNJ) Cooperative Contract # ESCNJ 17/18-20 (DeSantis)
 - f. **241-19** resolution Authorizing Execution of the Proposed Grant of Easement Agreement with PSE&G for Equipment Through Selecto Flash Property for the Purpose of Installation and Maintenance of Underground Electrical Facilities (Legal-Moon)
- 9. Ordinances on Second and Final Reading-None**

10. Ordinances on First Reading

- a. **2588-19** Ordinance Amending and Supplementing Chapter 7-13 Parking Prohibited at all Times on Certain Streets (Lepore)

11. Pending Matters/New Matters/Council Discussion

- a. Ridge Road

12. ABC Hearing - None

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 Council by Resolution No. 214-18 dated September 25, 2018 awarded the contract 2018 Street Improvements Phase IIB in the amount of \$2,267,911.78 to Granada Construction Company, 147 Thomas Street, Newark, New Jersey 07114; and

WHEREAS, the Township Engineer by letter dated August 2, 2019 recommended Change Order No. 1 in the amount of \$300,000 to allow additional work at the unit prices bid for the improvement of Mellon Avenue and Dawson Avenue due to their deterioration since the contract was bid and awarded in Summer/Fall 2018; and

WHEREAS, the Township Council by Resolution No. 204-19 dated August 13, 2019 approved Change Order No. 1 which was a 13.23 percent increase in the original contract amount; and

WHEREAS, the Township Engineer by letter dated October 1, 2019 recommended Change Order No. 2 in the amount of \$226,000.00 which reflects As-Built quantities and which will allow the completion of three street in the original project – Barbara Avenue and Maple Street and Kirk Street both between Franklin Avenue and Harrison Avenue; and

WHEREAS, the total increase in the contract from Change Order No. 1 and with Change Order No. 2 amounts to \$526,000.00 or an increase of 23.19 percent in the original contract amount; and

WHEREAS, Change Orders in excess of 20 percent are allowed by they require a certification from the Municipal Engineer as to the reason and nature of the change and why a new contract would interfere with the efficient completion of the work; and

WHEREAS, the Municipal Engineer by letter dated October 1, 2019 state the contract 2018 Street Improvements Phase IIB was a unit price contract and that Change Order No. 1 while changing the scope of the work did not change the nature of the work as quantities of the bid items were increased at the unit prices bid; and

WHEREAS, the Municipal Engineer by the same letter indicated that Change Order No. 2 was necessary to complete the project prior to the onset of winter which was not likely if a separate contract were bid; and

WHEREAS, the letter further indicates that a separate contract would likely result in a higher cost as unit prices for milling and paving were higher on a recently bid project: milling \$3.95 per square yard versus \$4.50 and paving \$81.50 per ton versus \$86.00; and

WHEREAS, the As-Built quantities for work completed to date were primarily due to an increase in quantities for storm drainage pipe, inlets and appurtenances to eliminate water flow onto streets in the project which then reduces winter icing making travel safer and increasing the longevity of the pavement; and

WHEREAS, the Township Engineer recommends the Change Order as necessary and beneficial;
and

WHEREAS, sufficient funds exist for the work under Change Order No. 2; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of West Orange that Change Order No. 2 for the contract 2018 Street Improvements Phase IIB with Granada Construction Company, 147 Thomas Street, Newark, New Jersey 07114 in the amount of \$226,000.00 which along with Change Order No. 1 in the amount of \$300,000 represents a 23.19 percent increase in the authorized amount is hereby approved bringing the total authorized contract amount to \$2,793,011.78.

BE IT FURTHER RESOLVED that the total increase in spending from the original contract amount is \$526,000.00 consisting of \$300,000.00 previously approved by Change Order No. 1 and \$226,000.00 by this Change Order No. 2 bringing the total authorized amount to \$2,793,911.78 from the original contract amount of \$2,267,911.78.

BE IT FURTHER RESOLVED that the nature of the work under both Change Orders is roadway improvements consistent with the items of construction bid for the original contract.

BE IT FURTHER RESOLVED that the reason to expend the additional funds is for the efficient completion of the work before the onset of winter and at a lower cost if the remaining work consisting predominantly of milling and paving were bid as a separate project and contract.

BE IT FURTHER RESOLVED that this Resolution be published in the West Orange Chronicle on October 17, 2019.

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

JERRY GUARINO, COUNCIL PRESIDENT

I hereby certify funds are available from:

ACCOUNT NO. 2018 STREET RSURFACING
IMPROVEMENTS 03-2544-18-0500-010
\$226,000.00

John Gross, Chief Financial Officer

October 1, 2019

CHANGE ORDER NO. 2

PROJECT: 2018 STREET RESURFACING PHASE IIB

**CONTRACTOR: GRANADA CONSTRUCTION COMPANY
147 THOMAS STREET
NEWARK, NEW JERSEY 07114**

ORIGINAL CONTRACT AMOUNT \$2,267,911.78

CHANGE ORDER NO. 1 FOR TWO ADDITIONAL STREETS \$ 300,000.00

ADJUSTED CONTRACT AMOUNT THROUGH CHANGE ORDER NO. 1 \$2,567,911.78

**CHANGE ORDER NO. 2 TO REFLECT AS-BUILT
QUANTITIES AND COMPLETION OF THREE PROJECT STREETS \$ 226,000.00**

ADJUSTED CONTRACT AMOUNT THRU CHANGE ORDER NO. 2 \$2,793,911.78

**PERCENTAGE INCREASE IN AUTHORIZED AMOUNT OVER
CHANGE ORDER NO. 1 8.80%**

**PERCENTAGE INCREASE OVER ORIGINAL CONTRACT AMOUNT
THRU CHANGE ORDER NO. 2 23.19%**

RECOMMENDED BY MUNICIPAL ENGINEER

LEONARD R. LEPORE

AGREED TO BY CONTRACTOR

GRANADA CONSTRUCTION COMPANY

APPROVED BY OWNER

TOWNSHIP OF WEST ORANGE

AUTHORIZED BY RESOLUTION NO. 236-19

DATED: October 7, 2019

RESOLUTION

WHEREAS, on July 27, 2005, a mortgage was filed by the Township under the West Orange Housing Rehabilitation Program, against Mr. Thomas Durso (the Owner) who owns 734 Eagle Rock Avenue in the Township of West Orange known as Block 177, Lot 26 (the Property); and

WHEREAS, the mortgage was in the amount of \$12,900.00 payable whenever this property was sold or the title transferred; and

WHEREAS, the Owner has indicated that they have repaid the entire amount of the mortgage on or about September 23, 2019; and

WHEREAS, the Department of Planning and Development has reviewed their files and found that the mortgage filed against the Property in the amount of \$12,900.00 has been paid in full;

NOW, BE IT RESOLVED THAT the Mayor be and is hereby authorized to execute a Discharge of Mortgage, attached hereto, with regard to the Property and Owner; and be it further

RESOLVED THAT the Municipal Clerk be and is hereby authorized to attest to the Mayor's signature on the Discharge of Mortgage concerning the Property; and be it further

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

Karen Carnevale, R.M.C.
Municipal Clerk

Jerry Guarino, Council President

Adopted: October 7, 2019

DISCHARGE OF MORTGAGE

A certain Mortgage dated July 27, 2005 was made by Mr. Thomas Durso, 734 Eagle Rock Avenue, West Orange, New Jersey to the Township of West Orange.

This Mortgage was made to secure payment of \$12,900.00. It was recorded or registered in the office of the county recording officer of Essex County, State of New Jersey, on September 14, 2005 in Mortgage Book 10730, Page 288.

1. This Mortgage has been PAID IN FULL or otherwise SATISFIED and DISCHARGED. It may now be discharged of record. This means that this Mortgage is now canceled and void.
2. I sign and Certify to this Discharge of Mortgage on

Witnessed or Attested by:

Mayor Robert D. Parisi

Karen J. Carnevale, R.M.C.

STATE OF NEW JERSEY, COUNTY

OF ESSEX CERTIFY THAT ON

SS

Personally came before me and stated to my satisfaction that this person (or if more than one, each person):

- (a) Was title maker of the attached instrument;
- (b) Executed this instrument as his or her own act

STATE OF NEW JERSEY, COUNTY

OF ESSEX CERTIFY THAT ON

SS

Personally came before me and stated to my satisfaction that this person (or if more than one, each person): Mayor Robert D. Parisi

- (a) was maker of the attached instrument
- (b) was authorized to and did execute this instrument as of the entity name in this instrument, and;
- (c) execute this instrument as the act of the entity named in this instrument.

Record and Return to:
Community Action Services
PO Box 6025
East Brunswick, NJ 08816

Print Name/Stamp & Seal

RESOLUTION

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

WHEREAS, that in the Affordable Housing Litigation, Beth McManus has been designated Special Master and Ms. McManus has been attempting to amicably resolve various issues; and

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

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

WHEREAS, the settlement will provide for a substantial housing development which will have an impact on the Township; and

WHEREAS, the Township is concerned regarding the development process and especially the removal of trees and drainage issues; and

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

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

WHEREAS, the Township desires that this potential project be as “Green” and environmentally sensitive as possible; and

WHEREAS, Amy Greene has previously studied the site and prepared certain reports on behalf of WE CARE, a coalition of residents from the Highlands Condominiums; and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Council of the Township of West Orange that Mayor Parisi is hereby authorized to enter into the annexed Professional Services Contract and the Municipal Clerk is authorized to attest to Mayor Parisi’s signature with Wayne DeFeo Associates in order to assist in the initial phase of reviewing and analyzing the project so that any potential settlement will incorporate as many environmental protections as possible to ensure that the project is developed in an environmentally sensitive and comprehensive manner; and

IT IS FURTHER RESOLVED that a copy of this Award shall be available in the Municipal Clerk’s office and advertised in accordance with applicable law.

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

Jerry Guarino,
Council President

Adopted: October 7, 2019

DeFeo Associates

September 14, 2019

Richard Trenk, ESQ.
McManimon, Scotland and Bauman
75 Livingston Avenue
Roseland, New Jersey 07068

**RE: Proposal to Provide Pre- Approval and Pre-construction Environmental Consulting
Services to the Township of West Orange re:
West Essex Highlands Proposed Housing Development**

Dear Mr. Trenk,

Thank you for the opportunity to assist the Township of West Orange (Client) in the matter of the proposed housing development known as the West Essex Highlands. In order to most effectively assist the Township in this matter, DeFeo Associates has teamed with Amy S. Greene Environmental Consultants.

Project Background:

As presented, the project consists of a proposed development consisting of 496 residential units requiring the disturbance of between 20 and 35 acres. The site is primarily forested and contains wetlands, wetland transition areas, regulated waters and riparian zones. The site is also constrained by steep slopes.

There are wetlands boundaries and these boundaries have been confirmed via a Letter of Interpretation issued for the site by the New Jersey Department of Environmental Protection.

West Orange is concerned that the project may have an adverse environmental impact on the municipality and has requested this proposal as a means to insure that the development design, if ultimately approved and completed, results in the minimum impact possible to the environment and the community.

Proposed Scope of Work:

DeFeo Associates (Consultant) will provide the following scope of work in order to insure that the goals of the Township are met. This is the first phase of work that is being requested. A separate phase may be requested seeking regulatory oversight of the construction process.

1. We will review the concept plan for the site and review any natural resources information provided by the Applicant to preliminarily assess potential impacts to the natural resources found on the site and to insure that the proposal meets the

- requirements of all applicable Municipal, State and Federal Environmental Regulations..
2. We will conduct one (1) field investigation to verify the information provided by the Applicant.
 3. We will work with the Township of West Orange and its professional staff to develop recommendations for design changes and approval conditions to maximize protection of sensitive environmental resources, minimize impact on neighboring properties and to help insure compliance with environmental standards.
 4. We will review the results of the tree inventory conducted for this site.
 - a. We will conduct one (1) field investigation to familiarize ourselves with the character of the forest and we will coordinate with the Township forester regarding our findings.
 - b. We will conduct a preliminary assessment to determine the feasibility of compliance with the Township's Tree Protection Ordinance (Ordinance) (25-27 Tree Protection and Removal).
 - i. We will assist in developing strategies for the proposed development to maximize compliance with the intent of the Ordinance.
 - ii. We will propose recommendations for onsite/offsite tree planting, means to reduce tree removal and methods of monitoring ultimate tree clearing and replanting activities as well as alternate means of reducing the impact of tree removal.
 5. We will review the existing natural resource data as it relates to freshwater wetlands, wetland transition areas, riparian zones and endangered and threatened species habitat.
 6. We will provide design and technical assistance in relation to design standards in order to maximize environmental protections and minimize negative environmental impacts including but not limited to storm water runoff, light and noise pollution, prevention of the introduction of invasive plant species and other design features as required.
 7. We will participate in up to three meetings with the Township and or Applicant as appropriate to discuss the findings of this research.
 8. We will deliver a letter report of our findings and recommendations.

Price Proposal Estimate:

This phase of the project has a number of open elements as the project contains multiple facets. In order to provide the most cost -effective service to the Township, DeFeo associates is proposing that work be performed on a Time and Materials basis plus expenses in accordance with the following schedule:

1. Hourly Rates for professional staff will range based on the staffing level required. DeFeo Associates will only utilize the appropriate staff level for the appropriate work.
 - a. Hourly Rates of Professional Staff:
 - i. Principal, DeFeo Associates - \$185.00/hour/ Estimated hours 40.
 - ii. Principal Ecologist - \$230.00/hour/Estimated hours 44.
 - iii. Senior Project Manager - \$180.00/hour/Estimated hours – 6.

- | | |
|---------------------------|-------------------------------------|
| iv. Project Manager - | \$150.00/hour/Estimated hours -52. |
| v. Senior Env. Scientist- | \$120.00/hour/Estimated hours - 40. |
| vi. Clerical - | \$95.00/hour/Estimate hours - 2. |
2. Mileage - \$.70/mile

A total of 184 hours of staff time is projected for this project phase. We will assign those staff necessary and with the appropriate skills to the work as appropriate in order to maximize cost efficiencies. This includes all work and the delivery of the final report.

Based on the scope of work outlined within this proposal, and to protect against unanticipated expenses, this phase of the work is being proposed with at a not to exceed cost of \$33,500.00. This includes a contingency fee of \$2410.00 to protect against such unanticipated expenses such as extra meetings or other research.

Any work outside of the scope outlined herein, or should additional work beyond the scope be required, it shall be billed at the hourly rates outlined within this proposal. At no time will the not to exceed cost be breached without advanced prior notice being provided to the Township for their approval.

Additional Terms:

- The Client agrees to provide relevant data in both verbal and written form as required in order for to complete tasks required under this retainer. DeFeo Associates agrees to maintain confidentiality of this information. For this phase of the project, DeFeo Associates requests the following documents:
 - Copy of the Tree inventory currently completed.
 - Copy of the Current mapping of regulated resources and the most current NJDEP approvals for the site.
- The Client understands that work in this area may result in contested decisions, and that no warranty is provided as to the outcome of the matter before any regulatory or legal bodies. The Client agrees to save and hold harmless the Consultant from such actions that may arise regarding the project about which the services described in this agreement are rendered, and that the terms of this agreement are limited accordingly.
- DeFeo Associates does not purport to provide legal or accounting services and the terms of this retainer are limited accordingly.

Either party may terminate this agreement with thirty - (30) days written notice. If terminated, the Client shall be responsible for any and all costs incurred to date and experienced in the closure of the contract's provisions within the thirty -(30) day notice.

DeFeo Associates is looking forward to the continued provision of professional services to the Township of West Orange. If you have any questions on any element of this proposal, please do not hesitate to contact me.

Sincerely yours,



Wayne D. DeFeo, LEED AP
Principal

15 Washington Valley Road
Warren, New Jersey 07059
Tel: 732-563-9524

RESOLUTION AUTHORIZING THE COLLECTOR OF TAXES
TO ADJUST 2019 4TH QUARTER TAX BILLING DUE TO A \$250.00
VETERAN OR SENIOR CITIZEN DEDUCTION
GRANTED TO THE ELIGIBLE PROPERTY OWNER(S)

WHEREAS, certain West Orange property owners qualify for a \$250.00 Veteran or Senior Citizen property tax deduction for the 2019 tax year; the deductions were granted after the 2019 Final/2020 Preliminary bills were mailed.

WHEREAS, the Tax Collector of the Township of West Orange has indicated that the adjustment must be made on the 4th quarter tax bill.

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 adjust the bills for the following property owners.

Block	Lot	Name & Address	Amount
107	1.04	C0072 Seymour Chase 66 O'Connor Circle	(Veteran) \$250.00
168.06	19	Barbara Alsieux 11 Cornell Street	(Senior) \$250.00
175.01	252	Enrico Legaspi 52 Roosevelt Ave	(Senior) \$250.00
TOTAL:			\$750.00

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

Jerry Guarino
Council President

Adopted: October 7, 2019

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

John Gross, Chief Financial Officer

**Resolution to Authorize the Purchase of Playground Equipment and Surfacing
through the Education Services Commission of NJ (ESCNJ)
Cooperative Contract # ESCNJ 17/18-20**

Whereas, in 2018 the Township of West Orange (Township) launched the Participatory Budget process which allowed Township residents to choose one capital project through a non-binding referendum on the November 6, 2018 General Election Ballot; and

Whereas, from the residents four capital project choices on the ballot, the playground with play elements for those with special needs received the majority of the vote; and

Whereas, the current older playground equipment in the Township's O'Connor Park location has been designated for this new Inclusive Playground Equipment and Playground Surfacing; and

Whereas, pursuant to the provision made in the Local Public Contracts Law N.J.S.A. 40A:11-5(2) the Township as a Local Government Unit, may without public advertising for goods or services enter into contracts already secured by the United States of America, the State of New Jersey, County or Municipality; and

Whereas, the Township as a member of the Educational Services Commission of NJ (ESCNJ) cooperative can utilize the cooperative contracts with the following Companies, see "Exhibit "A" annexed hereto for cost detail:

MRC
PO Box 106
Spring Lake, NJ 07762
NJ State Approved Co-op #65MCESCCPS
Bid # ESCNJ 17/18-20
Equipment Cost - \$156,318.83

RubbeRecycle
1985 Rutgers University Blvd.
Lakewood, NJ 08701
NJ State Approved Co-op #65MCESCCPS
Bid # ESCNJ 17/18-20
Surfacing Cost - \$92,292.00

NOW, THEREFORE BE IT RESOLVED, by the West Orange Township Council that the Contract for New Playground Equipment and Surfacing for O'Connor Park be awarded to the above mentioned companies.

BE IT FURTHER RESOLVED that the Purchasing Agent, on behalf of the Township issue and execute Purchase Orders for the amounts awarded with funds certified available by the Chief Financial Officer.

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

Jerry Guarino, Council President

Adopted: October 7, 2019

**I certify funds are available in Account No. _____
account #**

John O. Gross, Chief Financial Officer

EXHIBIT “A”



MRC
 PO Box 106
 Spring Lake, NJ 07762
 Ph: 732-458-1111
 Fx: 732-974-0226
 Email: MRC@GAMETIME.COM
 Web: www.mrcrec.com

QUOTE
 #154026

09/26/2019

NJ West Orange Twp of Inclusive Playground 5.30

West Orange Township of
 Attn: Bill Kehoe
 60 1/2 Cherry St
 West Orange, NJ 07052
 Phone: 973-325-4150
 Fax: 973-243-0621
 worec@comcast.net

Project #: P92783
 Ship To Zip: 07052

Quantity	Part #	Description	Unit Price	Amount
1	4843	Game Time - Flat Mirror Ass'Y	\$82.00	\$82.00
2	4842	Game Time - Echo Chamber Ass'Y	\$105.00	\$210.00
1	90176	Game Time - Ada Crow'S Nest W/ Gizmo	\$1,603.00	\$1,603.00
1	16464	Game Time - Rock N Raft	\$13,804.00	\$13,804.00
1	80000	Game Time - 49" Sq Punched Steel Deck	\$1,181.00	\$1,181.00
3	80206	Game Time - Tin Roof Hex	\$4,202.00	\$12,606.00
2	91457	Game Time - Sensory Wave Entryway	\$526.00	\$1,052.00
1	80931	Game Time - Single Gizmo Panel	\$299.00	\$299.00
1	4670	Game Time - Up & On Gold Sensor Package	\$4,786.00	\$4,786.00
1	91378	Game Time - PS S Wave Up & On LNK (4'-4'6)	\$2,464.00	\$2,464.00
1	81697	Game Time - Ss Cargo Net Wall	\$1,116.00	\$1,116.00
1	81687	Game Time - High Whistle	\$541.00	\$541.00
1	81670	Game Time - Crunch Bar	\$96.00	\$96.00
1	81664	Game Time - Single Thundering	\$324.00	\$324.00
2	90207	Game Time - Overhead Ladder Access Package	\$557.00	\$1,114.00
1	80686	Game Time - Handhold/Kickplate Pkg	\$541.00	\$541.00
1	16700	Game Time - Ada49"Sq Punch Steel Deck	\$1,247.00	\$1,247.00
3	90005	Game Time - Two Piece Hex Deck, Ada Ramp Access	\$3,306.00	\$9,918.00
1	16701	Game Time - Ada 49"Tri Punch Steel Dk	\$728.00	\$728.00
1	90389	Game Time - 2'-0" Overhead Climber Access Ladder	\$352.00	\$352.00
1	16712	Game Time - Grade-1'-0"Deck Ramp	\$6,501.00	\$6,501.00
2	81680	Game Time - Single Seat	\$313.00	\$626.00
1	81681	Game Time - Turning Bar	\$215.00	\$215.00
1	81699	Game Time - Bongos	\$225.00	\$225.00
1	81535	Game Time - Skywheel Link	\$1,919.00	\$1,919.00
1	90288	Game Time - 2' Straight Tube Slide, 30" Dia	\$1,969.00	\$1,969.00
1	80936	Game Time - Choo Choo Panel	\$957.00	\$957.00
1	90610	Game Time - Contoured Panel (Above)	\$1,084.00	\$1,084.00
2	16717	Game Time - 147" Ada Ramp Link	\$7,969.00	\$15,938.00



MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#154026

09/26/2019

NJ West Orange Twp of Inclusive Playground 5.30

Quantity	Part #	Description	Unit Price	Amount
1	90032	Game Time - 3' Transfer Platform W/ Guardrail	\$2,562.00	\$2,562.00
1	90579	Game Time - Double Swerve Slide	\$2,459.00	\$2,459.00
1	80082	Game Time - Slide Transfer	\$1,391.00	\$1,391.00
1	90391	Game Time - 3'-0" Overhead Climber Access Ladder	\$387.00	\$387.00
1	81593	Game Time - Ladder Loop Link	\$1,386.00	\$1,386.00
3	91210	Game Time - Climber Entryway - 3D	\$759.00	\$2,277.00
1	90592	Game Time - Ridge Climber (Single)	\$719.00	\$719.00
1	90573	Game Time - Scramble Up (3'-6" To 5'-0")	\$759.00	\$759.00
1	90348	Game Time - 4'-0 F5 Slide W/Hood	\$6,204.00	\$6,204.00
2	80612	Game Time - Deck Curb	\$167.00	\$334.00
1	91097	Game Time - 4'/5' Double Bubble Climber	\$1,357.00	\$1,357.00
1	90186	Game Time - Ashiko & Djembe Panel	\$1,068.00	\$1,068.00
1	6262	Game Time - Inclusive Whirl - Basic	\$10,500.00	\$10,500.00
1	6245	Game Time - RoxAll See Saw	\$10,168.00	\$10,168.00
1	90439	Game Time - Animal Panel Below Dk	\$1,393.00	\$1,393.00
1	80203	Game Time - Tin Roof Gable	\$2,311.00	\$2,311.00
1	90449	Game Time - Tic-Tac-Toe Panel Below Dk	\$1,448.00	\$1,448.00
1	90447	Game Time - Shapes Panel Below Dk	\$1,383.00	\$1,383.00
1	8555	Game Time - 3 1/2" Zero-G Chair (2-5)-Galv Chain	\$488.00	\$488.00
1	1470	Game Time - 2686 Enclosed Tot Seat 3 1/2" Od	\$293.00	\$293.00
1	12584	Game Time - Ada Primetime Swing Aab, 3 1/2" Od	\$752.00	\$752.00
1	12583	Game Time - Ada Primetime Swing Frame, 3 1/2" Od	\$1,215.00	\$1,215.00
7	90268	Game Time - 10' Upright, Alum	\$412.00	\$2,884.00
2	G90268	Game Time - 10' Upright, Galv	\$428.00	\$856.00
2	G90262	Game Time - 4' Upright, Galv	\$198.00	\$396.00
2	90267	Game Time - 9' Upright, Alum	\$376.00	\$752.00
2	90265	Game Time - 7' Upright, Alum	\$303.00	\$606.00
1	G90266	Game Time - 8' Upright, Galv	\$351.00	\$351.00
6	90273	Game Time - 15' Upright, Alum	\$596.00	\$3,576.00
4	90270	Game Time - 12' Upright, Alum	\$487.00	\$1,948.00
2	G90270	Game Time - 12' Upright, Galv	\$504.00	\$1,008.00
6	90269	Game Time - 11' Upright, Alum	\$449.00	\$2,694.00
2	90266	Game Time - 8' Upright, Alum	\$339.00	\$678.00
2	1483	Game Time - 2955 Belt Seat 3 1/2" Od	\$246.00	\$492.00
1	INSTALL	Game Time - Donated Install by a Certified GameTime Installer		



SPORTS & RECREATION

MRC
PO Box 106
Spring Lake, NJ 07762
Ph: 732-458-1111
Fx: 732-974-0226
Email: MRC@GAMETIME.COM
Web: www.mrcrec.com

QUOTE
#154026

09/26/2019

NJ West Orange Twp of Inclusive Playground 5.30

#16-FLEET-00121

Installation is included in this proposal

Customer is responsible for verifying all items and quantities

Tax exemption certificate is needed at time of order or taxes will be applied.

SubTotal:	\$150,593.00
Discount:	(\$3,011.86)
Freight:	\$8,737.69
Total Amount:	\$156,318.83

RS/JB

This quotation is subject to the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases in excess of \$1,000.00 to be supported by your written purchase order made out to **MRC, INC.** Kindly issue one order for the equipment and a separate order for surfacing and/or equipment installation services. Customer is responsible for any required permits and fees pertaining to such permits.

PRICING / PAYMENT: Pricing f.o.b. factory, firm for 30 days from date of quotation unless otherwise stated above. Payment terms: Purchase order made payable to **MRC, INC.** Net 30 days for tax supported governmental agencies. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

TAXES: State and local taxes, if applicable, will be added at time of invoicing unless a tax exempt certificate is provided at the time of order entry. **FREIGHT /**

SHIPMENT: Freight charges: Prepaid and added at time of invoicing. Shipment: order shall ship within 30-45 days after Marturano's receipt and acceptance of your **PURCHASE ORDER**, signed quotation, drawing approval (if required) and color selections.

RECEIPT OF GOODS: Customer is responsible for unloading and uncrating equipment from truck. Customer shall receive, unload and inspect goods upon arrival, noting any discrepancies on the Delivery Receipt prior to written acceptance of the shipment.

EXCLUSIONS: Unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; installation; installation tools/equipment; safety surfacing; borders and drainage provisions.

TO ORDER: Please complete the acceptance portion of this quotation and provide color selections, **PURCHASE ORDER** and other key information requested. Acceptance of this proposal indicates your agreement to the terms and conditions stated herein.

Acceptance of quotation:

Accepted By (printed): _____

P.O. No: _____

Signature: _____

Date: _____

Title: _____

Phone: _____

Email: _____

Facsimile: _____

Purchase Amount: **\$156,318.83**

Order Information:

Bill To: _____

Ship To: _____

Contact: _____

Contact: _____

Address: _____

Tel: _____

Address: _____

Address: _____

City, State, Zip: _____

City, State, Zip: _____

SALES TAX EXEMPTION CERTIFICATE #:
 (PLEASE PROVIDE A COPY OF CERTIFICATE)



RubbeRecycle
Recycled Rubber Products

Quote

Date May 20, 2019
Quote Valid Until July 19, 2019
Quote # 150575

Project Information

Twp of West Orange
60 1/2 Cherry Street
West Orange, NJ 07052
Bill Kehoe
973-325-4150
worec@comcast.net

Site Information

Twp of West Orange
TBD
West Orange, NJ 07052
Bill Kehoe

Product	Product Color	Qty / Sq Ft	Cost Incl. Delivery	Installation Cost	Total
RubberBondEPDM	60/50	5,650 sq ft			\$84,580.50
PlaysaferRubberCurb6	Brown	55			\$7,711.50
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00
					\$0.00

Project Notes

ESC NJ PRICING 17/18-20

Subtotal	\$92,292.00
Discount	\$0.00
Tax %	0.000%
Tax	-
Total	\$92,292.00

Please note that labor quotes do not include state and/or local prevailing wages unless otherwise noted. Please add \$1 per sq. ft. for prevailing wages unless noted. Sales tax will be added unless tax exemption is provided. It is customer's responsibility to provide tax exemption certificate.

Purchase orders are only accepted from public schools and municipalities. All non-government, religious and private entities will require a 50% deposit; the remaining balance plus extras to be paid on the day of completion with a certified check or credit card.

Please confirm your acceptance of this quote by signing this document

Signature _____ Date _____

Quote Prepared By: Elizabeth Dunner

Thank you for your business!



Rubberecycle, 1985 Rutgers University Blvd, Lakewood, NJ, 08701, P:888-436-6846, F:732-370-4247

RESOLUTION

WHEREAS, the Township of West Orange is the owner of a property located at 18 Central Avenue, Block 9, Lot 36 on the Township of West Orange tax map (the “Property”); and

WHEREAS, PSE&G has requested that the Township grant an easement through the Property for the installation of underground electrical facilities in order to provide service to a neighboring property as depicted in the drawing annexed hereto as Exhibit “A;” and

WHEREAS, the Township has prepared a proposed Grant of Easement Agreement to grant PSE&G an easement through the Property for the purpose of installation and maintenance of underground electrical facilities, annexed hereto as Exhibit “B.”

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township be and hereby is authorized to execute the Grant of Easement Agreement annexed hereto as Exhibit “B”; and be it further

RESOLVED, that the Mayor is authorized to execute the Grant of Easement Agreement annexed hereto as Exhibit “B”; and be it further

RESOLVED, that the Township Clerk is authorized to witness the Mayor’s signature on the Grant of Easement Agreement; 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

Jerry Guarino
Council President

Adopted: October 7, 2019

Exhibit “A”

WEST ORANGE - 22 CENTRAL AVE
OPTION 1

BRING 2- 4" PVC TO NEW POLE AND
PROVIDE AN EASEMENT FROM
NEIGHBORING PROPERTY

PVC MUST ALWAYS BE INSTALLED
ON THE FAR SIDE OF TRAFFIC

VALLEY
ST

CENTRAL AVE
MAI8021-2

61119

61120

60219

PROPERTY LINE

NOT TO SCALE

- NEW POLE

- EXISTING POLE/S

- EXISTING POWER LINES

- 4" PVC FOR PS CABLE



Exhibit “B”

Record and Return to:
PSEG Services Corporation
Corporate Properties Dept
80 Park Plaza, t6b
Newark, New Jersey 07102

GRANT OF EASEMENT

THIS INDENTURE, made this ____ day of _____, 2019, between **TOWNSHIP OF WEST ORANGE**, with an office at 66 Main Street, West Orange, NJ 07052, (hereinafter called "Grantor"), and **PUBLIC SERVICE ELECTRIC AND GAS COMPANY**, a corporation of the State of New Jersey, having its office at 80 Park Plaza, Newark, New Jersey 07102 (hereinafter called "Grantee").

WHEREAS, Grantor is the owner in fee simple of a certain tract of real property situate in the Township of West Orange County of Essex and State of New Jersey, commonly known as Block 9, Lot 36 (hereinafter the "Property"); and

WHEREAS, Grantee is a public utility of the State of New Jersey, engaged in furnishing utility service to subscribers in the State of New Jersey; and

WHEREAS, the Grantor does agree to convey an easement in perpetuity to Grantee for its use, occupancy and enjoyment and the use, occupancy and enjoyment of its licensees, successors in interest and assigns, in connection with the provision of utility service which crosses its Property for service to its neighboring property known as Block 9 Lot 1.01 in the Township of West Orange County of Essex and State of New Jersey and for the conduct of its business, all in accordance with and for the purposes set forth in this Grant of Easement, for the mutual benefit of both Grantor and Grantee;

NOW THEREFORE, WITNESSETH: In consideration of these premises and the sum of ONE (\$1.00) DOLLAR, paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

1. Grantor does hereby grant and convey unto Grantee an easement in perpetuity, in, under, through, upon, over and across the hereinbefore described Property of Grantor, with full rights, privileges and authority for Grantee to enter upon same from time to time, for the purpose of inspecting, locating, relocating, installing, altering, extending, constructing, repairing, replacing, rebuilding, removing and perpetually operating, maintaining and using underground electrical facilities and other fixtures, including but not limited to wires and cables, guy wires, anchors, conduits and manholes (hereinafter the "Facilities"), which Grantee may deem necessary or proper in its sole judgment for the conduct of its business; together with such free and unlimited access to, egress and ingress in, from and over all points of said Property, as is reasonable or necessary for the full use, occupancy and enjoyment of said easement. Said

easement area and the Facilities to be installed therein are more particularly shown on Drawing No. _____ attached hereto and made a part hereof.

2. Grantor does further grant and convey to Grantee the right, privilege and authority to trim, cut and remove such tree branches, roots, shrubs, plants, trees and vegetation which might, within the exclusive discretion and sole judgment of Grantee, interfere with or threaten the safe, proper or convenient use, maintenance or operation of the Facilities within the easement area. Grantee shall not be responsible for any damage to any trees or other vegetation due to the installation of the Facilities.

3. Grantor shall have the right to use, occupy and enjoy the surface and air space around the easement area for any purpose that does not interfere or threaten the safe, proper or convenient use, occupancy or enjoyment of same by Grantee. Grantor agrees, however, that that no buildings or structures shall be erected over or within ten (10) feet of the Facilities of Grantee except as is currently located on the Property.

4. Grantor shall have the right to allow other utilities to use the said easement area for any purpose, which does not in any way interfere with the accessibility and safe operation of the Facilities of Grantee, and subject to the consent of Grantee. Grantor's right to allow other utilities to use the easement area does not include the right to allow other utilities to use the Facilities that Grantee has installed in the easement. Grantor's right to allow other utilities to use the easement area shall in no way limit the rights granted to Grantee in this Easement.

5. Grantee shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner and with a minimum of inconvenience to the Grantor; and any damage done to the land or premises of Grantor shall be promptly repaired and restored to its condition immediately prior to damage, at the sole cost and expense of Grantee.

6. If Grantor shall, at any time after the initial installation of the Facilities, request Grantee to relocate the Facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor or the owner of Block 9, Lot 1.01, West Orange, Essex County, NJ, Grantee to have the same rights and privileges in the new location or locations as in the former location or locations.

7. Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be required, and that Grantee shall have the quiet possession thereof free from all encumbrances.

8. Grantee shall defend and indemnify Grantor against, and shall save Grantor harmless from, and shall reimburse Grantor with respect to, any and all claims, demands, actions, causes of action, injuries, orders, losses, liabilities (statutory or otherwise), obligations, damages, fines, penalties, costs and expenses (including without limitation, reasonable attorneys' fees and expenses) incurred by, imposed upon or asserted against Grantor by reason of any accident, injury (including death at any time resulting therefrom) or damage to any person or property

arising out of or resulting from any acts or omissions of Grantee or by any employee, licensee, invitee or agent of Grantee.

9. This Grant of Easement shall be governed by and construed in accordance with the laws of the State of New Jersey and recorded on the title to the Property.

10. By the acceptance of this instrument, Grantee agrees to abide by the terms and conditions herein on its part to be performed and shall be deemed signatory hereto, and the provisions of this indenture shall inure to the benefit of and be obligatory upon the respective parties hereto and their successors and assigns.

IN WITNESS WHEREOF, Grantor has duly signed these presents the day and year first above written.

ATTEST:

GRANTOR:

TOWNSHIP OF WEST ORANGE

By: _____
Karen J. Carnevale

By: _____
Robert D. Parisi, Mayor

STATE OF)
 : SS.
COUNTY OF)

BE IT REMEMBERED, that on this ____ day of _____, 2019, before me, the subscriber, a Notary Public of the State of _____, personally appeared Robert D. Parisi who, I am satisfied, is Mayor of Township of West Orange, the municipal corporation named in and which executed the foregoing instrument and is the person who signed said instrument as such officer for and on behalf of said corporation and sealed with its corporate seal, as the voluntary act and deed of said corporation, by virtue of authority from its Board of Directors. The full and actual consideration paid or to be paid for the transfer of title to realty evidenced by the within easement, as such consideration is defined in P.L. 1968, c. 49, Sec. 1(c), is less than \$100.00.

Notary

**RESOLUTION ESTABLISHING A LAND USE PLEDGE COMMITTING TO GOOD,
PLANNED AND THOUGHTFUL LAND USE DECISIONS WITH THE INTENT OF MAKING
THE TOWNSHIP OF WEST ORANGE A SUSTAINABLE COMMUNITY**

WHEREAS, the Township of West Orange is committed to having a sustainable future, and has enrolled as a participant in the state-wide Sustainable Jersey program; and

WHEREAS, the Township of West Orange prides itself on making informed, and beneficial land-use decisions to improve societal well-being, such as increased mobility, affordable housing, reduced greenhouse gas emissions, protection of its open space and natural resources; and

WHEREAS, the Township of West Orange recognizes that poor land use decisions can degrade the environment, reduce housing and transportation choices, increase health costs, and reduce overall well-being of its residents; and

WHEREAS, the State of New Jersey has a strong tradition of home rule and local authority over planning and zoning, which requires that municipalities must take a leading role in achieving statewide sustainable land use patterns.

NOW, THEREFORE BE IT RESOLVED, that the Township of West Orange is committed to continuing good, planned and thoughtful land use decisions with the intent of making our Township a sustainable community.

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

Jerry Guarino, Council President

Adopted: October 7, 2019

**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
Forest Avenue	West	Beginning 35 feet north of the northerly curbline of Steven Terrace and extending southerly to a point 75 feet south of the southerly curbline of McManus Court.

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

Introduced: October 7, 2019

Jerry Guarino, Council President

Adopted: October 29, 2019

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 add No Parking on the west side of Forest Avenue in the area of the McManus Court intersection. This change was requested by residents of the Forest Creek development, who wanted improved sightlines for turning from McManus Court and entering traffic on Forest Avenue.