

1. Conference Agenda

Documents:

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2. Public Meeting Agenda

Documents:

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3. Resolution(S)

3.I. 132-22

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3.II. 133-22

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139-22 RESOLUTION FOR MEMBER PARTICIPATION.PDF
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3.X. 141-22

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141-22 BIDDER EVALUATION.PDF

3.XI. 142-22

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142-22 CORRESPONDENCE - AWARD OF CONTRACT MINISH PARK
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142-22 MINISH PARK IMPROVEMENTS RESOLUTION.PDF

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4. Ordinance(S) On Second And Final Reading

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Documents:

[2678-22 ORDINANCE - STEEP SLOPE - AMENDED REV. 5 - REDLINED.PDF](#)

5. ABC Hearing

5.I. 672-21

Documents:

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5.II. 676-22

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5.III. 677-22

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5.IV. 678-22

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5.V. 679-22

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Township of West Orange
CONFERENCE MEETING AGENDA
Council Chambers – 66 Main Street
Tuesday, May 24, 2022
Meeting No. 10

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 November 24, 2021, and published in the West Orange Chronicle on December 2, 2021.

Roll Call – Councilwoman Casalino, Councilwoman Matute-Brown, Councilman Rutherford, Councilwoman Williams, Council President McCartney, Mayor Parisi

6:30 P.M

- **NJ American Water Grant Award – Mike Brick-Chair-Environmental Commission**
- **Council Liaison Announcements**
- **Public Meeting – 7:00 p.m.**

PUBLIC MEETING AGENDA

Township of West Orange

66 Main Street – 7:00 p.m.

May 24, 2022

Meeting No. 10

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 November 24, 2021, and published in the West Orange Chronicle on December 2, 2021.

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, Councilwoman Matute-Brown, Councilman Rutherford, Councilwoman Williams, Council President McCartney, Mayor Parisi

- 1. Pledge of Allegiance**
- 2. Public Comment**
- 3. *Consent Agenda**
- 4. *Approval of Minutes of Previous Meeting – Public Meeting May 10, 2022 and Executive Session 4.26.22**
- 5. *Report of Township Officers - None**
- 6. *Reading of Petitions and Communications and Bids - None**
- 7. *Bills**
- 8. *Resolutions**
 - a. 132-22 Resolution Authorizing the Submission of a Grant Application for the West Orange Municipal Alliance Committee for DMHAS Grant Funding for the West Orange Municipal Alliance Grant (Legal-Trenk)**
 - b. 133-22 Resolution Authorizing a Donation from the West Orange Police Department to the Ukrainian Congress Committee (Abbott)**
 - c. 134-22 Resolution Authorizing the Issuance of Raffle Licenses (Clerk)**
 - d. 135-22 Resolution to Enter into an Agreement with the North Jersey Wastewater Cooperative Pricing System (NJWCPS) (P. Reynolds)**
 - e. 136-22 Resolution Extending the Contract for Tree Removal Services with Rich Tree Service, Inc., 325 Bergen Street, So. Plainfield, NJ in the Amounts Indicated on the Resolution (Lepore)**
 - f. 137-22 Resolution Extending Award of Contract for Emergency and Non-Emergency Tree Services with Rich Tree Service, Inc., 325 Bergen Street, So. Plainfield, NJ, as Lowest Responsible Bidder, Savatree, LLC (formerly Tree Tech, Inc.) P.O. Box 158, 1248 Sussex Tpk., Mt. Freedom, NJ 07970, as the Second Lowest Responsible Bidder and Downes Tree Service Co., Inc., 65 Royal Avenue, Hawthorne, NJ 07505, as Third Lowest Bidder in the Amounts Indicated on the Resolution (Lepore)**

- g. **138-22** Resolution Extending the Contract for Tree Removal Services with Downes Tree Service, Inc., 65 Royal Avenue, Hawthorne, NJ in the Amounts Indicated on the Resolution (Lepore)
- h. **139-22** Resolution Authorizing the Township of West Orange to Enter Into a Cooperative Pricing Agreement with Hunterdon County Educational Services Commission, 37 Hoffmans Crossing Road, Califon, NJ 07830 (P. Reynolds)
- i. **140-22** Resolution Authorizing an Abandoned Car Auction (P. Reynolds)
- j. **141-22** Resolution Authorizing the Award of the New Library Contract to H&S Construction & Mechanical in the Amount of \$4,846,000 plus Alternate #1 at \$229,000 for a total of \$5,075,000 (Lepore)
- k. **142-22** Resolution Authorizing a Professional Services Contract to CME Associates to Provide Professional Engineering Services for Minish Park (A.K.A Lancaster Park) Improvements for the Reconstruction for a New Community Garden, Ballfield Upgrades and a Covid-19 in the Amount of \$43,000. (Lepore)
- l. **143-22** Resolution Permitting Display of Fireworks for the Juneteenth Holiday on June 17, 2022 at the Rock Spring Golf Course (Legal-Moon)
- m. **144-22** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to An Overpayment of Taxes Due to a Duplicate Payment (Tax Collector)
- n. **145-22** Resolution Authorizing the Collector of Taxes to Refund Payment of Homestead Rebate to the Listed Disabled Veteran (Tax Collector)
- o. **146-22** Resolution Authorizing the Collector of Taxes to Refund Payment to the Listed Taxpayer Due to An Overpayment of Taxes Due to an Overpayment (Tax Collector)

9. Ordinances on Second and Final Reading

- a. **2678-22** An Ordinance Amending and Supplementing Chapter 25, Section 28 of the General Ordinance of the Township of West Orange, Entitled “Steep Slope and Natural Features Ordinance” (Legal-Trenk)

10. Ordinances on First Reading-None

11. Pending Matters/New Matters/Council Discussion

12. ABC Hearing

- a. **672-21** Amended Resolution 672-21 TO Reflect Approval of Person-to-Person Transfer of Plenary Retail Consumption License No. 0722-33-021-004, from 4 Corners Deli, LLC to Donato Realì, (Pocket License) Nunc Pro Tunc for October 24, 2019 (Kayser)
- b. **676-22** Hearing on Renewal for Plenary Retail Consumption, Distribution and Club Licenses for the **2022-2023** License Term (Clerk) **Resolution Subject to Change as Additional Licensees Pay their Fees**
- c. **677-22** Resolution Rescinding in Part ABC Resolution No. 669-21, Removing Licensee No. 0722-33-021-004, 4 Corners Deli, LLC (Pocket License) as a License Approved for Renewal for the 2021/22 License Term for Failure to Meet All Qualifications for Renewal for that Term (Kayser)
- d. **678-22** Resolution Approving of Plenary Retail Consumption License No. 0722-33-021-004, for 4 Corners Deli, LLC, Nunc Pro Tunc for the 2019/20 License Term (Kayser)
- e. **679-22** Resolution Renewing ABC License 0722-33-021-004, for Donato Realì (Pocket License) for the 2020/21 License Term (Kayser)

- f. **680-22** Resolution Reapproving Renewal of the ABC Resolution for Shaku & Kaamil, Inc., License No. 0722-44-061-008, Nunc Pro Tunc for the 2018/19 License Term Effective July 30, 2019, the Date on Which the Licensee's 12.18 and 12.39 Special Rulings Were Granted by the State ABC Division
- g. **681-22** Resolution Renewing the ABC License for Shaku & Kaamil, Inc., License No. 0722-44-061-008, Nunc Pro Tunc for the 2019/20 License Term, Effective July 30, 2019, the Date on Which the Licensee's 12.18 and 12.39 Special Rulings Were Granted by the State ABC Division

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 OF THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX AND
STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION
FOR THE WEST ORANGE MUNICIPAL ALLIANCE COMMITTEE FOR DMHAS GRANT
FUNDING FOR THE WEST ORANGE MUNICIPAL ALLIANCE GRANT**

132-22
May 24, 2022

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, in coordination with GCADA, the New Jersey Department of Human Services/ Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program; and

WHEREAS, the Township Council of the Township of West Orange, County of Essex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore, has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Essex;

NOW, THEREFORE, BE IT RESOLVED by the Township of West Orange, County of Essex, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of an application for DMHAS Grant funding for the West Orange Municipal Alliance for Year One Grant Term July 1, 2022 to March 14, 2023 in the amount of:

DMHAS	\$ <u>7,621.51</u>
Cash Match	\$ <u>0.00</u>
In-Kind	\$ <u>0.00</u>

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Robert D. Parisi, Mayor

CERTIFICATION

I, Karen J. Carnevale, Municipal Clerk of the Township of West Orange, County of Essex, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council on this 24th day of May, 2022.

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

FORM 1A**DMHAS YOUTH LEADERSHIP GRANT - MUNICIPAL ALLIANCES**

Year One Grant Term: 7/1/22 – 3/14/23

APPLICANT MUNICIPALITY/IES: West Orange	COUNTY: Essex
ALLIANCE NAME: West Orange Municipal Alliance	ALLIANCE WEBSITE: westorange.org
ALLIANCE STREET ADDRESS: 66 Main Street TOWN: West Orange STATE: NJ ZIP: 07052	
TELEPHONE: (973) 325-4105 Ext.	FAX: (973) 325-9853
ALLIANCE CHAIRPERSON: William Sullivan, JD STREET ADDRESS: Scarinci Hollenbeck, 1100 Valley Brook Avenue, PO Box 790 TOWN: Lyndhurst STATE: NJ ZIP: 07071 EMAIL: wcsullivanjr13@gmail.com	ALLIANCE COORDINATOR: Laura A. Van Dyke, LCSW STREET ADDRESS: 66 Main Street TOWN: West Orange STATE: NJ ZIP: 07052 EMAIL: lvandyke@westorange.org
DATE OF RESOLUTION AUTHORIZING THE STRATEGIC PLAN (MM/DD/YYYY): 05 /24 / 22	

DMHAS Grant Allocation

\$ 7,621.51**No Cash Match or In-Kind Match is required to accept DMHAS Grant.**

West Orange

Mayor Parisi

*MUNICIPALITY

NAME/ MAYOR/Head of Governing Body

SIGNATURE

West Orange

Susan McCartney, Council President

*MUNICIPALITY

NAME/TITLE OF GOVERNING
BODY REPRESENTATIVE

SIGNATURE

*MUNICIPALITY

NAME/TITLE OF GOVERNING
BODY REPRESENTATIVE

SIGNATURE

William Sullivan

ALLIANCE CHAIRPERSON

SIGNATURE

DATE

*** If a municipality is part of a consortium, a signature and resolution is required from all participating municipalities entering into the agreement. Signatures hereby accept all components of this grant including membership terms, Statement of Assurances and Fiscal Requirements.**

RESOLUTION

WHEREAS, on February 24, 2022 Russian forces invaded the country of Ukraine;

WHEREAS, the invasion of Ukraine has caused suffering and hardship to the Ukrainian people;

WHEREAS, the United States House of Representatives has approved a resolution in support of Ukraine;

WHEREAS, many efforts are being made around the world to send donations and aid;

WHEREAS, the West Orange Police Department has elected to donate the following items to the Ukrainian Congress Committee: 40 body armor vests, 27 rifle plates, and 8 flap jackets to assist in efforts to keep their country safe;

NOW THEREFORE BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF WEST ORANGE, that the items listed above be donated to the Ukrainian Congress Committee by the West Orange Police Department.

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

Susan McCartney
Council President

Adopted: May 24, 2022

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>Type of Event/Date</u>	<u>Place</u>	<u>RL No.</u>
Metropolitan YMCA of the Oranges, Inc.	Off-Premise 50/50 May 19, 2022	25 Prospect Avenue	7772
Pleasant Valley Productions	Tricky Tray June 11, 2022	4 Boland Drive	7773
Pleasant Valley Productions	On Premise 50/50 June 18, 2022 July 15, 2022 July 29, 2022 September 17, 2022	4 Boland Drive	7774
Team 94	On Premise 50/50 June 6, 2022	1 Crest Drive	7775
Team 94	Casino Night June 6, 2022	1 Crest Drive	7776

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

Susan McCartney
Council President

Adopted: May 24, 2022

AGREEMENT
NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

PARTICIPANTS:

This agreement made and entered into this day _____ of _____
 2022 Township of West Orange and between the Passaic Valley Sewerage Commission
 (hereinafter referred to as "PVSC") and the
 a governmental corporation of the State of New Jersey or Public Agency
 located at (hereinafter referred to as the "Participating Contracting Unit").

WITNESSETH:

LEGAL AUTHORITY:

WHEREAS, N.J.S. 40A:11-11 (5), specifically authorizes two or more contracting units to enter into a Cooperative Pricing System and Agreement for the purchase of work, materials and supplies; and

WORK TO BE PERFORMED:

WHEREAS, the Passaic Valley Sewerage Commission will conduct a Cooperative Pricing System with Participating Contracting Units, utilizing administrative purchasing services and facilities of the PVSC; and this Cooperative Pricing Agreement is to effect substantial economies in the purchase of goods and supplies; and

WHEREAS, the PVSC wishes to operate the **North Jersey Wastewater Cooperative Pricing System** (hereinafter referred to as the NJWCPS) with the Bergen County Utilities Authority (BCUA), the Joint Meeting of Essex and Union Counties (JMEUC), the Pequannock, Lincoln Park, and Fairfield Sewerage Authority- Two Bridges (TBSA), the Northwest Bergen County Utilities Authority, the Rahway Valley Sewerage Authority, the Town of Morristown, the Township of Wayne, the City of Asbury Park, the Linden Roselle Sewerage Authority, the Sussex County Municipal Utilities Authority, the Township of Mine Hill, the Musconetcong Sewerage Authority, the Borough of Fair Lawn, the Township of Morris, the Village of Ridgewood, the Rockaway Valley Sewerage Authority, the Atlantic County Utilities Authority, the Township of Wall, the Township of Readington, the Borough of South Plainfield, the Borough of Lodi, the Borough of Madison, the Secaucus Municipal Utilities Authority, the Two Rivers Water Reclamation Authority, the Borough of Point Pleasant, the Township of Branchburg, the Township of Parsippany-Troy Hills, the Township of Springfield, the Township of Neptune, the Township of Verona, the Borough of Lindenwold, the North Bergen Utilities Authority, the Bayshore Regional Sewerage Authority, the Lacey Municipal Utilities Authority, the Cape May County Municipal Utilities Authority, the Bernards Township Sewerage Authority, the South Monmouth Regional Sewerage Authority, the East Windsor Utilities Authority, the Borough of Stone Harbor, the Borough of Bloomingdale, the Township of Livingston, the Township of Roxbury, the Township of Freehold, the Southeast Morris County Utilities Authority, the Township of Montville, the Manasquan River Regional Sewerage

Authority, the Cumberland Co. Utilities Authority, the Borough of Old Tappan, the Readington Lebanon Sewerage Authority, the Borough of Glen Rock, the Warren Township Sewerage Authority, the Borough of Highlands, the Township of Denville, and the Logan Township Municipal Utilities Authority, as well as other appropriate Public Agencies within New Jersey; and

WHEREAS, all parties hereto have approved the within Agreement by Ordinance or Resolution as appropriate, in accordance with the aforesaid statute; and

WHEREAS, it is the desire of all parties to enter into such Agreement for said purposes;

NOW, THEREFORE, in consideration of the conditions hereinafter set forth, it is mutually agreed as follows:

1. The goods or supplies to be priced cooperatively may include Spare Parts, Instrumentation Equipment, Maintenance Chemicals, Motor Repair/Replacement, Mechanical Seals, Safety Equipment, Electrical Equipment, Laboratory Supplies, Bulk Chemicals and such other items as two or more participating contracting units in the system agree can be purchased on a cooperative basis, providing the PVSC consents to these other items.

The items and classes of items which may be designated by the participating contracting units hereto may be purchased cooperatively for the period commencing with the execution of this Agreement and continuing until terminated as hereinafter provided.

ADMINISTRATION AND OPERATION OF SYSTEM:

2. The PVSC, on behalf of all participating contracting units, at the beginning of participating in the NJWCPS, and during each January thereafter, shall publish a legal advertisement in such format as required by the State Division of Local Government Services in a newspaper normally used for such purposes by it to include such information as:

- (1) The name of the participating contracting units, and
- (2) The name of the Cooperative Pricing System soliciting competitive bids or informal quotations, and
- (3) The address and telephone number of the NJWCPS, and
- (4) The State Identification Code for the Cooperative Pricing System, and
- (5) The expiration date of the Cooperative Pricing Agreement.

3. The specifications shall be prepared and approved by the NJWPCS and filed as required by law, and no changes shall thereafter be made except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.

4. The NJWPCS may provide the Participating Units with the copies of the specifications at least thirty (30) days prior to seeking bids and will notify the Participating Contracting Units, in writing, of the item(s) on which it will seek bids. Fifteen (15) days prior to

advertising, each of the participating contracting units shall designate, in writing, to the NJWCPS, the items to be purchased and indicate therein the approximate quantities desired, the location for delivery and other requirements, to permit the preparation and filing of specifications as provided by law.

The NJWCPS will call a meeting of all Participating Contracting Units each December in order to provide the participants with an opportunity to discuss the goods or services to be priced cooperatively and the terms of the specifications for the next calendar year.

5. A single advertisement for bids or the solicitation of informal quotations for the goods or services to be purchased shall be presented on behalf of all of the Participating Contracting Units desiring to purchase any item by the NJWCPS in the Cooperative Pricing System.

6. In seeking bids the NJWCPS will include in the specifications two categories upon which bids are sought: (a) the NJWCPS's requirements, stated in definite quantities; and (b) the Participating Contracting Units, stated as an estimated total quantity of the needs of all the other Participating Contracting Units, which total shall not be exceeded in the aggregate by more than 20 percent of the total cost awarded for that Category. The specification for this category shall list the other Participating Contracting Units, their delivery address, their estimated maximum quantities and other relevant information to permit the bidder to understand what is potentially involved. The bids will contain: (1) a provision stating that contracts shall be in compliance with N.J.A.C. 5:30-5.5 (B), open-end contract rules; and (2) language requiring the bid price(s) to be stated so that it is uniform with respect to both categories (the NJWCPS and other Participating Contracting Units). The provision with respect to the other contracting units category will allow the bidder to indicate if it is willing to provide the item(s) bid upon to other participating contracting units in the system; or if it is not willing to extend prices to other participating units in the systems.

7. The NJWCPS shall advertise for bids or the solicitation of informal quotations and shall receive bids or quotations on behalf of all Participating Contracting Units. Following the receipt of bids, the NJWCPS shall review said bids and on behalf of all Participating Contracting Units, either reject all or certain of the bids or make an award to the lowest responsible bidder or bidders for each separate item. This award shall result in the NJWCPS entering into a master contract with the successful bidder(s)

8. The NJWCPS shall enter into a formal written contract(s), when required by law, directly with the successful bidder(s) only after it has certified the funds available only for its own needs ordered. Each Participating Contracting Unit shall also certify the funds available only for its own needs ordered; enter into a formal written contract, when required by law, directly with the successful bidder(s); issue purchase orders in its own name directly to the successful bidder(s) against said contract; accept its own deliveries; be invoiced by and receive statements from the successful bidder(s); make payment directly to the successful bidder(s); and be responsible for any tax liability. No Participating Contracting Unit in the Cooperative Pricing System shall be responsible for payment for

any items ordered or for performance generally, by any other Participating Contracting Units and shall accordingly be liable only for its own performance and for items ordered and received by it and none assumes any additional responsibility or liability. The provisions of this paragraph shall be quoted or referred to and sufficiently described in all advertisements for bids by the NJWCPS so that each bidder shall be on notice as to the respective responsibilities and liabilities of the Participating Contracting Units. The NJWCPS shall supply the Participating Contracting Units with copies of the specifications, name of successful bidder, prices awarded and the contract identification number. Each Participating Contracting Unit may then order directly from that vendor by purchase order if under the appropriate statutory bid limit or by contract of the governing body or agency if over the appropriate statutory bid limit. The identification number shall be affixed to each purchase order or contract and shown on all forms pertaining thereto.

9. If the lowest responsible bidder declines to extend prices to the Participating Contracting Units all bids shall be rejected and no further bids will be sought by the NJWCPS on behalf of the Participating Contracting Units.

10. A bidder shall not be required or permitted to extend his bid prices to Participating Contracting Units unless he has voluntarily agreed to do so as part of his bid.

11. Nothing in this Agreement shall prevent any Participating Contracting Unit from awarding contracts of purchase, with or without advertising, individually and on its own behalf, provided, however, that invitations for such individual bids shall not be advertised, nor shall bids be received individually, during the period in which the NJWCPS is advertising for and receiving bids for the same goods or services, except in the case of emergency or hardship.

12. No purchase order or contract shall be issued by any Participating Contracting Unit for a price which exceeds any other price available to it from any other such system in which it is authorized to participate or from bids which it has itself received.

13. The NJWCPS reserves the right to exclude any goods or services from within said system if, in its opinion, the pooling of purchasing requirements or needs of the Participating Contracting Units is either not beneficial or not workable.

ADMINISTRATIVE COSTS:

14. The PVSC shall bear all costs associated with administering the Cooperative Pricing system and bidding process including cost of advertising and administration and the Participating Contracting Units shall not be obligated for any part of such expenses.

DURATION AND TERMINATION:

15. This Agreement shall become effective the date executed, subject to the approval of the Director of the Division of Local Government Services and shall continue in effect for a period not to exceed five (5) years from said date or the term of the current approval

unless any party to this Agreement shall give written notice of its intention to terminate its participation at least 30 days prior to the succeeding four (4) years. The NJWCPS may choose to terminate registration of the system no later than 30 days prior to the expiration date of the system. Renewal of the system will be in accordance with the provisions of N.J.A.C. 5:34-17.6, as may be amended.

16. This Agreement and the Cooperative Pricing System will not terminate nor be invalidated by the PVSC or the withdrawal or addition of any Participating Contracting Unit. However, this Agreement and the Cooperative Pricing System shall be terminable and invalidated at the instance of the NJWCPS upon written notice to the Participating Contracting Unit and without recourse against the NJWCPS for any reason or if continuance of the within system becomes unlawful for any reason.

DOCUMENTATION:

17. All records and documents maintained or utilized pursuant to the terms of this Agreement shall be identified by the code number assigned by the Director, Division of Local Government Services, and such other numbers as are assigned by the NJWCPS for purposes identifying each contract and item awarded.

18. This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

19. This Agreement may be executed in several counterparts, each of which, when so executed, shall be deemed to be an original, but such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed the day and year above written.

PASSAIC VALLEY SEWERAGE COMMISSION

BY: _____
GREGORY A. TRAMONTOZZI
EXECUTIVE DIRECTOR, PASSAIC VALLEY SEWERAGE COMMISSION

(SEAL)

ATTEST BY: _____

PASSAIC VALLEY SEWERAGE COMMISSION
MATTHEW F. MURRAY, CLERK

ATTEST: NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

By: _____
Passaic Valley Sewerage Commission

Date: _____

TOWNSHIP OF WEST ORANGE

BY: _____
Robert D. Parisi, Mayor

(SEAL)

ATTEST BY: _____
Karen J. Carnevale, R.M.C., Municipal Clerk



TOWNSHIP OF WEST ORANGE

25 LAKESIDE AVENUE, WEST ORANGE, N.J. 07052

DEPARTMENT OF PUBLIC WORKS

ROBERT D. PARISI

Mayor

Tel: (973) 325-4160

Fax: (973) 669-9588

Email: Engineering@westorange.org

LEONARD R. LEPORE

Director, Municipal Engineer

May 6, 2022

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

RE: **EXTENSION OF CONTRACTS**
TREE REMOVAL SERVICES
EMERGENCY AND NON-EMERGENCY TREE SERVICES
RICH TREE SERVICES, INC.,
SAVATREE (FORMERLY TREE TECH, INC.), AND
DOWNES TREE SERVICE CO., INC.

Mayor Parisi, Council President McCartney, Ladies and Gentlemen:

I request you extend the contracts with Rich Tree Service, Savatree (formerly Tree Tech, Inc.), and Downes Tree Service for Emergency and Non-Emergency Tree Services for 2022 as well as extend the contract for Tree Removal Services for Rich Tree Service and Downes Tree Service for 2022. The contracts were awarded for a one (1) year period commencing January 1, 2020 with an option to renew for an additional two (2) one-year periods for the years 2021 and 2022. Three Resolutions are enclosed for approval.

Very truly yours,

Leonard R. Lepore

Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/tb

cc: John Gross
Richard D. Trenk
Kenneth Kayser
Paula Reynolds
Ron Farr
Rich Tree Service
Savatree
Downes Tree Service

RESOLUTION

WHEREAS by the Township Council of the Township of West Orange, County of Essex, State of New Jersey, that the contract for **TREE REMOVAL SERVICES** in the Township of West Orange, in accordance with the plans and specifications on file in the Engineering Division of the Department of Public Works, dated August 2019, approved by the Township Council, by Resolution No. 265-19 dated November 12, 2019, pursuant to an advertisement duly authorized therefore, awarded to the below named bidder for a one year period commencing January 1, 2020 with an option for two additional one year periods be extended; and

WHEREAS, by Resolution No. 144-21, dated June 22, 2021 the contract was extended for an additional one-year period commencing January 1, 2021; and

WHEREAS, by letter dated May 6, 2022, the Municipal Engineer requests that the contract be extended for an additional one-year period commencing January 1, 2022 to:

RICH TREE SERVICE, INC.

325 BERGEN STREET

SOUTH PLAINFIELD, NEW JERSEY 07080

Who submitted the lowest responsible bid for all six tree sizes specified.

BE IT RESOLVED that the following unit prices be awarded by tree size:

Tree Size	Unit Price
Less than 16"	\$ 50.00
16" – 23"	\$ 370.00
24" – 30"	\$ 750.00
31" – 36"	\$ 950.00
37" – 41"	\$1,575.00
53" +	\$4,200.00
75' Bucket truck, 12 c.y. chipping Body 14" capacity brush chipper and (3) men crew	\$ 250.00/hr.

(1) 7-ton log loading crane and Operator	\$ 80.00/hr.
(1) 2-men brush chipping crew With brush chipper and 12 c.y. Chipper truck	\$ 175.00/hr.
(1) 20 ton 100' tree crane with NJ Certified Operator, Climber and Grounds person	\$ 200.00/hr.
(1) 30 h.p. or larger stump grinder	\$ 50.00/hr.

BE IT FURTHER RESOLVED that this award is subject to a 2022 Budget appropriation for contractual tree services and that the authorization to perform the work specified above is contingent upon the execution of a valid purchase order between the Township and the vendor(s) prior to the commencement of the work.

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

Susan McCartney
Council President

Adopted: May 24, 2022

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

Amount:_____

John Gross, Chief Financial Officer

RESOLUTION

WHEREAS, by the Township Council of the Township of West Orange, County of Essex, State of New Jersey, that the contract for **EMERGENCY AND NON EMERGENCY TREE SERVICES** in the Township of West Orange, in accordance with the plans and specifications on file in the Engineering Division of the Department of Public Works, dated August 2019, approved by the Township Council, by Resolution No. 263-19 dated November 12, 2019, pursuant to an advertisement duly authorized therefore, awarded to the below named bidders for a one year period commencing January 1, 2020 with an option for two additional one year periods be extended; and

WHEREAS, by Resolution 145-21, dated June 22, 2021 the contract was extended for an additional year commencing January 1, 2021; and

WHEREAS, by letter dated May 6, 2022 the Municipal Engineer requests the contract be extended for an additional one-year period commencing January 1, 2022 to:

**RICH TREE SERVICE, INC.
325 BERGEN STREET
SOUTH PLAINFIELD, NEW JERSEY 07080**

As the lowest responsible bidder

**SAVATREE, LLC (FORMERLY TREE-TECH, INC.)
550 BEDFORD ROAD
BEDFORD HILLS, NY 10507**

As the second lowest bidder

AND

**DOWNES TREE SERVICE CO., INC.
65 ROYAL AVENUE
HAWTHORNE, NEW JERSEY 07505**

As the third lowest bidder

Who submitted the lowest responsible bid

WHEREAS, the following unit prices submitted by Rich Tree Service, Inc. be used for work associated with their contracts:

DESCRIPTION	EMERGENCY HOURLY RATE	NON-EMERGENCY HOURLY RATE
75' Bucket truck, 12 c.y. chipping Body 14" capacity brush chipper and (3) men crew	\$ 250.00/hr.	\$ 200.00/hr.
(1) 7-ton log loading crane and Operator	\$ 80.00/hr.	\$ 75.00/hr.
(1) 2-men brush chipping crew With brush chipper and 12 c.y. Chipper truck	\$ 175.00/hr.	\$ 125.00/hr.
(1) 20 ton 100' tree crane with NJ Certified Operator, Climber and Grounds person	\$ 200.00/hr.	\$ 150.00/hr.
(1) 30 h.p. or larger stump grinder	\$ 50.00/hr.	\$ 50.00/hr.
TOTALS	\$ 755.00	\$ 600.00

WHEREAS, the following unit prices submitted by Savatree, LLC (formerly Tree Tech, Inc.) be used for work associated with their contract:

DESCRIPTION	EMERGENCY HOURLY RATE	NON-EMERGENCY HOURLY RATE
75' Bucket truck, 12 c.y. chipping Body 14" capacity brush chipper and (3) men crew	\$ 275.00/hr.	\$ 255.00/hr.
(1) 7-ton log loading crane and Operator	\$ 125.00/hr.	\$ 120.00/hr.
(1) 2-men brush chipping crew With brush chipper and 12 c.y. Chipper truck	\$ 185.00/hr.	\$ 170.00/hr.
(1) 20 ton 100' tree crane with NJ Certified Operator, Climber and Grounds person	\$ 315.00/hr.	\$ 290.00/hr.
(1) 30 h.p. or larger stump grinder	\$ 105.00/hr.	\$ 105.00/hr.

TOTALS	\$ 1,050.00	\$ 940.00
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WHEREAS, the following unit prices submitted by Downes Tree Service Co., Inc., be used for work associated with their contract:

DESCRIPTION	EMERGENCY HOURLY RATE	NON-EMERGENCY HOURLY RATE
75' Bucket truck, 12 c.y. chipping Body 14" capacity brush chipper and (3) men crew	\$ 300.00/hr.	\$ 265.00/hr.
(1) 7-ton log loading crane and Operator	\$ 125.00/hr.	\$ 125.00/hr.
(1) 2-men brush chipping crew With brush chipper and 12 c.y. Chipper truck	\$ 190.00/hr.	\$ 160.00/hr.
(1) 20 ton 100' tree crane with NJ Certified Operator, Climber and Grounds person	\$ 350.00/hr.	\$ 300.00/hr.
(1) 30 h.p. or larger stump grinder	\$ 125.00/hr.	\$ 100.00/hr.
TOTALS	\$ 1,090.00	\$ 950.00

BE IT RESOLVED that this award is subject to a 2022 appropriation for contractual tree services and that the authorization to perform the work specified above is contingent upon the execution of a valid purchase order between the Township and the vendor(s) prior to the commencement of the work.

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

Susan McCartney
Council President

Adopted: May 10, 2022

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

Amount:_____

John Gross, Chief Financial Officer

RESOLUTION

WHEREAS, by the Township Council of the Township of West Orange, County of Essex, State of New Jersey, that the contract for **TREE REMOVAL SERVICES** in the Township of West Orange, in accordance with the plans and specifications on file in the Engineering Division of the Department of Public Works, dated August 2019, approved by the Township Council, by Resolution No. 264-19 dated November 12, 2019, pursuant to an advertisement duly authorized therefore, awarded to the below named bidder for a one year period commencing January 1, 2020 with an option for two additional one year periods be extended; and

WHEREAS, by letter dated May 6, 2022, the Municipal Engineer requests that the contract be extended for an additional one-year period commencing January 1, 2022 to:

DOWNES TREE SERVICE, INC.

65 ROYAL AVENUE

HAWTHORNE, NEW JERSEY 07506

Who submitted the lowest responsible bid for all six tree sizes specified.

BE IT RESOLVED that the following unit prices be awarded by tree size:

Tree Size	Unit Price
42" – 45"	\$2,400.00
46" – 52"	\$2,800.00
49" – 52"	\$3,350.00
75' Bucket truck, 12 c.y. chipping Body 14" capacity brush chipper and (3) men crew	\$ 285.00/hr.
(1) 7-ton log loading crane and Operator	\$ 125.00/hr.
(1) 2-men brush chipping crew	\$ 180.00/hr.

With brush chipper and 12 c.y.
Chipper truck

(1) 20 ton 100' tree crane with \$ 300.00/hr.
NJ Certified Operator, Climber and
Grounds person

(1) 30 h.p. or larger stump grinder \$ 100.00/hr.

BE IT FURTHER RESOLVED that this award is subject to a 2022 Budget appropriation for contractual tree services and that the authorization to perform the work specified above is contingent upon the execution of a valid purchase order between the Township and the vendor(s) prior to the commencement of the work.

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

Susan McCartney
Council President

Adopted: May 10, 2022

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

Amount:_____

John Gross, Chief Financial Officer

**RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM**

**A RESOLUTION AUTHORIZING THE TOWNSHIP OF WEST ORANGE
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Hunterdon County Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on 05.24.2022 the governing body of the Township of West Orange, County of Essex State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE

This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Township of West Orange

AUTHORITY

Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

BY:

Susan McCartney, Council President

ATTEST BY:

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



Hunterdon County Educational Services Commission

37 Hoffmans Crossing Road
Califon, New Jersey 07830

Phone: 908-439-4280 Fax: 908-975-3753

Marie Gorey/ Superintendent x4500
Corinne Steinmetz, SBA/Board Secretary x4501
Doreen Pirozzi, Purchasing Manager x1513

COOPERATIVE PRICING AGREEMENT

This agreement, made and entered into this ____ day of _____, 20__, by and between the Board of Directors of Hunterdon County Educational Services Commission, referred to as the "Lead Agency" and various governing boards, authorities, commissions and other governmental contracting units within the State of New Jersey.

WITNESSETH

WHEREAS, the Lead Agency is conducting a voluntary Cooperative Pricing System with boards of education, municipalities, and other types of public bodies located within the State of New Jersey, utilizing the Lead Agency's administrative purchasing services and facilities in order to effect substantial economies in the purchase of work, materials and supplies; and

WHEREAS, the Cooperative Pricing System is authorized by N.J.S.A. 40A: 11-11 and has been approved by the Division of Local Government Services in the Department of community Affairs pursuant to N.J.A.C. 5:34-7.1 et seq., and

WHEREAS, all the parties hereto shall approve this Agreement by Ordinance or Resolution, as appropriate, in accordance with the aforesaid statute; and

NOW, THEREFORE, it is mutually agreed as follows:

- 1) The work, materials or supplies to be priced cooperatively may include fuels, office supplies, paper products, instructional materials and equipment, vehicles, modulars and such other items and services as two or more participating contracting units in the system agree can be purchased on a cooperative basis.*
- 2) Upon approval of the Cooperative Pricing System and during each January thereafter, the Lead Agency shall publish a legal ad in such format as required by the State Division of Local Government Services in a newspaper normally used for such purpose by it, to include such information required by N.J.A.C. 5:34-7.9. as may be amended from time to time, including:*

- a. *The name of the participating contracting unit, and*
 - b. *The name of the Lead Agency soliciting competitive bids or informal quotations, and*
 - c. *The address and telephone number of Lead Agency, and*
 - d. *The State Identification Code for the Cooperative Pricing System, and*
 - e. *The expiration date of the Cooperative Pricing Agreement.*
- 3) *Each of the participating contracting units shall indicate, in writing to the Lead Agency, the items to be purchased by the contracting unit, the approximate quantities desired, the location for delivery and other such requirements necessary for the Lead Agency to prepare specifications as provided by law. Although the Lead Agency endeavors to serve the needs of all registered members of the Cooperative Pricing System, the Lead Agency may not be able to prepare specifications and/or solicit bids for all projects and makes no such guarantee.*
- 4) *The specifications shall be prepared and approved by the Lead Agency and filed as required by law, and no changes shall thereafter be made except as permitted by law. Nothing herein shall be deemed to prevent changes in specifications for subsequent purchases.*
- 5) *A single advertisement for bids/proposals or the solicitation of informal quotations for the work, materials or supplies to be purchased shall be presented by the Lead Agency on behalf of all registered members desiring to purchase any item in the Cooperative Pricing System. All advertisements and solicitations shall be made in compliance with the Public School Contracts Law.*
- 6) *The Lead Agency shall receive bids or quotations on behalf of all participating contracting units. The Lead Agency shall review said bids and, on behalf of all registered members, either reject all bids, or award a contract in compliance with the Public School Contract Law and the specifications. This award shall result in the Lead Agency entering into a master contract with the successful bidder(s) providing for two categories of purchases:*
 - a. *The quantities ordered for the Lead Agency's own needs, and*
 - b. *The estimated aggregate quantities to be ordered by other participating contracting units by separate contract, subject to the specifications and prices set forth in the Lead Agency's overall (master) contract.*

The Lead Agency shall enter into a formal written contract(s) directly with the successful bidder(s) when required by law and, only after the Lead Agency has certified the funds available only for its own needs.

Each registered member shall: (1) certify that it has the funds available necessary for its own order(s) from the Cooperative Pricing System; (2) enter into a formal written contract directly with the successful bidder(s) when required by law and the project specifications; (3) issue purchase orders in its own name directly to the successful bidder(s) against said contract; (4) accept its own deliveries; (5) be invoiced by and receive statements from the successful bidder(s) and (6) be responsible for any tax liability. No registered member shall be responsible for payment for any items ordered or for performance generally, by or to any other registered member. Each registered member shall accordingly be liable only for its own performance and for items ordered and received by it.

The provisions of this paragraph shall be quoted or referred to and sufficiently described in all advertisements for bids by the Lead Agency so that each bidder shall be on notice as to the respective responsibilities and liabilities of the registered members.

- 7) Nothing in this Agreement shall prevent any registered member from awarding contracts of purchase, individually and on its own behalf, with or without advertising, except that invitations for such individual bids shall not be advertised nor bids be received during the period in which the Lead Agency is advertising for and receiving bids for the same items or commodities other than, in the case of the registered member's emergency or hardship.*
- 8) The Lead Agency reserves the right to exclude any item or commodity from within said system if, in its opinion, the pooling of purchasing requirements or needs of the participating contracting units is either not beneficial or not workable as to the Lead Agency or the registered members..*
- 9) The Lead Agency shall appropriate sufficient funds to enable it to perform the administrative responsibilities assumed pursuant to this Agreement. It is understood that all fees for each participating contracting unit are paid to the Lead Agency by the successful bidder(s) with the exception of the fuel participation. This amount shall be paid forty-five (45) days from the receipt of billing from the Lead Agency.*
- 10) This agreement shall become effective upon approval of the Director of the Division of Local Government Services and shall continue in effect for a period of five (5) years pursuant to N.J.A.C. 5:34-7.5(f), or until a party to this Agreement shall give written notice of its intention to terminate its participation in the Cooperative Pricing System..*
- 11) All records or documents maintained or utilized pursuant to terms of this Agreement shall be identified by the code number assigned by the Director, Division of Local Government Services and such other numbers as are assigned by the Lead Agency for purposes of identifying each contract and item awarded.*

- 12) Additional local contracting units may from time to time, execute this Agreement by means of a Rider annexed hereto, which addition shall not invalidate this agreement with respect to other signatories. The Lead Agency is authorized to execute the Rider on behalf of the members of the System.
- 13) This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed by their authorized corporate officers and their respective seals to be hereto affixed.

GOVERNING BOARD / BOARD OF EDUCATION

DISTRICT/MUNICIPALITY: _____

ATTEST: _____
Municipal Clerk

BY: _____
Mayor

DATE: _____

**LEAD AGENCY
HUNTERDON COUNTY EDUCATIONAL SERVICES COMMISSION**

ATTEST: _____
Secretary to the Board

BY: _____
Board President

DATE: _____

RESOLUTION
ABANDONED CAR AUCTION

Vehicles in violation, accidents, and/or abandoned will be towed off the street by a licensed Towing Company designated by the Township. The Township is authorized to sell at Public Auction unclaimed vehicles pursuant to State and Local Laws.

BE IT RESOLVED, by the Township Council of the Township of West Orange that the following recovered motor vehicles will be sold at Public Auction as described below:

The Purchasing Agent is hereby authorized to sell Five (5) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of the sale is Tuesday June 14, 2022 at 2:00 PM in following location:

Twin Towing
1 Lakeside Avenue
West Orange, NJ 07052

The Purchasing Agent is hereby authorized to sell Fifteen (15) transferable vehicle title(s) in the manner set forth in N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157. Date and time of the sale is Tuesday June 14, 2022 at 3:00 PM in following location:

Select Towing
52 Washington Street
West Orange, NJ 07052

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

Susan McCartney
Council President

Adopted: May 24, 2022

Advertisement**ABANDONED CAR AUCTION NOTICE**

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday June 14, 2022 at 2:00 pm prevailing time, the vehicles listed below. The sale will be held and vehicles may be inspected at Twin Towing, Inc., 1 Lakeside Avenue, West Orange, NJ 07052.

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2014	HYU	5NPEB4AC3EH889676
2010	GOS	1FDDE4FL4ADA34923
2010	GOS	1FDDE4FL0ADA34921
2006	CHR	1C3EL55R56N287806
2002	NIS	1N4BL11D22C181844

In accordance with N.J.S.A. 39:10A-1 and N.J.S.A. 40A:14-157 the Township of West Orange will hold for sale at public auction on Tuesday June 14, 2022 at 3:00 pm prevailing time, the vehicles listed below. The sale will be held and vehicles may be inspected at Select Towing, 52 Washington Street, West Orange, NJ 07052.

<u>YEAR</u>	<u>MAKE</u>	<u>VEHICLE ID</u>
2010	DOD	2B3CA3CV6AH231714
2012	DOD	1C3CDZABXCN227486
2000	FORD	3FDXF46F4YMA13256
2006	BMW	WBAVB335X6AZ86906
2007	PON	2G2WC55C071201482
2004	FORD	1FMYU93175KC79972
2008	CHR	2A8HR44H18R721017
2002	KIA	KNDUP131826206531
2015	NIS	3N1CN7AP9FL919836
2004	FORD	1FAFP53284A157457
2005	HON	1HGCM72555A019066
2004	CHE	1GNDS13S342306643
2004	CAD	1G6DM577140181429
2013	FOR	2FMHK6C82DBD36718
2000	DOD	1B4GT44L3YB620470

All of the above vehicles shall be sold as transferable titles. Sales are subject to payment of all accumulated towing and storage charges. A 25% deposit will be required in cash and the balance payable in payable in 24 hrs. Vehicles will be removed from the storage premises at buyer's expense within 48 hours of the sale date.

Panayiota Reynolds
Purchasing Agent

RESOLUTION

WHEREAS, the Township has authorized the issuance of bonds with regard to the library redevelopment project at 10 Rooney Circle in the Township (“New Library”); and

WHEREAS, the Township has been the successful recipient of Library Bond Grant Funds from the State of New Jersey; and

WHEREAS, the Library Board and its Executive Director have been working closely with the Township concerning the New Library (“New Library Project”); and

WHEREAS, Arcari Iovino, AIA, PP, LEED of Little Ferry, New Jersey is serving as the architect with regard to the New Library Project (“Architect”); and

WHEREAS, the Architect designed the bid specifications with regard to the New Library Project; and

WHEREAS, on January 14, 2022, the Township issued the bid specifications for the New Library Project; and

WHEREAS, on March 10, 2022, the Township received ten (10) initial bids for the New Library Project; and

WHEREAS, the Architect recommended a rebid be conducted; and

WHEREAS, the Chief Financial Officer concurred with the Architect after conferring with the Library Board Attorney, the Township Attorney and the Township Engineer; and

WHEREAS, on April 26, 2022, the Township Council adopted Resolution No. 106-22 rejecting the initial bids and authorizing a re-bid for the New Library Project; and

WHEREAS, on May 12, 2022, the Township received seventeen (17) new bids for the New Library Project; and

WHEREAS, on May 16, 2022, Arcari & Iovino Architects PC evaluated the bids and issued a report which recommends that H&S Construction & Mechanical be awarded the contract based upon its lowest responsible bid of \$4,846,000 plus Alternate #1 at \$229,000 for a total of \$5,075,000 which report is annexed hereto (“Architect Report”);

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange awards the New Library Project to H&S Construction & Mechanical for \$5,075,000 subject to the terms and conditions of the bid specifications.

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

Susan McCartney
Council President

Adopted: May 24, 2022



Celebrating our 30th year!
1992 – 2022

May 16, 2022

John Gross, Business Administrator
Township of West Orange
66 Main Street
West Orange, NJ 07052

**RE: West Orange Public Library – Interior Renovations (Re-Bid)
Bidder Evaluation**

Dear Mr. Gross:

We have evaluated the bid packages obtained from the **Bid Opening held on May 12, 2022**, for the West Orange Public Library Renovations project. The bid results are attached for your reference.

We have reviewed the Bid Package of the low bidder **H & S Construction & Mechanical** and we found them to be responsive in their bid. We have checked the current "Debarred List" by the New Jersey Department of Labor, and they are not currently debarred. We have confirmed that they are "Registered Contractors" with the New Jersey Department of Labor.

It is our opinion that H & S Construction & Mechanical is the Lowest Responsible Bidder. Of course, you as "Owner" have the final choice in this matter.

We hope that our review has assisted you in your decision. Please feel free to contact us for additional information if needed.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Iovino".

Anthony Iovino, AIA, PP, LEED
Arcari + Iovino Architects, P.C.

CC: David Cubie, Library Director

One Katherine Street
Little Ferry, NJ 07643

201.641.0600

www.aiarchs.com

Edward Arcari, AIA, PP
Anthony Iovino, AIA, PP



arcari + iovino



ARCHITECTS PC

Project: W. Orange Library

Opening: May 12, 2022

Time: 11:00

Bidder	Base Bid	Alternate #1
A&M Contracting		
Alexander the Great (ATG)	5,024,777.00	272,850.00
Apex Enterprises	5,555,000.00	310,000.00
APS Contracting		
Belmont Construction	5,880,000.00	390,000.00
Bismark Construction Corp.	5,370,000.00	110,000.00
Brahma Construction Corp.	5,695,000.00	284,270.00
C.M.G. Group, Inc.		
Crosson Construction Co.		
Daskal, LLC	5,745,000.00	212,000.00
GPC Inc.	5,225,000.00	325,000.00
Grove Contracting	5,648,100.00	330,000.00
① H & S Construction & Mechanical	4,846,000.00	229,000.00
M&M Construction Co.	5,480,000.00	425,000.00
③ Mark Construction	4,913,000.00	403,000.00
Molba Construction	5,475,573.00	346,725.00
Northeastern Interior Services	5,288,000.00	391,000.00
Ochoa Enterprises, LLC		
Pal-Pro Builders, LLC	4,980,000.00	380,000.00
Premier Building & Construction Mgmt		

Bidder	Base Bid	Alternate #1
Prime City Bldg & Maintenance		
R.J. Michaels & Co.		
② S. Houran USA Contractors, LLC	4,850,000.00	500,000.00
Shorelands Construction Inc.	5,972,000.00	277,000.00
T & A Carpentry & Home Restoration		
The Bennett Company		
ZN Construction LLC	5,794,000.00	430,000.00

vendor	Base	Alt	Total	base	base/alt
H&S	\$ 4,846,000.00	\$ 229,000.00	\$ 5,075,000.00	1	1
Mark	\$ 4,913,000.00	\$ 403,000.00	\$ 5,316,000.00	3	3
Houran	\$ 4,850,000.00	\$ 500,000.00	\$ 5,350,000.00	2	
ATG	\$ 5,024,777.00	\$ 272,850.00	\$ 5,297,627.00		2
apex	\$ 5,555,000.00	\$ 310,000.00	\$ 5,865,000.00		
belmont	\$ 5,880,000.00	\$ 390,000.00	\$ 6,270,000.00		
Bismark	\$ 5,370,000.00	\$ 110,000.00	\$ 5,480,000.00		
brahma	\$ 5,695,000.00	\$ 284,270.00	\$ 5,979,270.00		
daskal	\$ 5,745,000.00	\$ 212,000.00	\$ 5,957,000.00		
gpc	\$ 5,225,000.00	\$ 325,000.00	\$ 5,550,000.00		
grove	\$ 5,648,100.00	\$ 330,000.00	\$ 5,978,100.00		
m&m	\$ 5,480,000.00	\$ 425,000.00	\$ 5,905,000.00		
molba	\$ 5,475,573.00	\$ 346,725.00	\$ 5,822,298.00		
northeastern	\$ 5,288,000.00	\$ 391,000.00	\$ 5,679,000.00		
pal-pro	\$ 4,980,000.00	\$ 380,000.00	\$ 5,360,000.00		
shorelands	\$ 5,972,000.00	\$ 277,000.00	\$ 6,249,000.00		
zn cont	\$ 5,794,000.00	\$ 430,000.00	\$ 6,224,000.00		

New Jersey Public Works Registered Contractors

WAGE AND HOUR DISCLAIMER: This list of registered Public Works contractors and subcontractors is provided for informational purposes only. The New Jersey Department of Labor and Workforce Development, Wage & Hour Division and Contract Compliance makes the official Public Works Contractor Registration status determinations. For specific and current registration information status, contact Wage & Hour Division and Contract Compliance at pwcr@dol.nj.gov or 609-292-9464.

Search Business Name

Registration Date

☐

☐

Address

City

State

Zip Code

Certificate #

1

of Contractors

↶

Reset

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Map View

Contractors with Crafts

Business Name	Reg. Date	Exp. Date	Address	City	State	Zipcode	County	Certificate #
H&S Construction & Mechanical, Inc.	05/04/2021	05/03/2023	721 Bayway Ave	Elizabeth	NJ	07202	Union	614443



TOWNSHIP OF WEST ORANGE

25 LAKESIDE AVENUE, WEST ORANGE, N.J. 07052

DEPARTMENT OF PUBLIC WORKS

ROBERT D. PARISI

Mayor

Tel: (973) 325-4160

Fax: (973) 669-9588

Email: Engineering@westorange.org

LEONARD R. LEPORE

Director, Municipal Engineer

142-22

May 18, 2022

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

RE: **AWARD OF PROFESSIONAL SERVICES CONTRACT**
MINISH PARK (AKA LANCASTER PARK)
IMPROVEMENTS FOR NEW COMMUNITY GARDEN, BALLFIELD
UPGRADES AND COVID-19 MEMORIAL

Mayor Parisi, Council President Susan McCartney and Council Members,

On Monday, May 2, 2022 the Township received two responses to the Request for Proposals issued April 6, 2022 for Minish Park (AKA Lancaster Park) Improvements for New Community Garden, Ballfield Upgrades and Covid-19 Memorial.

A summary of the responses for the project is as follows:

- | | |
|--|-------------|
| 1. CME Associates
1460 Route 9 South
Howell, NJ 07731 | \$43,000 |
| 2. Suburban Consulting Engineers, Inc.
96 US Highway 206, Suite 101
Flanders, NJ 07836 | \$46,200 |
| 3. Greenman- Pedersen Inc.
301 Gibraltar Drive, Suite 2A
Morris Plains, NJ 07050 | No Response |
| 4. Crew Engineers, Inc
1250 Route 23 North
Butler, NJ 07405 | No Response |

5. T&M
1455 Broad Street, Suite 250
Bloomfield, NJ 07003

No Response

Based on my review of the responses from the two firms, I recommend you award a Professional Services Contract to CME Associates, 1460 Route 9 South, Howell, NJ 07731 in the amount of \$43,000. CME Associates responded to the Townships RFQ for 2022 for Professional Services.

Attached, is a Resolution awarding Professional Services Contracts to CME Associates, 1460 Route 9 South, Howell, NJ 07731 in the amount of \$43,000 for services described in their proposal dated May 2, 2022.

Please contact me if you have any questions. Copies of the RFP and a copy of the response are enclosed.

Very truly yours,
Leonard R. Lepore
Leonard R. Lepore, Municipal Engineer
Director of Public Works

LRL/ZYC/az
cc: John Gross
CME Associates

R E S O L U T I O N

WHEREAS, the Township of West Orange proposes Minish Park (A.K.A. Lancaster Park) Improvements for a New Community Garden, Ballfield Upgrades and a Covid-19 Memorial; and

WHEREAS, to design and specify these improvements the Township requires the services of a professional engineering firm and land surveying firm; and

WHEREAS, the Township Engineer prepared a Request for Proposals dated April 6, 2022 for these professional design services; and

WHEREAS, the Township Engineer solicited a proposal from five professional engineering and land surveying firms; and

WHEREAS, CME Associates, responded to the Request for Proposal; and

WHEREAS, CME Associates have performed similar work for the Township on several projects and their work quality is very good; and

WHEREAS, by letter dated May 18, 2022 the Township Engineer recommended a professional services contract be awarded to CME Associates, 1460 Route 9 South, Howell, NJ 07731 for a complete bid package including design plans, specifications and bid documents; and

WHEREAS, CME Associates responded to the Township's Request for Qualifications for Professional Services for 2022; and

WHEREAS, sufficient funds exist for the services outlined in the proposal of CME Associates; and

WHEREAS, the Township Council concurs in the foregoing.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange, New Jersey that a professional services contract be awarded to CME Associates to provide professional engineering services for Minish Park (A.K.A Lancaster Park) improvements for the reconstruction for a New Community Garden, Ballfield Upgrades and a Covid-19 in the amount of \$43,000.

BE IT FURTHER RESOLVED that a copy of this Resolution be published in the West Orange Chronicle within ten (10) days of its approval as required by State Statute.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: May 24, 2022

I hereby certify funds are available from:

ACCOUNT NO.
2020 Capital Improvements
03 2610 20 0400 150
\$43,000

John Gross, Chief Financial Officer

RESOLUTION

WHEREAS, an application has been submitted by August Santore on behalf of Garden State Fireworks, Inc., P.O. Box 403, 383 Carlton Road, Millington, New Jersey 07946 (“Garden State Fireworks”) to hold a fireworks exhibition to celebrate the Juneteenth holiday at the Rock Spring Golf Course on June 17, 2022; and

WHEREAS, all of the necessary documentation has been submitted to the Township Clerk, on an Application for Permission to Conduct Fireworks Display (the “Application”), as required by State and local law; and

WHEREAS, the Application indicates that Garden State Fireworks will provide and supervise the fireworks display; and

WHEREAS, the Application has been reviewed and approved by the Township Fire Official, and confirms that a Certificate of Insurance naming the Township as an additional insured has been provided;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE that the Garden State Fireworks be and is hereby granted permission to conduct a firework display on June 17, 2022 at the Rock Spring Golf Course; subject to the directives of the Fire Official, or his designees.

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

Susan McCartney
Council President

Adopted: May 24, 2022



West Orange Fire Department

Fire Prevention Bureau

415 Valley Road, West Orange, New Jersey 07052

(973) 325-4175 Fax (973) 669-1080

fireprev@westorange.org

APPLICATION FOR PERMIT

The Uniform Fire Code states:

"Permits shall be required and obtained from the local enforcing agency for the activities specified in this section, except where they are an integral part of a process or activity by reason of which a use is required to be registered and regulated as a life hazard use. Permits shall at all times be kept in the premises designated therein and shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the Fire Official." [N.J.A.C. 5:70-2.7(a)]

Applicant Name: August N. Santore AUGUST SANTORE Today's Date: MAY 5, 2022

Organization/Company/Vendor Name: GARDEN STATE FIREWORKS

Address of Organization/Company/Vendor: 383 CARLTON ROAD MILLINGTON, NJ 07946

Phone No. 908-647-1086

Fax No. 908-647-6258

Emergency Contact No. 908-464-1080

Block/Lot No. _____

Registration No. _____

Fed ID No. _____

Location of Activity: ROCK SPRING CLUB GROUNDS

Date of Activity: JUNE 17, 2022

Time of Activity: _____

The above named applicant hereby requests permission to conduct the following activity at the above indicated location:

FIREWORKS DISPLAY

For keeping, storage, occupancy, sale, handling or manufacture of the following items:

1.3G FIREWORKS UN0335

State quantities for each category to be stored or used. State the method of storage and uses.

SEE LIST OF MATERIALS. FIREWORKS WILL BE KEPT ON LOCKED DELIVERY TRUCKS UNTIL LOADED.

I hereby acknowledge that I have read this application, that the information given is correct and that I am the owner, or duly authorized to act on the owner's behalf, and as such hereby agree to comply with the applicable requirements to the Fire Code, Township Ordinance, as well as any specific conditions imposed by the Fire Official.

August N. Santore
Applicant Signature

Fire Official Signature

Fee Amount

Permit Type

1. Bonfires;
2. The use of a torch or flame-producing device to remove paint from, seal membrane roofs on, any building or structure;
3. The occasional use of any non-residential occupancy other than Use Groups F, H or S for group overnight stays of persons over 2 ½ years of age, in accordance with section F-709.0 of the Fire Prevention Code;
4. Individual portable kiosks or displays when erected in a covered mall for a period of less than 90 days and when not covered by a Type 2 Permit;
5. The use of any open flame or flame producing device, in connection with any public gathering, for purposes of entertainment, amusement or recreation;
6. Welding and cutting operations except where the welding and cutting is performed in areas approved for welding and is registered as a Type B Life Hazard Use;
7. The possession or use of explosives or blasting agents, other than model rocketry engines regulated under N.J.A.C. 12:194;
8. The use of any open flame or flame-producing device in connection with the training of non-fire service personnel in fire suppression or extinguishment procedures;
9. The occasional use in any building of a multipurpose room with a maximum permitted occupancy of 100 or more for amusement, entertainment or mercantile type purposes;
10. The storage or handling of class I Flammable Liquids in closed containers of aggregate amounts of more than 10 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building;
11. The storage or handling of Class II or IIIA Combustible Liquids in closed containers of aggregate amounts of more than 25 gallons, but not more than 660 gallons inside a building, or more than 60 gallons, but not more than 660 gallons outside a building;
12. Any permanent cooking operation that requires a suppression system in accordance with N.J.A.C. 5:70-4.7(g) and is not defined as a Life Hazard Use in accordance with N.J.A.C. 5:70-2.4;
13. The use as a place of public assembly for a total of not more than 15 days in a calendar year, of a building classified as a Commercial Farm Building under the Uniform Construction Code.
14. The temporary use of any building or portion thereof as a special amusement building for a total of not more than 15 days in a calendar year.
15. The erection, operation or maintenance of any tent, tensioned membrane structure or canopy, excluding those used for recreations camping purposes, that meets the criteria in (a) 3xvi (1) or (2) below shall require a Type 1 Permit. Tents, tensioned membrane structures or canopies greater than 16,800 square feet in area and greater than 140 feet in any dimensions, whether one unit or composed of multiple units; remaining in place for more than 180 days; used or occupied between December 1 and March 31; having a permanent anchoring system or foundation; or

TYPE 1 PERMIT - \$54.00 (CONTINUED)

containing platforms or bleachers greater than 11 feet in height shall be subject to the permitting requirements of the Uniform Construction Code (N.J.A.C. 5:23-2.14).

- (1) The tent, tensioned membrane structure or canopy is greater than 900 square feet and more than 30 feet in any dimension whether it is one unit or composed of multiple units, but 16,800 square feet or less in area and 140 feet or less in any dimension, whether it is one unit or composed of multiple units.
 - (2) The tent, tensioned membrane structure, or canopy contains platforms or bleachers 11 feet or less in height;
16. The erection, operation or maintenance of any outdoor combustible maze shall require a Type 1 Permit if the outdoor combustible maze is less than six (6) feet in height and does not contain electrical equipment. Outdoor combustible mazes that are six (6) feet or greater in height or contain electrical equipment shall be subject to the permitting requirements of N.J.A.C. 5:23-2.14;
- (1) For the purposes of applying this requirement, an outdoor combustible maze is an attraction that lacks a roof and is designed to disorient patrons, reduce vision, present barriers or otherwise impede the flow of traffic and does not consist solely of living rooted plants such as corn stalks or trees, but includes mazes created from plants that have been cut and attached to an object to support them.
 - (A) Mazes consisting solely of living, rooted plants, such as corn stalks or trees, may be repaired using cut, replacement plants that are otherwise the same as those of which the maze is created without the need for a permit.
 - (B) No permit shall be required for mazes up to 42 inches in height created of bales of hay or straw.

TYPE 2 PERMIT - \$214.00

1. Bowling lane resurfacing and bowling pin refinishing involving the use and application of flammable liquids or materials;
2. Carnivals and circuses employing mobile structure used for human occupancy;
3. The use of a covered mall in any of the following manners:
 - (a) Placing or constructing temporary kiosks, display booths, concession equipment or the like in more than 25 percent of the common area of the mall;
 - (b) Temporarily using the mall as a place of assembly;
 - (c) Using open flame or flame devices;
 - (d) Displaying liquid or gas fueled powered equipment; or
 - (e) Using liquefied petroleum gas, liquefied natural gas and compressed flammable gas in containers exceeding 5 pound capacity.
4. Storage outside of buildings of LP-Gas cylinders when a part of a Cylinder Exchange Program.

TYPE 3 PERMIT - \$427.00

1. Industrial processing ovens or furnaces operating at approximately atmospheric pressure and temperature not exceeding 1400 degrees Fahrenheit which are heated with oil and gas fuel or which contain flammable vapors from the product being processed;
2. Any wrecking yard or junk yard; or
3. The storage or discharge of fireworks.

TYPE 4 PERMIT - \$641.00

1. Storage or use at normal temperature and pressure or more than 2000 cubic feet of flammable compressed gas or 6000 cubic feet of non-flammable compressed gas;
2. The production or sale of cryogenic liquids; the storage or use of more than 10 gallons of liquid oxygen, flammable cryogenic liquids or cryogenic oxidizers; or the storage of more than 500 gallons of non-flammable, non-toxic, cryogenic liquids;
3. The storage, handling and processing of flammable, combustible and unstable liquids in closed containers and portable tanks in aggregate amounts of more than 660 gallons;
4. To store or handle (except medicines, beverages, foodstuffs, cosmetics and other common consumer items, when packaged according to commonly accepted practices):
 - (a) More than 55 gallons of corrosive liquids;
 - (b) More than 500 pounds of oxidizing materials;
 - (c) More than 10 pounds of organic peroxides;
 - (d) More than 500 pounds of nitro methane;
 - (e) More than 1000 pounds of ammonium nitrate;
 - (f) More than one microcurie of radium not contained in a sealed source;
 - (g) More than one millicurie of radium or other radiation material in a sealed source or sources;
 - (h) Any amount of radioactive material for which the specific license from the Nuclear Regulator Commission is required; or
 - (i) More than 10 pounds of flammable solids.
5. The melting, casting, heating, treating, machining or grinding of more than 10 pounds of magnesium per working day;

TYPE 5 PERMIT - \$ RESERVED AMOUNT

RESERVED.

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

WHEREAS, certain West Orange property owners or their mortgage company have made a duplicate payment;

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

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

<u>Block</u>	<u>Lot</u>	<u>Name & Address</u>	<u>Amount</u>
176.09	9	PHH Mortgage 1 Mortgage Way Mount Laurel, NJ 08054	\$ 7,336.00
152.03	15	Andrew Chan 67 Nicholas Ave West Orange, NJ 07052	\$ 667.00
158.01	53.07	Derek Ho 44 Ridgeway Ave West Orange, NJ 07052	\$ 3,852.00
52.04	4	Katherine Cho or Patrick Fischer 30 Undercliff Terrace West Orange, NJ 07052	\$ 4,656.00
80.01	25	Jonathan Selikoff 2 North Cobane Terrace West Orange, NJ 07052	\$ 3,853.00
94	12.03	Dean Cerio 10 Forest Way West Orange, NJ 07052	\$ 8,464.00

137	28		Corelogic PO Box 9202 Coppell, TX 75019	\$ 2,344.00
166.15	5	C0055	Andre Rosalind 55 Glenview Drive West Orange, NJ 07052	\$ 8,464.00
120.01	8		Corelogic PO Box 9202 Coppell, TX 75019	\$ 1,942.00

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

Susan McCartney
Council President

Adopted: May 24, 2022

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

John Gross, Chief Financial Officer

REFUND OF HOMESTEAD REBATE TO 100% DISABLED VETERAN

WHEREAS, a Homestead Rebate Credit for the year 2018 taxes was applied to the properties listed below in 2022; and

WHEREAS, the homeowners were declared as 100% Disabled Veterans and are exempt from paying taxes; and the refunds are due to the homeowners;

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

<u>Block</u>	<u>Lot</u>	<u>Name & Address</u>	<u>Amount</u>
55.07	10	Patrick Durkin 21 Gilbert Place West Orange, NJ 07052	\$ 500.00
168.07	20	Florian Mihai 7 Powell Drive West Orange, NJ 07052	\$ 1,000.00
		Total:	\$1,500.00

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

Susan McCartney
Council President

Adopted: May 24, 2022

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

John Gross, Chief Financial Officer

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

WHEREAS a special assessment payment was made on October 20, 2021 for Block 101.02 Lot 1.01, Glen Ave;

WHEREAS, the payment created an overpayment in the amount of \$125.62;

WHEREAS, the homeowner has requested that the overpayment be refunded to them.

NOW, THEREFORE BE IT RESOLVED by the West Orange Township Council that the Collector of Taxes and Treasurer of West Orange, be and they are hereby authorized, empowered and directed to cause to be paid to the homeowners the tax refund due:

Address	Glen Ave			
Block	101.02			
Lot	1.01			
Year	Paid	Due	Balance	Date Paid
2021	\$ 1,198.03	\$ 1,072.41	\$ (125.62)	10/20/2021
Payable To:				
Mr. William Westheimer				
62 Glen Ave				
West Orange, NJ 07052				

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

Susan McCartney
Council President

Adopted: May 24, 2022

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

John Gross, Chief Financial Officer

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 25 SECTION 28
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST
ORANGE, ENTITLED "STEEP SLOPE AND NATURAL FEATURES ORDINANCE"**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey that Chapter 25 Section 28 of the Revised General Ordinances of the Township of West Orange is hereby amended and supplemented as follows:

I. PURPOSE

It is the purpose of this chapter to provide development controls for all lands located within the Township of West Orange that have within their boundaries topographical conditions hereinafter defined as "steep slopes." These controls are enacted to minimize the potentially adverse impacts associated with disturbance of steeply sloped areas. The most appropriate method of alleviating such conditions is through the regulation of soil disturbance, vegetation removal in steep slope areas, limitation of building and impervious coverage, reduce densities and increase lot areas. Such regulation promotes and protects the public health, safety and welfare of the Township in their existing physical state or condition as of the effective date of the enactment of this chapter.

II. CHAPTER 25-28 SHALL BE AND HEREBY IS AMENDED AND REVISED TO READ AS FOLLOWS:

§ 25-28 STEEP SLOPE AND NATURAL FEATURES ORDINANCE.

§ 25-28.1 Background.

Disturbances of steep slopes results in accelerated erosion processes from storm water runoff and the subsequent sedimentation of water bodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

§ 25-28.2 Statement of Purpose.

It is the purpose of this chapter to provide development controls for all lands located within the Township of West Orange that have within their boundaries topographical conditions hereinafter defined as "steep slopes." These controls are enacted to minimize the potentially adverse impacts associated with disturbance of steeply sloped areas. The most appropriate method of alleviating such conditions is through the regulation of soil disturbance and vegetation removal in steep slope areas; limitation of building and impervious coverage; and reductions of densities and increase in lot areas in areas of steep slope. Such regulation promotes and

protects the public health, safety and welfare of the Township in their existing physical state or condition as of the effective date of the enactment of this chapter.

It is also the purpose of this chapter to provide for environmentally sound development of a lot with adequate area located outside of natural features for the use and enjoyment of its occupants.

§ 25-28.3 Definitions.

BEDROCK – Shall mean continuous solid rock that underlies regolith.

CLIFF FACE – Shall mean a sheer, nearly vertical slope of exposed bedrock.

DISTURBANCE – Shall mean the placement of impervious surface, the exposure or movement of soil or bedrock, or clearing, cutting, or removing of vegetation.

EFFECTIVE LOT AREA – Shall mean an adjustment for the natural features including steep slopes, State open waters, wetlands, wetland transition areas, floodways, and riparian zones. The effective lot area shall be either equal or greater than the minimum lot area as defined in Subsection 25-7.1 Table of Districts of Regulations.

EXCESSIVE STEEP SLOPE – Shall mean any steep slope 25% or greater.

FLOOD HAZARD AREA – Shall mean the flood hazard area associated with State open waters (streams, rivers, lakes, ponds, etc.) and regulated streams as determined in accordance with the methodologies in the NJ Flood Hazard Area Control Act rules N.J.A.C. 7:13 et seq. The flood hazard area shall be determined by NJDEP in a Flood Hazard Area Verification pursuant to these rules.

FLOODWAY – Shall mean the floodway area associated with certain State open waters (streams, rivers) and regulated streams as determined in accordance with the methodologies included in the NJ Flood Hazard Area Control Act rules N.J.A.C. 7:13 et seq. The floodway shall be as determined and verified by NJDEP pursuant to these rules.

IMPERVIOUS SURFACE – Shall mean any structure, surface, or improvement that reduces or prevents absorption of storm water into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures and other similar structures, surfaces, or improvements.

RIDGE LINE – Shall mean the top of the First and Second Watchung Mountains as determined by an analysis of topographic maps.

ROCK CUT – Shall mean nearly vertical wall of rock created by or adjacent to roadway construction.

ROCK WASTE – Shall mean the material comprising the talus slope of sliderock.

STATE OPEN WATER – Shall mean streams, rivers, lakes and ponds as defined in the NJ Freshwater Wetlands Protection Act rules N.J.A.C. 7:7A. The location and extent of State open

water shall be as determined by the NJ Department of Environmental Protection in a Letter of Interpretation.

STEEP SLOPE – Shall mean any slope equal to or greater than 10 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

TALUS SLOPE – Shall mean the apron, cone, or embankment of the rock waste sloping outward from the base of the cliff face that is the course of the rock waste.

TOP OF CLIFF – Shall mean the portion of a hill located above the cliff face.

WETLANDS TRANSITION AREA – Shall mean wetland transition area as defined in the NJ Freshwater Wetlands Protection Act rules N.J.A.C. 7:7A. The location and extent of wetland transition areas on a lot shall be as determined by the NJ Department of Environmental Protection in a Letter of Interpretation.

WETLANDS – Shall mean wetlands as defined in the NJ Freshwater Wetlands Protection Act rules N.J.A.C. 7:7A. The location and extent of wetland transition areas on a lot shall be as determined by the NJ Department of Environmental Protection in a Letter of Interpretation.

§ 25-28.4 Applicability.

- a. This section shall apply to all applications for development in the Township of West Orange.
- b. The Planning Board or Zoning Board shall review all plans submitted under this section as part of any application for site plan or subdivision approval.
- c. The Township Engineer and the Township Planner, in all cases, shall review all applications for compliance with this section.

§ 25-28.5 Exceptions to Section 25-28.

The terms of this section shall not apply to the following:

- a. Existing single-family homes built before the date of this ordinance's approval, additions to such homes **provided that the additions do not extend any closer to the steep slope area**, or rebuilding of such homes **within the existing footprint** after a disaster.
- b. Improvements for which preliminary subdivision or site plan approval or construction permits have been issued prior to the effective date of this section.
- c. Areas which previously contained structures or other improvements, or were previously graded.
- d. Other than where the exceptions set forth herein apply, all applications for subdivision or site plan approval shall be reviewed under these requirements by the applicable land use board and its professionals to determine the presence of steep slopes and other natural

features, if any, on the subject property and compliance with the provisions of this chapter. All construction permit applications that include grading or clearing of any lot, other than those within the scope of the exceptions set forth herein, shall be reviewed under these requirements by the Township Engineer and the Township Planner.

§ 25-28.6 Initial Procedure.

- a. Applicants for site plan approval or subdivision approval shall submit to the Department of Planning and Development all information and documents required by this section.
- b. The Township Planner shall process all exhibits submitted under this section in the same manner as applications for subdivision approval and/or site plan approval.

§ 25-28.7 Information Required.

- a. For all sketch plats, sketch site plans, subdivisions and site plans, the following ~~exhibits~~ shall be submitted:
 1. A colored topographic map, prepared, signed and sealed by a New Jersey licensed engineer and surveyor showing existing contours at two-foot intervals. **extending a minimum of 200 feet beyond the property lines.**
 2. Areas clearly noted in different colors on the topographic map showing the following slopes as measured between two-foot contour lines designated as areas one through five: Area 1. 0% to 10%; Area 2. 10% to 14.99%; Area 3. 15% to 19.99%; Area 4. 20% to 24.99%, and Area 5. 25% percent or more.
 3. Calculations, in square footage and acres, of amount of area in the ~~various~~ slope categories listed above.
 4. On the colored topographical map, superimpose all existing trees as defined under the tree ordinance and mark tree to be removed.
 5. On the colored topographical map, superimpose the location of the State open waters, wetlands, wetland transition areas, flood hazard areas, floodways, and riparian zones.
 6. A separate map shall be prepared showing proposed improvements overlain on the preceding color topographic map.
- b. Where development is proposed on slopes greater than 10% as part of preliminary subdivision approval, or preliminary site plan approval, the following additional exhibits, prepared, signed and sealed by a New Jersey licensed engineer shall be submitted.
 1. Identification of soil types on the property, with specific reference to highly erodible soils as identified by the United States Department of Agriculture Soil Conservation Service or other recognized authority;
 2. Erodibility potential of exposed soils;

3. Length, steepness and surface roughness of exposed slopes;
4. Resistance of soil to compaction and stability of soil aggregates;
5. High water table, water infiltration capacity and capacity of soil profile;
6. Type and location of construction activity, including the amount of site ~~gdg~~
7. Location of construction access roads;
8. Storm water management plan;
9. Soil erosion and sediment control plan, including but not limited to a plan explaining how the applicant will minimize adverse impacts upon existing natural features;
10. Plans and specifications for any retaining walls, steps, or other soil protective structures proposed;
11. A stabilization and revegetation plan prepared, signed and sealed by a New Jersey professional engineer, including a complete description of the existing vegetation, the vegetation to be planted and slope stabilization measures to be installed;
12. The developer of a parcel with steep slopes shall submit a geotechnical analysis of the slope stability and the need for remedial work such as shaping of the rock face, pinning and/or grouting of the exposed rock for stabilization and the installation of safety netting in areas of concern. The geotechnical analysis shall be performed by a qualified Professional Geotechnical Engineer licensed in the State of New Jersey, with a minimum of five (5) years of professional experience in the geotechnical field. The analyses of local and global, rock slide, and rock face slope stability shall be conducted by a qualified Professional Geotechnical Engineer adhering to the principles of Geotechnical Engineering for soil and rock mechanics, and utilizing conventional methods of analyses. The determination of slope stability shall include, but is not limited to, geologic research, subsurface explorations, laboratory testing to assess soil/rock properties, visual evaluations, stereoscopic analyses of the rock face, and adequate factors of safety against failure.
13. In areas where the potential for rockslides exists, a rock fall zone, or catchment area width, shall be provided at the toe of slope. The required width of the rock fall zone would be determined by the Geotechnical Engineer utilizing established criteria such as those developed by Arthur M. Ritchie and included in the Rockfall Catchment Area Design Guide. (<https://www.dot.ny.gov/mainbusiness-center/designbuildproject13/repository/Oregon%20DOT%20Rockfall%20Area%20Design%20Guide%20-%2020141211.pdf>).
14. If the parcel being developed is adjacent to a parcel with steep slopes, then the developer shall obtain the approval of the owner of the adjacent parcel to perform the required geotechnical analysis to determine the slope stability and the potential for rockslides. If the developer is unable to obtain the approval of the owner, then the

Geotechnical Engineer shall evaluate the worst-case scenario and shall provide an appropriate rock fall zone as discussed above.

15. The developer of a parcel with steep slopes shall prepare a maintenance plan to ensure that the slope is maintained in a safe and stable condition over the years. The maintenance plan shall include site inspections every two (2) years which would include visual observations with pertinent photos of the slope, rock face, and vegetation status at the site. The steep slope maintenance plan must be prepared by a New Jersey Licensed Geotechnical Engineer and must be recorded against the deed of record for each property on which the steep slope is located. The steep slope maintenance plan shall address, but not be limited to, the following: monitoring movement & property condition changes, inspection & maintenance of slope drains, installation of drought-tolerant ground cover, over-irrigation of slope landscaping, direct drainage to slopes, disposal of soil or debris on slopes, ponding of water against retaining walls, monitoring movements and property condition changes. If any deficiencies are noted during the inspection, the necessary corrective action must be taken. Copies of the inspection reports must be filed with the Township of West Orange immediately following completion of the inspection.
16. For areas at the top of a steep slope or adjacent to a parcel with steep slopes, a minimum setback of 50 ft is required from the top of slope to any proposed improvements such as buildings, roads, parking lots, septic fields, swimming pools, hot tubs, ponds, or other uses at or near the top of steep slopes, except as otherwise recommended by a qualified professional. Where development is near steep slopes greater than 30%, increase setback to a minimum of 100 feet, except as otherwise recommended by a qualified professional. The minimum setback shall be established considering site-specific topographic conditions and the recommendations of the qualified Professional Geotechnical Engineer performing the slope stability analysis
17. Other engineering data deemed reasonably necessary by the Township Engineer and Planner to determine compliance with this chapter.

§ 25-28.8 Limitations on Development in Steep Slope Areas.

- a. No soil or vegetation shall be disturbed or structures constructed within 100 feet of the ridge line, cliff face, and rock cuts along the roadways or quarries as defined herein, including but not limited to those identified in Exhibit A attached hereto, dated December 4, 1989, unless otherwise recommended by a qualified Professional Geotechnical Engineer performing the geotechnical analysis stipulated in paragraph 12 above. (Exhibit A may be found on file in the Township offices.)
- b. Disturbance of steep slopes and excessive steep slopes shall not exceed the limits established in Table One.

Table 1

All Districts

Slope	Maximum Disturbed Area
1) 0 to 10%	100%
2) 10 to 14.99%	60%
3) 15 to 19.99%	40%
4) 20 to 24.99%	20%
5) 25% or greater	0%

c. Disturbances of slopes of 25% or more is prohibited.

d. Effective lot area for all districts (restrictions for effective lot area)

Table 2 – Effective Lot Area

(All Districts)

The area of a lot shall be reduced dependent upon the slopes present on the lot as well as the presence of other natural features including wetlands, wetland transition areas, State Open waters, floodway and riparian zones. Permitted density on the lot is based on the effective lot area. The building and impervious coverage are also computed on the effective lot area.

Slope	Useable Lot Area	Adjustment Factor
1) 0 to 10%	100%	1.0
2) 10 to 14.99%	60%	0.6
3) 15 to 19.99%	40%	0.4
4) 20 to 24.99%	20%	0.2
5) 25%-and over	0%	0.0

e. All wetlands, wetlands transition areas, State Open waters, floodways, riparian zones, lands within 100 feet of a cliff face and lands within 100 feet of a ridge line are treated as 100% lot reduction and are excluded from effective lot area. Wetlands, wetland transition areas, State Open waters, floodways, riparian zones, lands within 100 feet of a cliff face and lands within 100 feet of a ridge line in areas of steep slopes and excessive steep slopes shall be counted once as a 0.0 area of disturbance and not result in a further reduction of useable lot area.

Example: A six-acre parcel where one acre is 0% to 10% slope has no adjustment. One acre at 10% to 14.99% is 0.6, One acre at 15% to 19.99% will be 0.4, One acre at 20% to 24.99% is 0.2 and one acre at 25% and over is 0.0. Next step is to add 1, 0.6, 0.4, 0.2, and 0 which equals 2.2. That means in the six-acre parcel the effective lot area is 2.2 acres.

- f. The land use board's review and the Municipal Engineer's review of applications for construction, soil disturbance, or vegetation removal subject to these requirements shall include a review of the submissions required by this section of this chapter. The review will include an evaluation of the following factors:
1. The proposed activity will be conducted in compliance with Hudson-Essex-Passaic Soil Conservation District requirements and Chapter 30 Soil Removal.
 2. Provisions shall be made for the proper disposition of surface water runoff so that it will not increase unstable conditions. Appropriate storm drainage facilities will be constructed.
 3. Provision shall be made for any structure of protective measures that may be required for the protection of public safety or to prevent erosion, including but not limited to, retaining walls, guide rails, headwalls and fences.
 4. Any proposed building or structure or other protective measures shall not impede the flow of surface water through any watercourse.
 5. Any proposed vehicular facilities including roads, drives or parking areas shall be designed to comply with this section and the Hudson-Essex-Passaic Soil Conservation District requirements.
 6. Grades along streets and driveways shall be governed by the Residential Site Improvement Standards. The connection of any driveway to street shall be by a vertical curve of sufficient radius to provide a smooth transition. The horizontal angle of the intersection of a driveway with a street shall not be less than 60° degrees.
 7. Any fill placed on the lot shall be properly stabilized and, when found necessary, depending upon existing slopes and soil types, supported by retaining walls and other appropriate structures as approved by the Township Engineer.
 8. Sidewalk, driveways, new streets and walkway slopes shall not exceed 6% unless a ramp and steps are provided, except where superseded by the Residential Site Improvement Standards.
 9. There shall be no alteration of site elevations in excess of one foot within five feet of an adjoining property.
 10. Changes in the grade shall not exceed slope of three to one unless supported by retaining walls.

11. Retaining walls will comply with the applicable wall height requirements for the zone in which the property is located. All retaining walls greater than four feet in height shall require a variance and certification by a professional engineer that the wall was constructed in accordance with approved plans.
12. Fill material shall not consist of or include organic material, nor rocks greater than eight inches in diameter. Fill material shall be compacted to 90% of the maximum density.
13. Reasonable efforts shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping; e.g., cut and fill slopes.
14. No structure on the slope shall be located within 60 feet of the bottom of the cliff.
15. Design guidelines: Structures shall be built on the lesser slopes. No structure shall be built on the talus slope of the cliff face.
16. Tree removal on the site shall be subject to the Township's Tree Protection Ordinance § 25-27.
17. Vegetation and Revegetation.
 - (a) The developer shall submit a stabilization and revegetation plan in accordance with Chapter 30.
 - (b) Every effort shall be made to conserve topsoil which is removed during construction for later use on areas requiring vegetation or landscaping, e.g., cut and fill slopes.
 - (c) Every effort shall be made to preserve the maximum number of ~~trees~~ and other existing vegetation on the site and to avoid disturbance of the critical upland forest area, and to preserve unique and predominant views.

§ 25-28.9 Adequate Contiguous Area.

When a lot contains rock formations, wetlands, wetland transition areas, State open waters, floodway, riparian zones, slopes exceeding 10%, land within 100 feet of a cliff face, land within 100 feet of a ridge line, depth to bedrock of less than four feet, or similar constraining conditions, the appropriate Board (Planning or Zoning), after adequate investigation, shall determine whether adequate contiguous area free of restraining conditions exist. In such an instance, it must be demonstrated that there is an adequate contiguous area on the lot which is free of constraining factors and which is sufficient to accommodate the proposed development, including but not limited to, all access drives, parking areas, front, rear and side yards and the like, constructed in accordance with all the provisions of this section. The unconstrained area shall have a

width as defined in § 25-4 lot width, but for a depth sufficient to build a structure, within the minimum bulk requirements.

§ 25-28.10 Variances.

Any applicant subject to the requirements of this chapter seeking to construct, disturb or clear in excess of the requirements of this ordinance shall require a variance under N.J.S.A 40:55D-70(c).

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township that are in conflict with this Ordinance are hereby repealed to the extent of such conflict. Except that this Ordinance does not supersede Chapter 31.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect after its final passage and publication in accordance with the law.

ROBERT D. PARISI, MAYOR

**SUSAN McCARTNEY
COUNCIL PRESIDENT**

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

INTRODUCED: April 26, 2022

ADOPTED: May 24, 2022

Legislative History

The Township of West Orange is located in an area of steep slopes. In addition, over recent years the Township has been experiencing severe weather conditions as a result of global warming and climate change. The purpose of the ordinance changes is to ensure that the health, safety and welfare of the residents of the Township is protected in light of the climate changes that are occurring.

672-21
July 13, 2021

**WEST ORANGE ABC BOARD
AMENDED RESOLUTION #672-21 TO REFLECT APPROVAL OF
PERSON-TO-PERSON TRANSFER OF ABC LICENSE 0722-33-021-004
FROM 4 CORNERS DELI, LLC, TO DONATO REALI, (POCKET LICENSE)
NUNC PRO TUNC FOR OCTOBER 24, 2019**

WHEREAS, 4 Corners Deli, LLC is the holder of Plenary Retail Consumption License No. 0722-33-021-004; and

WHEREAS, Donato Reali, 79 S. Valley Road, West Orange, NJ, has made application for a person-to-person transfer for the above-mentioned license; and

WHEREAS, the principal has been investigated by the Township Police Department with no impediments to an interest in an alcoholic beverage license; and

WHEREAS, due notice of the proposed transfer was published in the West Orange Chronicle on January 23, 2020 and January 30, 2020 and appropriate fees have been paid by the applicant to the NJ Division of Alcoholic Beverage in the amount of \$200.00 and to the Township of West Orange in the amount of \$113.52; and

WHEREAS, for historical purposes it is noted that a prior owner/operator holding this license under the name 4 Corners Deli, LLC, t/a Don Juan Restaurant, at 55 Kingsley Street, West Orange, NJ, facing numerous charges of ABC violations and failing to pay taxes owed to the State of New Jersey, resulted in seizure of the License by the Division of Taxation and auction of the License in October, 2019, specifically on October 24, 2019, to satisfy those taxes, the License then held in Pocket status; and

WHEREAS, a public hearing was conducted on July 13, 2021 and no one appeared in opposition thereto; and

WHEREAS, Alan J. Markman, Esq., attorney for the transferee presented the application to the ABC Board on July 13, 2021 and was available to answer any questions posed by the Board;

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of West Orange hereby authorizes the person-to-person transfer of Plenary Retail Consumption License No. 0722-33-021-004 from 4 Corners Deli, LLC, to Donato Reali, 79 S. Valley Road, West Orange, NJ, and such transfer is hereby approved *nunc pro tunc* for October 24, 2019.

**Karen J. Carnevale, R.M.C, Municipal Clerk/
ABC Board Secretary**

**Cindy Matute-Brown, Council President/
ABC Chairperson**

Adopted: July 13, 2021

RESOLUTION

WHEREAS, unless otherwise noted herein, the holders of alcoholic beverage licenses from the Township of West Orange set forth on Exhibit A attached hereto and made part hereof, have made applications to this Township of West Orange ABC Board to renew said licenses for the **2022-2023** license term; and

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

WHEREAS, the license was granted 12.39 relief pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on **May 24, 2022** and no one appeared in opposition to any license renewal; and

NOW, THEREFORE, BE IT RESOLVED that the Township of West Orange ABC Board wishes to renew the following alcoholic beverage licenses set forth for the **2022-2023** license term:

0722-33-008-007 Panorama, LLC t/a Chit Chat Diner

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

0722-33-029-005 Briad Restaurant Group, LLC t/a T.G.I.Friday's

0722-33-041-001 Montclair Golf Club

0722-33-042-005 AKAMA Notes, LLC t/a The Zuluba

0722-33-048-013 Wilshire Caterers, LLC t/a Grill 350 Restaurant

0722-33-057-070 AMAC t/a La Primavera Trattoria

0722-36-072-001 The Inn at the Manor, Inc. t/a Residence Inn

0722-44-011-008 Central Liquors, LLC

0722-44-023-003 Brink Liquors, Inc. t/a Brink Wines & Liquor

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

0722-44-033-006 Valley Warehouse, Inc. t/a Lucky 7 Wine & Liquors

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

0722-44-047-003 Unique USA, Inc. t/a Party Wines & Liquor

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

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

KAREN J. CARNEVALE, RMC
ABC Board Secretary

SUSAN McCARTNEY
Council President/ABC Board member

Adopted: May 24, 2022
Effective: May 24, 2022

RESOLUTION OF THE WEST ORANGE TOWNSHIP ABC BOARD

**RESOLUTION RESCINDING IN PART ABC RESOLUTION NO. 669-21, REMOVING
LICENSEE # 0722-33-021-004, 4 CORNERS DELI, LLC (POCKET LICENSE) AS A
LICENSE APPROVED FOR RENEWAL FOR THE 2021-2022 LICENSE TERM FOR
FAILURE TO MEET ALL QUALIFICATIONS FOR RENEWAL FOR THAT TERM**

WHEREAS, in July of 2021, the Clerk of the West Orange ABC Board, believing that NJ ABC License #0722-33-021-004, for Licensee 4 Corners Deli, LLC, was qualified for renewal of said License for the 2021-2022 License Term; and

WHEREAS, that Licensee was included with others on West Orange Township ABC Board Resolution No. 669-21, renewing for the 2021-2022 License Term those Licensees named therein; and

WHEREAS, the Clerk having been notified recently by the New Jersey Attorney General's Office on behalf of the State Division of Alcoholic Beverage Control and its Licensing Bureau of that Licensee's failure in fact to meet all the qualifications for renewal for that License Term and other defects with respect to that License also needing correction; and

WHEREAS, the State ABC Agency has further advised the Clerk of the individual steps needed to be taken to attain renewal of that License for the 2021-2022 License term and the separate amendments, approvals and petitions necessary for other and future renewals of that License and to avoid its permanent lapse; and

WHEREAS, the first required step to be met by the Township of West Orange is the rescission of Township ABC Board Resolution No. 669-21, only with respect to the License 0722-33-021-004, Licensee 4 Corners Deli, LLC, t/a Don Juan Restaurant, a pocket license;

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, SITTING IN ITS CAPACITY AS THE WEST ORANGE TOWNSHIP ABC BOARD, that the portion of West Orange Township ABC Resolution No. 669-21, listing License #0722-33-021-004, 4 Corners Deli, LLC, (pocket license), as one among other ABC Licenses to be renewed for the 2021-2022 License term, is to that extent and that extent only, hereby rescinded, excising that License from the list of those which were to be renewed for that License term, all in accordance with instructions received by and on behalf of the New Jersey ABC Licensing Bureau.

Karen J. Carnevale, R.M.C.
Municipal Clerk/ABC Board Secretary

Susan McCartney
Council President and ABC Board Chair

Adopted: May 24, 2022
Effective: May 24, 2022

**WEST ORANGE ABC BOARD
RESOLUTION APPROVING RENEWAL OF LICENSE #0722-33-021-004,
4 CORNERS DELI, LLC, NUNC PRO TUNC FOR 2019-2020 LICENSE TERM**

WHEREAS, until on or about October 24, 2019, 4 Corners Deli, LLC, t/a Don Juan Restaurant, was the holder of Plenary Retail Consumption License No. 0722-33-021-004; and

WHEREAS, on or about July 26, 2019, said Licensee had applied for renewal of its License, indicating payment of required municipal and State fees; and

WHEREAS, West Orange Municipal Clerk and ABC Clerk, Karen Carnevale, had been notified by letter from the State of New Jersey, Division of Taxation, that said License had been seized by the Division of Taxation on June 11, 2019, pursuant to R.S. 33:1-26 and N.J.S.A. 54:99-13A, and therefore believing that the License could not then be renewed; and

WHEREAS, after the beginning of the 2019-2020 License Term, Plenary Retail Consumption License No. 0722-33-021-004 was auctioned by the Division of Taxation on October 24, 2019, the taxes then due and owing paid to the State of New Jersey from the proceeds of the auction, and the License then qualifying for renewal for the 2019-2020 License Term; and

WHEREAS, the State of New Jersey Division of Alcoholic Beverage Control and its Licensing Bureau have requested and instructed the Township to now approve *nunc pro tunc* to July 1, 2019, the renewal of Plenary Retail Consumption License No. 0722-33-021-004, for the 2019-2020 License Term; and

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on May 24, 2022, and no one appearing in opposition to the license renewal;

NOW THEREFORE BE IT, AND IT IS HEREBY, RESOLVED that the Township Council of the Township of West Orange authorizes and wishes to renew *nunc pro tunc* for July 1, 2019, the Plenary Retail Consumption License No. 0722-33-021-004, for 4 Corners Deli, LLC, t/a Don Juan Restaurant for the 2019-2020 License Term.

**Karen J. Carnevale, R.M.C, Municipal Clerk/
ABC Board Secretary**

**Susan McCartney, Council President/
ABC Chairperson**

**Adopted: May 24, 2022
Effective: May 24, 2022**

WEST ORANGE ABC BOARD

**RESOLUTION RENEWING ABC LICENSE #0722-33-021-004, FOR
DONATO REALI (POCKET LICENSE) FOR THE 2020-2021 LICENSE TERM**

WHEREAS, until on or about October 24, 2019, 4 Corners Deli, LLC, t/a Don Juan Restaurant, was the holder of Plenary Retail Consumption License No. 0722-33-021-004; and

WHEREAS, on or about July 26, 2019, said Licensee had applied for renewal of its License, indicating payment of required municipal and State fees; and

WHEREAS, West Orange Municipal Clerk and ABC Clerk, Karen Carnevale, had been notified by letter from the State of New Jersey, Division of Taxation, that said License had been seized by the Division of Taxation on June 11, 2019, pursuant to R.S. 33:1-26 and N.J.S.A. 54:99-13A, and therefore believing that the License could not then be renewed; and

WHEREAS, the State of New Jersey Division of Alcoholic Beverage Control and its Licensing Bureau have requested and instructed the Township to take specific steps with respect to Plenary Retail Consumption License No. 0722-33-021-004, to correct and update certain previous renewals and the transfer of the License to Donato Reali, all such steps designed to take into account the seizure of the License for non-payment of taxes and subsequent auction of the License to satisfy those taxes owed; and

WHEREAS, the State of New Jersey Division of Alcoholic Beverage Control and its Licensing Bureau have requested and instructed the Township to now approve the renewal of Plenary Retail Consumption License No. 0722-33-021-004, for Donato Reali, 79 S. Valley Road, West Orange, NJ, a pocket license, for the 2020-2021 License Term; and

WHEREAS, a public hearing was held before the Township of West Orange ABC Board on May 24, 2022, and no one appearing in opposition to the license renewal;

NOW THEREFORE BE IT, AND IT IS HEREBY, RESOLVED that the Township Council of the Township of West Orange authorizes and wishes to renew for July 1, 2020, the

Plenary Retail Consumption License No. 0722-33-021-004, for Donato Reali, 79 S. Valley Road, West Orange, NJ, a pocket license, for the 2020-2021 License Term.

**Karen J. Carnevale, R.M.C, Municipal Clerk/
ABC Board Secretary**

**Susan McCartney, Council President/
ABC Chairperson**

Adopted: May 24, 2022

Effective: May 24, 2022

RESOLUTION OF THE WEST ORANGE TOWNSHIP ABC BOARD

**RESOLUTION REAPPROVING RENEWAL OF THE
ABC LICENSE FOR SHAKU & KAAMIL, INC.,
LICENSE #0722-44-061-008 , NUNC PRO TUNC FOR
THE 2018-2019 LICENSE TERM EFFECTIVE
JULY 30, 2019, THE DATE ON WHICH THE
LICENSEE'S 12.18 AND 12.39 SPECIAL RULINGS
WERE GRANTED BY THE STATE ABC DIVISION.**

WHEREAS, Shaku & Kaamil, Inc., the holder of ABC License #0722-44-061-008, an inactive license, had made application for renewal of its license for the 2018-2019 license period, and the Clerk of the West Orange ABC Board then believing that the Licensee had paid the required License renewal fees and was thought to have met all the qualifications for renewal of its License; and

WHEREAS, a public hearing having been held before the West Orange ABC Board on July 17, 2018, no one appearing in opposition to the License renewal, and the ABC Board in its normal course having adopted ABC Resolution #605-18, approving renewal of ABC License #0722-44-061-008, for the 2018-2019 license term; and

WHEREAS, it was later determined that said Licensee had not in fact met all of the necessary jurisdictional requirements for renewal, rendering the renewal ineffective; and

WHEREAS, the West Orange ABC Board on July 16, 2019, following the advice and instructions of the New Jersey Attorney General's Office on behalf of the State Division of Alcoholic Beverage Control, adopted ABC Resolution #630-19, rescinding in part ABC Resolution #605-18, rescinding and excising ABC License #0722-44-061-008, from the list of those Licenses renewed for the 2018-2019 License Term; and

WHEREAS, the State ABC Division has confirmed that the Special Rulings required for renewal of this License for the 2018-2019 and 2019-2020 License Terms were issued on July 30, 2019 for 12.39 relief pursuant to N.J.S.A. 33:1-12.39, and 12.18 relief pursuant to N.J.S.A. 33:1-12.18; and

WHEREAS, the Township has been advised by the NJ Division of Alcoholic Beverage Control of the need for this *nunc pro tunc* Resolution to properly complete its records and to effectuate formally the renewal of that ABC License for Shaku & Kaamil, Inc., for the 2018-2019 License Term, and as a pre-qualification for any renewals of that License thereafter;

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, SITTING IN ITS CAPACITY AS THE WEST ORANGE TOWNSHIP ABC BOARD, that ABC License #0722-44-061-008, an inactive license held by Shaku & Kaamil, Inc., application having been

made, all fees due having been paid, all required advertisements having been published, and needed Special Rulings from the State of New Jersey Division of Alcoholic Beverage Control for 12.18 and 12.39 relief having been issued on July 30, 2019, all with respect to and for renewal of its license for the 2018-2019 License period, that License is and hereby is renewed *nunc pro tunc* for the 2018-2019 License Term effective July 30, 2019.

Karen J. Carnevale, R.M.C.
Municipal Clerk/ABC Board Secretary

Susan McCartney
Council President and ABC Board Chair

Adopted: May 24, 2022
Effective: May 24, 2022

RESOLUTION OF THE WEST ORANGE TOWNSHIP ABC BOARD

**RESOLUTION RENEWING THE ABC LICENSE FOR
SHAKU & KAAMIL, INC., LICENSE #0722-44-061-008
NUNC PRO TUNC FOR THE 2019-2020 LICENSE TERM
EFFECTIVE JULY 30, 2019, THE DATE ON WHICH THE
LICENSEE'S 12.39 SPECIAL RULING WAS GRANTED
BY THE STATE ABC DIVISION.**

WHEREAS, Shaku & Kaamil, Inc., the holder of ABC License #0722-44-061-008, an inactive license, had made application for renewal of its license for the 2019-2020 license period, had paid the required State fee and later received required Special Rulings from the State of New Jersey Division of Alcoholic Beverage Control; and

WHEREAS, a search of the records reflect an absence of evidence that the Township ABC Board adopted the required Resolution renewing License #0722-44-061-008, for the 2019-2020 License Term; and

WHEREAS, State ABC Division has confirmed that the Special Ruling required for renewal of this License for the 2019-2020 License Term was issued on July 30, 2019 for 12.39 relief pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, the Township has been advised by the NJ Division of Alcoholic Beverage Control of the need for this *nunc pro tunc* Resolution to remedy the defect in the records and to effectuate formally the renewal of that ABC License for Shaku & Kaamil, Inc., for the 2019-2020 License Term, and as a pre-qualification for any further and future renewals;

NOW, THEREFORE, BE IT AND IT HEREBY IS RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, SITTING IN ITS CAPACITY AS THE WEST ORANGE TOWNSHIP ABC BOARD, that ABC License #0722-44-061-008, an inactive license held by Shaku & Kaamil, Inc., application having been made, all fees due having been paid, all required advertisements having been published, and the needed Special Ruling from the State of New Jersey Division of Alcoholic Beverage Control for 12.39 relief having been issued on July 30, 2019, all with respect to and for renewal of its license for the 2019-2020 license period, that License is and hereby is renewed *nunc pro tunc* for the 2019-2020 License Term effective July 30, 2019.

Karen J. Carnevale, R.M.C.
Municipal Clerk/ABC Board Secretary

Susan McCartney
Council President and ABC Board Chair

Adopted: May 24, 2022
Effective: May 24, 2022