

1. CM 10.16.12

Documents: [CA10.16.12.PDF](#)

2. Public Meeting Agenda

Documents: [PM10_16_12.PDF](#)

3. Resolutions

Documents: [192_12_WOFD_2011_SAFER_ACCEPTANCE_RESOLUTION_10_16_12.PDF](#),
[193_12_SUBORDINATION_MORTGAGE_21_ROBERTSON_RD.PDF](#),
[194_12_RAFFLE_LICENSES_10_16_12.PDF](#),
[196_12_EXECUTION_OF_INDEMNIFICATION_AGREEMENT_LIVINGSTON_PISTOL_RANGE_10_16_12.PDF](#),
[197_12_APPROVING_SETTLEMENT_CONQUEST_REVISIED_10_16_12.PDF](#), [191.12 BEST PRACTICES WORKSHEET \(3\).PDF](#)

4. Ordinance On Second And Final Reading

Documents: [2362_12_SALARY_ORDINANCE_BUDGET_10_2_12.PDF](#)

5. Ordinance On First Reading

Documents: [2363_12_AMEND_BOND_ORDINANCE_1374_96_10_16_12_FIRST.PDF](#)

CONFERENCE AGENDA
October 16, 2012
Council Chambers-66 Main Street
West Orange, NJ
6:30 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.

6:30 P.M.

- Mayor's Proclamation : Military Service of Police Officer Neuman Paye
- **Presentation** : Integrated Public Safety Security Surveillance System-
Tamer Zakhary, Packetalk, LLC
471 Valley Brooke Ave, Lyndhurst, NJ 07071
- **Presentation** : W.O. Energy Commission Green Speaker Series
J. Michael Pollack - N.J. Audubon
- **Discussion** : Best Practices Inventory

7:00 P.M.

- Public Meeting

AGENDA
October 16, 2012
Council Chambers-66 Main Street
West Orange, NJ
7:00 p.m.

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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)

Pledge of Allegiance

2. General Matters Pending

3. Public Comment

***4. Consent Agenda**

***5. Approval of Minutes of Previous Meeting-Executive Session October 2, 2012**

***6. Reading of Petitions and Communications and Bids-None**

***7. Report of Township Officers-None**

***8. Bills**

***9. Resolutions**

- a. 191-12 Resolution Authorizing the Township of West Orange to Submit the Best Practices Inventory to the Division of Local Government Services
- b. 192-12 Resolution Authorizing the Acceptance of the Award from the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) of the Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$1,775,610.00
- c. 193-12 Resolution Authorizing a Subordination of Mortgage for Block 153.04, Lot 3, 21 Robertson Road
- d. 194-12 Resolution Authorizing Raffle Licenses
- e. 195-12 Removed (duplicate)
- f. 196-12 Resolution Authorizing a Hold Harmless and Indemnification Agreement Between the Township of West Orange and the Township of Livingston for Use of the Livingston Pistol Range for the Purposes of Firearms Training
- g. 197-12 Resolution Authorizing the Execution of a Revised Stipulation of Settlement with Conquest Industries, LLC in Connection with the Downtown West Orange Streetscape and Traffic Improvement Program

10. Ordinances on Second and Final Reading

- a. 2362-12 An Ordinance Amending An Ordinance Creating a Reclassification and Salary Schedule of Certain Township of West Orange Municipal Employees Setting Forth Their Titles, Classification and Salary Ranges and Adopting a Salary Guide and Establishing the Employees Status as a Township Employee and Under the Guidelines of the New Jersey Department of Personnel

11. Ordinances on First Reading

- a. 2363-12 Bond Ordinance Amending Bond Ordinance 1374-96 Finally Adopted by the Township Council of the Township of West Orange, New Jersey on February 6, 1996

12. ABC Hearing-None

13. Adjournment

Agenda Material Subject to Change Prior to Meeting

**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)**

RESOLUTION

**2011 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER)
GRANT PROGRAM**

WHEREAS, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) has granted the West Orange Fire Department funding in the amount of \$1,755,610.00 through its Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program to hire ten (10) firefighters; and

WHEREAS, in December 2011, Congress and the President approved waivers for the FY2011 SAFER Grant Program that reduced the period of performance from four (4) years to two (2) years for SAFER hiring Grants and eliminated the commitment to retain the firefighters for one (1) year beyond the period of performance; and

WHEREAS, the Township Council of the Township of West Orange understands that no cash match is required for this grant funding; and

WHEREAS, grants awarded under the hiring category requires the grantee to maintain its staffing and incur no lay-offs during the two-year period of performance; and

WHEREAS, accepting this grant funding will be beneficial to the Township of West Orange, any detriments being outweighed by the benefits,

NOW, THEREFORE, BE IT, AND IT IS HEREBY, RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township shall accept the award from the U.S. Department of Homeland Security's Federal Emergency Management Agency ("FEMA") of the Staffing for Adequate Fire and Emergency Response ("SAFER") Grant in the amount of \$1,755,610.00, for the hiring of ten (10) firefighters by the Township of West Orange Fire Department, agrees to be bound by the terms of the Grant and authorizes the preparation, completion and execution by the appropriate Township officers and employees of any documents required by the Grant terms.

Victor Cirilo, Council President

Karen Carnevale, Municipal Clerk

Adopted: October 16, 2012

RESOLUTION

WHEREAS, the Township of West Orange Housing Rehabilitation Program has a mortgage against certain real property owned by Mr. Bryan Cowley (the "Owner") residing at 21 Robertson Road, Block 153.04, Lot 3 (the "Property"), in the amount of Fourteen Thousand, Nine-Hundred and Seventy-Five Dollars (\$14,975.00), which was dated November 18, 2005 and recorded in the Essex County Register's Office on December 23, 2005 in Mortgage Book 10952, Page 713 (the "WOHRP Mortgage"); and

WHEREAS, there is a first mortgage on the Property from Well Fargo Home Mortgage ("Wells Fargo") in the outstanding amount of One-Hundred Seventy-Seven Thousand, Three-Hundred and Forty-Seven Dollars (\$177,347.00) (the "First Mortgage"); and

WHEREAS, the Owner desires to refinance his home and obtain a new mortgage loan from Wells Fargo, in an amount not to exceed One Hundred and Eighty Thousand, and Eighteen Dollars (\$118,018.00), and at a lower interest rate than the First Mortgage (the "New Mortgage"); and

WHEREAS, the New Mortgage will pay off the First Mortgage; and

WHEREAS, the Owner has requested that the Township of West Orange subordinate the WOHRP Mortgage to the New Mortgage; and

WHEREAS, in connection with the New Mortgage, Wells Fargo has accepted an appraisal indicating that the fair market value of the Property is approximately Two-Hundred and Fifty-Nine Thousand Dollars (\$259,000.00); and

WHEREAS, the Owner has requested that the Township of West Orange subordinate its mortgage to the New Mortgage; and

WHEREAS, based on the amount of the New Mortgage and the appraisal accepted by Wells Fargo, the proposed subordination will not 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 in favor of Wells Fargo with respect to the Property and the Owner; 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.

Karen J. Carnevale
Township Clerk

Victor Cirilo
Council President

Adopted: October 16, 2012

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>
Gregory School PTA Off Premise Merchandise	12.12.12	301 Gregory Avenue	6793
Parents Association of Montclair Kimberley Academy Tricky Tray	11.8.12	Highlawn Pavilion	6794
St. Josephs Church Off Premise 50/50	12.8.12	44 Benvenue Avenue	6795

Victor Cirilo
Council President

Karen J. Carnevale
Municipal Clerk

Adopted: October 16, 2012

RESOLUTION

WHEREAS, the Township of West Orange Police Department (the "Department") has purchased and obtained new firearms for its officers, for the purposes of protecting its officers, and promoting public safety and welfare; and

WHEREAS, the new firearms obtained by the Department will require officers to be properly trained on use of all such firearms; and

WHEREAS, the Department has requested and obtained consent from the Township of Livingston ("Livingston"), Department of Public Safety, Division of Police, to use Livingston's pistol range for purposes of firearms training; and

WHEREAS, Livingston has requested that the Township of West Orange execute a Hold Harmless and Indemnification Agreement in connection with use of Livingston's pistol range; and

WHEREAS, annexed hereto is a proposed Hold Harmless and Indemnification Agreement; and

WHEREAS, the Township of West Orange's insurer has reviewed and approved the form Hold Harmless and Indemnification Agreement annexed hereto, for purposes of using Livingston's pistol range;

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Mayor shall be and hereby is authorized and empowered to execute the proposed Hold Harmless and Indemnification Agreement in favor of Livingston in connection with use of Livingston's pistol range, and that the Municipal Clerk shall be and hereby is authorized to attest to the Mayor's signature.

VICTOR CIRILO, Council President

KAREN J. CARNEVALE, Municipal Clerk

Adopted: October 16, 2012

RESOLUTION

WHEREAS, pursuant to a public bidding process the Township of West Orange (the “Township”) entered into an agreement with ConQuest Industries, LLC (“ConQuest”) for certain construction work to be timely completed by ConQuest in connection with the Downtown West Orange Streetscape and Traffic Improvement Program (the “Agreement”); and

WHEREAS, the Agreement provided that ConQuest would, among other things, replace traffic signals, perform electrical work, reconstruct sidewalks, replace curbing, improve drainage and install landscaping and site amenities (the “Work”) within the downtown area of the Township; and

WHEREAS, on April 11, 2011, ConQuest was given a “Notice to Proceed” date of May 2, 2011 with respect to the Work, and the Agreement contemplated a completion date of October 29, 2011; and

WHEREAS, ConQuest has still not fully and finally completed the Work; and

WHEREAS, the Township asserts that the delays in completing the Work have caused the Township damages, including additional engineering and police coverage costs; and

WHEREAS, ConQuest has agreed to amicably resolve these issues that have arisen in connection with the Agreement and the Work without the need for litigation, and both the Township and ConQuest intends to memorialize the release and resolution of these issues by execution of a Stipulation of Settlement in the form annexed as **Attachment “A”** (the “Stipulation”); and

WHEREAS, ConQuest has agreed to remit \$60,000 to the Township for damages the Township has incurred in connection with the Agreement; and

WHEREAS, on September 11, 2012, following a settlement meeting with Conquest, the Township Council approved Resolution No. 176-12. ConQuest has refused to sign the Stipulation approved September 11, 2012 and negotiated certain modifications which are reflected on the annexed Revised Stipulation; and

WHEREAS, the Township Attorney recommends that the Township enter into the Stipulation;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Mayor and Township Clerk be and hereby are authorized to execute and attest to the Revised Stipulation in the form annexed hereto;

BE IT FURTHER RESOLVED, that a true copy of the Agreement shall remain on file with the Township Clerk for inspection by the public.

Karen J. Carnevale
Municipal Clerk

Victor Cirilo
Council President

Adopted: October 16, 2012

Best Practices Worksheet CY 2012/SFY2013

West Orange Township (Essex)			
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
1	Yes	Sharing services has been promoted for many years as a means to control costs. In addition to sharing resources such as labor, facilities and equipment with a county or with neighboring communities, shared services include similar agreements with school boards, independent authorities and fire districts. Shared services do not include cooperative purchasing, cooperative pricing or commodity resale agreements. Did your municipality actively negotiate (i.e. meet with representatives from a neighboring town, your county or another local unit) and/or enter into at least one new shared service agreement in 2011?	
2	Prospective	N.J.S.A. 40A:65-4b requires municipalities to file a copy of their shared service agreements, including amendments and renewals thereof, with the Division of Local Government Services. Has your municipality filed a copy of all shared service agreements presently in effect, along with any amendments thereto, with the Division? This response shall not include cooperative purchasing, cooperative pricing or commodity resale agreements.	The Township has a number of shared service agreements, but it is unclear whether any have been submitted to the DLGS. Those that have not yet been provided will be sent to the DLGS.
3	Yes	Has your municipality adopted a vehicle use policy prohibiting personal use of municipal vehicles, and providing that employees authorized to use such vehicles for commuting to/from work have a fringe benefit value added to the gross income reported on the employee's W-2 (unless the vehicle meets the "qualified non-personal vehicle" criteria specified by the IRS)?	
4	Yes	Does your municipality's legal counsel and/or qualified purchasing agent review and approve procurement specifications and professional service contracts before contracts are executed?	
5	No	Municipalities and their agencies are allowed to prohibit the award of public contracts to business entities that have made certain campaign contributions exceeding \$300 and to limit the contributions that the holders of a contract can make during the term of a contract to \$300. A model ordinance concerning pay-to-play can be found at www.nj.gov/dca/lgs/municaid/pay_to_play_ordinance-contractor.doc . Has your municipality adopted a pay-to-play ordinance pursuant to N.J.S.A. 40A:11-51 that is more restrictive than state statutory requirements?	Currently Enforcing State Regulations

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
6	Yes	Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year's proposed budget including the full adopted budget for current year when approved by governing body; most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; contact information for elected and appointed officials, municipal administrator or manager, municipal clerk, police chief, municipal court administrator and all department heads; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?	
7	Yes	Does your municipality require its elected officials to attend on an annual basis at least one course offered by the Rutgers University Center for Government Services (or a similar education provider such as the NJ League of Municipalities) covering the responsibilities and obligations of elected officials (for example: ethics, municipal finance, labor relations, capital planning, shared services)?	
8	Yes	Are ordinances codified on an annual basis, with both the code and any uncoded ordinances made available online?	
Financial Standards - FS			

Best Practices Worksheet CY 2012/SFY2013

West Orange Township (Essex)			
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
9	Yes	With regard to your municipality's collective bargaining agreements that replaced contracts expiring on or after 1/1/11, is the overall impact of the aggregate economic costs limited to an average increase of 2% or less per year over the contract term? An example of such analysis can be found on the " <u>PERC Summary Form; Public Sector; Non-Police and Non-Fire; Section V Impact of Settlement</u> " and " <u>PERC Summary Form; Police and Fire; Section VII Impact of Settlement</u> "	
10	Prospective	Internal accounting control processes, procedures and authorizations are designed to safeguard assets and to limit the risk of loss or misstatement. Does your CFO evaluate and discuss this risk assessment annually with your governing body or an appropriate subcommittee of the governing body (Audit or Finance Committee) with a focus on developing accounting control processes, procedures and authorizations designed to limit the risk of loss or misstatement?	While the CFO does discuss these issues with the administration and governing body as issues arise during the regular course of business, no formal meeting to discuss such has occurred. We will work to include such discussions in future finance work sessions.
11	Prospective	An accounting policy manual documenting all internal accounting control processes, procedures and authorizations is of great value for staff to understand these safeguards. Are internal accounting control processes, procedures and authorizations documented and communicated to staff?	Internal Controls are clearly discussed with staff in order to obtain compliance. We will work toward establishing a formal document specifying the extensive existing internal controls.
12	Yes	Are all General Ledger cash balances reconciled to bank statements (e.g. receipts postings to bank deposits; disbursement postings to cleared checks and wire transfers) with all reconciling differences verified (e.g. deposits in transit, outstanding checks and posting differences)?	
13	Yes	Municipalities have the potential to save significant money by auditing their telephone lines annually, and other utilities on a less frequent but nonetheless regular basis. Does your municipality perform an audit of its utility accounts (e.g. telephone, electric meters, streetlighting) at least once every three years to ensure that inactive accounts are cancelled?	
14	Yes	In submitting your corrective action plan for findings cited in your annual audit, are these items reviewed by the CFO with the governing body or an appropriate subcommittee of the governing body (e.g. finance or audit committee)?	

Best Practices Worksheet CY 2012/SFY2013

West Orange Township (Essex)			
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
15	N/A	Audit findings address areas needing improvement. Ignoring these findings devalues the process; therefore, municipalities should correct noted deficiencies. Have all audit findings from the 2010 audit been 1) identified in the corrective action plan and 2) addressed such that they are not repeated in the 2011 audit? If the answer is no, please list the repeat findings in the comments section.	While the Township is in compliance with item 1, information on item 2 is not yet available because the 2011 audit has been delayed due to a transition of CFO's in late 2011.
16	N/A	The CFO should prepare both the annual financial statement and annual debt statement. Excessive auditor assistance on these documents could create a perception that the auditor is not truly independent of the client in auditing the client's financial statements. At an absolute minimum, each CFO should prepare audit-ready financial records including books of original entry, general ledgers, subsidiary ledgers and other computer reports that accurately analyze and reflect the municipality's financial position. These records should have sufficient detail for an accountant with sufficient knowledge of New Jersey's municipal accounting system to extract the information necessary in preparing the annual financial and debt statements. This requires that all financial transactions (both cash and non- cash) be posted in the general ledger and that all general ledger accounts be supported by subsidiary ledgers, reports, reconciliations or are otherwise analyzed. If your CFO does not prepare the annual financial statement or annual debt statement, and does not present the financial records in a complete and audit-ready condition, are you retaining outside assistance to do so from an individual or entity separate from your municipality's audit firm?	CFO does complete the AFS and presents the financial records in a complete and audit ready condition.
17	N/A	The CFO should prepare a municipality's annual budget. If your CFO does not prepare the municipality's annual budget, are you retaining outside assistance to do so from an individual or entity separate from your municipality's audit firm?	CFO does prepare the municipal budget
18	Yes	Grant programs can create a significant burden on a municipality's cash flow if program expenses are either not timely reimbursed or are charged to other operating accounts instead of to the grant. Are all grant revenues reviewed at least quarterly to determine that all program expenses have 1) been filed for reimbursement and 2) have been properly charged to the grant, with follow up communication to grantor agencies in instances where payments are delayed?	
Budget Preparation and Presentation - BP			

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
19	Yes	Has your municipality fully and accurately disclosed in the "Budget Message" section of your CY2012/SFY 2013 budget the following: Revenues at Risk; Non-Recurring Cost Reductions; Anticipated CY2013/SFY 2014 Appropriation Increases; and Structural Balance Offsets as detailed in <u>Local Finance Notice 2011-37</u> ?	
20	Prospective	In preparing your annual budget it is important for both the governing body and public to understand the concept of surplus and how it accumulates (or declines) over the years. A formal policy regarding surplus serves as a basis for decisions concerning future financial solvency, and the lack of a policy could lead bond rating agencies to downgrade your municipality's credit rating. In developing said surplus policy your CFO should analyze and explain at least a five-year trend of surplus; illustrating the factors causing each annual increase or decrease. A surplus policy with realistic and sustainable goals can then be determined. Does your municipality have a written policy goal for the amount of surplus available in support of municipal operations, and is this goal evaluated annually?	While this review and analysis is performed extensively during the budget process, no formal policy has been established. We will work toward establishing such a policy for the upcoming budget season.
21	Yes	In preparing your annual budget for the current year it is important that the impact that these decisions may have on future years' budgets be presented, evaluated and considered before final action is taken. Long term plans concerning revenue, appropriations, tax levy, tax levy cap and surplus are critical toward sustaining (or achieving) a solid fiscal condition. Are projections calculated and discussed in sufficient detail so that the governing body understands the impact that the current year's budget may have on the future tax levy (as restricted by the levy cap) and future surplus balances for at least two (2) future year's budgets?	
22	N/A	Certain municipalities have indirectly pledged prompt payment (i.e. issued a guarantee) of debt service with respect to debt issued by counties, independent authorities or developers. Bond Rating Agencies (e.g. Moody's, Fitch, Standard & Poor's) have downgraded certain municipalities' bond ratings to below investment grade for lack of preparation in the event a lender calls in a debt guarantee. If your municipality guarantees any debt, are direct service revenues that may be pledged against debt repayment monitored by the municipal CFO; and to the extent that cash flow from pledged revenue will not satisfy the debt repayment, are sufficient funds held in reserve to satisfy the guarantee or is an existing authorization in place to issue debt (e.g. a bond ordinance) in the event a lender calls in the guarantee?	The Township has not issued any such debt.

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
23	Yes	Do elected officials receive status reports at least quarterly on all budget revenues and appropriations as they correspond to the annual adopted budget?	Such reporting has historically been provided to the governing body. However, in 2012 the Township has transitioned to a new finance and collections recording system. During this extensive transition, the first two quarterly reports were not available for distribution in a timely manner. However, the 2012 third and fourth quarter reports will be distributed the month following the end of the quarter.
24	Yes	Given the potential fiscal impact of property tax appeals on municipalities, the Tax Assessor and CFO should review the status of filed appeals on a regular basis to determine their effect on future budgets and plan accordingly. With input and approval from the governing body, this plan should include an evaluation of current assessment values and should consider setting aside an adequate estimated reserve to fund potentially successful state tax court appeals. <u>Has your municipality considered a property reassessment/revaluation to counter the effect of successful residential tax appeals?</u> In answering this question, a yes answer indicates that the municipality either 1) determined after reviewing assessed values that a reassessment/revaluation is unnecessary due to assessed values accurately reflecting market values (resulting in a small number of successful appeals); or 2) if the impact of appeals is significant, a revaluation plan has been filed with your County Board of Taxation.	
25	Yes	In developing your multi-year capital plan, is your municipality dedicating sufficient revenues to fund maintenance, repair and eventual replacement of infrastructure such as roads, storm sewers, sanitary sewers and water systems?	
26	Yes	N.J.S.A. 40A:4-62.1 allows for the creation of a dedicated trust fund to reserve funds budgeted during years with relatively little snowfall for use in future years when excessive snowfalls may exceed budgeted funds. Although this past winter may have been mild, a responsible budget will take into consideration its impact on future years. In your 2012 budget, has your municipality reserved at least the average of snow removal expenses incurred over a minimum of 3 years?	

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
		Health Insurance - HI	
27	Yes	Does your municipality exclude from healthcare coverage part-time elected and appointed officials (less than 35 hours per week)?	The Townships policy prohibits such healthcare coverage for part time appointees hired after 1/1/1996.
28	Yes	Does your municipality limit health benefits to full-time (35 or more hours weekly) employees (excluding elected and appointed officials)?	The Townships policy prohibits such healthcare coverage for part time employees hired after 1/1/1996.
29	Yes	Does your municipality conduct a monthly review of health benefit covered lives in an effort to delete employees, spouses or dependents who should no longer be receiving coverage?	

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
30	Yes	As explained in Local Finance Notices <u>2011-20R</u> and <u>2011-34</u> , P.L. 2011 c. 78 requires employees to contribute toward healthcare based on a percentage of total premium cost, subject to a four-year phase-in. Has your municipality implemented the employee healthcare contribution provisions contained in P.L.2011 c. 78?	
31	N/A	Municipalities frequently contract with or designate insurance brokers to secure healthcare coverage from insurance carriers. Brokers are typically paid by third-party administrators (TPA's) hired to collect, review and pay healthcare bills. The municipality pays the TPA, who in turn pays the broker. Broker fees are often directly related to the amount of insurance premiums or fees paid by the municipality (i.e. the higher the premium, the larger the broker's commission). Thus, the municipality-broker-TPA arrangement is vulnerable to abuse because brokers could face conflicting incentives in seeking lower-cost insurance alternatives. If your municipality contracts with or otherwise designates an insurance broker, is the structure for broker payments pre-set (i.e. plainly disclosed in the resolution and/or contract designating the broker of record) so as to mitigate the risk of brokers recommending more expensive insurance coverage to earn higher fees?	The Township does not employ a TPA
32	Yes	The State Health Benefits Program (SHBP) offers medical, prescription and dental coverage options for more than 850,000 participants, including employees, dependents and retirees. All plans have substantial networks of healthcare providers, and provide services nationwide. 62% of municipalities, and 33% of counties, within New Jersey participate in SHBP. As your municipality's collective bargaining agreements come up for renegotiation, do your municipality's negotiation proposals seek contract provisions allowing its employees to be switched to SHBP?	
33	Yes	If your municipality does not participate in the State Health Benefits Program (SHBP), have competitive proposals for health insurance been solicited in the last three years; including from the Division of Pensions and Benefits for SHBP health insurance coverage?	
Personnel - PE			

Best Practices Worksheet CY 2012/SFY2013

West Orange Township (Essex)			
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
34	Yes	N.J.S.A. 43:15A-7.2 and 43:15C-2(b)(4) preclude independent contractors and individuals performing professional services for any municipality or agency (e.g. municipal attorney, auditor, planner) under a professional services contract awarded pursuant to the Local Public Contracts Law from membership in the Public Employees' Retirement System (PERS) and Defined Contribution Retirement Program (DCRP) . Has your municipality reviewed the status of your independent contractors and professional services providers to ensure they are not deemed eligible for PERS and/or DCRP?	
35	Yes	The Fair Labor Standards Act (FLSA) is a federal law that establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments. The law requires that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, municipal managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and are not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (you should consult with your labor counsel for more detailed guidance). <u>Does your municipality refrain from paying overtime to employees who are classified as exempt under the FLSA?</u> In answering this question, be aware that exempt status would also preclude overtime pay for time worked during emergencies, attendance at night meetings, participation in training sessions, and police "off-duty" assignments (a/k/a "Jobs in Blue").	
36	Yes	N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to contracts@perc.state.nj.us . Has your municipality filed all current contracts with PERC?	

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
37	Yes	Does your municipality make available to the public free of charge, either through an internet posting or on-site review, documents that show the current salaries of all personnel and additional documents that would allow the public to view how your municipality's salaries have changed over a three year period?	
38	Yes	Are standardized forms completed and filed, either electronically or by paper, to verify all employee time worked (e.g. time cards, electronic time keeping)?	
39	Yes	Does your personnel/human resources office maintain records that account for all leave time earned and used by employees?	
40	Yes	Do supervisors review and approve/deny employee time and attendance documentation before those records are submitted to management and, in the case of department heads, is such documentation reviewed and verified independently?	
41	No	Does your municipality limit the carry forward of accrued vacation time to no more than the amount earned in the previous year (meaning no employee hired after the effective date of the limitation policy can keep in any given year more vacation time that they earned in the prior year)?	Township policy allows up to two years of vacation carry forward.

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)	
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>	
	Answer	Question	Comments
42	Yes	Does the municipal governing body approve all payments for accumulated absences pursuant to the requirements of N.J.A.C. 5:30-15.4?	
43	Yes	Does your municipality provide annual employment practice liability training for elected officials, managers, administrators, department heads and supervisors?	
44	Yes	Does your municipality have a transitional duty program (light duty) to encourage employees out on workers compensation to return to work?	
45	No	The State Workers Compensation Law provides that, when an employee receives a work-related injury producing temporary disability, the employee is entitled to wage-continuation equal to 70% of the employee's weekly wages, subject to a maximum compensation as determined by the Commissioner of Labor. Does your municipality limit benefits for work-related injuries to the above statutory benefit?	Township employees are paid their full salary when they are injured on the job
46	Yes	The weekly benefit rate provided under the State Temporary Disability Law for a non-work-related injury is calculated on the basis of claimant's average weekly wage. Each claimant is paid 2/3 of their average weekly wage up to the maximum amount payable, which is \$572 for disabilities beginning on or after 1/1/12. Does your municipality refrain from supplementing the Temporary Disability benefit?	The Township does not provide Temporary Disability Insurance
47	Yes	Has your municipality adopted an ordinance, resolution, regulation or policy eliminating longevity awards, bonuses or payments for non-union employees?	
48	Yes	For any employees covered by a collective bargaining agreement, has your municipality eliminated longevity awards, bonuses or payments for employees hired on or after a specified date, and refrained from increasing longevity awards, bonuses or payments for employees hired before a specified date?	
Public Safety - PS			
49	Yes	Does your municipality schedule and undertake periodic inspections/assessments of all municipal facilities to ensure they are in good repair and proper maintainance is being performed?	

Best Practices Worksheet CY 2012/SFY2013

West Orange Township (Essex)		
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>
Answer	Question	Comments
50	Yes	Has your municipality reviewed its policies and staffing requirements for providing traffic safety around utility and construction work, and implemented policies to assure that the most efficient and cost-effective approach is taken? Traffic safety policies for utility and construction work should balance the interests of public safety with those of controlling costs. For example, uniformed police officers controlling a cul-de-sac may be excessive; while parking a policeman in a patrol car on a major highway to act in lieu of a "crash truck" may be insufficient and could endanger the officer. An appropriate traffic safety plan should include parameters governing when police officers, flag men and safety apparatus are used in different circumstances.
0	Select	
38	Yes	
3	No	
5	N/A	
4	Prospective	
50	Total Answered:	
47	Score (Yes + N/A + Prospective)	
94%	Score %	
0%	Percent Withheld	
	Chief Financial Officer Completion Certification:	
	Type Name of CFO and Certification # in cells below:	
	John O Gross	N-051
	Name	Cert #
	Date Prepared:	9/27/2012
	Color Key	
	Red = Repeat Question; Prospective answers not permitted	
	Blue = Questions where neither "not applicable" nor "N/A" answers are permitted	
	Green = Repeat questions where neither "Prospective" nor "Not Applicable" are permitted	

Best Practices Worksheet CY 2012/SFY2013

		West Orange Township (Essex)			
0722		<i>Please see Color Key at bottom of sheet for limits on answers</i>			
	Answer	Question			Comments
		No Color = "Yes"; "No"; "Prospective" and "Not Applicable" are all permissible answers			
	# of Questions scored yes, prospective, or "not applicable"	Amount of Aid Disbursed	Impact on final 5% aid payment/impact on total aid		
	41-50	100%	No penalty		
	33-40	80%	Lose 20% which equals 1% of total aid		
	25-32	60%	Lose 40% which equals 2% of total aid		
	17-24	40%	Lose 60% which equals 3% of total aid		
	9-16	20%	Lose 80% which equals 4% of total aid		
	0-8	0%	Lose 100% which equals 5% of total aid		
	Question	Table of Weblinks (Cut and paste into browser)			
	5	www.nj.gov/dca/lgs/muniaid/pay_to_play_ordinance-contractor.doc			
	9	http://www.state.nj.us/perc/Collective_Bargaining_Agreement_Summary_Form_Police_and_Fire_2012.04.02_Instructions_and_Example_.pdf			
	9	http://www.state.nj.us/perc/Collective_Bargaining_Agreement_Summary_Form_Police_and_Fire_2012.04.02_Instructions_and_Example_.pdf			
	19	http://nj.gov/dca/divisions/dlgs/lfns/11/2011-37.doc			
	30	http://nj.gov/dca/divisions/dlgs/lfns/11/2011-20R.doc			
	30	http://nj.gov/dca/divisions/dlgs/lfns/11/2011-34.doc			
	34	http://nj.gov/dca/divisions/dlgs/lfns/07/2007-28.doc			
	42	http://www.nj.gov/dca/lgs/lfns/02lfns/cfo-2002-1.pdf			

Best Practices Worksheet CY 2012/SFY2013

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Best Practices Worksheet CY 2012/SFY2013

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Best Practices Worksheet CY 2012/SFY2013

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AN ORDINANCE AMENDING AN ORDINANCE CREATING A RECLASSIFICATION AND SALARY SCHEDULE OF CERTAIN TOWNSHIP OF WEST ORANGE MUNICIPAL EMPLOYEES SETTING FORTH THEIR TITLES, CLASSIFICATION AND SALARY RANGES AND ADOPTING A SALARY GUIDE AND ESTABLISHING THE EMPLOYEE'S STATUS AS A TOWNSHIP EMPLOYEE AND UNDER THE GUIDELINES OF THE NEW JERSEY DEPARTMENT OF PERSONNEL.

BE IT ORDAINED by the Township council of the Township of West Orange as follows:

SECTION 1. That an ordinance amending an ordinance adopting and creating a reclassification and salary schedule of certain Township of West Orange Municipal employees, setting a salary guide and establishing the employee's status as a Township employee and under the guidelines of the New Jersey Department of Personnel as filed in the office of the Municipal Clerk for the following positions:

<u>TITLE</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>MAXIMUM</u>	<u>MAXIMUM</u>
		<u>1/1/11</u>	<u>1/1/12</u>	<u>01/1/13</u>
Fire Official			7,500	
Plumbing Inspector	20,000		71,368	
Tax Searcher	25,000		62,008	
Municipal Clerk	67,500		117,258	
Violations Clerk	30,000		56,372	
Health Officer (Interlocal Contract)	3,900	8,798	8,974	9,153
Sr. Citizen Program Aide			7,500	
Asst. Sr. Citizen Program Aide			5,000	

SECTION 2. This ordinance and the titles and salary ranges herein provided shall become effective January 1, 2011, 2012, and 2013.

SECTION 3. All ordinances and parts of ordinances heretofore enacted which are inconsistent with any provision of this ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

Victor Cirilo, Council President

Robert D. Parisi, Mayor

Karen J. Carnevale, Municipal Clerk

INTRODUCED: October 2, 2012

ADOPTED: October 16, 2012

Approved as to the form and legality on the basis of the facts set forth.

LEGISLATIVE HISTORY

Titles and ranges per adoption of 2012 budget.

Inter-local contract per Essex Fells Contract.

Municipal Clerk per Executive Session.

BOND ORDINANCE AMENDING BOND ORDINANCE 1374
-96 FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF WEST ORANGE, NEW JERSEY ON
FEBRUARY 6, 1996.

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

Section 1. The Bond Ordinance of the Township Council of the Township of West Orange, in the County of Essex, New Jersey (the "Township") entitled "Bond Ordinance Authorizing The Funding Of Obligations Of The Township Of West Orange, In The County Of Essex, New Jersey, Under Regional Contribution Agreements Pursuant To N.J.S.A. 52:27D-301 et seq., Appropriating \$1,395,000 Therefor And Authorizing The Issuance Of \$1,325,250 Bonds Or Notes To Finance Part Of The Cost Thereof" finally adopted on February 6, 1996 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2. Section 1 of the Ordinance is hereby amended in its entirety as follows:

"(a) Pursuant to the applicable statutes of the State of New Jersey, the amount of \$1,395,000 is hereby appropriated to finance the items described in the immediately succeeding paragraph, in and for the Township of West Orange, in the County of Essex, New Jersey (the "Township") together with other purposes incidental or related thereto is hereby authorized.

(b) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Usefulness</u>
(i) Regional Contribution Agreements	\$1,160,000	\$1,102,000	5 Years
(ii) Acquisition and Installation of Security Cameras	235,000	223,250	5 Years"

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

Section 4. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the

first publication thereof after final adoption as provided by Local Bond Law.

Introduction: October 16, 2012

Adopted: October 30, 2012

Robert D. Parisi
Mayor

Victor Cirilo
Council President

Approved as to form and legality
on the basis of the facts set forth.

Karen J. Carnevale
Municipal Clerk