

1. Public Meeting Agenda - Revised

Documents: [PM8.21.12.PDF](#)

2. Conference Meeting Agenda

Documents: [CA8.21.12.PDF](#)

3. Ordinance 2360-12

Documents: [MX-M503N_20120816_150914.PDF](#)

4. Resolutions

Documents: [161-12 RAFFLE LICENSES-8-21-12.PDF](#), [163-12 39 ROLLINSON STREET DISCHARGE OF MORTGAGE-1.PDF](#), [164-12 RESOLUTION AUTHORIZING WINDOW CONTRACT EMERGENCY INTERCEPTOR, WESSMAN DRIVE-1.PDF](#)

4.I. Additional Resolutions

Documents: [MX-M503N_20120816_150946.PDF](#), [MX-M503N_20120816_151007.PDF](#), [MX-M503N_20120816_151023.PDF](#), [MX-M503N_20120816_151304-1.PDF](#)

AGENDA
August 21, 2012
Council Chambers-66 Main Street
West Orange, NJ
7:00 p.m.

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. A notice of this meeting was mailed to the Star Ledger and the West Orange Chronicle on December 7, 2011. A notice of this meeting was also posted on the Bulletin Board in the Municipal Building, West Orange and filed in the office of the Municipal Clerk of the Township of West Orange on December 7, 2011.

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 – Councilman Guarino, Councilman Krakoviak, Councilwoman McCartney, Councilwoman Spango, Council President Cirilo (Mayor Parisi)

2. General Matters Pending

3. Public Comment

4. Consent Agenda

***5. Approval of Minutes of Previous Meeting –June 26, 2012**

***6. Reading of Petitions and Communications and Bids**

***7. Report of Township Officers – Municipal Judge’s Reports for the Months of May, June and July, 2012**

***8. Bills**

9. Ordinances on Second and Final Reading

- a. 2359-12 An Ordinance Amending and Supplementing Chapter XXV, Section 25-30, of the Revised General Ordinances of the Township of West Orange, Entitled Historic Preservation Commission
(This ordinance is under review with the Planning Board and will be held over and approved at the first meeting of September)

Motion to lay over Ordinance? _____

Second? _____

All in favor? _____ Any Opposed? _____ Vote _____ to _____

10. Ordinances on First Reading

- a. 2360-12 An Ordinance Amending and Supplementing Chapter 7, Traffic, Subsection 7-26.1, Bus Stops – Northfied Avenue Eastbound/Gregory Avenue

11. Public Hearing on Amendment #1 for 2012 Local Municipal Budget (159-12)

12. *Resolutions

- a. 160-12 Resolution to Adopt the 2012 Municipal Budget
- b. 161-12 Resolution Authorizing Raffle Applications
- c. 162-12 Resolution Authorizing Escrow Refund for Application ZB-08-32, Block 153.14, Lots 30, 31, 32 & 33, 464 Eagle Rock Avenue
- d. 163-12 Resolution Authorizing Discharge of Mortgage for Property Located at 39 Rollinson Street, West Orange

Agenda Material Subject to Change Prior to Meeting

- e. 164-12 Resolution Authorizing a Window Contract for Emergency Sanitary Interceptor Sewer Improvements Rear of Wessman Drive in the Amount not to Exceed \$20,974.33 to Grabowski, 770 Northfield Avenue, West Orange, NJ 07052
- f. 165-12 Resolution Authorizing Professional Services Contract with Suburban Consulting Engineers, 100 Valley Road, Suite 202, Mt. Arlington, New Jersey 07856 in an Amount Not to Exceed \$6,500.00 for Property Located at 55-57 Ridgeway Avenue, West Orange (Funds shall be paid for from the Capital Budget for Design)
- g. 166-12 Resolution Authorizing an Executive Session – Matters of Litigation

13. ABC Hearing

- a. 490-12 Person to Person Transfer from Krish Liquors to Central Liquors, LLC

14. 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)**

MEMO

COUNCIL COMMITTEE CONFERENCE MEETING
Council Chambers - 66 Main Street, West Orange, NJ
AUGUST 21, 2012

TO: Members of the Township Council, Mayor Parisi
Mr. Sayers, Mr. Gross, Mr. Trenk and Mr. Kayser

FROM: OFFICE OF THE MUNICIPAL CLERK

6:30 P.M.

- Business of the Month - Whole Foods

6:45 P.M.

- Executive Session - Matters of Litigation

7:00 P.M.

- Public Meeting

8:00 P.M.

- ABC Hearing-Person to Person Transfer

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 7, TRAFFIC, SUBSECTION 7-26, BUS REGULATIONS,
SUBSECTION 7-26.1, BUS STOPS, 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 7-26.1, Bus Stops, of the Revised General Ordinances of the Township of West Orange is hereby supplemented and amended as follows (*italic type denotes deletion, bold type denotes addition*):

Street

Hours

Bus Route #73

2. Along Northfield Avenue, eastbound
on the southerly side thereof at:

- | | | |
|----|--|------------|
| m. | <i>Gregory Avenue (far side).
Beginning at the easterly curblin
of Gregory Avenue and extending
135 feet easterly therof.</i> | <i>All</i> |
| m. | Gregory Avenue (far side).
Beginning at the easterly curblin
of Gregory Avenue and extending
100 feet easterly thereof. | All |

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 applications and to this end, the provisions of this Ordinance are severable.

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

Section 4. This Ordinance shall take effect upon final passage and publication in accordance with law and approval by the County of Essex Board of Chosen Freeholders, New Jersey Transit and the New Jersey Department of Transportation if required.

ROBERT D. PARISI, MAYOR

VICTOR CIRILO, COUNCIL PRESIDENT

DATED:

ADOPTED:

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

RICHARD D. TRENK
TOWNSHIP ATTORNEY

LEGISLATIVE HISTORY

This Ordinance reduces the length of the bus stop located on Northfield Avenue eastbound at the far side of the intersection with Gregory Avenue so as not to interfere with the driveway for 220 Northfield Avenue. This bus stop is used by both NJ Transit Bus No. 73 and Coach USA Bus No. 77.

RESOLUTION

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

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

<u>Organization</u>	<u>Date of Event</u>	<u>Place</u>	<u>RL #</u>
Fathers Club Seton Hall Prep On Premise 50/50	9/12/12-6/5/13 Monthly	120 Northfield Ave.	6761
Livingston Soccer Club Off Premise 50/50	Sept. 7-9, 2012	W.O.H.S	6762
Banyan School Off Premise 50/50	September 24, 2012	Montclair Golf Club	6763
Banyan School Tricky Tray	September 24, 2012	Montclair Golf Club	6764
Banyan School On Premise Merchandise	September 24, 2012	Montclair Golf Club	6765
Sisters of Charity of Saint Elizabeth Off Premise 50/50	November 1, 2012	Mayfair Farms	6766
Sisters of Charity of Saint Elizabeth On Premise Merchandise	November 1, 2012	Mayfair Farms	6767
Sisters of Charity of Saint Elizabeth On Premise 50/50	November 1, 2012	Mayfair Farms	6768

Continued on page 2 –

<u>Organization</u>	<u>Date of Event</u>	<u>Place</u>	<u>RL #</u>
Jewish Women Int'l. Off Premise Merchandise Raffle	May 20, 2013	Redwood School	6769
Metropolitan YMCA Off Premise 50/50	Sept 10, 2012	Montclair Golf Club	6770
Metropolitan YMCA Live Auction	Sept. 10, 2012	Montclair Golf Club	A-47
St. Peters Prep School 50/50 Off Prem Raffle	Nov 18, 2012	Mayfair Farms	6771
St. Peters Prep School Tricky Tray Baskets	Nov 18, 2012	Mayfair Farms	6772
St. Peters Prep School On Premise 50/50	Nov 18, 2012	Mayfair Farms	6773
Community Health Law Project Silent Auction	Oct 18, 2012	Wilshire Grand Hotel	A-48
W.O. First Aid Squad On Premise Tricky Tray	Sept. 24, 2012	Kessler Institute	6774
St. Ann's Home On Premise 50-50	Oct. 1, 2012	Essex County Country Club	6775
Mt. St. Dominic Off Premise 50-50	Nov. 9, 2012	Wilshire Grand	6776
Hadassah Northern Region Off Premise Merchandise	Apr 10, 2012	JCC Metrowest	6777

Victor Cirilo
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: August 21, 2012

Resolution #163-12
August 21, 2012

RESOLUTION

WHEREAS, on January 10, 2001, a mortgage was made between the Township of West Orange [under the West Orange Housing Rehabilitation Program] Michael R. and Anna Marie Calabria (the Owner) who owned 39 Rollinson Street in the Township of West Orange known

as Block: 59.04, Lot 1.19 (the Property:); and

WHEREAS, a mortgage on the Property in the amount of \$11,825.00 was recorded by the Essex County Register on July 11, 2001 in Book 7822, Page 87; and

WHEREAS, the mortgage in the amount of \$11,825.00 was 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 July 27, 2012; 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 \$11,825.00 has been paid in full;

NOW, BE IT RESOLVED THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Mayor be and is hereby authorized to execute a Discharge of Mortgage with regard to the Property; and it is 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.

Karen Carnevale, Municipal Clerk

Victor Cirilo, Council President

August 21, 2012

**RESOLUTION AUTHORIZING A WINDOW CONTRACT
EMERGENCY SANITARY INTERCEPTOR SEWER IMPROVEMENTS
REAR OF WESSMAN DRIVE**

Pursuant to N.J.S.A. 19:44A-20.4 et seq. (New Jersey Local Unit Pay-To-Play Laws), the Township must award by resolution all goods and services contracts with a dollar amount between \$17,500.00 and \$35,999.00. These contracts are not bid, but vendors are still responsible to provide political contribution and company disclosure information in order to do business with the Township.

WHEREAS, pursuant to the provisions of N.J.S.A. 19:44A-20.4 et seq., when the cost of goods and/or services that fall between \$17,500.00 and the bid threshold of \$36,000.00 in the aggregate, an approval by resolution must be in place; and

WHEREAS, the Township needed to make emergency improvements to the sanitary interceptor sewer located in the rear of Wessman Drive to protect public health and welfare; and

WHEREAS, the Township directed the construction firm of Grabowski Construction, Inc., 770 Northfield Avenue, West Orange, New Jersey 07052 to proceed with the emergency reconstruction of the sanitary interceptor sewer; and

WHEREAS, the cost for the construction services provided by Grabowski Construction was \$20,974.33; and

WHEREAS, the above named business or businesses have completed and submitted a Business Entity Disclosure Certification which certifies the business entity has not made any reportable contributions to a political or candidate committee in the Township of West Orange in the previous one year, and that the contract will prohibit the above named vendors from making any reportable contributions through the term of the contract.

NOW THEREFORE, BE IT RESOLVED that the Township Council of the Township of West Orange authorizes the Purchasing Agent on behalf of the Township to issue and execute a Purchase Order for the foregoing, with funds certified available by the Chief Financial Officer.

BE IT FURTHER RESOLVED that the Business Administrator is hereby authorized to arrange to pay for the foregoing in accordance with the terms of the purchase order.

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution and notice of this award will be published in accordance with the applicable law.

Karen Carnevale, Municipal Clerk

Victor Cirilo, Council President

I hereby certify funds are available from:

IMPROVEMENTS

John Gross, Chief Financial Officer

STORM DRAINAGE

ACCOUNT NO.: 03-2200-22-7050

-003

August 21, 2012

RESOLUTION

WHEREAS, The Land Use Regulations of the Township of West Orange Chapter 25, Section 25-56.3 and 25-55.2 requires the posting of application fees and escrow fee for all Preliminary and Final Site Plan Applications; and

WHEREAS an application fee of \$407 and an escrow fee of \$2,500 has been submitted in connection with application ZB-08-32 property known as Block: 153.14, Lots: 30,31,32 & 33., 464 Eagle Rock Avenue; and

WHEREAS the applicant has submitted a letter dated July 5, 2012 requesting that any remaining escrow fees be refunded.

NOW THEREFORE BE IT RESOLVED that the escrow fee submitted for the Site Plan application be returned as delineated Schedule A.*

*Schedule A attached

Karen J. Carnevale, Municipal Clerk

Victor Cirilo, Council President

SCHEDULE A

APPLICANT	ESCROW ACCT#	DEPOSIT	REFUND
Friedman Properties 464 Eagle Rock Avenue West Orange, NJ 07052	12-000-681-40-12	\$2500.00*	\$12,650.00

Make Check Payable to:
Andrew Friedman

Mail-to:
Attn: Joseph A. Vena
Mandelbaum Salsburg
Attorneys At Law
155 Prospect Avenue
West Orange, N.J. 07052

*See attached account detail.

August 21, 2012

RESOLUTION

WHEREAS, the Township owns property commonly known as 55-57 Ridgeway Avenue and known as Block 158, Lot 39 on the Assessment Maps of the Township of West Orange (the "Property"); and

WHEREAS, the Township desires to consider the development of a passive neighborhood park with regard to the Property; and

WHEREAS, the Mayor and Director of Planning have met with numerous residents concerning this potential improvement to the Property; and

WHEREAS, the features may include new pedestrian paths, pedestrian entrances at Ridgeway Avenue, Arverne Road, and Highland Boulevard and additional fencing, landscaping and stonewall reconstruction; and

WHEREAS, the Township retained the firm of Barreto/Dowd of Howell, New Jersey, by Resolution No. 111-12, dated May 29, 2012 to provide professional design services for a fee not to exceed \$35,000.00 which included Design Development, Construction Design and Bid Documents, Bidding Period Services and Construction Phase Services; and

WHEREAS, the Design Development Phase was prepared using existing property survey information; and

WHEREAS, to prepare Construction Design and Bid Documents a detailed property boundary, location and topographic survey is needed which locates all site features within the property, including trees and the stone wall, sets permanent markings at all property corners and provides topographic information including one foot contours throughout the parcel and spot elevations at key locations; and

WHEREAS, the Engineering Division prepared specifications for the boundary, location and topographic survey and solicited proposals from four firms capable of providing the professional land surveying services outlined in the specifications; and

WHEREAS, the firm of Suburban Consulting Engineers, 100 Valley Road, Suite 202, Mt. Arlington, New Jersey 07856 submitted the lowest proposal dated August 1, 2012 in the amount of \$6,265.00; and

WHEREAS, the Proposal of Suburban Consulting Engineers was reviewed by the Township Engineer and he determined it complied with the specifications; and

WHEREAS, sufficient funds exist in the Capital Budget for this work; and

WHEREAS, the Township Council concurs in the foregoing.

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township be and is hereby authorized to enter into a Professional Services Contract with Suburban Consulting Engineers, 100 Valley Road, Suite 202, Mt. Arlington, New Jersey 07856 in an amount not to exceed \$6,500.00 which includes the bid of \$6,265.00 and \$235.00 for reimbursable expenses which funds shall be paid for from the Capital Budget for Design-Ridgeway Avenue for Professional Land Surveying Services in accordance with their proposal dated August 1, 2012.

BE IT FURTHER RESOLVED that a copy of this Resolution and notice of this award shall be published and available in the Clerk's office as required by law.

Karen Carnevale, Municipal Clerk

I hereby certify funds are available from:

Victor Cirilo, Council President

CAPITAL BUDGET RIDGEWAY AVENUE
DESIGN

ACCOUNT NO.: 03-2217-22-2084-203

John Gross, Chief Financial Officer

Dated: August 21, 2012

August 21, 2012

RESOLUTION TO HOLD A CLOSED SESSION

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4. et seq.) provides for the exclusion of the public meetings of the governing body during the discussion of certain matters; and

WHEREAS, prior to the exclusion of the public from a meeting of the Township Council it is required that the Council adopt a Resolution stating the general nature of the subject to be discussed and stating as precisely as possible the time when the minutes of the discussion conducted in closed session can be disclosed to the public; and

WHEREAS, this body is about to consider a matter which falls within the purview of N.J.S.A. 10-4-12, and can properly exclude the public from such discussions; now, therefore, be it

BE IT RESOLVED, that the Township Council of the Township of West Orange, now assembled in public session at its regular meeting of _____ shall enter into a closed session to consider the following matter(s).

- () 1. Discussion of any material, the disclosure of which constitutes an invasion of individual privacy..
- () 2. A collective bargaining agreement or the terms of provisions of same.
- () 3. Techniques or tactic utilized to protect the safety and property of the public provided that their disclosure could impair such protection.
- () 4. An investigation of violations or possible violations of the laws of the State of New Jersey and/or the Township of West Orange Administrative Code.
- () 5. Pending or anticipated litigation or contract negotiation in which this body is or maybe a party.
- () 6. A matter falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties to this body.
- () 7. Personnel matters.
- () 8. Discussion of any matter which by express provision of Federal law or State statute or rule of Court shall be rendered confidential.
- () 9. Discussion of any matter in which the release of information would impair a right to receive funds from the Government of the United Sates.
- () 10. Discussion of any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- () 11. Deliberations occurring after a public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

More specifically, the Council may discuss in closed session the following topics:

One or more matters of Litigation

(the general subject matters) of discussion shall be indicated by a check mark in the appropriate box and shall be more specifically referred to thereafter to the extent such additional disclosure can be made without compromising the need for confidentiality giving rise to the closed session.

IT IS FURTHER RESOLVED, that the minutes of said discussion shall be made public as soon as the matter under discussion is no longer of a confidential or sensitive nature such that the public interest will no longer be served by such confidentiality.

The foregoing Resolution was duly adopted by the Township Council of the Township of West Orange at a public meeting held on August 21, 2012.

Motion:

Second:

Vote : In Favor: Opposed:

Karen J. Carnevale
Municipal Clerk

Honorable Victor Cirilo
Council President

Adopted:

SECTION 2 - UPON ADOPTION FOR YEAR 2012

(Only to be included in the Budget as Finally Adopted)

RESOLUTION

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

- (a) \$ 48,989,661.00 (Item 2 below) for municipal purposes, and
(b) \$ 0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S. 18A:3-2) to be raised by taxation and,
(c) \$ 0.00 (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of

the following summary of general revenues and appropriations.

- (d) \$ 147,817.82 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

- (e) \$ 2,085,639.00 (Sheet 38) Minimum Library Levy

RECORDED VOTE (Insert last name)	Ayes	Nays	Abstained
Victor Cirilo			
Jerry Guarino			
Joseph Krakowiak			
Susan McCartney			
Patricia Spango			

SUMMARY OF REVENUES

1. General Revenues	08-100	\$	2,537,253.00
Surplus Anticipated			
Miscellaneous Revenues Anticipated	13-099	\$	13,813,267.00
Receipts from Delinquent Taxes	15-489	\$	2,992,856.81
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	48,989,661.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42:			
Item 6(b), sheet 11 (N.J.S. 40A:4-14)	07-195	\$	0.00
Total Amount to be Raised by Taxation for School:	07-191	\$	0.00
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	\$	0.00
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY LEVY	07-192	\$	2,085,639.00
Total Revenues:	13-299	\$	70,418,676.81

SUMMARY OF APPROPRIATIONS

		2012	
5. GENERAL APPROPRIATIONS		xxxxxxx	xxxxxxxxxxxx
Within "CAPS"		xxxxxxx	xxxxxxxxxxxx
(a&b) Operations Including Contingent		34-201	\$ 49,231,975.07
(e) Deferred Charges and Statutory Expenditures - Municipal		34-209	\$ 6,601,144.07
(g) Cash Deficit		46-885	\$ 0.00
Excluded from "CAPS"		xxxxxxx	xxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"		34-305	\$ 5,363,485.74
(c) Capital Improvements		44-999	\$ 210,100.00
(d) Municipal Debt Service		45-999	\$ 5,642,480.97
(e) Deferred Charges - Municipal		46-999	\$ 89,780.00
(f) Judgements		37-480	\$ 0.00
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)		29-405	\$ 0.00
(g) Cash Deficit		46-885	\$ 0.00
(k) For Local District School Purposes		29-410	\$ 0.00
(m) Reserve for Uncollected Taxes (Include Other Reserves If Any)		50-899	\$ 3,279,710.96
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A-4-13)		07-195	\$ 0.00
Total Appropriations		34-499	\$ 70,418,676.81

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the _____ day of _____.

It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2012 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, Clerk.

Signature

Township Of West Orange [Code 0722], Essex County - 2012 Budget